

BOLLINGER VALLEY PROJECT

Final Environmental Impact Report

SCH NUMBER 2006112061



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1. INTRODUCTION

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires environmental review of discretionary decisions by public agencies. The purpose of an environmental impact report (EIR) is to identify the significant effects of a project on the environment, identify alternatives to the project and to indicate the manner in which significant effects can be mitigated or avoided (PRC Section 21002.1[a]). Whenever feasible, each public agency is required to mitigate or avoid the significant environmental impacts of projects it approves. This document, together with the Draft EIR (DEIR), is the Final EIR (FEIR) for the Bollinger Valley Project. This FEIR has been prepared to respond to comments received on the DEIR and to make appropriate revisions to the DEIR.

This EIR has been prepared by the Town of Moraga (Town), as the CEQA lead agency, to evaluate an application submitted by the applicant for Town approval associated with the Bollinger Canyon Project (Project) under General Plan Policy LU6.1. DEIR Figure 2-1a depicts the regional location of the Project and Figure 2-1b illustrates the Project Area and surrounding area.

This document has been prepared pursuant to CEQA and the CEQA Guidelines (California Administrative Code Section 15000 et seq.). Environmental effects of the Project that must be evaluated and identified in this EIR include significant adverse effects, growth-inducing effects, and significant cumulative effects. This EIR is intended to address all reasonably foreseeable significant environmental effects of the Project. This document responds to public comments on the DEIR, revises the DEIR, and provides a Mitigation Monitoring and Reporting Program (MMRP) for the project.

Pursuant to CEQA Guidelines Section 15088: “(a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments; (b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report; (c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice; (d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either: (1) Revise the text in the body of the EIR, or (2) Include marginal notes showing that the information is revised in the response to comments.”

CEQA Guidelines Section 15088.5 indicates recirculation of the DEIR is necessary if the new information or changes to the document reveal a new significant impact or mitigation measure, an increase in impact severity, a new alternative is considered, or if the analysis was incomplete or inconclusive. Furthermore, CEQA Guidelines Section 15088.5 states that recirculation is not required if new information clarifies, amplifies, or makes insignificant modifications to the EIR. The Town has determined the DEIR need not be recirculated as no new information added thereto changes the DEIR's conclusions and findings. The additional studies that have been conducted and the text changes that have been made to the document (See Final EIR Chapter 3) do not change the impact conclusions. As

discussed in FEIR Chapter 2, the conclusions of the additional studies further support the conclusions made in the DEIR. The DEIR and the additional studies prepared for the FEIR provide an abundance of information, adequate to inform both the Town and the public. Therefore, it was determined that recirculation of the DEIR is not warranted.

1.2 USE AND CERTIFICATION OF THE EIR

The FEIR is intended to be used by the Town Planning Commission and Town Council to assess the potential impacts of and consider whether to approve the Proposed Project. Town Planning staff will first provide the FEIR and its recommendation as to whether or not to approve the Proposed Project or an Alternative to the Proposed Project to the Town Planning Commission for consideration at one of its scheduled meetings, where the Planning Commission will consider the adequacy of the FEIR, deliberate and make its own recommendation to the Town Council as to whether the FEIR complies with CEQA and whether the Project should be approved or denied. The Town Council will then consider the FEIR together with Planning Staff's and the Planning Commission's recommendations, before rendering its decision on the Proposed Project.

CEQA Guidelines Section 15090(a) states: "Prior to approving a project the lead agency shall certify that: (1) The final EIR has been completed in compliance with CEQA; (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis." Conversely, when a lead agency decides to reject or otherwise disapprove of a project, CEQA does not apply (CEQA Guidelines § 15270).

The DEIR was made available for public and agency review and comment during a 60-day period from February 22, 2013 through April 23, 2013. The DEIR evaluated the potential environmental impacts associated with the Proposed Project, No Project (Alternative 1), and four separate development Alternatives (Alternatives 2, 3, 4, and 5). Written and oral comments were received from State and local agencies and from organizations, the applicant, and individuals. The Town has considered comments received on the DEIR and has addressed comments and provided specific responses in this FEIR. The Town must first consider certification of this FEIR and, if certified, will use the information contained in this FEIR in its consideration of Project approvals.

Due to various factors, including the preparation of additional studies and discussions with the applicant, the FEIR was not completed until 2016. With the studies complete, and revisions made to the document to reflect the supporting data and responses to comments, the FEIR is ready for release and reflects current conditions.

1.3 FEIR ORGANIZATION

Chapter 1 provides an introduction to the FEIR and includes a discussion of the purpose, process and organization of the document. Chapter 2 of this FEIR contains the responses to the numbered comment letters received during the public review period for the DEIR. Each comment letter received on the DEIR is numbered and is included in Appendix A. Each comment letter is numbered into one of five groups (A through E). The comment letter number can be found in the upper right corner of the letter. A comment number in the margin identifies each comment; responses use the same corresponding letter/number system, for example: Comment Letter A1, Comment 1 is Response to Comment A1-1. Some comments warrant revisions to the text of the DEIR. The DEIR text revisions are presented in Chapter 3 of this FEIR. Chapter 3 contains corrections and clarifications based on comments received on the DEIR as well as edits based on new information. Changes to the text are organized by chapter and are shown in ~~strikeout~~ mode for text to be removed and **bold underline** for text to be added. Chapter 4 includes the

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Mitigation Monitoring and Reporting Program. This chapter includes the text of each mitigation measure established in the EIR and provides a program for implementing and monitoring these measures, including the timing and party responsible for implementation.

