

COASTAL CONSERVANCY

Staff Recommendation  
October 3, 2013

**BAY AREA RIDGE TRAIL: VARGAS PLATEAU CONSTRUCTION**

File No.: 13-018-01  
Project Manager: Brenda Buxton

**RECOMMENDED ACTION:** Authorization to disburse up to \$200,000 to the East Bay Regional Park District to construct a staging area for the Vargas Plateau section of the Bay Area Ridge Trail in the City of Fremont, Alameda County.

**LOCATION:** 2554 Morrison Canyon Road, Fremont, Alameda County

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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**EXHIBITS**

- Exhibit 1: [Project Location and Site Map](#)
  - Exhibit 2: [Site Photos](#)
  - Exhibit 3: [Ridge Trail Alignment](#)
  - Exhibit 4: [Project Letters](#)
  - Exhibit 5: [Mitigated Negative Declaration and Mitigation Monitoring Program](#)
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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to two hundred thousand dollars (\$200,000) to the East Bay Regional Park District (“the District”) to construct the Morrison Canyon Staging Unit for the Vargas Plateau section of the Bay Area Ridge Trail in Alameda County subject to the following conditions:

1. Prior to the disbursement of funds the District shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. A work program, including project schedule and budget, and the names of any contractors and/or subcontractors to be employed on the project;
  - b. Evidence that all permits and approvals necessary to implement the project have been obtained; and

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- c. A signing plan for the project.
2. The District shall provide evidence to the Conservancy that it has implemented the Mitigation Monitoring and Reporting Program, attached to the accompanying staff recommendation as Exhibit 5.
3. The District shall provide evidence to the Conservancy that it has implemented the measures identified by it to address the project's potential greenhouse gas impacts, more specifically identified in the "Consistency with CEQA" section of the accompanying staff recommendation."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the purposes and objectives of the San Francisco Bay Area Conservancy Program.
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration adopted by the District on April 1, 2008, attached to the accompanying staff recommendation as Exhibit 5. The Conservancy finds that the project, as mitigated, avoids, reduces or mitigates potential significant environmental effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382."

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**PROJECT SUMMARY:**

Conservancy staff recommends authorization of a grant of \$200,000 to the East Bay Regional Park District ("the District") to construct a staging area at the Morrison Canyon Staging Unit of Vargas Plateau Regional Park in the City of Fremont (see Exhibit 1 for location and site map). The District proposes to construct an entrance from Morrison Canyon Road, a 25-car gravel parking lot, and a wheelchair-accessible path connecting the parking area with the Ridge Trail (an existing fire road), and to install a restroom, picnic benches, cattle fencing and other site amenities.

The proposed project will open the District's Vargas Plateau Regional Park and almost 1.5 miles of the Bay Area Ridge Trail for public use. Although there are existing ranching and fire roads on the property, there currently is no public entrance to the park. This property was purchased by the District nearly twenty years ago but has not been opened to the public due to lack of funding. By constructing a staging area, walkers, hikers and bicyclists will be able to enjoy this 1.5 mile segment of the Bay Area Ridge Trail and three miles of other park trails. In addition, the park provides scenic views of open grasslands, oak savannas, and wooded creek ravines in the largely undeveloped setting of the Fremont Hills (part of the Diablo Range) (see Exhibit 2 for site photos).

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When fully developed trails within Vargas Plateau Regional Park will provide connections to several other regional trails in addition to the Ridge Trail. While there are several existing or proposed regional trail systems running north to south in Alameda County, such as the Bay Trail along the Bay shoreline and the Pleasanton Ridge and Calaveras Ridge Trails along the ridge tops of eastern Alameda County, there are few east-west connections between these trails. The likely east-west connection, Niles Canyon (the Alameda Creek corridor), is constrained by steep canyon walls, heavily-trafficked State Highway 84, active railroad rights-of-way and sensitive creek resources. Vargas Plateau Regional Park provides a “top of canyon” alternative that, as proposed, would extend from the Vargas Plateau east to Sunol Valley and take trail users out of Niles Canyon. This alternative would connect the trail systems of western and eastern Alameda County with the Ridge Trail on the open hilltops of eastern San Francisco Bay (see Exhibit 3 for Ridge Trail alignment and connecting trails). In addition, the District is evaluating a possible regional trail alignment along the decommissioned Sunol Aqueduct which is located between the proposed park and Alameda Creek. This potential alignment is now owned and managed by the San Francisco Public Utilities Commission. The District envisions that it would be a multi-use recreational trail, accessible to people with disabilities, that would connect with Vargas Plateau Regional Park and other regional trails.

**Site Description:** Vargas Plateau Regional Park is located in the Fremont hills, in southeastern San Francisco Bay, and is part of the Alameda Creek watershed. Much of the upper ridge lands in this watershed are undeveloped and provide open space and wildlife habitat. The Vargas Plateau stands out as a prominent and isolated landform among these hills, bound on the north by Niles Canyon (Alameda Creek) and the south by Mission Pass and I-680. The park occupies 1,030 acres in the northwest corner of this plateau. Until the property was acquired by the District, it was used for farming and ranching for approximately 150 years, and existing ranch-related structures, infrastructure and landscaping, including a residence, barn, ranch roads and spring boxes, livestock ponds, corrals, water troughs and eucalyptus windrow, attest to this former land use. Most of the park’s vegetation is grasslands, which provides habitat for numerous bird species. The park also features Northern coastal scrub and coast live oak/ Bay Laurel woodland community in the creek drainages. The park is still grazed and several of the constructed spring-fed livestock ponds contain a variety of amphibians including the federally-listed (threatened) California tiger salamander and California red-legged frog.

**Project History:** The vision for the Bay Area Ridge Trail is a 500-mile multi-use (serving hikers, mountain bicyclists and equestrians), continuous trail that rings San Francisco Bay high on the ridgeline. Under the leadership of the Conservancy and the Bay Area Ridge Trail Council (BARTC), and supported by a diverse group of project participants, the Ridge Trail creates an interconnected system of open space and trails that provides recreational opportunities and scenic views to the public. Begun almost 20 years ago, over 300 miles of trail are now dedicated and/or open to the public in all nine Bay Area counties. This authorization will further the Conservancy's statutory and strategic goal of improving access around San Francisco Bay and is consistent with previous Conservancy authorizations to negotiate and acquire trail easements, prepare trail construction plans and designs, and construct and open trail segments to the public. In addition, this project will implement recommendations made in the 2004 Vargas Plateau to Garin/Dry Creek Pioneer Trail Feasibility Study, funded by the Conservancy through the BARTC.

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**PROJECT FINANCING:**

Coastal Conservancy	\$200,000
East Bay Regional Park District	<u>182,084</u>
<b>Total Project Cost</b>	<b>\$382,084</b>

The expected source of Conservancy funds for this project is the FY 2012/13 appropriation to the Conservancy from the California Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop. 84). These funds may be used for the development of land resources in accordance with the provisions of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code. The proposed project serves to assist in the development of land-based public access and, as discussed in the section found immediately below, the project is consistent with Chapter 4.5 of Division 21. Proposition 84 requires the Conservancy to give priority to grant projects with matching funds (Public Resources Code Sections 5096.651 and 75071). The project is supported by a commitment by the District to provide approximately half of the cost of staging area development in addition to the funds the District has contributed towards planning for the Ridge Trail in the area, the Park Land Use Plan and environmental documentation.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

Pursuant to Section 31162(a) of the Public Resources Code, the Conservancy may award grants in the nine-county San Francisco Bay Area that will help to improve public access to, within, and around the ridgetops, consistent with the rights of private property owners, and without having a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife. Consistent with Section 31162(a), the proposed project will improve public access around the ridge tops by contributing towards the completion of a regional ridge trail system.

Consistent with Section 31163(a), the Conservancy cooperates with nonprofit land trusts and other organizations in identifying and adopting long-term resource and outdoor recreational goals for the San Francisco Bay Area. Completion of the Ridge Trail is identified in (1) *The San Francisco Bay Area Conservancy Program Regional Needs Briefing Book (Bay Area Ridge Trail Council, July 1999)* and (2) *400 Miles and Beyond: A Strategic Plan for Completing the Bay Area Ridge Trail (BARTC, Draft 2006)*.

Consistent with Section 31163(c), the proposed project is a priority because it: (1) is supported by adopted local or regional plans, including the District’s adopted “Vargas Plateau Regional Park Land Use Plan” and the Ridge Trail alignment that has been adopted by the BARTC; (2) is part of the regional park and the Ridge Trail which serves a regional constituency; (3) can be implemented in a timely way; (4) provides an opportunity for benefits that could be lost if the District is unable to construct the trail improvements; and (5) includes significant matching contributions from the District.

**CONSISTENCY WITH CONSERVANCY’S 2013 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 12, Objective G** of the Conservancy’s 2013 Strategic Plan, the proposed project will open 1.5 miles of the regional Bay Area Ridge Trail. Consistent with Goal 12,

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Objective B the proposed project will provide recreational facilities such as picnic and staging areas. Consistent with Goal 12, Objective L the proposed project contains ADA-compliant elements including wheelchair accessible parking, restroom and a short path connecting to the Ridge Trail.

### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on November 10, 2011 in the following respects:

#### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by the Bay Area Ridge Trail Council (see letters of support in Exhibit 4).
4. **Location:** The project is located in Alameda County on the Vargas Plateau in the Fremont Hills, which is entirely within the jurisdiction of the San Francisco Bay Area Conservancy.
5. **Need:** The project is a necessary component of developing the Ridge Trail in Alameda County. The findings of the Vargas Plateau to Garin/Dry Creek Pioneer Trail Feasibility Study identify Vargas Plateau Regional Park as the key connection for the Ridge Trail in the Fremont Hills area. Although this is a high priority project, the District does not have sufficient funding to complete the development of the staging area without additional funds Conservancy funds.
6. **Greater-than-local interest:** The Ridge Trail is a major regional attraction. When completed, it will offer spectacular views of the entire Bay Area, and will link with many other parklands and preserves. Completion of the Ridge Trail is one of the goals identified in the Bay Area Open Space Council's *The San Francisco Bay Area Conservancy Program Regional Needs Briefing Book (July 1999)*. Vargas Plateau Regional Park will provide a scenic outdoor experience and spectacular views for visitors from all over the Bay Area.
7. **Sea level rise vulnerability:** At nearly 1,000 feet above sea level, the improvements constructed as part of this project are not vulnerable to future sea level rise.

#### **Additional Criteria**

9. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** The District has finalized plans and environmental review for the project, dedicated necessary staff for implementation, identified matching funds, and is ready to move forward with construction starting in early 2014.

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13. **Realization of prior Conservancy goals:** Completion of the Ridge Trail is one of the goals identified in the Bay Area Open Space Council's *The San Francisco Bay Area Conservancy Program Regional Needs Briefing Book (July 1999)*. In addition, the proposed project is consistent with the BARTC's adopted alignment and the report entitled *400 Miles and Beyond: A Strategic Plan for Completing the Bay Area Ridge Trail (Draft 2006)*. For additional information see "Project History" above.
14. **Return to Conservancy:** See the "Project Financing" section above.
17. **Vulnerability from climate change impacts other than sea level rise:** Possible impacts from climate change include increased frequency of wildfires. The project includes the installation of a 5,000 gallon water tank for firefighting. To protect its infrastructure, the District has a fire management plan which incorporates fuel management (e.g. grazing, tree clearing), landscape management (e.g. fire breaks), use of its own wildfire-trained fire department, and a helicopter for aerial firefighting. In addition, The City of Fremont fire department and the Cal Fire personnel stationed in nearby Sunol would also respond to wildfires. The District plans for Vargas Plateau are for relatively simple improvements that can be replaced or repaired in the event of fire.
17. **Minimization of greenhouse gas emissions:** See discussion of the District's Best Management Practices in "Compliance with CEQA" below.

**COMPLIANCE WITH CEQA:**

Pursuant to the California Environmental Quality Act (CEQA), the District, as lead agency, prepared, circulated and on April 1, 2008, adopted the Initial Study and Mitigated Negative Declaration (MND) for the project, including a Mitigation Monitoring Program (MMP) (see Exhibit 5: Vargas Plateau Regional Park Land Use Plan Mitigated Negative Declaration, Comments and Responses for Mitigated Negative Declaration, Mitigation Monitoring Program, and District Resolution). On April 2, 2008, the District filed a Notice of Determination with the County Clerk of Alameda County.

The Vargas Plateau Regional Park Land Use Plan Mitigated Negative Declaration addresses the potential impacts of proposed park development projects, such as trails and staging and camping areas, and resource management actions, including grazing and prescribed burns, at the Vargas Plateau Regional Park. With respect to the part of the project that the Conservancy, as a responsible agency, would fund, which is the construction of the first phase of the Morrison Canyon Staging Unit, the MND identified potential impacts in the areas of aesthetics, air quality, biological resources, hazards and hazardous materials, cultural resources, hydrology and water quality, geology/soils, noise, public services, utilities, and transportation/traffic. Mitigation measures were adopted to assure that these potential impacts are avoided or reduced to *less-than-significant levels*, as summarized below:

**Aesthetics:** Construction of trails and other recreational park infrastructure would introduce new visual elements into the park. However, the improvements will cover a small area of the park and be consolidated within staging areas, would not be perceptible from flatland areas of Fremont, and would fit in with the area's natural setting. Since these improvements would be small in scale and not detract from the natural, open space, or visual qualities of the area

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these impacts were determined to be *less than significant*.

**Air Quality:** Air quality impacts from the construction of the proposed trail and access facilities would not expose sensitive receptors or large numbers of people to substantial pollution or odors. In addition, the small amount of dust created by construction will be temporary and localized. Construction air quality impacts are therefore considered *less than significant*. Impacts from increased project-generated traffic are considered *less than significant* because the proposed project (at full build-out ) could generate an estimated maximum of 226 new vehicle trips on peak days, well below the Bay Area Air Quality Management District standard of 2,000 vehicle trips per day for producing air quality problems as a result of vehicular emissions.

**Biological Resources:** The proposed park recreational development has the potential to adversely affect special status species, riparian and other sensitive natural communities, and wetlands. To mitigate potential impacts to terrestrial species to a *less-than-significant* level, the MND requires minimizing ground-clearing for construction, conducting special-status species surveys by a qualified biologist prior to the acceptance of the final trail alignments, scheduling construction to avoid nesting season, restricting public access if special-status species are nesting or breeding, inspecting trees prior to removal for presence of legally protected bird species, and limiting trail construction in Alameda whipsnake habitat to August and September. To mitigate the potential impacts to aquatic species to a *less-than-significant* level, the MND requires extending the protective fencing around the wetland area adjacent to the Morrison Canyon Staging Unit, enacting seasonal closure zones, as appropriate, to restrict park activity around breeding or migrating amphibians, limiting construction to the dry season (Aug. to Oct.), and implementing best management practices during construction for controlling erosion.

**Cultural Resources:** To the extent feasible, the District would preserve existing structures located on the parkland by protecting them from disturbance or continuing to use them for operational and/or interpretive purposes. The wooden barn, corral, and historical landscaping within the Morrison Canyon Staging Unit are designated a Special Protection Feature in the Land Use Plan. The historical significance of the Vargas Barn, located within the Morrison Canyon Staging Unit, has been previously evaluated and was determined to be potentially eligible for listing on the national and state registers. To avoid potential adverse impacts to the historical significance of the barn and its associated features, the District would use sensitive site planning – the project would keep intact the site’s character-defining features, continue to use the barn for ranching activities and would only introduce elements that area compatible with the site’s historic building fabric. The MND determined that construction of the first phase of the Morrison Canyon Staging Unit would have a *less-than-significant* impact on the site’s historical significance. These structures will be continued to be used for ranching activities in order to maintain the integrity of the barn and keep its immediate surroundings intact.

**Geology and Soils:** Several potentially significant impacts have been identified in the MND related to geology and soils. The Vargas Plateau Regional Park is located in a seismically active area. However, since the construction of a trail staging area does not increase exposure of visitors to geologic or related hazards over those currently existing conditions, public exposure to seismic hazards would be *less-than-significant*. Earth-moving activities related to constructing the new parking lot and associated structures have the potential to result in

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erosion and loss of topsoil. Incorporation of best management practices and mitigation measures will ensure that potential construction impacts will be avoided or reduced to a *less-than-significant* level. These measures include restricting installation of drainage crossings and trail crossings near wetlands to the dry season and carefully (or sensitively) locating staging areas to flat areas in order to avoid construction on steep or unstable areas.

**Hazards and Hazardous Materials:** Project implementation could expose people to wildfire risks since Vargas Plateau Regional Park is designated a Critical Fire Area by the Fremont Fire Department. To reduce this risk to a *less-than-significant* level, the District monitors weather and fire conditions and can temporarily prohibit barbecues and open fires or close the park entirely to public use when weather conditions warrant. In addition, the District's existing cattle grazing program and the ability to periodically conduct prescribed burns will reduce the volume of fuel which in turn reduces the likelihood and the intensity of wildfire.

**Hydrology and Water Quality:** Construction of the Morrison Canyon Staging Unit could potentially adversely affect ground and surface water through the development of water supplies, construction activities and by increasing impervious surfaces. However, development of potable water for park visitors would have a *less-than-significant* impact on groundwater supplies and recharge due to the relatively small amount of water needed. To minimize construction impacts to water quality to *less-than-significant* levels, the District will use best management practices which include constructing during the dry season, hydro-seeding exposed areas, using straw and erosion control fabric, and providing for vegetated buffer between park facilities and wetlands. The amount of impervious surfaces created with maximum build out of all parking areas, the Morrison Canyon Staging Unit and the Upper Ranch Staging Unit (not proposed with this authorization), would be small, less than one acre in total, and be surrounded by pervious buffers and would result in a *less-than-significant* impact.

**Noise:** Construction generated noise would be temporary and short-term, and ambient noise would not reach unacceptable levels at schools or residential areas resulting in a *less-than-significant* impact. The increase in noise from human voices and vehicles along roadways would not permanently increase the ambient noise level and would have a *less-than-significant* impact.

**Public Services:** Opening Vargas Plateau Regional Park to the public could generate a slight increase in demand for police and fire protection services. To reduce the demand on City of Fremont public safety services to a *less-than-significant* level, the District has budgeted an increase to its public safety staff to enhance its ability to maintain public safety at the new park. The proposed project would not generate a need for substantial public services beyond those presently available or planned.

**Transportation:** In order to reduce potential traffic impacts to Vargas and Upper Morrison Canyon roads to a *less-than-significant* level, the District will implement park improvements in phases. The initial Phase I park development at the Morrison Canyon Staging Unit proposed in this authorization would be for up to 25 parking spaces for passenger vehicles (and no accommodations for horse trailers) to minimize project-generated traffic. Proposed Phase I development could generate up to a maximum of 33 daily vehicle trips on a peak weekday and 57 total daily vehicle trips on a peak weekend day, well below the 100-trip



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threshold set by the County Congestion Management Agency that requires preparation of a traffic impact study and possible mitigation. In addition, according to the City of Fremont's standards, a project that generates less than 100 new p.m. peak hour trips would be considered to have a *less-than-significant* impact on the City's roadways. Since Phase 1 development would not generate a significant volume of traffic on Vargas or Upper Morrison Canyon roads, the probability of traffic delays or accidents on these roads will remain low. Therefore, the limited Phase I development proposal will not significantly increase traffic volume or safety hazards nor alter emergency vehicle access response times or conditions on Vargas Road or Morrison Canyon Road and no traffic or roadway safety mitigation is necessary for Phase I development. Project traffic would therefore result in a *less-than-significant* impact.

On May 1, 2008, neighboring residents challenged the District's adoption of the MND, filing a lawsuit. On May 13, 2012, the parties settled the matter and the District agreed that for the first phase of development the staging area, it would provide parking for only up to 25 cars and would make roadway improvements such as installing traffic signs, removing trees to increase visibility, and constructing a turn around. The District also agreed not to construct the remaining improvements called for in Phase II of the project, until more extensive roadway improvements were constructed in conjunction with the City of Fremont.

### Global Climate Change

Since the completion of the MND in 2007, CEQA was amended, requiring analysis of a project's potential to generate greenhouse gases (GHGs) (which contribute to climate change). See 14 California Code of Regulations Section 15064.4.

In April 2013, the District completed an additional analysis of GHGs. It found that implementation of components of the proposed project during construction would generate GHG emissions. GHG emissions generated by project construction would predominately be in the form of carbon dioxide (CO<sub>2</sub>) from exhaust associated with construction equipment and motor vehicle operation by construction workers. However, project construction would be temporary in nature and would not generate substantial GHG emissions over prolonged periods.

The Bay Area Air Quality Management District has not adopted a threshold of significance for construction-related GHG emissions, but recommends that project proponents implement basic construction management practices to control emissions and dust. The District shall incorporate a variety of design features and best management practices to minimize potential project emissions. The District shall incorporate the following project design features to minimize use of materials in order to reduce levels of construction-related GHG emissions:

- Minimize paving;
- Use a gravel base for the parking lot to reduce the amount of asphalt surfacing and associated heavy equipment use; and
- Balance the earthwork so no soil will be imported or exported, limiting construction activities to the site only.

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The following BMPs will be incorporated into the project as standard requirements of the District's construction contracts:

- All construction equipment will be required to be properly tuned and maintained; and
- Idling times will be minimized to five minutes or less by shutting off equipment when not in use.

The District will employ the following BMPs for managing dust:

- Water all exposed surfaces and unpaved access roads;
- Excavate during calm air periods;
- Cover or stabilize material stockpiles;
- Cover haul trucks transporting soil, sand or other loose material off-site or maintain two feet of freeboard;
- Reestablish bare soils with vegetation;
- Limit vehicle speeds on unpaved roads to 15 miles per hour; and
- Suspend grading and excavation work during high winds.

When evaluating the impact of the project on GHGs, the District also considered the carbon sequestration that will result from this parkland. The core mission of the District, to acquire and preserve open space lands and natural resources in perpetuity, has an overall beneficial impact on GHG emissions reduction because it prevents conversion of natural open space to urban uses and allows for the capture of CO<sub>2</sub> by vegetation in parklands across Alameda and Contra Costa Counties. Increased levels of CO<sub>2</sub> and other GHG's in the atmosphere contribute to climate change. Trees and plants capture CO<sub>2</sub> from the atmosphere and permanently sequester carbon. Therefore, the District's lands act as *carbon sinks* because they are net capturers of CO<sub>2</sub>.

In 2008, the District commissioned a carbon sequestration study of its (then approximately 100,000 acres of) parkland. The study concluded that the average amount of CO<sub>2</sub> sequestered annually is approximately 91,157 metric tons per year, which represents an equivalent offset of roughly 0.2 percent of the California's total GHG emissions or, in other terms, removing over 16,000 vehicles from the road annually (*East Bay Regional Park District Carbon Sequestration Evaluation*, ICF Jones & Stokes, 2008). Therefore, preserving in perpetuity more than 1,000 acres of open space at the Vargas Plateau represents a reduction roughly equivalent to removing 160 vehicles from the road annually.

In summary, based on the nature of the project, the implementation of BMPs, and the carbon sequestration potential of parkland, the District found that the project's implementation has no potential to create direct or cumulatively considerable significant environmental effects related to greenhouse gas emissions or climate change.

Staff has independently reviewed the MND the May 13, 2012 Settlement Agreement, the additional District analysis of the project's possible significant GHG impacts for the portion of the project the Conservancy will fund and recommends that the Conservancy find that there is no substantial evidence that the portion of the project funded by the Conservancy, as mitigated, will

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result in a significant adverse effect on the environment as defined in 14 Cal. Code of Regulations Section 15382. Staff will file a Notice of Determination upon approval of the project.