

VI. CEQA-REQUIRED ASSESSMENT CONCLUSIONS

As required by CEQA, this chapter discusses the following types of impacts that could result from implementation of the proposed project: growth-inducing impacts; significant irreversible changes; cumulative impacts; effects found not to be significant; and unavoidable significant effects.

A. GROWTH-INDUCING IMPACTS

A project is considered growth-inducing if it would directly or indirectly foster economic or population growth or the construction of additional housing.¹ Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand or the development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped.

The purpose of the East Bay Regional Park District's (EBRPD's) Wildfire Hazard Reduction and Resource Management Plan (Plan) is to reduce the risk of a wildfire in identified high hazard areas on EBRPD parklands through fuel reduction actions that are conducted in a manner that reduces adverse environmental effects and implements resource and habitat management goals. The Plan is not intended to be used as a technical manual for habitat restoration, but rather provides basic guidelines for protecting environmental values, enhancing habitat and restoring native vegetation while reducing wildfire hazards. The Plan provides specific goals, objectives, guidelines, and best management practices (BMPs) to guide wildfire hazard reduction and resource management activities that will be carried out by EBRPD and its contractors over time and in a manner that blends ecological and resource considerations with current fire science methodology and practices to achieve the desired results.

The Plan does not include, nor would its implementation require, the expansion of infrastructure (e.g., construction of new public roads or sewer lines) or the construction of new facilities which would directly or indirectly foster economic or population growth in the vicinity of the Plan's Study Area; therefore, implementation of the Plan would not induce unanticipated growth.

B. SIGNIFICANT IRREVERSIBLE CHANGES

An EIR must identify any significant irreversible environmental changes that could result from the implementation of a proposed project. These may include current or future uses of non-renewable resources and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.² The *CEQA Guidelines* describe three distinct categories of signifi-

¹ *CEQA Guidelines*, 2008, Section 15126.2(d).

² *CEQA Guidelines*, 2008, Section 15126.2(c).

cant irreversible changes: 1) changes in land use which would commit future generations; 2) irreversible changes from environmental actions; and 3) consumption of non-renewable resources.

1. Changes in Land Use Which Would Commit Future Generations

The Study Area comprises 13 hillside and 7 shoreline parks under the jurisdiction of EBRPD. These parks are individually classified according to park type and land use designations to indicate various levels of resource protection and recreational intensity in each park. EBRPD also identifies areas needing special protection or management as Special Protection Features or Special Management Features, respectively. In addition to this internal classification, EBRPD has also adopted specific Land Use Development Plans for a number of parks to direct future park land development by outlining expected levels of use and development, delineating general park land character, planning access points and circulation systems, and dividing the park land into zoning units which will preserve the natural resources of the specified park land.

The recommendations, guidelines, and fuel treatment actions identified in the Plan are consistent with the intent of EBRPD's park type and land use designations, and are horizontally consistent with the existing Land Use Development Plans for those parks where these plans have been adopted. Further, the Plan includes recommendations, guidelines, and BMPs designed to reduce wildfire hazards and conduct resource management activities at the parks included in the Study Area; no development is included that would require the additional use of non-renewable resources or the commitment of future generations to their use. Because all activities included as part of the Plan's implementation would be consistent with existing land uses, future generations would not be committed to a substantial change in land uses.

2. Irreversible Changes from Environmental Actions

Implementation of the Plan would reduce the risk of a wildfire in identified high hazard areas on EBRPD parklands through fuel reduction actions that are conducted in a manner that reduces adverse environmental effects and implements resource and habitat management goals.

Treatment methods included for consideration as part of the Plan include the thinning or removal of selected trees and shrubs determined to be non-native or highly flammable in the event of a wildfire, prescribed burning to reduce total fuel loads in areas where otherwise an excessive amount of available fuels would exist, chemical applications, and the use of grazing animals to reduce the amount of vegetation in treatment areas to low-hazard levels. While each of these actions would affect the amounts and types of vegetation within treatment areas, their application would not result in permanent or irreversible changes to the treated areas. Because only minimal use of herbicides is anticipated within the Study Area and then only through focused, highly-controlled, and regulated application of approved herbicides, and the Plan includes guidelines and best management practices associated with the use of chemicals, irreversible changes to the physical environment from the accidental release of hazardous materials associated with herbicide application to meet fuel reduction goals is extremely unlikely. Additionally, concerns regarding the use of forestry herbicides and their risk to water quality and other environmental impacts that might occur can be allayed by published environmental fate studies. These studies demonstrate that these chemicals do not leach through soils, but instead degrade rapidly by interaction with sunlight, water, and soil microorganisms into carbon

dioxide and water. These herbicides do not volatilize, and the directed spot application method eliminates the potential for drift to non-targeted plants.³

Because this Plan is a maintenance plan, it addresses vegetation management within the Study Area to reduce the risk of wildfires and to improve resources and habitat. Where feasible, the District would seek to improve, not degrade, environmental conditions in the Study Area during the performance of any fuel treatment actions included as part of the Plan. The intent of the Plan is to reduce or “thin” fuel to a sustainable, low-hazard condition. Further, the nature of vegetation is such that its continued re-growth despite initial treatments necessitates the continued maintenance of vegetation and other fuels after initial treatments have occurred. As a result, no irreversible changes are expected to result from the adoption and implementation of the Plan.

3. Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes the conversion of agricultural lands to urban uses, lost access to mineral reserves, and use of non-renewable energy sources. The Plan does not include the conversion of any land to other uses, nor does it impact access to mineral reserves.

Implementation of the Plan would include the limited use of petroleum products as needed for the operation and maintenance of mechanical equipment used to treat vegetation. The amount of non-renewable resources used, however, would be significantly less than those required for consumption were a major wildfire and firefighting response to occur within the Study Area. As a result, implementation of the Plan would not result in the inefficient use of non-renewable energy resources.

C. CUMULATIVE IMPACTS

CEQA defines cumulative impacts as “two or more individual effects, which, when considered together, are considerable, or which can compound or increase other environmental impacts.” Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. These impacts could result from the proposed project alone or together with other projects.

1. Methodology

When evaluating cumulative impacts, CEQA envisions the use of either a list of past, present, and probable future projects, including projects outside the control of the lead agency, or a summary of projections in an adopted planning document. This cumulative analysis uses the summary of treatment considerations and recommended treatment areas in the Plan, as well as those projects identified in related wildfire and planning documents pertaining to lands in the vicinity of the Study Area. In addition to the Land Use Development Plans prepared for specific EBRPD parks as identified in Section IV.A, Land Use and Planning Policy, the following summarizes other projects or adopted planning documents used to determine cumulative impacts from implementation of the Plan:

- *Annual Vegetation Management Plan for the Wildfire Prevention Assessment District, 2006*. City of Oakland, Oakland Fire Department, Fire Prevention Bureau.

³ Brownfield, Nancy. IPM Specialist, East Bay Regional Park District. 2009. Personal Communication with LSA Associates Inc. February 6.

- *2020 Hill Area Fire Fuel Management Program, 2003*. University of California, Berkeley.
- *2006 Long Range Development Plan*. Lawrence Berkeley National Laboratory.
- *East Bay Watershed Master Plan, 1996*. East Bay Municipal Utility District.
- *Fire Management Plan, 2000*. East Bay Municipal Utility District.
- *Low Effect East Bay Habitat Conservation Plan, 2008*. East Bay Municipal Utility District.
- *2003 Final Environmental Assessment for the East Bay Regional Park District Vegetation Management Projects*. East Bay Regional Park District.

The City of Oakland's *Annual Vegetation Management Plan for the Wildfire Prevention Assessment District* includes vegetation management activities utilizing similar treatment methods and considerations as those described in the Plan. This document also includes standards for achieving compliance with applicable land use and environmental regulations when conducting vegetation management activities.

The *2020 Hill Area Fire Fuel Management Program* describes fire fuel risk management objectives, strategies for implementation, and methodologies for treatment and compliance that include mitigations for reducing potential environmental effects. This document provides treatment prescriptions by vegetation type and addresses similar concerns to those identified in the Plan. Also included in this document are projects for consideration, which include:

- Creating a 100-foot sheltered fuel break along the border of the Panoramic residential area.
- Removing all eucalyptus that are not in areas of erosion concern.
- Removing all Monterey pine, cypress, and other plantation trees as they become senescent.
- Creating a ridgetop fuel break along the entire reach of Grizzly Peak, connecting with fuel breaks of the other major property holders such as the East Bay Regional Park District and East Bay Municipal Utility District.
- Removing or thinning trees and shrubs to a distance of 200 feet from either side of the roadway.
- Re-introducing domestic grazing animals for short-term controlled grazing over the larger tracts of scrub.
- As air quality permits, re-introducing broadcast prescribed burning into the ecosystem.
- Continuing annual work along Priority 1 and 2 areas.⁴
- Continuing working with local interest groups, such as the Claremont Canyon Conservancy, that share a common vision.

Subsequent to the preparation of the *2020 Hill Area Fire Fuel Management Program*, the Regents of the University of California have applied for a funding grant (PDMC-PJ-09-CA-2005-011) from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to implement a fire mitigation project at UC Berkeley on a 58-acre parcel in Strawberry Canyon that is at high risk

⁴ The University of California, Berkeley's *2020 Hill Area Fire Fuel Management Program* defines Priority 1 areas as those requiring fuel reduction actions within 30 feet of the walls or property line of any neighboring private properties or structures to create defensible space. Priority 2 areas are those requiring fuel reduction actions within 30 feet of the walls or edges of Campus-owned public facilities and hardscape to create defensible space.

to produce or conduct a devastating wildfire. UC believes that action is needed to reduce the risk of fire to the campus, nearby residents and the City of Berkeley. FEMA requested consultation with the U.S. Fish and Wildlife Service for this project which resulted in a Biological Opinion dated August 3, 2007 (1-1-07-F-0259). FEMA has prepared a Draft Environmental Assessment (DEA) for this project pursuant to the National Environmental Policy Act (NEPA).

The *2006 Long Range Development Plan* for the Lawrence Berkeley National Laboratory includes vegetation management activities consistent with the Laboratory's fire-safe vegetation management measures. These actions include annually removing tree limbs a minimum of six to eight feet from the ground, mowing or allowing grazing of grasses, removing brush from most vegetated areas of the site, and planting ornamental species near buildings for fire safety. This document's landscape management approach is consistent with urban forestry practices that ensure long-term health of trees and tree stands, and encourages native plants and removal of invasive exotic species, including French broom, artichoke thistle, Cape ivy, and pampas grass. Eucalyptus and other non-native tree stands across the site would continue to be removed or thinned. A Draft EIR was prepared on the *Long Range Development Plan* and was published in January of 2007.

The East Bay Municipal Utility District (EBMUD) adopted the *East Bay Watershed Master Plan* (WMP) in 1996 to define long-term management of the approximately 28,200 acres of EBMUD lands. The WMP was prepared to establish long-term management direction for District-owned lands and reservoirs that will ensure the protection of the District's water resources and preserve environmental resources on those lands. To ensure regional coordination in fire and fuels management planning, the WMP incorporates those elements of the 1995 *Fire Hazard Mitigation Program & Fuel Management Plan for the East Bay Hills* (a document upon which the proposed project – the draft Wildfire Hazard Reduction and Resource Management Plan – builds and implements) that are consistent with EBMUD's water quality and natural resource management goals.

EBMUD's *Fire Management Plan (2000)*, an implementation document for the EBMUD WMP, includes activities conducted to protect human life and property, provide for public safety, and protect and enhance water quality and other natural resources including watershed land uses on EBMUD land and adjacent properties. This document summarizes environmental protections and stipulates BMPs to be included during construction and management of fuel treatment areas and fuel breaks. EBMUD's *Fire Management Plan* includes actions to reduce wildfire hazards through prescribed burning, maintaining fire roads, and encouraging native vegetation on EBMUD lands.

EBMUD subsequently prepared the *Low Effect East Bay Habitat Conservation Plan*, (HCP) published in April of 2008 to implement the WMP. Specific WMP programs addressed in the HCP include water quality, forestry, livestock grazing, fire and fuels management and recreation and developed trails. The Habitat Conservation Plan was prepared in support of the pursuit of an Incidental Take Permit under Section 10(a)(1)(B) of the federal Endangered Species Act.

The 2003 *Final Environmental Assessment for the East Bay Regional Park District Vegetation Management Projects* (2003 EA) is another document that has been taken into account as part of the ongoing fuel management projects being proposed or undertaken. As stated previously in this EIR, over the past several years, the EBRPD Fire Department has been planning for and undertaking individual fuel reduction activities in specific areas within the hillside parks under an annual Fuels Treatment Plan. These ongoing fuel reduction activities have been primarily funded by FEMA grants,

and were identified and evaluated for environmental effects under the National Environmental Policy Act (NEPA) in the 2003 EA.

An important agency that is involved in the consideration and coordination of regional fire management planning is the East Bay Hills Emergency Forum (HEF), which was created following the Oakland-Berkeley Firestorm of 1991. The HEF coordinates the collection, assessment, and sharing of information on East Bay Hills fire hazards, and provides a forum for building interagency consensus on developing fire safety standards and codes, incident response and management protocols, public education programs, multi-jurisdictional training, and fuel reduction strategies. The HEF currently includes members from the Cities of Berkeley, El Cerrito, and Oakland; the California Department of Forestry and Fire Protection; the Moraga Orinda Fire District; EBRPD; the East Bay Municipal Utility District; Lawrence Berkeley National Laboratory; and the University of California, Berkeley. The HEF created the Vegetation Management Consortium (VMC) that developed the 1995 *Fire Hazard Mitigation Program & Fuel Management Plan for the East Bay Hills*. After a full review and considerable public debate, the EBRPD board accepted the principles described in the VMC Plan in 1996.

2. Cumulative Effects of the Proposed Wildfire Hazard Reduction and Resource Management Plan

The following analysis examines the cumulative effects of the Plan and other proposed wildfire fuel management plans for the East Bay Hills, as described above. The potential cumulative effects of the Plan and plans for adjacent wildlands are summarized below for each of the topics analyzed in Chapter IV of this EIR.

a. Land Use. Implementation of all of the vegetation management plans to reduce wildfire risks within and in the vicinity of the Study Area would not change land uses within the parks or within the East Bay from current uses. All lands within the Study Area are currently used as open space and recreation areas consistent with each park's designation by EBRPD as a regional park, regional preserve, regional recreation area, or regional shoreline. Further, the Plan is consistent with and supports the objectives and policies of the District's Master Plan and existing land use plans for the Study Area parks. Therefore, no cumulative adverse effect on land use would occur as a result of implementing the Plan. No mitigation would be required.

b. Biological Resources. Implementation of the vegetation management plans identified above would reduce the risk of a wildfire in identified high hazard areas within the East Bay Hills and especially along the wildland-urban interface. The fuel reduction actions identified in these plans would include the treatment of vegetation at defined treatment areas, including the thinning or removal of selected trees and tree stands, thinning or removal of shrubs and understory vegetation, mowing or grazing of grasses and shrubs, and clearing excessive residual dry matter to reduce ladder fuels and total fuel loads within treatment areas. Due to the presence of special-status plant and animal species within the region, implementation of treatment actions has the potential to negatively impact these species. To comply with federal, State and local laws, all of the vegetation management plans contain specific BMPs and treatment guidelines to minimize potential impacts on special-status species. Incorporation of these BMPs in treatment actions, implementation of the mitigation measures identified in required environmental documents prepared under CEQA and NEPA associated with these regional programs, meeting the requirement that these programs receive necessary permits and approvals, and regional coordination (primarily through the HEF) regarding wildfire management

planning and projects would reduce potential impacts to biological resources to a less-than-significant level, and no significant cumulative impacts relative to biological resources are expected to result.

c. Geology, Soils, and Seismicity. The analysis of geology, soils, and seismicity (Section IV.C of this EIR) addresses cumulative impacts that could result from implementation of the Plan and other wildfire risk reduction programs. Impacts related to geotechnical issues tend to be relatively site specific and mitigated on a case-by-case basis. As noted in that section, implementation of the Plan would not expose an increased number of people or structures to seismic hazards because the project would not build new structures or draw more people to the seismically-active East Bay region. The project would not affect, or be affected by, expansive soils because no new structures or infrastructure would be constructed that could be affected by these soils. The proposed project would not include construction of new on-site waste water disposal systems, and therefore potential impacts related to soil capability to support septic systems would not be applicable. Where vegetation is removed to reduce wildfire hazards, these fuel reduction activities could result in increased slope instability. Implementation of the BMPs identified in the Plan for vegetation treatments as well as mitigation measure GEO-1 included in Section IV.C would reduce these site-specific impacts to a less-than-significant level. As a result, no cumulative impacts to geology, soils, and seismicity would result from implementation of the Plan.

d. Hydrology and Water Quality. The analysis of hydrology and water quality in Section IV.D addresses the potential cumulative impacts that could result from vegetation treatment actions where erosion and sedimentation into creeks and other water bodies could occur. Implementation of the Plan would not deplete groundwater supplies or place housing within a 100-year flood hazard area because no new development is included as part of the Plan. The Plan also does not propose construction of any facilities in the shoreline parks that would be at risk for coastal hazards such as a tsunami, seiche, or mudflow or sea level rise and extreme high tide.

The vegetation management programs for fuel reduction considered in this cumulative analysis include different treatment options to reduce fuel loads. Some of the treatment options involve actions that will result in ground disturbance, and therefore there may be localized effects to hydrological features and water quality as a result of these treatment actions. Maintaining the hydrologic and water quality conditions that distinguish EBRPD lands was a consideration, however, and each program and subsequent environmental analysis document, includes goals, objectives, BMPs and mitigation measures designed to avoid or minimize potential impacts to hydrology and water quality resources. The inclusion of these policies and BMPs would reduce cumulative impacts to a less-than-significant level.

It should be noted that wildfire accelerates erosion rates to the degree that post-fire erosion is considered a major factor in overall sediment production.⁵ If these vegetation management plans were not implemented to prevent and/or minimize wildfires, overall erosion rates could increase due to accelerated post-fire erosion and sedimentation. Therefore, the cumulative effects of the Plan would also be less than that which could potentially occur in the event of significant wildfires in the Study Area.

⁵ Forrest, C.L., Harding, M.V., 1996. Erosion and Sediment Control: Preventing Additional Disasters after the Southern California Fires, in US Environmental Protection Agency Proceedings, Watershed 96.

e. Hazards and Hazardous Substances. Section IV.H, Hazards and Hazardous Substances, evaluates cumulative effects of the use, storage, and disposal of hazardous materials (including pesticides) in the Study Area. Vegetation management activities identified in other adopted planning documents applicable to lands in the vicinity of the Study Area contain similar guidelines and recommendations regarding the storage, use, and disposal of pesticides to those contained in the Plan, as required by State law. If not properly used, stored, and disposed, these chemicals can have potentially harmful effects on flora, fauna, and aquatic resources in the area. Therefore, the Plan includes policies and BMPs regarding pesticide storage, use, and disposal, including requirements designed to protect worker health and safety. Coupled with EBRPD's Integrated Pest Management Program, the policies and BMPs included in the Plan and other planning documents would reduce potential cumulative impacts from pesticide use to a less-than-significant level.

Section IV.H also addresses potential hazards from wildfires in the Study Area. The purpose of the plans were considered for their cumulative effect on reducing the risk of a wildfire in identified high hazard areas through fuel reduction actions. Therefore, the beneficial cumulative impact of the Plan would be to reduce wildfire risks. Potential risks from wildfires would only increase if the Plan were not implemented, due to the nature of the vegetation types found in the Study Area and the current high hazard conditions found throughout the Study Area. Therefore, implementation of the Plan and other planning programs aimed at reducing wildfire threats would not contribute to any significant cumulative hazards and hazardous substances impacts.

f. Cultural and Paleontological Resources. Analysis of cultural and paleontological resources identified in Chapter IV.F, Cultural and Paleontological Resources, considers the potential impacts to these resources that could result from implementation of the Plan and other wildfire management plans. The programs considered for cumulative effects include different treatment options for fuels reduction and vegetation management. Some of the treatment options involve actions that will result in a greater level of ground disturbance than others. Archaeological deposits, built environment buildings and structures, human remains, or paleontological resources may be adversely impacted as a result of treatment actions. Examples of such impacts could include destruction of archaeological deposits, damage to buildings or structures, displacement of fossil resources, or the disturbance of human remains. Identifying and protecting cultural resources is required by State law during implementation of a project as defined by CEQA. Accordingly, the programs and plans and their associated environmental assessment documents contain policies and mitigation measures for avoiding or minimizing potential impacts to cultural and paleontological resources. Resource identification and avoidance is the preferred approach for determining potential treatment options for the Plan's recommended treatment areas. The selection of recommended treatment areas includes a cross-check for possible conflicts with cultural resources in the EBRPD database. The BMPs are implemented in concert with the cross-check to provide for the identification and protection of cultural resources.

Because potentially-significant impacts to cultural and paleontological resource could occur as a result of treatment actions, this EIR includes mitigation measures intended to reduce these impacts to a less-than-significant level. The inclusion of these mitigation measures, coupled with the BMPs and guidelines included in the Plan, would reduce any adverse effect on cultural and paleontological resources within the Study Area. Similar adopted planning documents for vegetation management and their environmental analysis documents include similar provisions for the protection of cultural and paleontological resources consistent with applicable regulations. Implementation of the plans and

programs are expected to yield long-term beneficial effects to cultural resources as the potential for destructive wildfire is reduced. Therefore, cumulative impacts to these resources resulting from implementation of vegetation management plans would not be significant.

g. Noise. Certain vegetation management treatment methods, such as the use of mechanical treatments and hand-operated machinery, could contribute to noise levels in the vicinity of those treatments. Treatment actions would be short term and would need to comply with the noise standards and ordinances of the jurisdictions associated with the location of the activities. Guidelines and BMPs are generally included in the programs to limit the operational periods in which such activities would take place. Similarly, short-term vibration impacts could occur during the operation of heavy equipment to conduct vegetation treatment activities. However, these effects would be short-term and localized in nature and would not cumulatively contribute significantly to the ambient noise level of the East Bay.

No additional construction is included as part of the Plan. Therefore, noise impacts associated with construction activities would not occur. Cumulatively, only the Lawrence Berkeley National Laboratory's *Long-Range Development Plan* includes proposed construction activities; implementation of the vegetation management programs would not contribute any additional cumulative noise impacts beyond that which has already been accounted for and mitigated in the *Long-Range Development Plan* and its associated EIR. As a result, implementation of the Plan would not contribute to any cumulative adverse noise effects.

h. Air Quality and Global Climate Change. According to guidelines published by the Bay Area Air Quality Management District (BAAQMD), the determination of a significant cumulative air quality impact should be based on an evaluation of the consistency of the project with the local general plan, and of the general plan with the regional air quality plan.⁶ Vegetation management activities associated with the Plan and the cumulative projects could result in significant impacts to air quality resulting from prescribed burning, specifically the generation of suspended particulate matter (PM₁₀) over a 24-hour period and the exposure of sensitive receptors to substantial pollutant concentrations.

While certain vegetation management activities, such as prescribed burning and mechanical treatments to reduce wildfire risks, are likely to produce short-term elevations in regional pollutant levels the BAAQMD requires planning and management protocols for prescribed burning activities be implemented prior to, during, or following execution of prescribed burning to reduce the potential for elevated levels of pollution that may result from these activities (see section IV.F in this EIR). In addition, the potential pollution levels produced by such activities are significantly less, and are of a shorter duration, than the levels of pollution likely to be created in the event of a wildfire. The vegetation management activity selection process identified in the Plan further reduces the potential for elevated levels of pollution to occur when such activities are conducted by requiring EBRPD to undergo a rigorous selection process that takes into consideration the potential air pollution created by the various vegetation management and fuel reduction activities available for selection at each recommended treatment area. To further reduce these potential effects, EBRPD and any other agency, must only conduct certain activities, such as prescribed burns, according to stringent guidelines set

⁶ BAAQMD *CEQA Guidelines*, December 1999

forth by BAAQMD to ensure minimal creation of and exposure to any pollution generated by these activities.

Based on the above discussion, the potential for an individual plan or project to significantly deteriorate regional air quality or contribute to a significant health risk is small, even if the emission thresholds are exceeded. Because of the overall improvement trend on air quality in the air basin, it is unlikely the regional air quality or health risk would worsen from the current condition due to emissions from an individual vegetation management or fuel reduction activity conducted as part of implementing the Plan. Cumulatively, these vegetation management and fuel reduction activities will be dispersed across the calendar year according to the required conditions of the targeted vegetation, surrounding habitat requirements, and BAAQMD requirements, and as such would not substantially contribute to a net increase in any criteria pollutant in the region. As a result, any potential cumulative impacts on air quality and global climate change would be considered less-than-significant.

i. Visual Resources. The purpose of the vegetation management programs considered in this analysis is to reduce the risk of a wildfire in the East Bay region. These fuel reduction actions would include the treatment of vegetation at defined treatment areas, including the thinning or removal of selected trees and tree stands, thinning or removal of shrubs and understory vegetation, mowing or grazing of grasses and shrubs, and clearing excessive residual dry matter to reduce ladder fuels and total fuel loads within treatment areas.

The majority of the landscape in the recommended treatment areas is composed of large stands of blue and red gum eucalyptus trees and Monterey pines, limiting the overall visual variety of those specific areas and often blocking scenic vistas. The vegetation management activities likely to occur at recommended treatment areas within the Study Area would consist of a number of various treatment methods, including hand labor, mechanical, and chemical treatment as well as grazing of selected areas by livestock or the prescribed burning of brush or leaf litter. Because the vegetative cover of the hillside within the East Bay Hills and shoreline parks varies significantly across hillsides, within canyons, and along the shore, the likelihood of any one vegetation management activity occurring over a sufficiently large area to substantially adversely affect a scenic vista is minimal. For example, prescribed burns have the potential to temporarily but adversely impact the visual quality or character of a large expanse of area, but also have the potential to substantially improve the visual quality of a scenic vista by removing the younger specimens within the understory and thinning the overall density of tree stands and brush-laden areas. Prescribed burns also provide the beneficial impacts of promoting new growth, particularly native grass, forbs and wildflowers.

While there will be short term visual changes related to vegetation management to reduce wildfire risks, and especially changes related to tree clearing, wildland landscapes are dynamic, and the open space within each planning entity's jurisdiction (e.g., UC Regents EBMUD, City of Oakland) will be managed according to the stated goals and objectives of that particular agency after treatment to support a low fire hazard mix of vegetation types. Additionally, there are potential beneficial effects from vegetation removal related to opening up scenic views and vistas to viewers both within and outside the Study Area. Considered alongside vegetation treatment actions included in the adopted planning documents described above, cumulative, permanent, adverse visual effects of treatment actions diffused across the entirety of the East Bay hills would be less-than-significant given the total size and expanse of the area that might actually be treated at any one time.

D. EFFECTS FOUND NOT TO BE SIGNIFICANT

Meetings among EBRPD staff and the project team involved in the development and processing of the Plan determined the preliminary scope of this EIR. In addition to these meetings, a Notice of Preparation (NOP) was circulated on April 16, 2008, and a public scoping meeting was held on May 7, 2008, to solicit comments from the public about the scope of this EIR. Written comments received on the NOP are provided in Appendix A and were considered in the preparation of the final scope for this document and evaluation of the Plan throughout this EIR.

The environmental topics analyzed in Chapter IV, Setting, Impacts, and Mitigation Measures, represent those topics which generated the greatest potential controversy and expectation of adverse impacts among the project team and members of the public, even though it was determined that many would not experience significant adverse impacts. The following topics were excluded from further analysis because it was determined during the scoping phase and through preparation of an Initial Study contained in Appendix A of this EIR that these impacts would be less-than-significant: Agricultural Resources, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, and Utilities. Each of these topics scoped out of this EIR is discussed in more detail in Chapter I, Introduction.

E. SIGNIFICANT UNAVOIDABLE IMPACTS

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

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

