

Purpose and Requirements

This document is Volume II of the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP or Plan) for East Contra Costa County (ECCC). The Final EIS/EIR has been prepared in accordance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) guidelines.

The HCP/NCCP and the Draft EIS/EIR were circulated for public and agency review July through November 2005.

The Final EIS/EIR consists of the following:

- The revised Environmental Analysis text (Volume I).
- The comments on the Draft EIS/EIR, the responses to those comments, a summary of revisions to the HCP/NCCP, and a summary of revisions to the EIS/EIR (Volume II—this volume).

The Final EIS/EIR is an informational document prepared by the federal lead agency, the U.S. Fish and Wildlife Service (USFWS), and the state lead agency, the East Contra Costa County Habitat Conservation Plan Authority (ECCC HCPA or HCPA), which must be considered by decision-makers before approving or denying the Plan.

NEPA Compliance

The Council on Environmental Quality (CEQ) NEPA regulations require the lead agency or agencies respond to comments on the Draft EIS and prepare a Final EIS, which must include and respond to all substantive comments received on the Draft EIS (40 C.F. R. 1502.9(b) and 1603.4(b)). As the federal lead agency, the USFWS has responded to comments on the Draft EIS/EIR and the HCP/NCCP.

CEQA Compliance

Section 15132 of the CEQA Guidelines requires that a final EIR consist of the following elements.

- Draft environmental impact report (DEIR) or a revision of the DEIR.
- Comments and recommendations received on the DEIR, either verbatim or in summary.
- List of persons, organizations, and public agencies commenting on the DEIR.
- Responses of the lead agency to significant environmental concerns raised in the review and consultation process.
- Any other information added by the lead agency.

This Final EIS/EIR for the HCP/NCCP has been prepared in accordance with CEQA and the CEQA Guidelines. The Draft EIS/EIR together with the responses to comments on the Plan and the Draft EIS/EIR constitute the Final EIS/EIR for the Plan. The Final EIS/EIR is an informational document prepared by the state lead agency, ECCC HCPA, which must be considered by decision-makers before approving or denying the HCP/NCCP.

Format and Organization of Final EIS/EIR

This Final EIS/EIR comprises two volumes, which contain the information required by CEQ NEPA regulations and CEQA Guidelines, as outlined above.

Pursuant to NEPA regulations, revisions to the Draft EIS/EIR, made for clarification or in response to comments, are provided in the full text version of the Environmental Analysis (Volume I).

The contents of Volume II are listed below.

- Chapter 1, Introduction, includes a description of the EIS/EIR public review process, and a list of agencies and organizations that submitted comments on the Draft EIS/EIR and Draft HCP/NCCP.
- Chapter 2, Comments and Responses, summarizes the comments received on the Draft EIS/EIR and Draft HCP/NCCP and contains written responses to comments.
- Chapter 3, Revisions to the Draft HCP/NCCP, summarizes the key changes made following public review of the June 2005 Draft HCP/NCCP.
- Chapter 4, Revisions to the Draft EIS/EIR, summarizes the key changes made following public review of the June 2005 Draft EIS/EIR.
- Chapter 5, List of Preparers.

When certified by the HCPA, the Final EIS/EIR will consist of the following components, as required by CEQA and NEPA.

- Volume I: Environmental Analysis. This is a reprint of the June 2005 Draft EIS/EIR with text revisions made for clarification, in response to comments, and to reflect changes made to the HCP/NCCP.
- Volume II: Comments and Responses on Draft EIS/EIR. This includes comments received on the June 2005 Draft EIS/EIR and responses to those comments.

Document Availability

Copies of all documents are also available for public review from 9:00 AM to 5:00 PM at the following Contra Costa County Library and city office locations:

Contra Costa County Libraries

- 751 Third Street, Brentwood, CA
- 6125 Clayton Road, Clayton, CA
- Freedom High School, 1050 Neroly Road, Oakley, CA
- 80 Power Avenue, Pittsburg, CA
- Riverview Middle School, 205 Pacifica Avenue, Bay Point, CA

City Offices

- City of Brentwood, Community Development Department, 104 Oak Street, Brentwood, CA 94513
- City of Clayton, Community Development Department, 6000 Heritage Trail, Clayton, CA 94517
- City of Oakley, Community Development Department, 3231 Main Street, Oakley, CA 94561
- City of Pittsburg, Planning Department, 65 Civic Drive, Pittsburg, CA 94565
- Online on the HCPA's website at <http://www.cocohcp.org>.

Public Review of Draft EIS/EIR

Public Notice

Upon completion of the Draft EIS/EIR, the federal and state lead agencies filed notices of availability in compliance with NEPA in the Federal Register, and in compliance with CEQA with the State Clearinghouse, respectively. The HCPA distributed the document to interested agencies, organizations, and individuals for review and comment. The public review period as noted in the Federal Register was September 2, 2005, to December 1, 2005; however, both the Draft HCP/NCCP and the Draft EIS/EIR were made available in June 2005.

The HCPA filed a notice of completion with the State Clearinghouse and issued a notice of availability (NOA) consistent with CEQA Guidelines Sections 15085 and 15087. The NOA provided notice of the public review period, where to send comments, and the date/time of the public meeting. A Notice of Completion and copies of the Draft EIS/EIR were submitted to the State Clearinghouse for circulation to responsible and trustee agencies. The NOA, as well as the State Clearinghouse's letter indicating it received the document are included at the end of this chapter. The HCPA also ran a notice in the Contra Costa Times newspaper.

The USFWS submitted a NOA with the EPA, consistent with the CEQ Guidelines. The EPA filed a notice in the Federal Register on September 2, 2005. The USFWS NOA and the Federal Register notice are included at the end of this chapter.

Public Meeting on Draft EIS/EIR

Public meetings at 1 p.m. and 6 p.m. on October 27, 2005, were held in Pittsburg's City Hall. The meetings were noticed in both the HCPA and USFWS Notice of Availability (both notices are included at the end of this chapter). Members of the public were invited to voice their comments; however, no comments were made by members of the public during these meetings.

Comments Received on Draft EIS/EIR

A list of public agencies and organizations that submitted comments on the Draft EIS/EIR and HCP/NCCP is included below. The HCPA and USFWS and its consultants responded to all written comments received on the Draft EIS/EIR and HCP/NCCP in Chapter 2. Comment letters were received on both documents, and in most cases a single letter contained comments on both the Draft Plan and the Draft EIS/EIR. As such, responses to comments on both documents are included in this volume. Responses clearly identify whether comments reference the Draft Plan or the Draft EIS/EIR.

Revisions to Draft HCP/NCCP

In response to comments received on the Draft HCP/NCCP, revisions have been made to the document. These revisions are summarized in the Final EIS/EIR, Volume II, Chapter 3, and can be found in the Final HCP/NCCP.

Revisions to Draft EIS/EIR

In response to comments received on the Draft EIS/EIR and changes made to the HCP/NCCP, revisions have been made to the document. Included in these revisions are adjustments to existing land cover acreages resulting from mapping refinements, updates to biological impacts based on changes in the HCP/NCCP, and a more detailed analysis of land use, housing, and water quality impacts. These changes do not result in any new significant environmental impacts or substantially increase the severity of an environmental impact. Therefore, pursuant to Section 15088.5 of CEQA Guidelines and 40 C.F.R. 1502.9, the Draft EIS/EIR does not require recirculation prior to certification. Revisions to the environmental analysis are shown in Volume I, which has been reprinted in full.

Comments Received on the Draft EIS/EIR

The following public agencies and organizations submitted written comments on the Draft EIS/EIR.

Public Agencies

- Byron Hot Springs
- California Department of Conservation, Division of Land Resource Protection
- California Department of Transportation
- California State Coastal Conservancy
- City of Antioch
- City of Concord
- Contra Costa Council
- State Water Resources Control Board
- United States Environmental Protection Agency

Organizations

- California Native Plant Society
- Center for Biological Diversity
- Contra Costa Taxpayers Association
- Discovery Builders, *prepared by Nossaman, Guthner, Knox & Elliott, LLP*
- Friends of Swainson's Hawk
- Home Builders Association
- Institute for Ecological Health
- Roddy Ranch PBC, LLC, *prepared by Morrison/Foerster*
- Swainson's Hawk Technical Advisory Committee

Preparation of Final EIS/EIR

The Final EIS/EIR was prepared by the HCPA, USFWS, and the consultants identified in Chapter 4, *List of Preparers*. All work reflects the independent judgment and analysis of the state and federal lead agencies.