

## COASTAL CONSERVANCY

Staff Recommendation  
March 22, 2018

### **Point Isabel Water Access and Shoreline Restoration Project**

Project No. 17-029-01  
Project Manager: Avra Heller

**RECOMMENDED ACTION:** Authorization to disburse up to \$115,000 in BCDC mitigation funding to the East Bay Regional Park District (EBRPD) for safety and recreational water accessibility improvements at Point Isabel Regional Shoreline, City of Richmond, Contra Costa County and adoption of findings pursuant to the California Environmental Quality Act.

**LOCATION:** Point Isabel Regional Shoreline, City of Richmond, Contra Costa County

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

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#### **EXHIBITS**

- Exhibit 1: [Project Location](#)
  - Exhibit 2: [Project Photos and Design](#)
  - Exhibit 3: [BCDC Authorization](#)
  - Exhibit 4: [CEQA Documentation](#)
  - Exhibit 5: [Project Letters](#)
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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 Executive Officer to disburse \$115,000 (one hundred fifteen thousand dollars) to the East Bay Regional Park District (EBRPD) to improve recreational water access by upgrading the existing non-motorized watercraft ramp, reconstructing the existing eroding shoreline access stairs, constructing an accessible path of travel to the high tide line and constructing a graveled rigging and wash down area at Point Isabel Regional Shoreline, Contra Costa County, subject to the following conditions:

1. Prior to disbursement of any funds, the EBRPD shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. A work program, including a budget and schedule.
  - b. The names of any contractors hired to complete the project.

- c. A sign plan for acknowledging Conservancy funding.
2. Prior to initiating construction of the project, the EBRPD shall provide written evidence to the Executive Officer of the Conservancy that all funding and permits and approvals necessary under applicable local, state, and federal laws and regulations to complete the project have been obtained.
3. EBRPD shall ensure that the project access improvements are consistent with all applicable federal or state laws governing barrier-free access for persons with disabilities.

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 authorization is consistent with Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code, regarding public access improvements to and around the San Francisco Bay.
2. The proposed authorization is consistent with the current Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the *Mitigated Negative Declaration (MND) for the Point Isabel Water Access and Shoreline Restoration Project* adopted by EBRDP on December 19, 2017, attached to the accompanying staff recommendation as Exhibit 4, which identifies potential significant effects of the project on biological resources, cultural resources, and hazards and hazardous materials. The Conservancy finds that the proposed project, as modified by incorporation of the mitigation measures identified in the MND, avoids, reduces or mitigates all of the possible significant environmental effects of the project, and that the proposed project will not have a significant effect on the environment.”

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**PROJECT SUMMARY:**

Staff recommends the disbursement of up to \$115,000 (one hundred fifteen thousand dollars) to the East Bay Regional Park District (EBRPD) to improve recreational water access at Point Isabel Regional Shoreline. The proposed project, “Point Isabel Water Access and Shoreline Restoration Project”, is the culmination of expressed civic interest in improving safety and water access at Point Isabel Regional Shoreline. The project will improve water access for all Bay Area residents by upgrading the existing non-motorized watercraft ramp and creating an accessible path of travel and accessway to the high tide line that are compliant with current requirements of the federal Americans with Disabilities Act and State law governing access for persons with disabilities (collectively “ADA”). Point Isabel is a particularly popular site for the windsurfing community, due to optimal wind and water conditions. The existing boat launch area – comprised of eroded cement steps to a graveled jetty – poses a safety hazard for those trying to access the water (see photos in Exhibit 2). Additionally, the recreational community has identified the need for a designated area to rig and wash down equipment. Finally, this launch site is currently inaccessible to a many users with disabilities.

Point Isabel is a conditionally designated site on the San Francisco Bay Area Water Trail, and the project's proposed improvements are required for final designation. The tasks listed above are all part of Phase I of EBRPD's larger shoreline improvement project at Point Isabel.

To address these concerns, the project will construct a new 100-foot long ADA-compliant ramp and replace 10 feet of deteriorated concrete steps with new stairs. The existing 40-foot long jetty will be improved for user safety and shoreline stability. The existing 50-foot long emergency egress area (near the Hoffman Channel inlet) will be improved by reconfiguring the boulders so that non-motorized small boaters may exit the water safely in an emergency. A new 3,000 square foot rigging area will be created and interpretive and water trail signage installed. In addition, two existing parking spots will be improved to current ADA standards, and a 250-foot ADA-compliant access path will be constructed connecting those parking spaces to the new access ramp. Detailed design drawings are included in Exhibit 2.

Created in 1934, the EBRPD has been constructing, operating, and maintaining parks, trails and open space in the East Bay for over 80 years. To date the EBRPD has successfully completed over 25 acquisition, planning, park development and trail construction projects with Conservancy funding. EBRPD staff holds many years of combined project management, environmental restoration, planning, design, stewardship, and construction experience. Additionally, the District has a considerable number of experienced engineering staff and maintenance personnel ready to complete this project. The EBRPD is a critical partner in the San Francisco Bay Area Water Trail, with nine out of the 37 currently designated sites found within their jurisdiction. EBRPD worked with the Water Trail to design a San Francisco Bay Area Water Trail Implementation Plan specifically for the park district, which was finalized in October 2016.

**Site Description:** The project site is located in the East Bay region of the San Francisco Bay area, within the City of Richmond, in the southwestern portion of Contra Costa County, California. The project site consists of approximately 1.9 acres of parkland along the Point Isabel Regional Shoreline (Point Isabel) which is part of McLaughlin Eastshore State Park, which extends 8.5 miles along the East Bay shoreline and includes 1,854 acres of uplands and tidelands. The California Department of Parks and Recreation ("State Parks") and EBRPD jointly own the State Park, but EBRPD manages and operates the project site. The location is frequented by hikers, bikers, wind surfers, kayakers, dog owners, and visitors to the San Francisco Bay Trail, which runs adjacent to the project site. Photos of the project site are provided in Exhibit 2.

**Project History:** The Conservancy has been extensively involved in habitat restoration and public access, including the San Francisco Bay Water Trail, along this section of East Bay shoreline for many years. The Conservancy, with EBRPD State Parks, funded the General Plan which created Eastshore State Park in 2002, representing a culmination of over 20 years of regional activism to create a unified public space along the East Bay shoreline, and prevent further development and fill. The Conservancy has also provided numerous grants to support the adjacent cities' efforts to improve trails, provide interpretive information, and create habitat. The Conservancy is one of four lead agencies for the San Francisco Bay Area Water Trail, and provides direct staffing for the program, as well as funding which supports administration of the Water Trail program by the Association of Bay Area Governments (ABAG), including its grant management (see project financing below). Point Isabel was conditionally designated (with

designation final upon completion of the planned improvements) as part of the San Francisco Bay Water Trail at the program’s September 16, 2016 Implementation Meeting.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$115,000</b>
ABAG Water Trail Grant (SCC-funded)	\$185,000
East Bay Regional Park District Measure WW	\$300,000
California Wildlife Conservation Board	\$200,000
<b>Project Total</b>	<b>\$800,000</b>

The Conservancy’s contribution of \$115,000 for the proposed project is derived from funds provided by the California Department of Transportation (Caltrans) in fulfillment of mitigation conditions under two San Francisco Bay Conservation and Development Commission (BCDC) development permits. These permits - BCDC Permit Nos. 1993.011 (also referred to as Permit No. 11-93) and 1992.008 (also referred to as Permit No. 8-92) - were issued for Caltrans roadway projects along Interstate I-80. Special conditions imposed by those permits required that the mitigation payment be placed in a mitigation fund that is currently managed and used by the Conservancy under agreement with BCDC. The permit conditions also require that the money be used for trail and habitat enhancements along the East Bay Shoreline from the Bay Bridge to the Marina Bay Trail in Richmond. A letter dated May 19, 2017 from BCDC (Exhibit 3) specifically authorizes the Conservancy to use these funds for the proposed improvements to the Point Isabel Regional Shoreline.

ABAG, through its Water Trail grants program, which is funded by the Conservancy under a prior authorization, provided \$185,000 to EBRPD in October 2016, to support the planning and permitting of the proposed project.

EBRPD also received a \$200,000 grant from the California Wildlife Conservation Board and is providing the remaining \$300,000 for this project with voter-approved Measure WW funding.

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

The proposed project is consistent with Chapter 4.5 of Division 21, Sections 31160-31165 of the PRC regarding the San Francisco Bay Area Conservancy Program. The project is located in Contra Costa County, one of the nine San Francisco Bay Area counties as required by Section 31162.

Under Section 31162(a), the Conservancy may award grants that will “improve public access to, within, and around the bay, coast, ridgetops, and urban open spaces, . . . through completion . . . of regional bay, coast, water, and ridge trail systems . . . which are part of a regional trail system and are consistent with locally and regionally adopted master plans and general plans.” The proposed improved water access at Point Isabel is a condition to the full designation of the site as part of the San Francisco Bay Area Water Trail, and will create fully compatible ADA access for a variety of non-motorized watercraft users as recommended by the San Francisco Bay

Conservation and Development Commission's *San Francisco Bay Plan* (as amended 2002), the *Eastshore State Park General Plan* (2002), the San Francisco Bay Area Water Trail's *Accessibility Plan* (2015), and the *San Francisco Bay Area Water Trail Implementation Plan for the East Bay Regional Park District* (2016). Improvement of existing water access at this location will not adversely impact environmentally sensitive areas or wildlife.

Under §31162(d), the Conservancy may "promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes." This San Francisco Bay Area Water Trail improvement will make a natural area, the San Francisco Bay, broadly accessible to the nearby urban population, consistent with section 31162(d).

The proposed project also satisfies each of the five criteria for determining project priority under Section 31163(c) in the following respects: (1) the project is supported by relevant adopted local or regional plans as discussed above; (2) the project serves a regional constituency because it enhances the San Francisco Bay Area Water Trail, which serve the residents of the greater Bay Area and numerous visitors to this locale, as discussed above; (3) the project will be implemented in a timely manner; (4) the project provides the opportunity for EBRPD to effectively leverage local funds to complete adjacent improvements which may be lost if the project is not quickly implemented; (5) matching funds from EBRPD and other entities has been committed.

#### **CONSISTENCY WITH CONSERVANCY'S 2018 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 13, Objective B**, the project will provide new recreational facilities including ADA-compliant parking and improved non-motorized watercraft launch and rigging area.

Consistent with **Goal 13, Objective K**, the project enhances a designated launch site for the San Francisco Bay Water Trail.

Consistent with **Goal 13, Objective L**, the project expands opportunities for barrier free access to a natural area, the open water of the San Francisco Bay, by providing ADA-compliant parking, path of travel, and ramp to the high-tide line.

#### **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 October 2, 2014, 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. **Promotion and implementation of state plans and policies:** The proposed project implements or promotes the following state plans or policies:
  - a. *San Francisco Bay Area Water Trail Act* (enacted in 2005 by the California Legislature and signed into law by the Governor) which established the Water Trail and specifically mandated that the Conservancy coordinate and implement the completion of and improvements to the Water Trail
  - b. *CA Climate Adaptation Strategy/Safeguarding California: Reducing Climate Risk Plan* (California Natural Resources Agency, July 2014) which includes policies relating to the State ensuring public access to coastal areas and providing recreational resources. The site is frequented by a variety of water-oriented users. The project will improve the safety of this location and will serve as a place for the community to enjoy healthful recreation and access to the bay.
  - c. *California at 50 Million: The Environmental Goals and Policy Report Plan* (Governor's Office of Planning and Research, November 2015) specifies that agencies shall "incorporate climate change into all planning and investment." The project incorporates sea level rise and climate change into the design of the improvements. See "sea level rise vulnerability" section below.
4. **Support of the public:** This project has received broad public support, including support from District 9 State Senator Nancy Skinner, 15th Assembly District Assemblymember Tony Thurmond, Contra Costa County Supervisor John Gioia, and the San Francisco Bay Area Water Trail program. See "Project Letters," Exhibit 5.
5. **Location:** The project is located in Contra Costa County, which is one of the nine Bay Area counties served by the San Francisco Bay Area Conservancy Program. See Exhibit 1.
6. **Need:** The Conservancy's funding provides the final piece of the budget and allows the project to move forward.
7. **Greater-than-local interest:** Point Isabel is a heavily used destination for a multitude of Bay Area residents: dog walkers, windsurfers, kayakers, bicyclists, and hikers utilizing the San Francisco Bay Trail. Because Point Isabel is a regional park, improvements to the site will serve the community at large, particularly users who reside in Alameda and Contra Costa Counties. Point Isabel is a popular site of the windsurfing community, known to be one of the best locations on the Bay for the sport, primarily due to optimal wind and water conditions. Improving the water access at this location as part of the San Francisco Bay Area Water Trail will likely attract additional attention from windsurfers and kayakers from surrounding San Francisco Bay Area counties. Water Trail informational signage will provide environmental education and water safety information at this location. Finally, the ADA specific improvements of this project create more equitable access to Bay waters for all residents.
8. **Sea level rise vulnerability:** The location of Point Isabel within the Bay shelters it from the strong north west winds and the fully developed seas that much of coastal California experiences. Wave heights based on historic storms and past studies in the Bay were used to ensure a conservative estimate of the necessary revetment height and groin structures. Since there is no vital infrastructure behind the revetment at Point Isabel, overtopping of the design was allowed at a predicted sea level rise of one foot in 50 years, a moderate value of the range of models studied for this project site.

**Additional Criteria**

9. **Urgency:** Without Conservancy funds, the project will not be completed, which would result in the continued safety hazards, lack of appropriate access for persons with disabilities, increasing site deterioration due to weathering and erosion, and a lost opportunity to improve a premier San Francisco Bay water access site.
10. **Resolution of more than one issue:** This project will fix hazardous entry and egress locations, and will provide increased access for disabled small craft users.
11. **Leverage:** See the “Project Financing” section above.
14. **Readiness:** EBRPD is ready to complete the proposed project, and has staff and experience necessary to implement the project successfully.
15. **Realization of prior Conservancy goals:** See “Project History” above.
16. **Return to Conservancy:** See the “Project Financing” section above.

**CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

The proposed project is consistent with Public Access Policies 9 and 10 contained in Part IV, Development of the Bay and Shoreline: Findings and Policies, of the San Francisco Bay Plan as amended by the San Francisco Bay Conservation and Development Commission (BCDC) in October 2011.

**Public Access Policy No. 9:** “Access to and along the waterfront should be provided by walkways, trails or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat” (pg. 69). Consistent with Public Access Policy No. 9, the proposed project will provide improved and safer access to the waterfront and will provide a diverse and interesting public access experience (a designated ADA parking space, non-motorized watercraft launch and emergency egress) that will encourage users to remain in designated public access areas that avoid or minimize adverse effects on wildlife and their habitat.

**Public Access Policy No. 11:** “Federal, state, regional and local jurisdictions, special districts and the Commission [BCDC] should cooperate to provide appropriately sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems [such as the San Francisco Bay Water Trail] and existing public access areas to the extent feasible without additional Bay filling and without significant adverse effects on Bay natural resources” (pg. 69). Ensuring ADA compatible water access at a regional scale is a critical priority for the San Francisco Bay Area Water Trail program. The proposed project is consistent with this policy in that it will implement an appropriately designed Water Trail project that will provide public access and will link up with an existing Bay Trail segment in a shoreline park area without additional Bay fill and without significant adverse effects on Bay natural resources.

## COMPLIANCE WITH CEQA:

On December 19, 2017, EBRPD adopted the *Mitigated Negative Declaration for the Point Isabel Water Access and Shoreline Restoration Project* (MND) under the California Environmental Quality Act (CEQA), having determined that the project, with mitigation measures incorporated, would not have a significant effect on the environment, and approved the project. The MND specified certain general best management practices to be employed to avoid impacts and identified mitigation measures needed to avoid or reduce to less than significant levels potential impacts to biological resources, hazards and hazardous materials, and cultural resources, all of which were incorporated into the project as a condition of approval. No other potentially significant impacts requiring mitigation were identified by the MND. In addition, the City adopted a Mitigation Monitoring and Reporting Plan (MMRP) with respect to these mitigation measures. (Exhibit 4, consisting of the resolution adopting the MND and MMRP, the MND and the MMRP).

The following is a summary of key best management practices, potentially significant effects and associated mitigation measures specified in the MND.

### General BMPS

The selected contractor will implement general BMPs during construction to maintain safety, **minimize impacts from hazardous materials spills, maintain emergency access, and protect water quality, cultural and biological resources, including:**

- All construction activities regarding the repair/rehabilitation of the shoreline revetment and groin, non-motorized boat launch and emergency egress ramp will be performed from shore.
- No construction equipment is expected to be operated below the high tide line and no construction will occur below the 6.03-foot high tide line in Hoffman Channel.
- Construction equipment such as an excavator's bucket may reach below the high tide line to set stone revetment where required. Any work below the high tide line will occur during periods of low tide.
- The San Francisco Bay Trail will remain open during construction and orange construction fencing will be installed on either side of the Trail. Equipment crossings will be limited, pedestrian detours and caution signs will be installed.
- Hazardous materials will not be stored or used, such as for equipment maintenance, where they could affect nearby properties, or where they might enter the San Francisco Bay or storm drain system.
- Contractor will prepare and implement a spill prevention and control plan to minimize the chance of toxic spills. Spill kits shall be present for any work adjacent to open waters. All spills of oil and other hazardous materials would be immediately cleaned up and contained. Any hazardous materials cleaned up or used on-site would be properly disposed of at an approved disposal facility.
- Contractor will prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) to limit erosion and protect water quality surrounding the project site.

- Contractor will implement erosion control measures such as silt fencing in areas of ground disturbance.
- A test pile investigation program will be implemented to evaluate whether subsurface conditions are favorable for driving sheet piles or if pre-clearing will be required.
- If pre-clearing or removing obstructions is required for sheet pile installation, collect and analyze soil samples along the south bank of Hoffman Channel in areas requiring precleaning prior to sheet-pile wall installation to characterize the contaminant levels in the soils.
- Contractor will establish appropriate soil/materials management controls during pre-clearing work.
- Contractor will implement health and safety procedures to protect construction workers who may be exposed to contaminated soils.
- Any materials removed during pre-cleaning activities and determined to be unsuitable for re-use would then be disposed of off-site according to current laws and regulations. If materials are characterized as hazardous waste, then a hazardous materials license contractor and transporter would be required to handle and transport the materials to a disposal facility permitted to receive the waste in accordance with California laws.

### **Significant Effects Reduced to *Less than Significant Level* by Mitigation**

#### ***Biological Resources***

Improvements of the Bay Area Water Trail entry point could impact/disturb special-status fish species; special-status and non-status bird species; marine mammals including harbor seals, California sea lion, and southern sea otters, and special status wildlife species protected by the Marine Mammal Protection Act. To reduce these potential effects on biological resources to less than significant levels, the following mitigation measures will be implemented:

- Construction activities in rip-rapped areas or areas that may experience tidal influence shall be limited to the NMFS environmental work window from June 1 to November 30. As stated in the Project Description, project activities would be limited to the dry season (May through October). Therefore, project activities shall be limited to June through October to accommodate the work windows of both the dry season and the NMFS environmental window.
- Construction activities shall be conducted at low tide to minimize the potential of increasing turbidity through sediment disturbance (General BMP 1). Construction personnel shall check tide tables and coordinate with biologists to plan work such that no work occurs within flooded areas. A sediment barrier (floating silt screen) shall not be installed as these curtains are found to cause more of an impact to water quality than the proposed work itself.
- To avoid impacts to both special-status and non-status bird species, vegetation removal and other ground disturbing activities shall be conducted outside of the nesting season to the extent feasible (September 1 - January 31). If vegetation removal, grading, or initial

ground-disturbing activities must be conducted during the nesting season, a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to vegetation removal or initial ground disturbance. Nesting habitat may include grasses, shrubs, trees, snags and open ground. The survey shall be conducted in a sufficient area around the work site to identify the location and status of any nests that could potentially be affected by construction activities. If active nests of protected species are found within project site or close enough to construction areas to affect breeding success, a work exclusion zone shall be established around each nest by a qualified biologist. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers and ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest.

- Project activities shall minimize in-water work to avoid disturbance and impacts to water quality. Work below the high tide line shall be conducted only in exposed areas during periods of low water (General BMPs 2 and 3). No work is proposed in wetted areas, and any work in wetted areas would only involve shallow areas just beyond the water's edge.
- No aquatic pile driving shall occur during project activities.
- The proposed project shall abide by all permits and thus, may be required to adhere to the following BMPs. The proposed BMPs that shall be implemented are summarized below:
  - Fueling, cleaning, and other maintenance of vehicles and equipment shall be restricted to designated areas well away from jurisdictional waters, and workers shall be informed of the importance of preventing spills, having appropriate cleanup measures should a spill occur, and the necessity of cleaning up any spills immediately. Clean-up activities shall be in accordance with applicable local, state and/or federal regulations. Machinery shall be properly maintained and cleaned to prevent spills and leaks. Post-construction compliance reports shall document any spills.
  - All staging, maintenance, and storage of construction equipment shall be done in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum products into jurisdictional waters. No other debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete or washings thereof, or other construction related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into jurisdictional waters. All such debris and waste shall be picked up regularly and properly disposed of at an appropriate site.
  - Construction personnel shall be informed of sensitive resources that may be encountered in the work area, including jurisdictional waters and protected fish species. Related work restrictions and individual responsibilities to avoid impacts shall be discussed. This information shall be conveyed to construction personnel by

the construction foreman, the Applicant's project manager, and/or a qualified biologist.

- Where areas of bare soil are exposed during the rainy season, sediment and erosion control measures shall be used to prevent sediment from entering jurisdictional waters (General BMP 8). Sediment and erosion control structures shall be monitored and repaired or replaced as needed. Build-up of soil behind silt fences shall be removed promptly and any breaches or undermined areas repaired promptly.

### ***Cultural Resources***

An excavation of the site in 1932 and the subsequent development that has occurred on Point Isabel have left very little of the original site intact. A 20-centimeter-thick lens of dark brown soil with small-medium shell fragments was observed within the project site at a depth of 50-70 centimeters, and may represent what little remains of a once 20-foot thick shellmound. As such, there is a potential for the project to have significant impacts. However, with incorporation of the following mitigations measures, impacts would be reduced to a less-than-significant level.

- Prior to construction EBRPD shall contract a qualified archaeologist who meets the Secretary of Interior standards for Principal Investigator—Prehistoric Archaeology to carry out a phased Evaluation and Data Recovery program. This at a minimum shall include:
  - Testing of additional Auger holes in the vicinity of Auger holes 2, 3, and 4;
  - Should any additional shell fragments be observed, a qualified archaeologist, who meets the Secretary of Interior standards for Principal Investigator—Prehistoric Archaeology, shall prepare an investigation plan to assess P-07-000178 to identify buried features;
  - If features are identified, hand excavation of archaeological deposits and analysis of artifacts;
  - Preparation of an Evaluation and Data Recovery Report and submittal to the EBRPD and the Northwest Information Center, Sonoma State University shall be done.
- A qualified, professional archaeologist observer shall be retained prior to any construction activities on the project site in order to monitor any and all ground disturbing activities associated with the project development. In addition, local tribes shall be offered the opportunity to have a Native American observer present during ground disturbance activities. All archaeological work conducted as a result of this project shall be carried out in accordance with prevailing professional standards as outlined in Section 15064.5(a)(2)(3) of CEQA and by the California Office of Historic Preservation.
- Prior to initial grading and/or earth-moving activities, a pre-construction seminar shall be held in which the project archaeologist will present information about the potential for and nature of potential buried archaeological deposits in the construction areas, and how to identify cultural deposits. Participants at this seminar should minimally include

representative of the EBRPD Inspector for this project, the job-site Superintendent, and all construction Supervisors.

- As the project site is a recent man-made landform, and was never utilized as a formal cemetery, the potential for human remains to be encountered during ground disturbing activities is low. However, if human remains were found, the construction contractor would adhere to all necessary laws related to the discovery of human remains to ensure the necessary actions be taken.

### ***Hazards and Hazardous Materials***

Any potential release of hazardous materials from accidental spills or from disturbance of Bay sediment would be addressed by utilization of the BMPs, specified above, and by implementation of the mitigations measures related to biological resources.

The Conservancy staff has independently reviewed and considered the MND adopted by EBRDP on December 19, 2017, attached to the accompanying staff recommendation as Exhibit 4, which identifies potential effects of the project on biological resources, cultural resources, and hazards and hazardous materials. Based on that review, staff has concluded that the MND adequately identifies the potentially significant impacts of the project and requires mitigation measures that will avoid or reduce those to a level of less-than-significant. Accordingly, staff recommends that the Conservancy finds that the proposed project, as modified by incorporation of the mitigation measures identified in the MND, avoids, reduces or mitigates all of the possible significant environmental effects of the project, and that the proposed project will not have a significant effect on the environment.

Staff will file a Notice of Determination upon approval of the project.