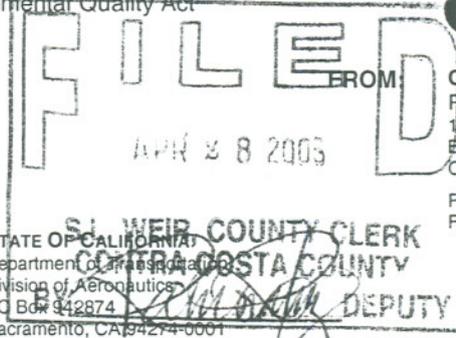




Notice of Determination
California Environmental Quality Act



CITY OF CONCORD
Planning Division
1950 Parkside Drive, MS/53
Building D, Permit Center
Concord, CA 94519
PHONE: (925) 671-3152
FAX: (925) 671-3381

TO: **COUNTY CLERK**
County of Contra Costa
822 Main Street
PO Box 350
Martinez, CA 94553

STATE OF CALIFORNIA
Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

STATE OF CALIFORNIA
Department of Transportation
Division of Aeronautics
PO Box 942874
Sacramento, CA 94274-0001

CONTRA COSTA COUNTY
[Signature]
DEPUTY

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

PROJECT TITLE Galindo Creek Trail Gap Closure Project (PN 283)		STATE CLEARINGHOUSE NUMBER <i>(If submitted to Clearinghouse)</i> 2005012103
PROJECT APPLICANT City of Concord	TELEPHONE (925) 671-3402	
PROJECT LOCATION/ADDRESS - CITY, COUNTY Ygnacio Valley Rd/West of Alberta Way - Concord, Contra Costa Co.		CONTACT PLANNER Danea Gemmill
PROJECT DESCRIPTION This project will construct an 8-foot wide unpaved trail between existing trails located (1) on the east side of Galindo Creek and (2) a staging area (accessible off of Pebble Glen Drive) located approximately 500 feet to the west of the proposed creek crossing. The alignment will cross Galindo Creek via a prefabricated bridge or box culvert modification at the eastern limit and then parallel the creek for a distance of 500 feet and terminate at the staging area. The trail will be located approximately 25 feet from the top of the creek bank to minimize potential impacts to the creek and reduce the regulatory permitting requirements. Another element of the project is an approximate 100 foot long section along the trail that requires slope stabilization by constructing a pile and timber lagging wall and constructing minor drainage improvements on Ygnacio Valley Road.		

This notice is to advise that the **CITY OF CONCORD** approved the above-described project on **April 26, 2005** and made the following determinations regarding the project:

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. The project will have a significant effect on the environment. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Mitigation measures were made a condition of the approval of the project. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. A Statement of Overriding Considerations was adopted for this project. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Findings were made pursuant to the provisions of CEQA. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

This is to certify that the final Environmental Impact Report with comments and responses and Record of Project Approval may be examined by the General Public during normal business hours at 1950 Parkside Drive, Building D, Permit Center, Concord, California.

SIGNATURE <i>Danea Gemmill</i>	TITLE Senior Civil Engineer	DATE April 27, 2005
--	---------------------------------------	-------------------------------

APR 28 2005 **AFFIDAVIT OF COUNTY CLERK FILING AND POSTING**

I declare that on _____ I received and posted this Notice as required by California Public Resources Code Section 2115.2. Said Notice will remain posted for thirty (30) days from the filing date.

By *[Signature]* Date **APR 28 2005**
DEPUTY COUNTY CLERK

CERTIFIED COPY

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

A Resolution Confirming that a Mitigated Negative Declaration with Mitigation Measures and Monitoring Program is the Appropriate Environmental Document, and Authorizing Staff to File a Notice of Determination with the County Clerk for Project No. 283, Galindo Creek Trail Gap Closure

Resolution No. 05-33

WHEREAS, the City Council adopted a Capital Improvement Program that includes the Galindo Creek Trail Gap Closure, Project No. 283; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, an Initial Environmental Impact Analysis (Environmental Checklist - Exhibit B) was prepared for the project which concluded that with the incorporation of identified mitigation measures, the project would not have a significant effect on the environment and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for review from January 26, 2005 to February 28, 2005; and

WHEREAS, the Public Works/Engineering Services Department, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public meeting on February 10, 2005 on the subject project; and

WHEREAS, all properties within 500 feet of the project site were sent copies of the Notice of Intent to Adopt a Mitigated Negative Declaration and public meeting notice by the Public Works/Engineering Services Department; and

WHEREAS, public testimony was considered by the Public Works/Engineering Services Department during the public meeting; and

WHEREAS, copies of the Notice of Intent to Adopt a Mitigated Negative Declaration (Exhibit A) and Initial Study were sent to the State Clearinghouse for distribution to interested agencies; and

WHEREAS, upon concluding the public meeting and public comment period, the Public Works/Engineering Services Department confirmed that a Mitigated Negative Declaration is the

1 appropriate environmental document.

2 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES**
3 **RESOLVE AS FOLLOWS:**

4 **Section 1.** Makes the finding that there is no substantial evidence in light of the whole record
5 before the City Council of the City of Concord that the project, with the incorporation of the
6 mitigation measures, would have a significant effect on the environment. The documents constituting
7 the administrative record are located in the City of Concord, 1957 Parkside Drive, Concord, CA.

8 **Section 2.** Confirms that a Mitigated Negative Declaration with Mitigation Measures and
9 Monitoring Program is the appropriate environmental document.

10 **Section 3.** Approves the filing of a Notice of Determination (Exhibit C) with the County
11 Clerk.

12 **Section 4.** This resolution shall become effective immediately.

13 **PASSED AND ADOPTED** by the City Council of the City of Concord on April 26, 2005, by
14 the following vote:

15 **AYES:** Councilmembers - H. Allen, S. Bonilla, M. Peterson, W. Shinn, L. Hoffmeister

16 **NOES:** Councilmembers - None

17 **ABSTAIN:** Councilmembers - None

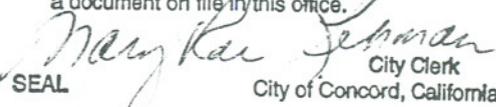
18 **ABSENT:** Councilmembers - None

19 **I HEREBY CERTIFY** that the foregoing Resolution No. 05-33 was duly and regularly
20 adopted at a regular joint meeting of the City Council and the Redevelopment Agency of the City of
21 Concord on April 26, 2005.

22
23 **APPROVED AS TO FORM:**


Mary Rae Lehman
City Clerk

24
25 
Craig Labadie
City Attorney

I certify that this is a true copy of
a document on file in this office.

SEAL City Clerk
City of Concord, California

- 26
27 Exhibits: A - Notice of Intent
28 B - Initial Environmental Impact Analysis (Environmental Checklist)
C - Notice of Determination

**NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION**
California Environmental Quality Act



CITY OF CONCORD
Engineering Services Division
1950 Parkside Drive, MS/40
Concord, CA 94519
PHONE: (925) 671-3361
FAX: (925) 798-9692

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the City of Concord has prepared an initial study on the following project.

PROJECT

Galindo Creek Trail Gap Closure Project (PN 283)

LOCATION/ADDRESS

This linear project is located on the north side of Ygnacio Valley Road, adjacent to Galindo Creek, west of Alberta Way.

APPLICATION NUMBERS

N/A

APN(s)

133-141-010 thru -014 and 133-760-069

GENERAL PLAN DESIGNATION AND ZONING

Not applicable to the roadway area. A portion of the trail is located in the Low Density Residential designation.

PROJECT APPLICANT

City of Concord

DESCRIPTION OF PROJECT

This project will construct an 8-foot wide unpaved trail between existing trails located (1) on the east side of Galindo Creek and (2) a staging area (accessible off of Pebble Glen Drive) located approximately 500 feet to the west of the proposed creek crossing. The alignment will cross Galindo Creek via a prefabricated bridge or box culvert modification at the eastern limit and then parallel the creek for a distance of 500 feet and terminate at the staging area. The trail will be located approximately 25 feet from the top of the creek bank to minimize potential impacts to the creek and reduce the regulatory permitting requirements. Another element of the project is an approximate 100 foot long section along the trail that requires slope stabilization by constructing a pile and timber lagging wall and constructing minor drainage improvements on Ygnacio Valley Road.

ENVIRONMENTAL SETTING

The land north of the site is developed with residential housing, while the south side of the project site is bordered by Ygnacio Valley Road.

DECLARATION

Based on the Initial Environmental Impact Analysis dated January 20, 2005, the City staff has determined:

- This project does not have the potential to degrade the quality of the environment, nor to substantially reduce, threaten or eliminate plant, fish or animal communities, or important examples of the major periods of California history or prehistory.
- This project will not have a detrimental effect upon either short-term or long-term environmental goals.
- This project will not have impacts that are individually limited, nor cumulatively considerable.

Exhibit 5: Mitigated Negative Declaration

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Galindo Creek Trail Gap Closure Project (PN 283)

January 20, 2005

- This project will not have environmental impacts that will cause substantial adverse effect upon human beings, either directly or indirectly.
- This project will not adversely impact wildlife resources, and is therefore exempt from the fee requirements of Section 711.2 of the Fish and Game Code.
- The project site does not appear on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that section.

The aforementioned findings are contingent upon the mitigation measures listed in the Environmental Checklist, which will be incorporated into this project.

PUBLIC COMMENT PERIOD

January 26, 2005 to February 28, 2005 the public and all affected agencies are hereby invited to review and submit written comments on the Mitigated Negative Declaration, Environmental Checklist with mitigation measures and Biological Resource Analysis. Such comments may be submitted during the Public Meeting or to the City of Concord, Engineering Services Division during the comment period.

PUBLIC MEETING DATES

7:00 p.m. – February 10, 2005

City of Concord, Engineering Services Division - Conference Room
1957 Parkside Drive, Concord, CA

DOCUMENT AVAILABILITY

The Negative Declaration and Initial Environmental Impact Analysis with mitigation measures and other supporting environmental documents are available for public review at the City of Concord Engineering Services Division, located at 1957 Parkside Drive, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

MITIGATED NEGATIVE DECLARATION PREPARED BY

City of Concord
Engineering Services Division
1950 Parkside Drive, MS/40
Concord, CA 94519

Contact: Danae Gemmill
Title: Senior Civil Engineer
Telephone: (925) 671-3402
Fax: (925) 798-9692

Signature



Date January 20, 2005

COMMENTS DUE BY FEBRUARY 21, 2005

The Mitigated Negative Declaration dated January 20, 2005 is being referred to you for review and comment. Your written comments should be received prior to February 28, 2005, or be submitted verbally during the Public Meeting. If you have any questions, please contact the Contact Person above.

SUPPORTING ENVIRONMENTAL DOCUMENTS (Available for review at the City of Concord, Engineering Services Office, 1957 Parkside Drive, Concord, CA):

- Negative Declaration
- Environmental Checklist and Mitigation Measures
- Biological Study – Prepared by Monk and Associates

Exhibit 5: Mitigated Negative Declaration

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Galindo Creek Trail Gap Closure Project (PN 283)

January 20, 2005

DISTRIBUTION LIST

CITY DEPARTMENTS

BUILDING & NEIGHBORHOOD SERVICES

Vance Phillips, Chief Building Official
Em Rojas, Neighborhood Services Manager

INFORMATION TECHNOLOGY

Helen Burk, Geographic Information Technician

LEISURE SERVICES

Mark Deven, Director
Ginger Gessner, Parks Manager

PLANNING & ECONOMIC DEVELOPMENT

Jim Forsberg, Director
Cathy Munneke, Principal Planner
Deborah Raines, Planning Manager

POLICE DEPARTMENT FIELD OFFICE(S)

Northern
 Southern
 Valley

PUBLIC WORKS-ENGINEERING SERVICES

Mario Camorongan, Public Works Engineer
Bob Clarke, Senior Civil Engineer

PUBLIC WORKS-MAINTENANCE SERVICES

Qamar Khan, Maint. Services, Infrastructure
Rolf Pinkwart, Senior Maint. Team Leader
Ray Santiago, Transportation Program Manager
John Templeton, Transportation Manager

FEDERAL AND STATE

Federal Housing Administration
 Federal Transit Administration
 Department of Conservation
 Department of Fish and Game
 Department of Forestry and Fire Protection
 Department of Health and Drinking Water

Department of Housing and Community Development
 Department of Parks and Recreation
 Department of Water Resources
 Governor's Office of Planning and Research
 Office of Emergency Services

Office of Historic Preservation
 Seismic Safety Commission
 State Clearinghouse
 State Lands Commission
 US Army Corps of Engineers
 US EPA, Wetlands Regulatory Office
 US Fish and Wildlife Service

REGIONAL

Association of Bay Area Governments
 Bay Area Air Quality Management District
 California Native Plant Society
 East Bay Regional Park District
 Local Agency Formation Commission

Mt. Diablo Audubon Society
 Mt. Diablo Unified School District
 OES/PTAB, Hazmat Unit
 Save Mount Diablo
 Sierra Club, Bay Chapter

Sonoma State University
 Regional Water Quality Control Board - San Francisco

COUNTY

CCC Assessor's Office
 CCC Airport Land Use Commission
 CCC County Clerk
 CCC Environmental Health Department

CCC Health Services Department
 CCC Fire Protection District
 CCC Flood Control District
 CCC Mosquito and Vector Control District

CCC Public Works Department
 CCC Resource Conservation District
 CCC Water District

LOCAL

City of Clayton
 City of Martinez
 City of Pittsburg

City of Pleasant Hill
 City of Walnut Creek
 California State University at Hayward

Contra Costa Times - City Hall Reporter

TRANSPORTATION

Amtrak
 BART Planning
 BART Environmental Compliance Division
 Caltrans

Contra Costa County Airports
 Contra Costa Commute Alternative Network
 Contra Costa Transit Authority

Contra Costa Transportation Authority
 Metro Transportation Commission
 TRANSPAC
 TRANSPAN

UTILITIES

Astound Broadband
 Central Contra Costa County Sanitary District
 Comcast
 Concord Disposal
 PG&E
 Seren Innovations
 SBC

TO EXPEDITE SUBMITTAL OF YOUR COMMENTS, YOU MAY RESPOND BY FACSIMILE TO (925) 798-9692

This Agency/City department has comments, see attached.

This Agency/City department has no comments.

NAME OF AGENCY/CITY DEPARTMENT _____

SIGNATURE OF REPRESENTATIVE _____

DATE _____

Exhibit 5: Mitigated Negative Declaration



Concord
Environmental Checklist
California Environmental Quality Act

EXHIBIT B

CITY OF CONCORD
Public Works/Engineering Services
1950 Parkside Drive, MS/40
Concord, CA 94519
PHONE: (925) 671-3361
FAX: (925) 798-9692

-
1. **Project Title:** Galindo Creek Trail Gap Closure Project (PN 283)

 2. **Lead Agency Name and Address:** City of Concord
Public Works/Engineering Services
1950 Parkside Drive, MS/40
Concord, CA 94519

 3. **Contact Person and Phone Number:** Project - Randell Harrison, Harrison Engineering, (925) 691-0450

CEQA - Danae Gemmell, City of Concord (925) 671-3402

 4. **Project Location:** North side of Ygnacio Valley Road, adjacent to Galindo Creek, west of Alberta Way.

 5. **Project Sponsor's Name and Address:** City of Concord
Engineering Services
1950 Parkside Drive, MS/40
Concord, CA 94519

 6. **General Plan Designation:** Not applicable to the roadway area. A portion of the trail is located in the Low Density Residential designation.

 7. **Zoning:** Not applicable to the roadway area.

 8. **Description of Project:**
This project will construct an 8-foot wide unpaved trail between existing trails located (1) on the east side of Galindo Creek and (2) a staging area (accessible off of Pebble Glen Drive) located approximately 500 feet to the west of the proposed creek crossing. The alignment will cross Galindo Creek via a prefabricated bridge or box culvert modification at the eastern limit and then parallel the creek for a distance of 500 feet and terminate at the staging area. The trail will be located approximately 25 feet from the top of the creek bank to minimize potential impacts to the creek and reduce the regulatory permitting requirements. Another element of the project is an approximate 100 foot long section along the trail that requires slope stabilization by constructing a pile and timber lagging wall and constructing minor drainage improvements on Ygnacio Valley Road.

 9. **Surrounding Land Uses and Setting. (Briefly describe the project's surroundings.):**
The project will be constructed between the embankment of Ygnacio Valley Road (south side) and Galindo Creek (on the north side). Ygnacio Valley Road is a major 4 lane arterial. North of the creek are single family residences and to the west are townhouse/condominium residences.

This project will close a critical gap in the California Riding and Hiking Trail along Galindo Creek and Ygnacio Valley Road, west of Alberta Way in the City of Concord. This segment of trail will provide residents access and opportunities to utilize a wide array of regional trails and open space throughout central Contra Costa County.

The California State Riding and Hiking Trail extends from Martinez to Concord (20.35 miles). Portions of this historic trail were established in the 1940's. When completed, it will connect Martinez from the Carquinez Regional Shoreline to Lime Ridge Open Space. The trail currently terminates at the end of Rolling Woods Way off Pine Hollow Road in Concord.

Exhibit 5: Mitigated Negative Declaration

10. Other agencies whose approval is required (e.g. permits, financing approval, or participation agreement.):

A permit will be required from the California Department of Fish and Game.

An encroachment permit will be obtained from East Bay Regional Park District for construction of the trail within the California Riding and Hiking Trail easement. A letter in support of the project has been received from Steve Fiala of EBRPD.

11. City of Concord approval required:

Heritage Tree Removal Permit.

Exhibit 5: Mitigated Negative Declaration

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.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | |

Determination:

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.

Danea Gemmell
Signature

January 20, 2005
Date

Danea Gemmell
Printed Name

Date

Exhibit 5: Mitigated Negative Declaration

Issues:

	Summary of Impacts			
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
I. AESTHETICS -- <i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
<p>Several trees may require removal to construct the project. The project will comply with the City's Heritage Tree Ordinance and mitigate for the removal of trees with a circumference greater than 42-inches.</p> <p>Removal of any trees that are 24 inches or greater in diameter at breast height (DBH) will require a tree permit from the City of Concord. If removal or impacts to heritage trees occurs, a permit would be required from the City of Concord prior to the time the trees are impacted by the project. If construction is anticipated to occur within the dripline (defined as the "generally circular shape formed by the outermost points on branches of a tree projected to the ground plain") of heritage trees, protective measures required in the City of Concord Tree Ordinance will be implemented prior to/and during construction. Section 4311 of the tree ordinance describes required protective measures to be implemented prior to/and during construction activity.</p> <p>A field review of the existing trees located within the project limits resulted in two Live Oak trees with a DBH greater than 12 inches in diameter, adjacent to the creek crossing, may be impacted during construction of this project. No Heritage trees were identified within the construction limits that would be impacted; however two Heritage trees located above the creek culvert headwall will require construction within their drip lines.</p> <p>Mitigation Measure I -1 Mitigation requirements for the removal of heritage and native oaks greater than 12 inches DBH include replacement of native trees species at a minimum 3:1 ratio (for each tree removed 3 will be planted).</p> <p>If any heritage tree is impacted, a plan shall be developed and shall include a replacement ratio for trees removed, a California native tree and shrubs planting pallet, and a planting detail that specifies where all replacement trees would be planted in the project area. The methods used to plant trees shall also be specified. All planted trees would be provided with a temporary irrigation system that would be maintained over a minimum three-year establishment period. At the end of a suitable establishment period, the irrigation system would be removed.</p> <p>The replacement trees' health shall be monitored annually for five years by a qualified biologist or arborist and annual monitoring reports shall be submitted to the City of Concord. At the end of a five-year monitoring period, at least 80 percent of planted trees shall be in good health. If the numbers of planted trees falls below an 80 percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted. Irrigation and follow-up monitoring shall be established over an additional three-year period after any replanting occurs. Any follow-up monitoring will be reported annually to the City of Concord.</p>				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Exhibit 5: Mitigated Negative Declaration

*Potential
significant*

II. AGRICULTURE RESOURCES -- <i>Would the project:</i>				
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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

III. AIR QUALITY -- <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) 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 (including releasing emissions which exceed quantitative threshold for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

IV. BIOLOGICAL RESOURCE -- <i>Would the project:</i>				
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 Game or U.S. Fish and Wildlife Service?		X		

The US Fish and Wildlife Service lists the red-legged frog (RLF) as a threatened species and has included most of Contra Costa County as critical habitat. A qualified biologist has reviewed the site and determined that RLF were not present at the site. A second survey immediately prior to construction may be conducted if requested by the California Department of Fish and Game.

If the proposed project would commence between the months of March 15th and August 31st, nesting raptors (that is, birds of prey) and common passerine birds (that is, perching birds) could be impacted. Birds and their nests are protected under California Fish and Game Code (Sections 3503, 3503.5), and the Migratory Bird Treaty Act. Impacts to nesting birds, their eggs, and/or young is regarded as a *potentially significant adverse impact*. This impact could be mitigated to a level considered less than significant.

Exhibit 5: Mitigated Negative Declaration

Mitigation Measure IV -1

In order to avoid impacts to nesting birds, a nesting survey should be conducted 30 days prior to commencing with construction work if this work would commence between March 15th and August 31st. If nesting raptors (that is, birds of prey) are identified during this survey, the dripline of the nest tree must be fenced with orange construction fencing, and a 500-foot radius around the nest tree must be staked with bright orange spray painted lath or other suitable staking if possible. The buffer may be modified to a smaller buffer to account for the nesting raptors acclimation to human disturbance as evaluated by a qualified raptor biologist. In this case, the qualified biologist would prepare a written recommendation for the City of Concord and would also monitor the nesting activity for sufficient duration to verify that project activities are not negatively affecting the nesting attempt. No construction or earth-moving activity shall occur within the designated buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st.

Raptor nesting surveys should include all trees within 300 feet of the proposed construction corridor, not just trees slated for removal. If common (that is, not special-status) passerine birds (that is, perching birds such as American robins, scrub jays, and northern mockingbird) are identified nesting in the trees proposed for removal, tree removal shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the project corridor. Typically, most passerine birds can be expected to complete nesting by July 1st, with young attaining sufficient flight skills by the middle of July. This mitigation measure would ensure that there are no violations of the Migratory Bird Treaty Act and Fish and Game Codes which protect nesting birds. As such, implementation of the above mitigation measures would reduce impacts to nesting birds to a level considered *less than significant*.

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 Game or U.S. Fish and Wildlife Service?

X

The US Fish and Wildlife Service lists the red-legged frog (RLF) as a threatened species and has included most of Contra Costa County as critical habitat.

Mitigation Measure IV -2

The project will keep a distance of 25-feet from the creek bank (except at the creek crossing) to minimize impacts to potential RLF habitat.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

X

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?

X

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

X

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?

X

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

X

Exhibit 5: Mitigated Negative Declaration

There are no known cultural resources within the project area. However, there is the possibility that construction activities may uncover a previously unknown cultural resource.				
Mitigation Measure V -1				
In accordance with CEQA Subsection 15064.5 (f), should any previous unknown historic or prehistoric resource be discovered, earthwork within 100 feet of these materials shall be stopped until a professional archeologist certified by the Registry of Professional Archeologists (RPA) can evaluate the significance of the find and suggest appropriate mitigation measures.				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to 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? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
The Association of Bay Area Governments shows that the project area could experience strong ground shaking from a seismic event on the Concord-Green Valley Fault. Since it is anticipated that local residents will be the primary users of this facility, no substantial adverse effects or increased risk is anticipated.				
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?		X		
A potential land slide was identified in the Draft Geotechnical Report prepared for the project area.				
Mitigation Measure VI -1				
The slide area will be mitigated by constructing improvements as recommended by the report.				
b) Result in substantial soil erosion or the loss of topsoil?			X	
Erosion control measures will be implemented as part of the project design and construction. Appropriate mitigation measures may include hydraulically applied seed and tackifier, straw, and fiber rolls.				
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?		X		

Exhibit 5: Mitigated Negative Declaration

A potential land slide was identified in the Draft Geotechnical Report prepared for the project area.				
Mitigation Measure VI -2 The slide area will be mitigated by constructing improvements as recommended by the report.				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
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?				X
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
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?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
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 for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		

Exhibit 5: Mitigated Negative Declaration

No violations of water quality standards or waste discharge requirements are anticipated. Storm water requirements will be incorporated into the project design.

While the proposed project will not result in any fill in Galindo Creek, any "threat" to water quality could conceivably be regulated pursuant to the Porter-Cologne Water Quality Control Act, Water Code § 13260. Since the work area will be above the creek channel, setback 25 feet from the top-of-banks, there is potential for dislodged graded material to fall into the creek channel. As such, care will be required when constructing the proposed project to be sure that adequate construction Best Management Practices (BMPs) are incorporated into the project implementation plans. *Until and unless adequate erosion control measures are implemented, impacts to water quality from the proposed project are regarded as potentially significant. These impacts can be reduced to a level considered less than significant.*

Mitigation Measure VIII -1

The proposed project includes development of extensive plans for erosion control that would ensure that all affects of the project remain above the Galindo Creek channel. Measures such as installation of silt fencing, hay or gravel wattles, and hay bale barriers backed by chain link fencing under the supervision of the project engineer will insure that accidental fill or excavated material enters the creek channel. Accordingly, after implementation of an erosion control BMP plan, the proposed project should not represent a threat to water quality in Galindo Creek. Development and implementation of an erosion control BMPs plan would reduce potentially significant impacts to the water quality within Galindo Creek to a level regarded as *less than significant pursuant to the CEQA.*

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?		X		

Because the project is going to be constructed with a 25-foot setback from the top-of-bank of Galindo Creek, and because the span bridge will be constructed by attaching it to the existing box culvert structure, there will be no impacts to the bed, bank, or channel of Galindo Creek. Regardless, CDFG may wish to regulate the proposed project and should be consulted for further guidance. Until CDFG is consulted and otherwise determines that impacts to the bed, bank, and channel of Galindo Creek are regarded as significant CDFG may require that an application be filed prior to determining if it will formally regulate the project pursuant to Section 1602 of the Fish and Game Code.

Mitigation Measure VIII -2

CDFG shall be contacted to determine if it wishes to regulate the proposed project pursuant to Section 1602 of the Fish and Game Code. If CDFG requires a streambed alteration agreement pursuant to Section 1602 of the Fish and Game Code, one shall be acquired by the City of Concord prior to commencing with the proposed project. Any required mitigation shall become a condition of project approval.

e) 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?				X
f) Otherwise substantially degrade water quality?				X

Exhibit 5: Mitigated Negative Declaration

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structure to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
IX. LAND USE AND PLANNING -- <i>Would the project:</i>				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
X. MINERAL RESOURCES -- <i>Would the project:</i>				
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?				X
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?				X
XI. NOISE – <i>Would the project:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		

Exhibit 5: Mitigated Negative Declaration

The project construction would temporarily increase noise levels in the project vicinity.				
Mitigation Measure XI -1				
To mitigate for impacts to local residents, the project specifications will require that all work be performed Monday through Friday between the hours of 8 am and 5 pm, when most residents are at work or school.				
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 expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial 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)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIII. PUBLIC SERVICES -- Would the project:				
a) Would the project 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:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X
XIV. RECREATION -- Would the project:				
a) Would the project 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?			X	

Exhibit 5: Mitigated Negative Declaration

The project is anticipated to increase use and access to a wide array of regional trails, community parks and open space throughout central Contra Costa County. No substantial physical deterioration to any particular facility is anticipated due to this project.				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
XV. TRANSPORTATION/TRAFFIC -- <i>Would the project:</i>				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XVI. UTILITIES AND SERVICES SYSTEMS -- <i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or				X

Exhibit 5: Mitigated Negative Declaration

may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to 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, 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?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Exhibit 5: Mitigated Negative Declaration

ATTACHMENTS:

- 1. Project Site Location Map**
- 2. Project Construction Drawing**
- 3. Biological Resource Analysis - Administrative Draft -
Galindo Creek Trail Project, by Monk & Associates, Inc.
December 1, 2004.**

CLERK'S CERTIFICATION OF POSTING

CONTRA COSTA COUNTY
POST OFFICE BOX 350
Martinez, California 94553

I certify that I am an employee of the County of Contra Costa and that a true copy of the

foregoing Notice for project -

Galindo Creek Trail Gap Closure Project
(PN 283)

was posted for review at:

County Clerk's Office

822 Main Street

Martinez, California 94553

This Notice was posted for a minimum of 35 days commencing on

April 28th 2005

Dated: _____

By: _____

Deputy County Clerk

Exhibit 5: Mitigated Negative Declaration

Mitigation Monitoring and Reporting Program
Galindo Creek Trail Gap Closure and Slope Stabilization Project

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Monitoring Compliance (Name/Date)
<p><i>Aesthetics</i></p> <p>Mitigation Measure I-1: The removal of heritage and native oaks greater than 12 inches DBH include replacement of native trees species at a minimum 3:1 ratio.</p> <p>If any heritage tree is impacted, a plan shall be developed and shall include a replacement ratio for trees removed, a California native tree and shrubs planting pallet, and a planting detail that specifies where all replacement trees would be planted in the project area. The methods used to plant trees shall also be specified. All planted trees would be provided with a temporary irrigation system that would be maintained over a minimum three-year establishment period. At the end of a suitable establishment period, the irrigation system would be removed.</p> <p>The replacement trees' health shall be monitored annually for five years by a qualified biologist or arborist and annual monitoring reports shall be submitted to the City of Concord. At the end of a five-year monitoring period, at least 80 percent of planted trees shall be in good health. If the numbers of planted trees falls below an 80 percent survival rate, additional trees shall be planted to bring the total number up to 100 percent of the original trees planted. Irrigation and follow-up monitoring shall be established over an additional three-year period after any replanting occurs. Any follow-up monitoring will be reported annually to the City of Concord.</p>	<p>City of Concord to hire consultant to develop a planting plan and pallet incorporating mitigation measure into the plan.</p> <p>Replacement trees will be maintained by Parks and Recreation Services.</p>	<p>Engineering Services to perform plan check.</p> <p>Construction site to be inspected by City of Concord inspector assigned to project.</p> <p>Trees to be maintained by Parks and Recreation Services.</p>	<p>Incorporated into plans and specifications.</p> <p>Prior to acceptance of project. Per Heritage Tree Ordinance replacement trees must be planted within a year after removal.</p> <p>During construction the site shall be monitored by Engineering Services.</p>	

Exhibit 5: Mitigated Negative Declaration

Mitigation Monitoring and Reporting Program
Galindo Creek Trail Gap Closure and Slope Stabilization Project

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Monitoring Compliance (Name/Date)
<p><i>Biological Resource</i></p> <p>Mitigation Measure IV-1: In order to avoid impacts to nesting birds, a nesting survey should be conducted 30 days prior to commencing with construction work if this work would commence between March 15th and August 31st. If nesting raptors (that is, birds of prey) are identified during this survey, the dripline of the nest tree must be fenced with orange construction fencing, and a 500-foot radius around the nest tree must be staked with bright orange spray painted lath or other suitable staking if possible. The buffer may be modified to a smaller buffer to account for the nesting raptors acclimation to human disturbance as evaluated by a qualified raptor biologist. In this case, the qualified biologist would prepare a written recommendation for the City of Concord and would also monitor the nesting activity for sufficient duration to verify that project activities are not negatively affecting the nesting attempt. No construction or earth-moving activity shall occur within the designated buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st.</p> <p>Raptor nesting surveys should include all trees within 300 feet of the proposed construction corridor, not just trees slated for removal. If common (that is, not special-status) passerine birds (this is, perching birds such as American robins, scrub jays, and northern mockingbird) are</p>	<p>City of Concord will schedule construction to avoid nesting and fledging seasons of both raptor and passerine species.</p>	<p>City of Concord Engineering staff will monitor the construction schedule.</p>	<p>During construction the site shall be monitored by Engineering Services.</p>	

Exhibit 5: Mitigated Negative Declaration

Mitigation Monitoring and Reporting Program
Galindo Creek Trail Gap Closure and Slope Stabilization Project

<p>identified nesting in the trees proposed for removal, tree removal shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the project corridor. Typically, most passerine birds can be expected to complete nesting by July 1st, with young attaining sufficient flight skills by the middle of July. This mitigation measure would ensure that there are no violations of the Migratory Bird Treaty Act and Fish and Game Codes which protect nesting birds. As such, implementation of the above mitigation measures would reduce impacts to nesting birds to a level considered <i>less than significant</i>.</p> <p>Mitigation Measure IV-2: The project will keep a distance of 25-feet from the creek bank (except at the creek crossing) to minimize impacts to potential red-legged frog habitat.</p>	<p>City of Concord will incorporate into project plans and specifications.</p>	<p>Engineering Services/Project Manager</p>	<p>During construction the site shall be monitored by Engineering Services.</p>	
<p><i>Cultural Resources</i></p> <p>Mitigation Measure V-1: In accordance with CEQA subsection 15064.5 (f), should any previous unknown historic or prehistoric resource be discovered, earthwork within 100 feet of these materials shall be stopped until a professional archeologist certified by the Registry of Professional Archeologists (RPA) can evaluate the significance of the find and suggest appropriate mitigation measures.</p>	<p>City of Concord will incorporate into project plans and specifications.</p>	<p>Engineering Services/Project Manager Construction Supervisor</p>	<p>During construction the site shall be monitored by Engineering Services.</p>	
<p><i>Geology and Soils</i></p> <p>Mitigation Measure VI-1: The slide area will be mitigated by constructing improvements as recommended by the report.</p>	<p>City of Concord will incorporate into project plans and specifications.</p>	<p>Engineering Services/Project Manager</p>	<p>During construction the site shall be monitored by Engineering Services.</p>	

Exhibit 5: Mitigated Negative Declaration

Mitigation Monitoring and Reporting Program
Galindo Creek Trail Gap Closure and Slope Stabilization Project

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Monitoring Compliance (Name/Date)
<p><i>Noise</i></p> <p>Mitigation Measure XI-1: To mitigate for impacts to local residents, the project specifications will require that all work be performed Monday through Friday between the hours of 8 am and 5 pm, when most residents are at work or school.</p>	<p>City of Concord to incorporate into project plans and specifications.</p>	<p>Engineering Services/Project Manger/Construction Inspector</p>	<p>During construction the site shall be monitored by Engineering Services.</p>	