

COASTAL CONSERVANCY

Staff Recommendation
March 14, 2019

BAY AREA RIDGE TRAIL: GARIN TO NILES CANYON CONSTRUCTION

File No. 19-002-01
Project Manager: Brenda Buxton

RECOMMENDED ACTION: Authorization to disburse up to \$200,000 to the East Bay Regional Park District to improve and construct five miles of Bay Area Ridge Trail between Garin Regional Park and Vallejo Mill Historic Park in Alameda County, and adoption of findings under the California Environmental Quality Act.

LOCATION: Cities of Union City and Fremont, Alameda County

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Letters of Support](#)

Exhibit 3: [Initial Study/Mitigated Negative Declaration Bay Area Ridge Trail Fremont to Garin and Mitigation Monitoring and Reporting Program](#)

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 (District) for the improvement and construction of approximately five miles of Bay Area Ridge Trail, including an at-grade railroad crossing and signage, 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
 - 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 in Table H of the Initial Study/Mitigated Negative Declaration Bay Area Ridge Trail Fremont to Garin, attached to the accompanying staff recommendation as Exhibit 3.
3. The District shall provide evidence that all necessary permits and approvals have been obtained.
4. The District shall enter into and provide evidence of any agreements required to enable the District to implement, maintain and monitor the project and protect the state's interest in the project.”

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 Project Selection Criteria and Guidelines, last updated by the Conservancy on October 2, 2014.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding public access improvements to and around San Francisco Bay.
3. The Conservancy has independently reviewed and considered the Initial Study/Mitigated Negative Declaration Bay Area Ridge Trail Fremont to Garin, adopted by the District on November 6, 2018, attached to the accompanying staff recommendation as Exhibit 3. 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.”

PROJECT SUMMARY:

This authorization will construct a five-mile section of the Bay Area Ridge Trail (Ridge Trail) between Garin Regional Park and the Vallejo Mill Historic Park. The Ridge Trail is a planned 550-mile ridgetop trail encircling San Francisco Bay with 375 miles currently completed.

The East Bay Regional Park District (District) will create this new multi-use trail by improving approximately one mile of existing ranch roads in Garin Regional Park and constructing nearly four miles of new trail within a District-held easement purchased in 2014 from an adjacent private ranch. This trail segment will then connect with the Vallejo Mill Historic Park, providing an improved, safe access over one of the major obstacles to the Ridge Trail route in the East Bay hills – the Niles Canyon Railway. Once complete, trail users will be able to access this trail segment from either Garin Regional Park or Vallejo Mill Historic Park and enjoy sweeping views of the Bay from the ridge tops, as well as scenic views of Alameda Creek as it flows through Niles Canyon. The Garin to Niles trail segment will join the existing Ridge Trail alignment to create a 50-mile contiguous stretch of Ridge Trail along the East Bay hills north of Alameda Creek (from Niles Canyon in Fremont to Kennedy Grove in El Sobrante).

The District will improve the existing ranch roads by installing drainage improvements; the new trail sections will require grading, culvert upgrades, bridges, retaining walls, and other improvements. To avoid impacting the adjacent grassland habitats, the construction will be done with small-scale trail construction equipment and manual labor and will follow the resource protection and erosion control protocols described in the Mitigated Negative Declaration (see “Compliance with CEQA” section). While these efforts are not insignificant, by far the most expensive project element is the railroad crossing, which will require replacement of existing tracks and ties with a concrete grade panel, chain link fencing, pedestrian swing gates, and signage. The District has already incurred \$170,000 in design, permitting, and California Environmental Quality Act (CEQA) costs and the additional right-of-way and construction costs of the trail project are estimated to be \$730,000. The District requests \$200,000 from the Conservancy to help fund this Ridge Trail segment.

Site Description: This Ridge Trail segment is located in the East Bay hills above Niles Canyon, which is the canyon that Alameda Creek flows through on its way from the Livermore Valley to San Francisco Bay. The trail runs roughly along the margin between the more densely developed Bayside sections of the Cities of Union City and Fremont and the more rural areas in the hills and the Alameda Creek watershed. The landscape consists of a mix of native and non-native grasslands, scrubland, oak woodlands, and small creeks and drainages. This five-mile segment will connect with two already-constructed miles of Ridge Trail in Garin Regional Park making, in total, a seven-mile section of Ridge Trail. Parking is available at both Garin Regional Park and at Vallejo Mill Historic Park. The Historic Park is the location of the ruins of a flour mill built in 1856 by José de Jesús Vallejo, elder brother of General Mariano Guadalupe Vallejo, a historically significant early Californian. The ruins of the mill are a California Historical Landmark.

Grantee Qualifications: The District is the largest regional Park District in the United States. The District has a track record of successfully completing trail projects, including the multiple Bay and Ridge Trail projects and has received over 50 grants from the Conservancy for park acquisition and planning, trail construction, habitat restoration, and historic resource restoration. The District has qualified staff to both manage grants and oversee construction, as well as operate and maintain its facilities.

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 with the support of 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 by citizen activists, over 375 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 goals 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.

Once safe access is developed from the Alameda Creek Trail, this project will be able to connect with the Vargas Plateau segment of the Ridge Trail, constructed with Conservancy funds in 2016.

PROJECT FINANCING:

Coastal Conservancy	\$200,000
East Bay Regional Park District	<u>\$530,000</u>
Total Project Cost	\$730,000

The expected source of Conservancy funds for this project is an appropriation to the Conservancy from the California Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, codified as Public Resources Code Sections 75001-75130 (Prop. 84). These funds may be used for projects that promote access to and enjoyment of the coastal resources of the state (Section 75060). The Ridge Trail promotes access to and enjoyment of the coastal resources of the San Francisco Bay Area. Section 75060(c) allocates funding specifically for the San Francisco Bay Area Conservancy Program (Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165). The proposed project is consistent with Section 75060(c), for, as discussed in the section found immediately below, the project is in the San Francisco Bay Area Conservancy Program and is consistent with Chapter 4.5 of Division 21 of the Public Resources Code. The project is supported by the District, which has provided \$170,000 for design, permitting, and CEQA environmental review, as well as the \$530,000 for construction and right-of-way acquisition.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165. 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 construct five new miles of Ridge Trail and create a seven-mile segment of continuous Ridge Trail within the nine-county San Francisco Bay Area, and as described below in the “Compliance with CEQA” section, will not have a significant adverse impact on environmentally sensitive areas and wildlife. The project will also secure a safe means for the public to cross the Niles Canyon Railroad right-of-way, an existing barrier to the north-south route of the Ridge Trail in the East Bay hills. In addition, consistent with 31162(d), this authorization will “promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes” since the trail alignment connects developed urban sections of the East Bay with the open spaces of the hilltops.

Consistent with Section 31163(a), the Conservancy cooperates with counties, districts and other regional governmental bodies such as the District, 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, 2006)*. The Garin to Niles Canyon segment is an identified alignment of the Ridge Trail.

This project is also consistent with Section 31163(b), which states that the Conservancy shall support interagency actions to implement goals identified in Section 31163(a). Here, the Conservancy is supporting actions taken by the District to construct five new miles of Ridge Trail.

Consistent with Section 31163(c), the proposed project is a priority for funding because it: (1) is supported by an adopted local or regional plan, including the East Bay Regional Park District Master Plan, and this trail section has been adopted by the BARTC; (2) is multijurisdictional/serves a regional constituency by creating a trail that connects both urban and rural areas along the jurisdiction of two cities; (3) can be implemented in a timely way; the District has the expertise needed to construct the trail; (4) provides opportunities for benefits that could be lost if the project is not quickly implemented to take advantage of the completed easement acquisitions, design work, approvals, and completed CEQA process for the project; and (5) includes matching funds as described under the Project Financing Section.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 13, Objective G** of the Conservancy's 2018 Strategic Plan, the proposed project will construct five miles of the Bay Area 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 October 4, 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 project will help implement the following regional and state plans:

California @ 50 Million: The Environmental Goals and Policy Report (Governor's Office of Planning and Research, 2015): One of the State's goals is to "Support Compact and Infill Development for Healthy and Equitable Communities". In particular, the report states that in order to protect the environment, alleviate additional pressures on natural resources, and minimize induced travel demand, the State will prioritize several specific transit measures including active transportation options. The Ridge Trail provides opportunities for active transportation. (p. 16)

California Recreational Trails Plan (California State Parks, Phase I, June 2002): The Bay Area Ridge Trail is identified in the plan as a state trail corridor and meets the goal to "promote adequate design, construction, relocation, and maintenance of trails in order to

optimize public access and resource conservation” (p. 21).

4. **Support of the public:** the completion of the Ridge Trail is a regionally supported project spearheaded by the nonprofit Bay Area Ridge Trail Council (BARTC), which receives contributions from the public and local businesses. The completion of this segment is a priority for BARTC and is supported by the City of Fremont, Alameda County Assembly member Bill Quirk and Congressional Representative Eric Swalwell.
5. **Location:** The Project is located in the Cities of Union City and Fremont in Alameda County, which lies entirely within the jurisdiction of the San Francisco Bay Area Conservancy Program.
6. **Need:** Although the District is providing a total of \$700,000, due to the extensive demands for new infrastructure construction in its park system, without Conservancy support it does not have sufficient funding to complete the project.
7. **Greater-than-local interest:** The Ridge Trail provides a region-wide recreational resource that connects multiple habitats, landscapes, and jurisdictions along a multi-use trail segment.
8. **Sea level rise vulnerability:** the project is located in the East Bay hills and is not vulnerable to impacts from sea level rise.

Additional Criteria

13. **Readiness:** The District has been working on this project since its 2014 acquisition of the trail easement, and it has recently completed design and CEQA review for the Ridge Trail.
14. **Realization of prior Conservancy goals:** Completion of the Ridge Trail is a specific objective of the Conservancy’s 2018 Strategic Plan. In addition, this segment will help complete one of the missing links to another Conservancy-funded project, the Vargas Plateau Ridge Trail.
15. **Return to Conservancy:** See the “Project Financing” section above.
19. **Minimization of greenhouse gas emissions:** proposed project would not result in a substantial increase in greenhouse gas emissions and would not generate emissions that would exceed the project-level significance criteria established by the Bay Area Air Quality Management District. Construction-related greenhouse gas emissions would be further reduced by Basic Construction Mitigation Measures adopted as part of the Mitigation Monitoring Reporting Program.

COMPLIANCE WITH CEQA:

Pursuant to CEQA and CEQA Guidelines (14 Cal. Code Regs. §§ 15000 *et seq.*) Section 15070(b), the District, as lead agency, prepared, circulated, and on November 6, 2018, adopted the Initial Study/Mitigated Negative Declaration Bay Area Ridge Trail Fremont to Garin (MND), which includes a Mitigation Monitoring Reporting Program as Table H (Exhibit 3). On November 8, 2018, the District filed a Notice of Determination with the County Clerk of Alameda County.

The MND addresses the potential impacts of the proposed trail construction. The MND identified potential impacts in the areas of air quality, biological resources, hazards and

hazardous materials, cultural resources, hydrology and water quality, and noise. Mitigation measures were adopted to assure that these potential impacts are avoided or reduced to *less-than-significant levels*, as summarized below:

Air Quality: Air quality impacts (e.g., dust) from the construction of the proposed trail will be managed by incorporating Basic Construction Mitigation Measures regarding controlling dust and managing construction equipment, as required by the Bay Area Air Quality Management District. Construction air quality impacts are therefore considered *less than significant*.

Biological Resources: The proposed trail development has the potential to adversely affect biological resources including special-status species. To mitigate these potential impacts to a *less-than-significant* level, the MND requires various measures including: restriction of construction to daylight hours, training of construction personnel, limitations on the use and types of construction equipment, implementation of Best Management practices, and avoidance of wildlife burrows. The MND also requires the adoption of specific measures to mitigate potential impacts to ring-tail cats, Alameda striped racers, and raptors. These measures include avoidance of potential habitat areas (e.g., rock outcroppings, trees) and monitoring of construction activities by biologists if removal or alteration of these habitats is unavoidable or if construction occurs during the breeding season. To avoid impacts to burrowing owls, the MND requires pre-ground disturbance surveys using the methods described by the California Department of Fish and Wildlife.

Cultural Resources: Within the Vallejo Mill Historic Park, there is the potential to disturb cultural resources with trail development. To mitigate this potential impact to a *less-than-significant* level, the MND requires the presence of a qualified archaeologist and a Native American representative monitoring all ground disturbing activities within the park and establishes protocols to address such resources if they are unearthed.

Hazards and Hazardous Materials: During the railroad crossing construction, there is the potential for encountering hazardous materials. To mitigate this potential impact to a *less-than-significant* level, the District will conduct a limited subsurface investigation of the crossing area. If soil testing results exceed Regional Water Quality Control Board environmental screening levels (ESLs) for the proposed recreational use, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities.

Hydrology and Water Quality: Construction projects have the potential to cause erosion or spills that can contaminate water quality. To mitigate these potential impacts to a *less-than-significant* level, the District will require the contractor to implement control measures associated with the Regional Water Quality Control Board's Statewide General Permit for Discharges of Stormwater Runoff Associated with Construction Activity as well as a Stormwater Pollution Prevention Plan.

Noise: Construction-generated noise would be temporary and short-term, and reduced to a *less-than-significant* level by requiring the contractor to meet equipment standards and to limit construction hours.

Staff has independently reviewed the MND and recommends that the Conservancy find that there is no substantial evidence that the project funded by the Conservancy, as mitigated, will 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.