

COASTAL CONSERVANCY

Staff Recommendation
October 23, 2003

SAN FRANCISCO BAY TRAIL BLOCK GRANT APPROVAL

File No. 00-109
Project Manager: Joan Cardellino

RECOMMENDED ACTION: Authorization for the Association of Bay Area Governments to disburse previously authorized Conservancy funds to construct a Bay Trail segment in Martinez.

LOCATION: Martinez Shoreline Park, between Carquinez Shoreline Drive and Berrellesa Street (Exhibit 1)

PROGRAM CATEGORY: Public Access

EXHIBITS

- Exhibit 1: Project Map
 - Exhibit 2: Mitigated Negative Declaration
 - Exhibit 3: Letters of Support
 - Exhibit 4: Biological Assessment
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (“ABAG”) to disburse an amount not to exceed two hundred sixty-five thousand dollars (\$265,000) of the total Conservancy funds authorized on September 22, 1999 and December 7, 2000, for the Martinez Shoreline Bay Trail connection, subject to the conditions indicated below.

1. Prior to commencement of construction, ABAG shall:
 - a. Require the City of Martinez to submit evidence that all necessary permits and approvals have been obtained.
 - b. Present to the Executive Officer of the Conservancy for approval an agreement or other instrument with each owner of property over which the trail will pass, addressing access to that property for construction, maintenance, and monitoring of the trail; and ownership, public use, and management of the access improvements following their construction.

2. ABAG shall require the City to construct the wetland-restoration portion of the project either prior to or concurrent with the trail construction.
3. ABAG shall require the City of Martinez to assure implementation of the mitigation measures contained in the Mitigated Negative Declaration (attached as Exhibit 2 to the accompanying staff recommendation) for the Bay Trail Phase II project adopted by the City of Martinez on May 7, 2003 pursuant to CEQA, and the Biological Assessment for the Martinez Bay Trail Corridor Project, dated August 7, 2003 and prepared by the East Bay Regional Park District. ABAG shall require the City to report on the CEQA mitigation measures, as required by Public Resources Code Section 21081.6, and provided for in the approved Joint Aquatic Resource Permit Application submitted by the East Bay Regional Park District in September 2003.”

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 San Francisco Bay Trail project is consistent with the purposes and objectives of Public Resources Code Section 31400-31409, regarding public access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs for public access to the shoreline.
4. The Conservancy has independently reviewed the Mitigated Negative Declaration adopted on May 7, 2003 by the City of Martinez for the Bay Trail Phase II Project, attached to the accompanying staff recommendation as Exhibit 2, and finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

PROJECT SUMMARY:

Staff recommends authorization for the Association of Bay Area Governments (ABAG) to disburse previously authorized Conservancy funds for a San Francisco Bay Trail project in the City of Martinez.

The City of Martinez has requested funding to construct approximately 2,350 linear feet of trail that will connect the Nejedly Staging Area at Carquinez Scenic Drive with the main entrance to Martinez Regional Shoreline Park. The trail project consists of an 8- to 10-foot wide, paved trail with 2-foot shoulders, 400 feet of wheelchair accessible concrete pathway, and a 35-foot-long clear-span pedestrian and bicycle bridge. This segment of trail will connect a major trail link (Carquinez Scenic Drive) with a popular destination point (Martinez Regional Shoreline Park.) The trail will run on property owned by East Bay Regional Park District (EBRPD), the City of Martinez, Union Pacific Railroad, and private residential owners. The EBRPD has so far obtained an easement on Union Pacific Railroad property, enabling it to construct a trail within the railroad right-of-way.

Because the trail construction will of necessity require filling approximately 12,789 square feet of wetland, the project includes restoration of over 30,000 square feet of tidal wetlands in the

immediate vicinity of the project. The required mitigation will occur on EBRPD property, with EBRPD acting as lead to obtain the necessary permits and approvals from San Francisco Bay Conservation and Development Commission, the Regional Water Quality Control Board, California Department of Fish and Game, the Army Corps of Engineers, and the U.S. Environmental Protection Agency.

Project History: The Conservancy has been engaged in a block grant process with ABAG and the Bay Trail Project since September 1999 when the Conservancy approved the first block grant in the amount of \$2.5 million. In December 2000 the Conservancy approved a second block grant totaling nearly \$7.5 million. Staff routinely brings individual projects proposed through the block grant program to the Conservancy for funding approval. In December 2001 the Conservancy approved a planning grant to the City of Martinez to design the trail connection that is now proposed for construction funding.

PROJECT FINANCING:

Coastal Conservancy: \$265,000

The expected sources of funds are FY 1999/2000 General Fund appropriation, and from FY 2000/01 "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection" bond act funds specifically designated for the San Francisco Bay Trail.

Funding note: The City of Martinez applied for \$350,000 in grant funds from the State Transportation Improvement Program (STIP) for this project, but was unsuccessful in securing funds this year. The City intends to reapply, and will improve the surface of the trail when it receives STIP or other funding. The project has been scoped commensurate with the available Conservancy grant funds.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed authorization is consistent with Chapter 9 (regarding public access) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. In §31400, the Legislature charged the Conservancy with a principal role in implementing a system of coastal public accessways to and along the California coast, including San Francisco Bay. In working with ABAG and the Bay Trail Project, the Conservancy is playing an important role in planning and funding construction of new elements of the San Francisco Bay Trail. For the project proposed in Martinez the Conservancy is directly assisting with the construction of Bay Trail segments.

Section 31400.1 states that the Conservancy may award grants for the purpose of developing lands for public access purposes. The proposed project would construct an important connection in the Bay Trail and expand opportunities for public access to the shoreline. Section 31400.2 allows the Conservancy to pay any amount up to the total cost of property acquisition or the initial development of an accessway by a public agency. In this case, the Conservancy's funds will be used for less than half of the total cost of developing this trail connection. Section 31400.3 allows the Conservancy to provide such assistance as is necessary to aid public agencies in establishing a system of public coastal accessways. The proposed grant would enable the City of Martinez and the EBRPD to construct an important link in the San Francisco Bay Trail.

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

Goal 11, Objective B is to complete approximately 20 miles of the San Francisco Bay Trail, 60 miles of the Ridge Trail, and 100 miles of regionally significant public access trails and corridors, linking the Bay, Ridge, and Coastal Trails, and urban open spaces. The project proposed for funding will help reach that objective by constructing nearly one-half mile of trail in the City of Martinez.

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

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, 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:** See letters of support in Exhibit 3.
4. **Location:** The proposed project is located along the shoreline of San Francisco Bay.
5. **Need:** Without Conservancy funding assistance, none of these projects could move forward in a timely manner.
6. **Greater-than-local interest:** The San Francisco Bay Trail is a regional trail system which will ultimately provide more than 400 miles of trail circling the Bay.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

Promoting public access opportunities along the Bay shoreline is consistent with San Francisco Bay Plan policies. Bay Plan Public Access Policy Number 6 states that "Access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare." The Martinez project will construct a multi-use trail that connects with the main public street entrance to the waterfront park. Bay Plan Public Access Policy Number 8 states that "Federal, state, regional, and local jurisdictions . . . and the Commission should cooperate to provide new public access, especially to link the entire series of shoreline parks and existing public access areas to the extent feasible without additional Bay filling or adversely affecting natural resources." Because this project will require some Bay fill, the appropriate federal, state, and regional regulatory agencies will be reviewing the mitigation plan. The proposed trail will connect an existing trailhead and staging area to a popular regional shoreline park.

COMPLIANCE WITH CEQA:

The California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, requires consideration of potential environmental effects of agency actions and approvals, unless exempt.

On May 7, 2003, the City of Martinez, acting as the lead agency for purposes of CEQA, approved a “Bay Trail Phase II” project, creation of a public access trail, and adopted a Mitigated Negative Declaration (Exhibit 2), finding that the proposed project, as mitigated, would not have a significant effect on the environment. The City filed a Notice of Determination for the project on May 8, 2003.

The Conservancy will contribute funds through its grantee, ABAG, for construction of a portion of the trail, and therefore serves as a responsible agency under CEQA. The City found in its Mitigated Negative Declaration that the trail alignment is so confined by railroad right-of-way restrictions that it is not possible to build the trail in a manner that avoids placing some fill in the adjacent wetlands. The project will require filling approximately 13,000 square feet of wetlands, which lie within the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the federal Clean Water Act. (The Corps approved the wetland delineation for the project prepared in January 2003.)

The City of Martinez and the East Bay Regional Park District identified a mitigation site on EBRPD property within the Martinez Regional Shoreline Park, 200 feet north of the railroad right-of-way. An existing EBRPD maintenance road bisects an existing wetland, crossing a tidal slough channel with a culvert. As mitigation for the effects of wetland fill caused by the trail project, the City will remove the road and the culvert. The road will be relocated and an existing footbridge will be replaced with a pedestrian and vehicle bridge. The City found that this work would create 3,000-4,000 square feet of new wetlands along the old road alignment, and enhance more than 30,000 square feet of existing wetlands south of the old road through improved tidal circulation, thus compensating for the wetlands lost due to the creation of the trail. Corps of Engineers staff has reviewed the mitigation proposal and approved the concept. The EBRPD has submitted an application to the Corps for a Section 404 permit, which is pending.

Conservancy staff has reviewed the attached Mitigated Negative Declaration adopted by the City of Martinez. Additionally, staff has reviewed the “Biological Assessment, Martinez Bay Trail Corridor Project” (attached as Exhibit 4), prepared by the Ecological Services Coordinator of the East Bay Regional Park District and dated August 7, 2003. The Biological Assessment analyzes the project site and mitigation site, and describes a search of the California Department of Fish and Game Natural Diversity Database. The Biological Assessment indicates detection of no state or federally endangered, threatened species, or species of concern, and notes that the proposed mitigation may provide habitat for some such species through improving tidal flow and wetland conditions. The Biological Assessment also discusses the avoidance of effects of trail construction activities on nesting birds and raptors. EBRPD has also submitted a “Joint Aquatic Resource Permit Application” (JARPA) to the San Francisco Bay Conservation and Development Commission, the San Francisco Bay Regional Water Quality Control Board, the Department of Fish and Game, the Corps of Engineers, and the U.S. Fish and Wildlife Service.

Finally, the City found that its San Francisco Bay Trail, Phase II project has no potential for an adverse effect on wildlife resources, either individually or cumulatively, and on May 8, 2003 adopted a *De Minimis* Impact Finding pursuant to Section 771.4 of the Fish and Game Code.

The proposed Conservancy authorization requires implementation of the wetlands mitigation prior to or concurrent with trail construction, and requires the City to report on the implementation of CEQA mitigation measures consistent with Public Resources Code Section 21081.6, as provided for in the approved JARPA. Staff believes that, under CEQA, there is no substantial evidence that the Conservancy's project, as mitigated, may result in a significant environmental effect.