

COASTAL CONSERVANCY

Staff Recommendation  
December 3, 2009

**SAN FRANCISCO BAY TRAIL:  
WEST COUNTY WASTEWATER DISTRICT SEGMENT CONSTRUCTION  
(SAN PABLO CREEK TO WILDCAT CREEK)**

File No. 07-063-10  
Project Manager: Moira McEnespy

**RECOMMENDED ACTION:** Authorization for the Association of Bay Area Governments (ABAG) to disburse up to one hundred fifty thousand dollars of previously-authorized Conservancy funds to the East Bay Regional Park District to construct a segment of the San Francisco Bay Trail at the West County Wastewater District facility.

**LOCATION:** Along the northern and western perimeters of the West County Wastewater District facility, between San Pablo Creek to the north and Wildcat Creek to the south, Contra Costa County (see Exhibits 1-2)

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

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**EXHIBITS**

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Project Vicinity Maps](#)

Exhibit 3: [Project Letters](#)

Exhibit 4: [Initial Study and Mitigated Negative Declaration for the “San Francisco Bay Trail, Wildcat Creek to San Pablo Creek, Contra Costa County, California” project \(adopted July 7, 2009\)](#)

Exhibit 5: [Estimate of Volume of Greenhouse Gas Emissions](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *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 \$150,000 (one hundred fifty thousand dollars) of the total Conservancy funds authorized on September 20, 2007 to the East Bay Regional Park District to construct an approximately one-mile segment of the San Francisco Bay Trail at the

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West County Wastewater District facility, between San Pablo Creek and Wildcat Creek, Contra Costa County, subject to the following conditions:

1. Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and a grant agreement between ABAG and the East Bay Regional Park District.
2. ABAG shall ensure installation of signs identifying the trail segments and acknowledging the Conservancy and displaying its logo in a manner approved by the Executive Officer.
3. In carrying out the project, ABAG shall ensure compliance by the East Bay Regional Park District with all project components, environmental commitments and mitigation measures that are identified as needed to reduce or avoid significant environment effects in the Mitigated Negative Declaration adopted by the East Bay Regional Park District on July 7, 2009 pursuant to the California Environmental Quality Act (CEQA), and accompanying the project staff recommendation as Exhibit 4. ABAG shall provide, for review and approval of the Executive Officer, documentation that during the course of the project, the identified project components, environmental commitments and mitigation measures have been implemented by or on behalf of the East Bay Regional Park District.”

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 the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on June 4, 2009.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration for the proposed project adopted by the East Bay Regional Park District on July 7, 2009 pursuant to CEQA and finds no substantial evidence that the project as proposed, and with the identified measures to avoid, reduce or mitigate the possible significant environmental effects, will have a significant effect on the environment.”

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**PROJECT SUMMARY:**

Staff recommends that the State Coastal Conservancy authorize ABAG to disburse up to \$150,000 of the total Conservancy funds authorized on September 20, 2007 (up to \$3,000,000 to ABAG to develop and implement projects to extend the San Francisco Bay Trail, known as “SF Bay Trail Block Grant #4”) to the East Bay Regional Park District (EBRPD) to construct an approximately 1.1-mile segment of the San Francisco Bay Trail along the northern and western perimeters of the West County Wastewater District (WWD) facility, between San Pablo and Wildcat Creeks, in Contra Costa County (Exhibits 1-2).

Construction of this proposed Bay Trail segment will enable the public to walk along the shoreline for approximately 0.6-mile rather than along the Richmond Parkway (see Exhibits 2a

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and 2b), which is where the Bay Trail is currently located in this area. The proposed trail segment will not replace the existing trail segment along the Richmond Parkway, which will remain as an alternative. This proposed trail segment will bring the trail user closer to the City of Richmond shoreline, separate the user from a heavily traveled vehicular route along the Richmond Parkway, and provide interpretive opportunities at Wildcat Marsh, which is adjacent to the western edge of the proposed trail (see Exhibit 2c). The proposed segment will also connect the Bay Trail spine to a Bay Trail spur loop trail that will eventually circle the West County landfill (to the west, affording shoreline access and Bay views; see Exhibit 2d).

The trail segment will consist approximately of the following: a 650-foot portion along the San Pablo Creek levee-top, on which compacted recycled aggregate base (e.g., decomposed granite) will be placed; 1,700 feet of new compacted path over existing unpaved access roads; 950 feet of new compacted path over an abandoned paved road; several portions along existing paved access roads; the top of an existing culvert, which will entail replacement of the two corrugated metal culvert pipes with reinforced concrete pipes and rock rip-rap headwalls; and two new concrete plank bridges over two minor drainage ditches (see Exhibit 2e). Trail width will range from 10 feet to 25 feet, satisfying the minimum Bay Trail width guidelines, and the entire trail segment will be accessible pursuant to the Americans with Disabilities Act (ADA-compliant). Construction activities will also include some removal of non-native plants, replacement of existing fencing, and placement of signage and benches.

The EBRPD anticipates that construction activities will include the following actions:

- Removal and replacement of an existing security/perimeter chain fence (approximately 12'-high) to protect adjacent WWD property, particularly its newly-installed solar power array;
- Installation of plain wire wildlife fence (80'-long x 4'-high) to protect adjacent marshland habitat from human and domestic animal access;
- Importation of approximately 600 to 700 cubic yards of fill material (soil) to the site for re-grading, backfilling and trail surfacing;
- Re-grading and backfilling for installation of earth-filled transition ramps at either end of a flood control levee;
- Removal of a damaged corrugated metal culvert crossing over tidal slough and replacement with two reinforced concrete pipes and concrete headwalls;
- Placement of new stabilized decomposed granite and asphalt/concrete trail surface;
- Installation of two pre-fabricated hollow-core concrete plank crossings (bridges) and concrete abutments (20' long x 8' wide). The EBRPD was originally planning to construct these bridges of timber (as described in the Mitigated Negative Declaration), but now plans to use concrete. This change in material will not cause a change in the potential environmental impacts, though, as the concrete bridges will also clearspan the channels, as the timber ones would have;
- The installation of gates and bollards to allow for shared use of the trail by the WWD as a maintenance road;
- Installation of three-foot high concrete barriers, signage and benches.

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The EBRPD anticipates that work will be completed in approximately nine months once construction commences, and estimates that actual construction time will not exceed 20 days.

**Site Description:** The project will be located on the northern and western perimeters of the West County Wastewater District facility and on a small portion of the Contra Costa Sanitary Landfill, that is adjacent to the facility’s northwest side. To the north is San Pablo Creek and entrance to the landfill, including a parking area; to the west is a tidal marsh area known as Wildcat Marsh; to the south is the Wildcat Creek Regional Trail, which runs east from Richmond Parkway, and includes a parking area on the north bank of Wildcat Creek. This proposed trail segment will be located in an underserved community that has few places to experience the San Francisco Bay shoreline. The proposed trail will be located on land owned by the West County Wastewater District (the majority of the trail area, along the marsh) and by the Contra Costa County Flood Control District (along the creek channels). The EBRPD will conduct the trail work under existing easements and operation agreements with both entities. Trail connections to Richmond Parkway will be placed under a new easement the EBRPD will obtain from the City of Richmond.

**Project History:** The proposed project is a San Francisco Bay Trail project, and is thus consistent with and proposed for funding under the Conservancy’s San Francisco Bay Trail Block Grant #4 authorization of September 20, 2007. The proposed project also builds on a previous Bay Trail Block Grant project that funded a feasibility and engineering study of the proposed trail segment.

**PROJECT FINANCING:**

Coastal Conservancy	\$150,000
EBRPD, via Measure CC (parcel tax)	400,000
Contra Costa Transportation Authority, via Measure J (half-cent sales tax)	<u>425,134</u>
Total Project Cost	975,134

The Conservancy’s contribution will consist of a portion of the \$3,000,000 Conservancy grant to ABAG authorized on September 20, 2007 (“SF Bay Trail Block Grant #4”). Conservancy funds are anticipated to come from the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006” (Proposition 84). These funds are available for San Francisco Bay Area Conservancy Program projects that promote access to and enjoyment of coastal resources and are thus appropriate for the funding of improvements to the San Francisco Bay Trail. Furthermore, these funds were granted to ABAG well before the December 2008 bond freeze (as promulgated via Department of Finance Budget Letter 08-033); per the executed grant agreement, this proposed Conservancy Board action is solely to authorize the funding amount for this specific project and to adopt findings pursuant to the California Environmental Quality Act. Department of Finance Budget Letter 09-15 authorized the Conservancy to continue providing funding to ABAG under SF Bay Trail Block Grant #4.

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

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160 *et seq.* regarding San Francisco Bay Area projects.

Consistent with Section 31162(a), the proposed project (construction of a Bay Trail segment) will improve public access to and around the bay, and will help complete a regional trail system (the San Francisco Bay Trail) without adversely impacting agricultural operations, environmentally sensitive areas or wildlife. Consistent with Section 31163(c), the proposed authorization will be used for funding an outdoor recreational project that is supported by an adopted regional plan (see the “Consistency with the San Francisco Bay Plan” section), serves a regional constituency, can be implemented in a timely way, and includes matching contributions from other sources of funding or assistance.

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

Consistent with **Goal 11, Objective E**, the proposed project consists of constructing an approximately 1.1-mile segment of the San Francisco Bay Trail.

Consistent with **Goal 11, Objective L**, the proposed project will yield 1.1 miles of ADA-compliant trail.

**CONSISTENCY WITH CONSERVANCY’S CLIMATE-CHANGE CRITERIA**

**Sea level rise vulnerability:**

Analysis with respect to the current 100-year flood elevation: The 100-year tidal flood elevation at the proposed project location is estimated to be 6.8 feet (1929 datum), and the annual high tide is about 4.8 feet.

The lowest portion of the proposed trail (the segment immediately adjacent to Wildcat Marsh on the southwest, near where the trail would join the existing Wildcat Creek trail on the flood control levee) is approximately 3,900 feet from the shoreline of San Pablo Bay at its closest point. Most of this distance is tidal marsh. At this lowest point, the trail would be located at a design elevation of about 7.5 feet, which is about 0.5-0.8 feet above the estimated 100-year tidal flood elevation and about 2.5 feet above the annual high tide.

Where located on the County Flood Control District San Pablo Creek levee, the trail will be a minimum of 3.0 feet above the 100-year flood elevation of San Pablo Creek, consistent with FEMA standards for facilities protected by flood control levees. In the area just west of the San Pablo Creek levee, the trail is protected by a FEMA-compliant floodwall. The County is currently investigating these areas to insure continued compliance with FEMA standards for levee height and integrity.

Elsewhere, where the trail is located adjacent to the wastewater storage ponds, the trail is at a design elevation of 8.5 to 10.0 feet, a minimum of 2.5 foot above the 100-year extreme tidal flooding elevation.

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Analysis under applicable sea level rise (SLR) scenario (16 inches by 2050): Per the Conservancy’s Policy Statement on Climate Change adopted at its June 4, 2009 meeting, the Conservancy will consider the following SLR scenarios in assessing project vulnerability and, to the extent feasible, reducing expected risks and increasing resiliency to SLR: 16 inches by 2050, and 55 inches by 2100.

The proposed project has a minimum 20-year design life, and should thus be analyzed under the “16 inches by 2050” SLR scenario. Based on extrapolation, sea level will rise approximately 8 inches during the minimum life of the project (i.e., 8 inches, or 2/3-foot, by 2030).

The lowest portion of the proposed trail is a 950-foot long segment immediately adjacent to Wildcat Marsh on the southwest, near where the trail would join the existing Wildcat Creek trail on the flood control levee, approximately 3,900 feet from the shoreline of San Pablo Bay. The majority of land between this lowest segment of proposed trail and open water is tidal marsh. At this lowest elevation, the proposed trail would be at a design elevation of 7.5 feet above sea level (NGDV29), 0.7 feet above the highest observed water level of 6.8 feet, 1.5 feet above the estimated 100-year flood water elevation of 6.0 feet (FEMA) and approximately 2.5 feet above the current predicted annual high tide of 4.7 feet above sea level (NOAA). The remainder of the trail is at a design elevation of 8.5 to 10.0 feet above sea level, or a minimum of 2.5 feet above the 100-year flood water elevation.

At its lowest elevation, the proposed trail will still be well above what sea level is expected to be in 2030 (the year of the proposed project’s minimum 20-year design life). In addition, many portions of the trail are paved access roads that can withstand flooding. The portions of the trail that are new trail surface will be constructed using compacted recycled aggregate base rock. Properly compacted, such a surface can typically withstand low-velocity tidal flooding with minimal damage. Any damage that does occur during rare tidal flooding events can be repaired relatively quickly and inexpensively. This trail surfacing material also enables the trail to be raised if needed to extend the trail’s life at the lowest points. Finally, the construction material for the bridges spanning the drainages at the northwestern and southwestern portions of the project has been changed from timber to concrete, which will be more durable.

Where the proposed trail is located along the levee-top and along wastewater treatment ponds, the trail will be protected by the WWD. The WWD ponds are required by Regional Water Quality Control Board regulations to be above and outside of the 100-year floodplain. The WWD will therefore need to make plans for raising service roads that are located on the levees around the WWD treatment and holding ponds and subject to flooding. Under terms of the licensing agreement between the WWD and the EBRPD, the WWD will be responsible for ensuring correct design elevations to protect their facilities, and the EBRPD will be responsible for maintenance of the trail surface such that the trail remains accessible to a wide range of public trail users.

**Minimization of Greenhouse Gas Emissions:**

The EBRPD proposes to minimize greenhouse gas (GHG) emissions during construction of the proposed project by using existing roads for portions of the new trail and by using gravel base rather than asphalt for most of those portions of the trail that will be newly constructed. The use of gravel base instead of asphalt reduces the use of heavy equipment. In addition, equipment idling times will be minimized by shutting off equipment when not in use and by limiting

maximum idling times to five minutes, and equipment will be maintained to keep engines in tune and running efficiently. Finally, the proposed project will not generate greenhouse gas emissions during use, i.e., once construction is completed. The “Compliance with CEQA” (California Environmental Quality Act) section of this report contains a more detailed discussion of GHG emissions associated with this project.

**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 June 4, 2009, 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 on the Bay Trail alignment, along the Bay shoreline.
5. **Need:** The proposed project will not be constructed absent Conservancy participation.
6. **Greater-than-local interest:** The Bay Trail is a regional trail network that will be approximately 500 miles in length when completed. This authorization will help further the completion of the trail, of which some 230 miles have been completed to-date.
7. **Sea level rise vulnerability:** See the “Consistency with the Conservancy’s Climate-Change Criteria” section, above.

**Additional Criteria**

8. **Minimization of Greenhouse Gas Emissions:** See the “Consistency with the Conservancy’s Climate-Change Criteria” section, above.

**CONSISTENCY WITH THE SAN FRANCISCO BAY PLAN:**

The proposed project is consistent with the applicable policies contained in Part IV, Development of the Bay and Shoreline: Findings and Policies, of the San Francisco Bay Plan adopted by the San Francisco Bay Conservation and Development Commission (BCDC) in January 2006.

Public Access Policy No. 8 states:

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

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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.

Consistent with Public Access Policy No. 8, the proposed project will provide a walkway along the waterfront (the City of Richmond shoreline), and will provide a diverse and interesting public access experience (a shoreline trail adjacent to Wildcat Marsh) that will encourage users to remain in designated public access areas.

Public Access Policy No. 10 states that federal, state, regional and local jurisdictions, special districts and the Bay Commission should cooperate to provide appropriately-sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems and existing public access areas to the extent feasible without additional Bay filling and without significant adverse effects on Bay natural resources. Closing gaps between existing public access areas is a high priority for funding. The proposed project is consistent with this policy because it provides a more appropriately-sited Bay Trail segment by replacing a segment along a busy thoroughfare with a Class I segment directly adjacent to the shoreline.

### **COMPLIANCE WITH CEQA:**

In order to comply with the California Environmental Quality Act (CEQA), the EBRPD prepared a Mitigated Negative Declaration (MND) for the “San Francisco Bay Trail, Wildcat Creek to San Pablo Creek, Contra Costa County, California” project. The EBRPD circulated the document for public comment April 25, 2009 to May 25, 2009, and received and responded to one comment letter (clarified project description and potential impacts in response to a letter from the Contra Costa County Flood Control and Water Conservation District). The EBRPD adopted the MND (Exhibit 4) on July 7, 2009 pursuant to CEQA, and filed the MND (including payment of the filing fee per California Fish and Game Code Section 711.4) on July 9, 2009.

The MND identified a set of environmental commitments, included as part of the project design, to reduce project impacts. These commitments include the following, summarized below and detailed in Section 1.2 of Exhibit 4:

#### Sensitive Species Avoidance Procedures:

- Rare Plant Survey. A pre-construction rare plant survey will be conducted, and any rare plants found within 50 feet of the proposed trail will be flagged and fenced off to avoid disturbance.
- Survey for Migratory Bird Nests. Trail construction work along San Pablo Creek will either occur between September 1 and January 31, which is outside of the migratory bird nesting season, or will be preceded by a survey for bird nests by a qualified biologist and conducted only after the nests are no longer active.
- Protection of California Clapper Rail, White-Tailed Kite, California Black Rail, San Pablo Song Sparrow, and Salt Marsh Yellow Throat During Construction Activities. Trail construction work will either occur between September 1 and January 31, to avoid breeding seasons, or will occur following consultation with and approval from the jurisdictional agencies. A qualified biologist will train the construction crew and will conduct daily monitoring of the project site during all work activities occurring near the edge of the



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adjacent salt marsh. If a California clapper rail or California black rail is observed near the project work site, work will stop, EBRPD and California Department of Fish and Game (CDFG) and/or the U.S. Fish and Wildlife Service (USFWS) will be notified, and additional avoidance measures, if any, will be discussed and implemented.

Protection of Sensitive Small Mammal Species (salt marsh harvest mouse (SMHM), San Pablo vole (SPV), salt marsh vagrant shrew (SMVS)) During Construction. During trail construction work, pertinent areas will be temporarily fenced with small mammal exclusion fencing. A qualified biological monitor will train the construction crew and will conduct daily monitoring of construction activity. If a sensitive small mammal species is observed within the work areas, work will stop, USFWS and the CDFG will be notified, and additional avoidance measures, if any, will be discussed and implemented.

Selective Vegetation Management:

- Selective Vegetation Removal. Vegetation removal will be limited to trees, shrubs, and non-native exotic species that directly encroach upon the proposed trail alignment, and to plants growing above the mean high water mark, subject to the following exception: grubbing incidental to culvert replacement (mostly non-native iceplant and grasses) via an existing memorandum of understanding between EBRPD and the CDFG and US Army Corps of Engineers.
- Thinning and Limbing of Native Trees. Thinning will generally be limited to that needed to construct a trail with appropriate horizontal and overhead passage (10-foot minimum). All woody vegetation clearing along San Pablo Creek will be conducted under the direction of a qualified biological monitor.

Trail Use Policies and Fencing Design:

- Trail Fencing Plan. The EBRPD will consult with the CDFG to design a fence that will keep trail users and dogs out of the adjacent sensitive wetlands while allowing the movement of small mammals (such as SMHM, vagrant, shrew, vole) within their existing natural range.
- Trail Use Regulations. The EBRPD will implement appropriate trail use standards and will install interpretive panels explaining the biological resources and the sensitivity of Wildcat Marsh.

Pollution Prevention:

- NPDES Coverage. The EBRPD will obtain an NPDES (National Pollutant Discharge Elimination System) General Permit for Construction Activities from the State Water Resources Control Board before commencing construction. The permit application will include a SWPPP (Stormwater Pollution Prevention Plan), along with any Section 404 Wetlands Fill Permit and Section 401 RWQCB Water Quality Certification requirements. The SWPPP and related plans will include an erosion control plan, temporary and permanent BMPs to prevent the discharge of other construction-related NPDES pollutants beside sediment (i.e., paving materials, sawdust from treated wood posts and rails, concrete, etc.) to downstream waters, procedures for post-construction inspections, and provisions for site visits to ensure compliance.

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In addition, the MND identified measures to avoid or reduce to a level of insignificance potentially significant impacts in the areas of “Air Quality,” “Biological Resources,” “Cultural Resources,” “Hazards and Hazardous Materials,” and “Utilities and Service Systems.” A Mitigation Monitoring and Reporting Program (MMRP) was prepared based on the findings of the MND and in compliance with Section 15097 of the *CEQA Guidelines*. The MMRP, shown below, lists the mitigation measures recommended in the MND, states when each measure will be conducted, and identifies the parties responsible for implementation and monitoring:

Mitigation Measure	Timing	Method of Compliance	Responsible for Compliance	Responsible for Monitoring
<b><u>Air Quality 1:</u></b> Basic dust control measures will be implemented. Control measures may include: controlling dust with watering or palliatives; requiring all trucks to maintain at least two (2) feet of freeboard; limiting traffic speeds on unpaved roads to 15 miles per hour; and suspending activities when winds are too great (i.e., exceed 25 miles per hour) to prevent visible dust clouds from affecting sensitive receptors.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector
<b><u>Biological Resource Mitigation 1:</u></b> Conduct Pre-construction Surveys for active Western Burrowing Owl Burrows and implement the California Department of Fish and game guidelines for Western Burrowing Owl mitigation and compensate for impacts, if necessary.	Prior To Construction	Include in Bid Specifications	Qualified staff biologist or consulting biologist	Construction Inspector

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<p><b><u>Cultural Resource Mitigation</u></b>  <b>1:</b> In the event that prehistoric or archaeological artifacts or remains are encountered during construction activities, all ground disturbing activities will be halted within at least 50 feet and artifacts will be protected in place (in accordance with EBRPD Board Resolution No. 1989-4-124 and federal and state law), until the find is evaluated by a qualified archaeologist.</p>	<p>During Construction</p>	<p>Include in Bid Specifications</p>	<p>Qualified staff biologist or consulting biologist</p>	<p>Construction Inspector; and Chief of Planning, Stewardship &amp; GIS</p>
<p><b><u>Cultural Resource Mitigation</u></b>  <b>2:</b> If the qualified archaeologist determines that the find is an important resource, funding and time will be provided to allow recovery of the resource or to implement avoidance measures.</p>	<p>During Construction</p>	<p>Include in Bid Specifications</p>	<p>Contractor</p>	<p>Construction Inspector; and Chief of Planning, Stewardship &amp; GIS</p>
<p><b><u>Cultural Resource Mitigation</u></b>  <b>3:</b> In the event of accidental discovery of human remains, the County Coroner will be notified, and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) will be notified within 24 hours to identify the Most Likely Descendant (MLD), in accordance with federal and state law. The disposition of the remains will be coordinated between EBRPD, the County Coroner, NAHC, MLD and the archaeological consultant, in accordance with federal and state law.</p>	<p>During Construction</p>	<p>Include in Bid Specifications</p>	<p>Contractor</p>	<p>Construction Inspector; and Chief of Planning, Stewardship &amp; GIS</p>

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<b><u>Hazardous Mitigation 1:</u></b> All proposed imported fill material will be reviewed by EBRPD before importing to the project site. EBRPD will require certification that the fill material is clean. Fill will be accepted only if tests confirm it meets acceptable standards for heavy metals, petroleum hydrocarbons, volatile organic compounds, semi-volatile organic compounds, PCBs, pesticides and asbestos.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector; and Design Project Manager
<b><u>Hazardous Mitigation 2:</u></b> Prior to work, all equipment will be inspected for fuel, oil, and hydraulic leaks, and repaired.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector
<b><u>Hazardous Mitigation 3:</u></b> Fueling of equipment and vehicles will occur in upland areas a minimum of 100 feet from any wetland or open water. Storage of petroleum products will be maintained off-site, and a spill prevention plan will be developed and implemented to contain and clean-up spills. An oil spill kit will be kept on-site.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector
<b><u>Utility and Service System Mitigation 1:</u></b> The project sponsor will comply with all state laws and local ordinances pertaining to recycling.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector

Finally, CEQA requires analysis of Greenhouse Gas (GHG) emissions. The California Natural Resources Agency is in the process of amending the CEQA Guidelines to address GHGs. The proposed amendments advise that a lead agency should make a good faith effort to describe, calculate or estimate the amount of GHG emissions resulting from a project (*See Proposed CEQA Guidelines Amendments Section 15064.4*). The proposed amendments do not include a threshold of significance for GHG emissions.

The Bay Area Air Quality Management District (BAAQMD) is in the process of adopting recommended thresholds of significance for GHGs that can be used by local agencies in the San Francisco Bay Area on an interim basis until AB 32 and SB 375 have been fully implemented or

until the California Air Resources Board adopts a recommended threshold. The BAAQMD currently intends to adopt the thresholds of significance in December 2009. The BAAQMD has released *Proposed CEQA Thresholds of Significance, November 2, 2009* as well as a document that provides background information and discussion of potential thresholds of significance that BAAQMD staff evaluated in developing the proposed thresholds, *Revised Draft Options and Justification Report, CEQA, Thresholds of Significance, October 2009*. In the absence of adopted recommended thresholds of significance, the BAAQMD recommends that local agencies quantify GHG emissions from new development and apply all feasible mitigation measures.

Construction-Related Emissions: The BAAQMD's October 2009 *Draft CEQA Thresholds of Significance* report (Section 1.1.3) states that the BAAQMD will not identify a recommended construction GHG threshold of significance at this time due to a lack of sufficient evidence to determine a level at which construction emissions are significant. The report instead proposes to recommend case-by-case consideration of construction GHG emissions; implementation of construction GHG reduction strategies where feasible; and use of Best Management Practices (BMPs) that the BAAQMD will develop in the future, such as use of alternative fuels, use of local materials, and recycling of construction and demolition waste.

In the first draft of its *CEQA Thresholds of Significance* report (proposed in April 2009), the BAAQMD identified a recommended Threshold of Significance for construction-related GHG emissions, which was the presence of the following performance-based BMPs, as applicable:

- Maintain alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment for at least 15% of the fleet;
- Use local (within 100 miles) building materials of at least 10%; and
- Recycle at least 50% of construction waste or demolition materials.

The current *Proposed CEQA Thresholds of Significance* does not include this threshold, and it appears that the BAAQMD may develop recommended BMPs in the future.

The EBRPD has made a good faith effort to quantify emissions of carbon dioxide from the project. EBRPD estimates the total volume of carbon-dioxide emitted as a result of project construction will be 16.6MT (metric tons; see Exhibit 5). The EBRPD will incorporate project design features and apply basic construction BMPs, as specified below, to minimize GHG emissions. The EBRPD will not, however, apply the GHG-related BMPs identified in the April 2009 *CEQA Draft Thresholds of Significance Report* based on its determination that these BMPs would be difficult for the EBRPD to enforce within its formal bidding and hiring process for contracted work.

Project Design Features:

- The proposed trail was originally designed as an asphalt-paved surface, which would have meant installation of approximately 1.1 miles (6,908 feet) of new asphalt. This design was modified to reduce the amount of asphalt surfacing and thus reduce the amount of heavy equipment use associated with asphalt surfacing. The revised design incorporates use of existing paved road, and surfacing with gravel base rather than asphalt.

Basic Construction BMPs:

The EBRPD will incorporate into its project construction specifications the following basic construction BMPs for criteria air pollutants and precursors (*CEQA Draft Air Quality Guidelines, September 2009, Section 6.3.1*):

- Minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure (13 CCR, Section 2485));
- Perform equipment maintenance to keep engines in tune and running efficiently.

Given the project features that will minimize GHG emissions, the relatively low level of GHG construction emissions and the lack of guidance on a threshold of significance for GHG emissions, the EBRPD concluded that the GHG emissions from construction are less than significant.

Operational Emissions: The BAAQMD's November 2009 *Proposed CEQA Thresholds of Significance* report (Section 1.2.3.1) proposes three options for operational GHGs from non-stationary sources: compliance with a qualified Climate Action Plan, a bright line threshold of 1,100 MT/yr CO<sub>2</sub>e, which corresponds to a project size of approximately 60 single-family-dwelling units or an efficiency-based threshold of 4.6 MT CO<sub>2</sub>e per capita per year. The bright line threshold would result in an aggregate emissions reduction of 1.6 MMT CO<sub>2</sub>e by 2020 to achieve the San Francisco Bay Area Air Basin's fair share GHG emission reductions needed from new land use projects.

The San Francisco Bay Trail is intended as a non-motorized trail to be used for commuting as well as recreation. The proposed project is therefore not anticipated to generate any significant operational-related GHG emissions.

Based on the foregoing, Conservancy staff concludes that the subject project as proposed and mitigated, and as additionally tracked as required in the MMRP, poses no potential for significant environmental impacts. Accordingly, staff recommends that the Conservancy find that there is no substantial evidence that the proposed project, as mitigated, will have a significant effect on the environment. Staff will file a Notice of Determination upon the Conservancy's approval of the project.