INITIAL STUDY and PROPOSED MITIGATED NEGATIVE DECLARATION for

VARGAS PLATEAU REGIONAL PARK
LAND USE PLAN
CITY OF FREMONT, ALAMEDA COUNTY, CALIFORNIA

Adopted: April 1, 2008
Resolution No.: 2008-4-085

Lead Agency:

East Bay Regional Park District
P.O. Box 5381, Oakland, CA 94605
www.ebparks.org

Exhibit 5: Mitigated Negative Declaration and Mitigated Monitoring Program

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1.0 PROJECT DESCRIPTION AND PROPOSED MITIGATED NEGATIVE DECLARATION

1.1 Project Description

The East Bay Regional Park District (District or EBRPD) has prepared a Land Use Plan (LUP) to describe land use goals, capital projects and resource management actions at Vargas Plateau Regional Park, the project site. The park is located in the City of Fremont (City), Alameda County, California and encompasses 1,030 acres of grassland, scrubland and oak woodland habitats, and streams, ponds and seasonal wetlands (see Figures 1 and 2). As lead agency, the District has prepared this Initial Study and Mitigated Negative Declaration (IS/MND) in accordance with the California Environmental Quality Act (CEQA). This document addresses the recommendations and actions contained in the Land Use Plan which would result in physical changes to the baseline environmental conditions at this regional park. The purpose of the LUP is to protect and appropriately manage natural and cultural resources while providing the public with low-impact, passive recreation. The LUP does not proposed major infrastructure. Individual proposals, such as staging areas, primitive camp sites, trails, livestock grazing infrastructure, water development projects and road improvements, on their own would be categorically exempt from CEQA. The proposed physical changes, referred to collectively as the "project," are summarized below. Detailed descriptions of these recommendations, contained in the LUP, are incorporated by reference in this document.

Recreational Facility Development and Infrastructure Improvements

The Land Use Plan divides Vargas Plateau Regional Park into natural, staging and recreation units, defined by the District *Master Plan 1997* (EBRPD 1997). The LUP recommends that over 900 acres (or 91 percent) of the parkland be designated a natural unit, meaning that the land would either remain undeveloped or is suitable for passive recreational activities. Public facilities and infrastructure would be concentrated in the remaining land, comprising two staging units and two recreation units (see Figure 3). To make the land more enjoyable and accessible to the public, the LUP, as shown in Figure 4, presents the following proposals that would result in physical changes to the staging and recreation units of Vargas Plateau Regional Park:

<u>Morrison Canyon Staging Unit</u>

- Develop a staging area with an all-weather parking lot for up to 60 vehicles including horse trailer parking (developed in phases), picnic tables, benches, vault toilet(s), drinking water, shelters, trees, landscaping, fencing, gates and directional and interpretive signs. Selectively prune and thin eucalyptus trees to maintain park user safety and tree health.

<u>Upper Ranch Staging Unit</u>

- Develop an access-controlled staging area with an all-weather parking lot for up to 40 vehicles, picnic tables, vault toilet(s), drinking water, shelters, trees, landscaping, fencing, gates and directional and interpretive signs.

Ridgeline Recreation Unit

- Initial phase: develop up to ten picnic sites with tables and grills, shelters, trees and other landscaping.
- Later phase: develop a reservable group picnic area with a 100-person capacity on one or several sites with the following amenities: vault toilet(s), potable water, tables, grills, children's play equipment, shelters, fencing, irrigated turf meadow, trees and other landscaping.

North Plateau Recreation Unit

- Develop a group camping area to accommodate up to a total of 50 people with the following amenities: vault toilets, potable water, sinks, tables, grills, shelters with fire rings, animal-proof storage, refuse containers, fencing, trees, landscaping, equestrian facilities and vehicle parking. Areas would be fenced to exclude cattle.
- Develop up to two reservable trekking camp sites to accommodate up to a total of 10 people in individual campsites with the following basic amenities: vault toilet(s), potable water, tables, animal-proof storage, hitching rail for horses and lockable feed storage. Areas would be fenced to exclude cattle.

Infrastructure Improvements

- Install two 5,000-10,000-gallon capacity water storage tanks for firefighting and visitor use purposes. One tank would be located within the Morrison Canyon Staging Unit and another tank would be placed within or north of the Ridgeline Recreation Unit.
- Install subsurface water lines for firefighting and visitor use purposes. Alternatively, develop other potable water supply systems, with sources to include on-site natural springs or existing or new well(s).
- Maintain existing fencing and install additional fencing and signs, as appropriate, to secure and prevent access to the Sunol Aqueduct.
- Remove the transmitter/communications installation located next to the proposed Upper Ranch Staging Unit, if possible, to restore the site to a natural condition.
- Underground overhead power lines in front of the park residence to improve the area's aesthetics.

Natural Unit Development and Management

The District proposes the following actions that would result in physical changes to the Natural Unit of Vargas Plateau Regional Park, as shown in Figures 4 and 5:

Trails/Trailheads

- To improve park circulation, develop unpaved trails, trail segments or trail connectors totaling just over four (4) miles in length.
- Develop up to four local trailheads to allow foot access into the park from existing roads and residential areas. At trailheads proposed next to local streets, fencing and gates would be installed and signs would be limited, consisting of standard EBRPD signs such as those stating District regulations and curfew hours.

Road and Trail Management and Improvements

To improve trail circulation and public, maintenance and emergency vehicle access within Vargas Plateau Regional Park, the District proposes to install or replace several seasonal drainage crossings along the Upper Ranch Trail, Golden Eagle Trail, Watercress Loop Trail, Deer Gulch Loop Trail and Ravine Trail (trails are shown in Figure 5). Crossings would involve installing culverts, fords or bridge structures such as a clear-span.

The LUP also proposes regular road and trail improvement and maintenance activities within Vargas Plateau Regional Park, which is essential for providing safe access for trail users and park maintenance, public safety and emergency and firefighting vehicles. To minimize soil erosion, the LUP recommends that, where possible, trails be mowed rather than graded. Substandard road and trail conditions are identified annually by District staff, and are remedied through a program of regular maintenance. Maintaining existing and proposed roads and trails at Vargas Plateau Regional Park typically would involve the following activities: grading, re-paving, adding gravel, patching, repairing landslides, replacing or installing drainage structures, and minor realignment as a result of erosion and/or slope instability.

In conjunction with development of Vargas Plateau Regional Park, the District, working in partnership with the City of Fremont, may implement traffic safety improvements on Vargas and Upper Morrison Canyon roads, per plans developed by a traffic engineering consultant. Improvements will bring these public roadways up to acceptable roadway engineering safety standards and may include: roadside pruning to improve sight distance; removing tree(s) to allow for road widening; graveling or paving shoulders and locating turnouts to widen constrained areas and making associated drainage and culvert improvements, if necessary; cutting and overlaying pavement to reconstruct road grades; constructing retaining walls and installing guard rails; installing roadway speed and safety signs; striping road edges and centerlines and installing traffic signs; and similar improvements, as agreed upon by the District and City of Fremont.

Vegetation and Pest Management

Managing wildland vegetation on Vargas Plateau Regional Park requires conservation practices that accomplish resource and fire control objectives consistent with park and recreational uses and values. Managing the land to minimize the potential for uncontrolled wildfires is particularly important here, as the parkland is located in the urban-wildland interface and residential development and isolated homes occur nearby. The District implements wildland vegetation and pest management activities at Vargas Plateau Regional Park to reduce wildfire hazards, to control the spread of invasive, non-native vegetation, and to promote plant and animal diversity. The District also utilizes pest management activities to prevent pests, such as insects, animals and plant pathogens, from causing harm to desired natural resources, as well as unacceptable safety, health, aesthetic, economic or structural damage.

At Vargas Plateau Regional Park the District has used, and will continue to employ, livestock grazing as the primary vegetation management tool over widespread areas because of its practicality,

cost-effectiveness and compatibility with maintaining overall biological diversity. The District uses prescribed burning, mechanical, manual, biological and chemical treatment methods as secondary vegetation management tools for small-scale, project-specific purposes such as weed control. These land management activities have been ongoing since the District acquired the parkland (the lower ranch land in 1993 and the upper portion in 1996).

The District will continue to conduct vegetation and pest management activities at Vargas Plateau Regional Park in compliance with applicable State and federal law and in accordance with the direction contained within the District *Master Plan 1997*, "Wildland Management Policies and Guidelines" (EBRPD 1992 and 2001) and "Pest Management Policies and Practices" (EBRPD 1987). The "Pest Management Policies and Practices" manual describes how the District implements its Integrated Pest Management (IPM) program. The IPM program includes a comprehensive methodology for: evaluating animal and plant pest problem areas; choosing the appropriate treatment from among non-chemical and chemical alternatives; and conducting treatments safely for applicators, the general public and the environment.

The District could periodically schedule prescribed burning projects (the intentional ignition of grass, brush and forest fuels) to achieve particular weed control and wildfire management objectives at Vargas Plateau Regional Park. The District Fire Department would conduct each burn in cooperation with biologists in the Planning, Stewardship and GIS Services Department, and in compliance with local and State air quality regulations under Regulation 5 of the Bay Area Air Quality Management District (BAAQMD) and Title 17 of the California Code of Regulations.

Domestic livestock grazing has been practiced on the Vargas Plateau for over 150 years. The District would continue to implement a closely monitored and adaptive livestock grazing program to conserve natural resources and to minimize the threat of wildfire. European settlement of Vargas Plateau began in the 1850s and livestock production grew to become the primary land use of the greater Vargas Plateau area. By the 1870s, the Rankin family owned an almost 1,800-acre ranch that encompassed virtually all of the present-day park plus additional land to the north, east and south. The Rankin family dryland farmed the flatter areas of the ranch for grain and hay production to augment ranch livestock income. The ranch was divided among several families in the early 1900s and the land has been managed for livestock grazing ever since. The District has continued to responsibly graze the land.

The District now employs a year-long, rotational cow/calf operation at Vargas Plateau Regional Park. Continuing to conduct a closely monitored grazing program at the park, as proposed, would neither result in a substantial physical change in the environment nor cause a significant environmental impact. District staff has analyzed the vegetation characteristics of the project site to determine a grazing strategy that is consistent with resource conservation objectives. This range analysis is contained in the Grazing Management Plan, which appears as Appendix D of the LUP. The LUP proposes that the District install new grazing infrastructure, such as fencing, wetland exclosures, gates and cattleguards, to improve the distribution of livestock and obtain uniform grazing. Additional infrastructure will also enhance the regrowth of native, perennial grasses and annual flowering forbs and give the District more flexibility over the management of vegetation resources. The LUP also proposes to reduce the intensity of cattle grazing at specific built stock

ponds and to develop additional water sources for grazing animals. Water development projects may include: installing water troughs in new locations utilizing both gravity and solar powered pump and tank systems; developing new springs and spring boxes or drilling new wells; and periodic maintenance projects such as replacing existing, worn spring boxes, pumps, pipelines and troughs. The District could also develop and maintain corrals and would install interpretive panels to highlight the land's ranching and farming past.

While conducting a range analysis, District staff considered the potential impacts of livestock grazing operations on environmental resources including water quality, erosion, soils, wetland and riparian resources, and resident plants and animals. Staff has designed the grazing program to avoid or minimize significant environmental impacts, in accordance with the California Environmental Quality Act.

Pond, Wetland and Aquatic Wildlife Management

Vargas Plateau Regional Park contains several seasonal drainages and seven constructed stock water ponds that are shown in Figure 5. The federally-listed California red-legged frog and California tiger salamander breed in three ponds. The LUP proposes that the District continue to regularly maintain and enhance the habitat value of the site's stock water ponds through periodic restoration activities. Routine maintenance activities may include: dredging, filling, re-contouring, draining, installing fences, repairing dams and water supply systems, and removing non-native fish and wildlife. In addition, the LUP recommends maintaining and enhancing the fenced wetland area within the Morrison Canyon Staging Unit by repairing and extending the fencing and planting riparian trees such as willow, cottonwood or other species.

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Vargas Plateau Regional Park
Land Use Plan

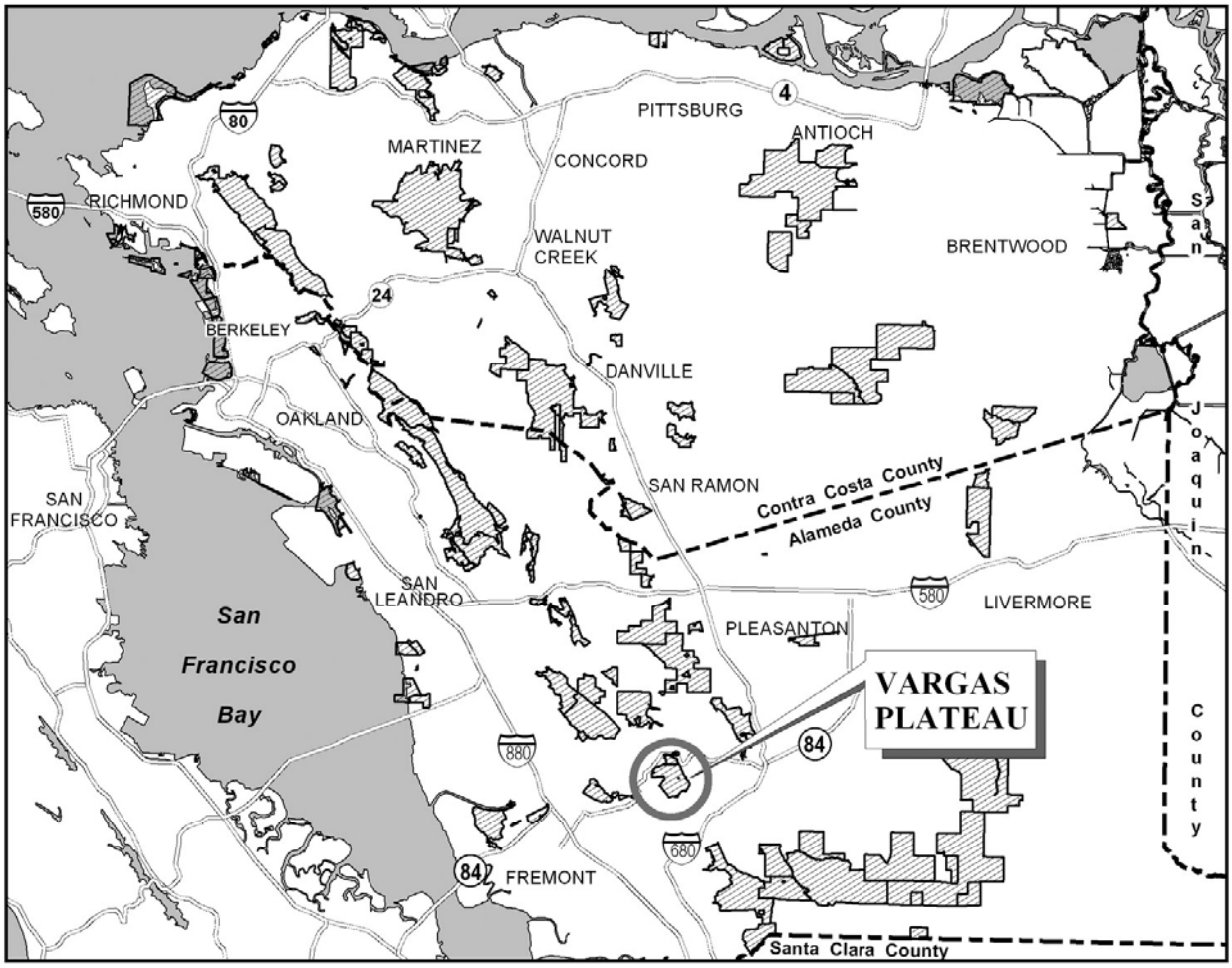
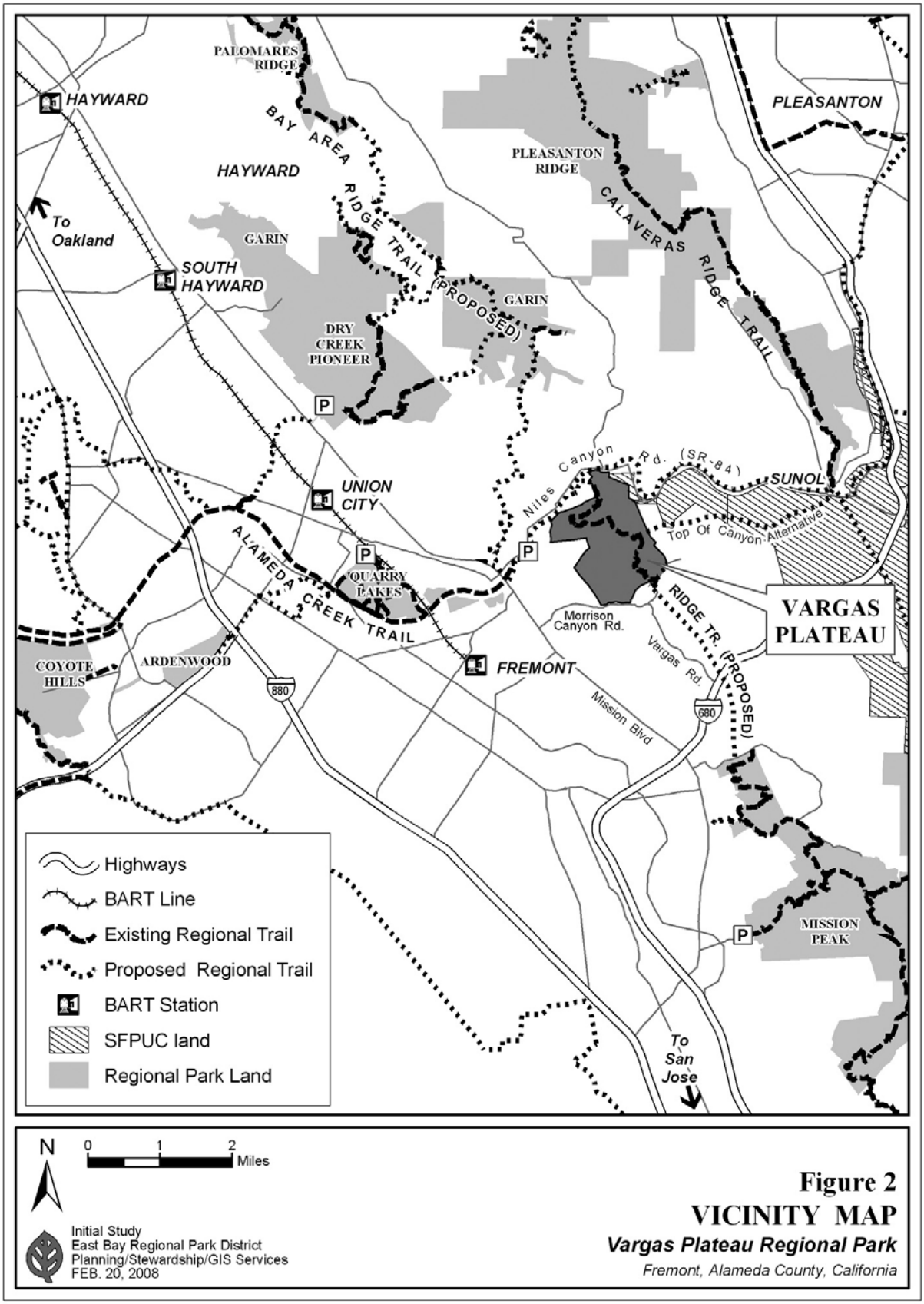
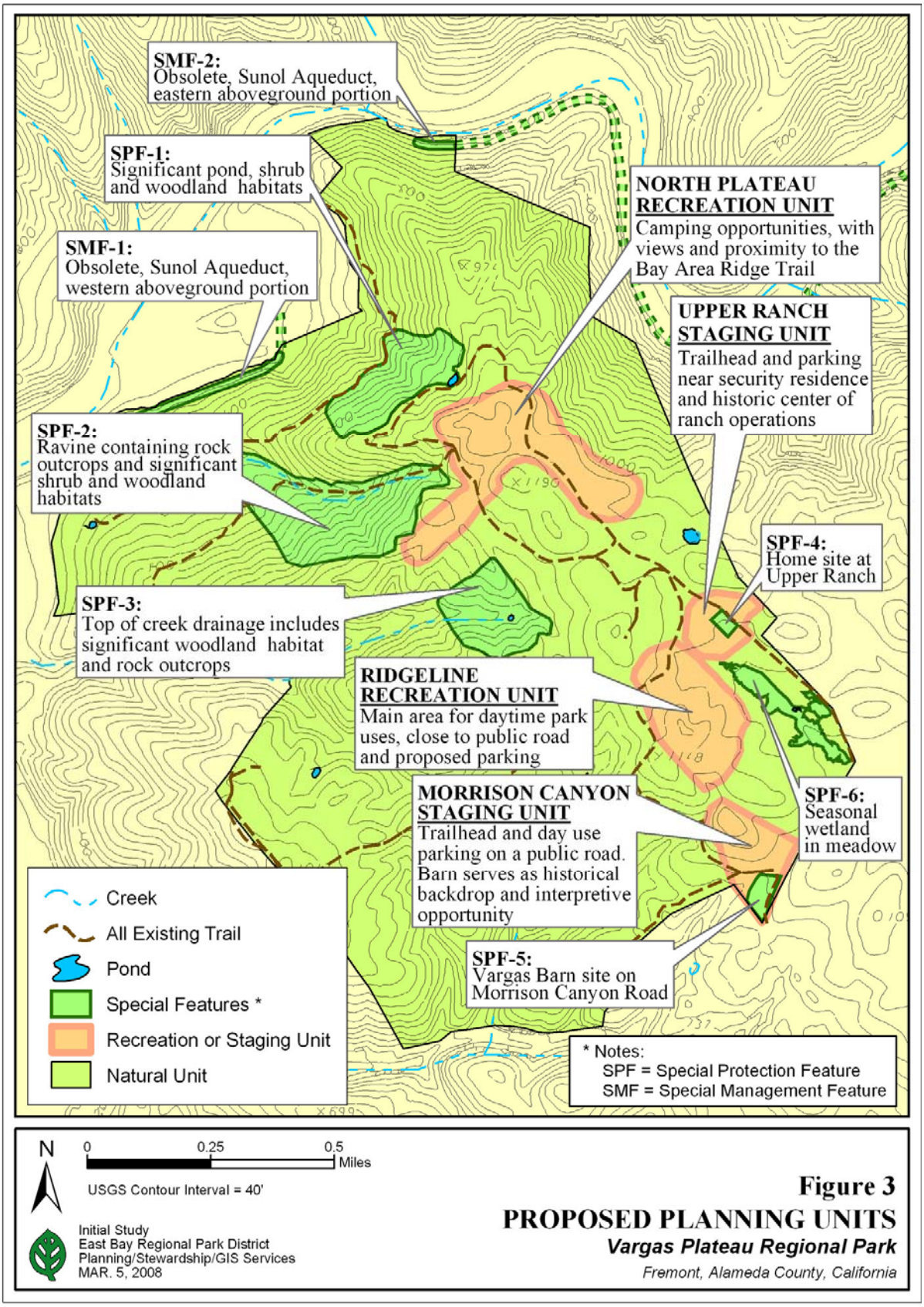
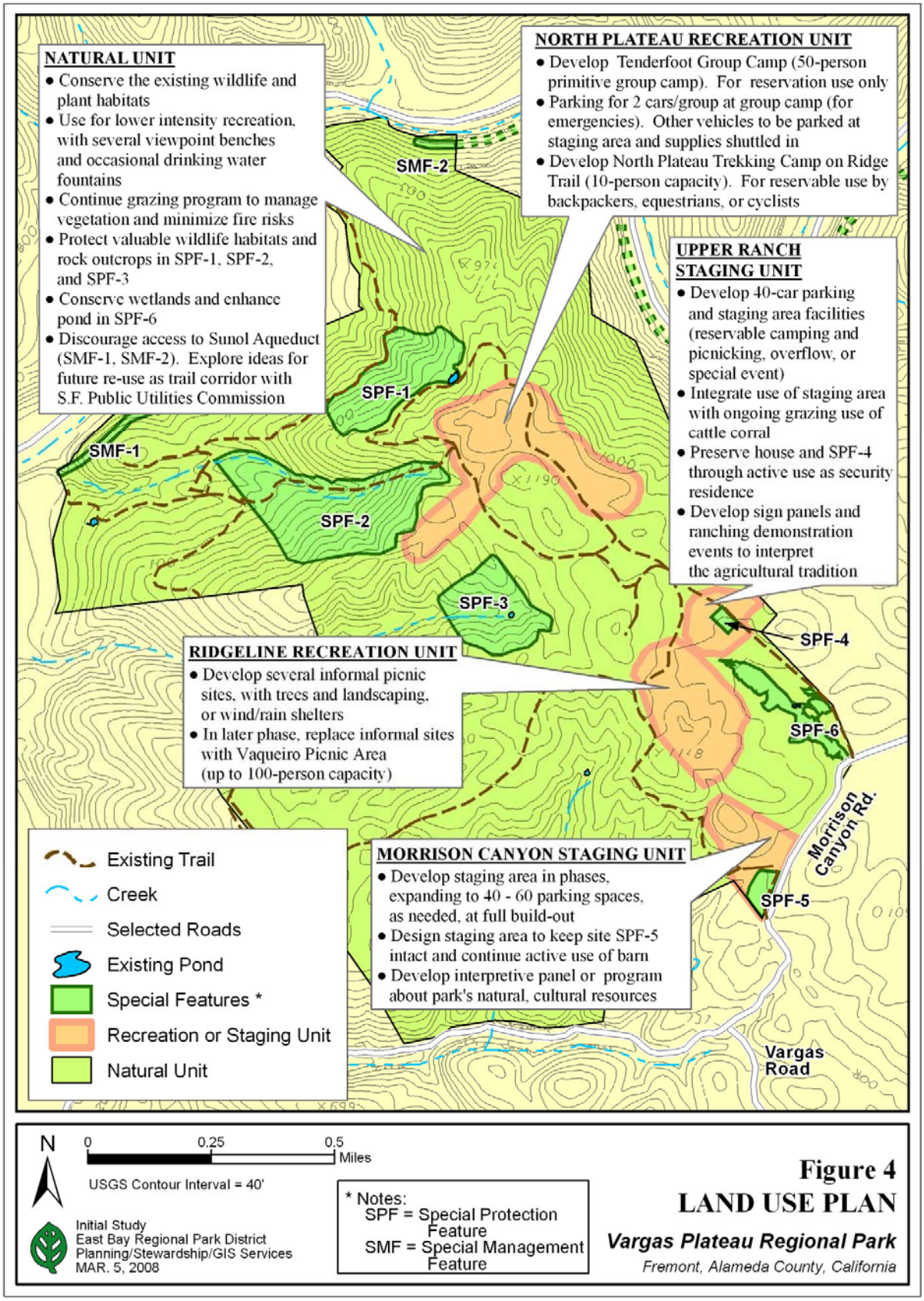
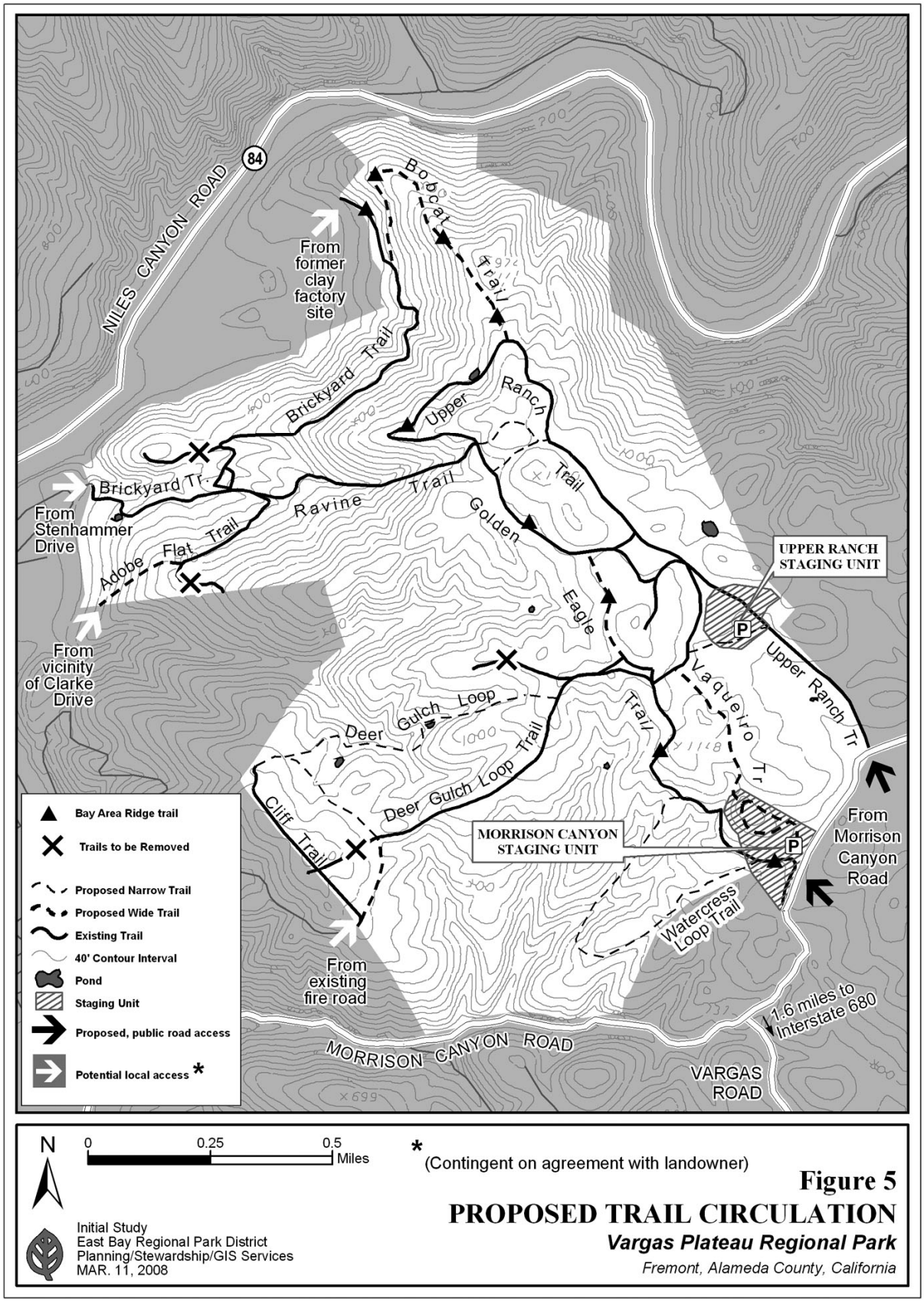


FIGURE 1
LOCATION MAP
Vargas Plateau Regional Park
Fremont, Alameda County, California


PALOMARES RIDGE
HAYWARD
BAY AREA RIDGE TRAIL (PROPOSED)
HAYWARD
PLEASANTON RIDGE
CALAVERAS RIDGE TRAIL
PLEASANTON
To Oakland
GARIN
SOUTH HAYWARD
GARIN
DRY CREEK PIONEER
UNION CITY
Niles Canyon Rd. (SR-84)
SUNOL
Top Of Canyon Alternative
ALAMEDA CREEK TRAIL
QUARRY LAKES
Morrison Canyon Rd.
RIDGE TR. (PROPOSED)
VARGAS PLATEAU
COYOTE HILLS
ARDENWOOD
FREMONT
Vargas Rd.
Mission Blvd
880
680
MISSION PEAK
To San Jose
Highways
BART Line
Existing Regional Trail
Proposed Regional Trail
BART Station
SFPUC land
Regional Park Land
N
0 1 2 Miles
Initial Study
East Bay Regional Park District
Planning/Stewardship/GIS Services
FEB. 20, 2008
Figure 2
VICINITY MAP
Vargas Plateau Regional Park
Fremont, Alameda County, California


SMF-2:
Obsolete, Sunol Aqueduct, eastern aboveground portion
SPF-1:
Significant pond, shrub and woodland habitats
SMF-1:
Obsolete, Sunol Aqueduct, western aboveground portion
NORTH PLATEAU RECREATION UNIT
Camping opportunities, with views and proximity to the Bay Area Ridge Trail
UPPER RANCH STAGING UNIT
Trailhead and parking near security residence and historic center of ranch operations
SPF-2:
Ravine containing rock outcrops and significant shrub and woodland habitats
SPF-4:
Home site at Upper Ranch
SPF-3:
Top of creek drainage includes significant woodland habitat and rock outcrops
RIDGELINE RECREATION UNIT
Main area for daytime park uses, close to public road and proposed parking
MORRISON CANYON STAGING UNIT
Trailhead and day use parking on a public road. Barn serves as historical backdrop and interpretive opportunity
SPF-6:
Seasonal wetland in meadow
SPF-5:
Vargas Barn site on Morrison Canyon Road
Creek
All Existing Trail
Pond
Special Features *
Recreation or Staging Unit
Natural Unit
* Notes:
SPF = Special Protection Feature
SMF = Special Management Feature
N
0
0.25
0.5
Miles
USGS Contour Interval = 40'
Initial Study
East Bay Regional Park District
Planning/Stewardship/GIS Services
MAR. 5, 2008
Figure 3
PROPOSED PLANNING UNITS
Vargas Plateau Regional Park
Fremont, Alameda County, California


NATURAL UNIT
• Conserve the existing wildlife and plant habitats
• Use for lower intensity recreation, with several viewpoint benches and occasional drinking water fountains
• Continue grazing program to manage vegetation and minimize fire risks
• Protect valuable wildlife habitats and rock outcrops in SPF-1, SPF-2, and SPF-3
• Conserve wetlands and enhance pond in SPF-6
• Discourage access to Sunol Aqueduct (SMF-1, SMF-2). Explore ideas for future re-use as trail corridor with S.F. Public Utilities Commission
NORTH PLATEAU RECREATION UNIT
• Develop Tenderfoot Group Camp (50-person primitive group camp). For reservation use only
• Parking for 2 cars/group at group camp (for emergencies). Other vehicles to be parked at staging area and supplies shuttled in
• Develop North Plateau Trekking Camp on Ridge Trail (10-person capacity). For reservable use by backpackers, equestrians, or cyclists
UPPER RANCH STAGING UNIT
• Develop 40-car parking and staging area facilities (reservable camping and picnicking, overflow, or special event)
• Integrate use of staging area with ongoing grazing use of cattle corral
• Preserve house and SPF-4 through active use as security residence
• Develop sign panels and ranching demonstration events to interpret the agricultural tradition
RIDGELINE RECREATION UNIT
• Develop several informal picnic sites, with trees and landscaping, or wind/rain shelters
• In later phase, replace informal sites with Vaqueiro Picnic Area (up to 100-person capacity)
MORRISON CANYON STAGING UNIT
• Develop staging area in phases, expanding to 40 - 60 parking spaces, as needed, at full build-out
• Design staging area to keep site SPF-5 intact and continue active use of barn
• Develop interpretive panel or program about park's natural, cultural resources
SMF-1
SMF-2
SPF-1
SPF-2
SPF-3
SPF-4
SPF-5
SPF-6
Morrison Canyon Rd.
Vargas Road
Existing Trail
Creek
Selected Roads
Existing Pond
Special Features *
Recreation or Staging Unit
Natural Unit
N
0
0.25
0.5
Miles
USGS Contour Interval = 40'
Initial Study
East Bay Regional Park District
Planning/Stewardship/GIS Services
MAR. 5, 2008
* Notes:
SPF = Special Protection Feature
SMF = Special Management Feature
Figure 4
LAND USE PLAN
Vargas Plateau Regional Park
Fremont, Alameda County, California


NILES CANYON ROAD
84
From former clay factory site
Bobcat Trail
Brickyard Trail
Upper Ranch Trail
Brickyard Tr.
From Stenhammer Drive
Ravine Trail
Golden Eagle Trail
Adobe Flat Trail
From vicinity of Clarke Drive
UPPER RANCH STAGING UNIT
P
Upper Ranch Tr
Vaqueiro Tr
Deer Gulch Loop
Deer Gulch Loop Trail
Cliff Trail
MORRISON CANYON STAGING UNIT
From Morrison Canyon Road
Watercress Loop Trail
From existing fire road
1.6 miles to Interstate 680
MORRISON CANYON ROAD
VARGAS ROAD
Bay Area Ridge trail
Trails to be Removed
Proposed Narrow Trail
Proposed Wide Trail
Existing Trail
40' Contour Interval
Pond
Staging Unit
Proposed, public road access
Potential local access *
N
0
0.25
0.5
Miles
* (Contingent on agreement with landowner)
Initial Study
East Bay Regional Park District
Planning/Stewardship/GIS Services
MAR. 11, 2008
Figure 5
PROPOSED TRAIL CIRCULATION
Vargas Plateau Regional Park
Fremont, Alameda County, California

1.2 Mitigation Measures

The following mitigation measures are extracted from Section 3.0, *Initial Study Checklist*. The District would incorporate these measures into the project, described in Section 1.1, to avoid or minimize potentially significant impacts, and thereby reduce them to a less-than-significant level. Mitigation measures will be incorporated into the project design and construction schedule. The District will not initiate a project without an identified commitment of funds to implement the mitigation measures outlined here.

Wildlife Mitigation

- Ground clearing for construction will be confined to the minimum area necessary, and appropriate erosion control measures will be incorporated.

- Prior to acceptance of the final alignment of new trails and site design of campsites, a qualified District biologist will conduct site-specific, pre-construction surveys to determine the presence of any special-status species that could be affected.

- Within upland habitats, if special-status species are encountered within or adjacent to trail alignments or recreation areas during the survey or construction period, construction activities will be rescheduled to avoid the nesting season and disturbance to other sensitive wildlife.

- If active special-status bird nests or other protected species are identified in public use areas, the District may seasonally restrict public access to these areas during the breeding season or temporarily close trails, in accordance with Ordinance 38 (EBRPD Visitor Use Regulations), to avoid disturbance to breeding or migrating amphibians or other sensitive wildlife.

- Prior to the removal of select trees, the District will conduct a site-specific tree survey to determine the presence of nests of protected bird species. If any trees to be removed contain active nests, the District will consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service to determine under what conditions these trees can be legally removed. In addition, construction activities near these trees will be conducted only after the young have fledged, as determined by a District biologist.

- Construction of new trails located in potential Alameda whipsnake habitat will be confined to the months of August and September. This represents an active period for Alameda whipsnake and should minimize potential impacts because snakes are expected to move readily during construction.

- To minimize impacts to special-status wildlife, prescribed burns will be conducted according to permit guidelines restricting burns to the season that presents the least risk to the animals.

- The District will conduct prescribed burns during the period of July through January, thus avoiding the major periods of the bird-nesting season.

- During a prescribed burn, if the District's biological monitor finds wildlife within the burn area, individual animals will be captured if possible, and moved out of the project area. Burns may be suspended for the amount of time necessary to perform this action.

- To reduce the chance of injury of an animal during burning of piles, slash piles will be disassembled and reformed immediately prior to burning. This method will decrease the potential risk of harming any species taking refuge in a pile.

Aquatic Wildlife Mitigation

- The District will enact seasonal closure zones, as appropriate, to restrict park activity around breeding or migrating amphibians and other sensitive wildlife.

- All construction activities that have the potential of affecting wetland areas will take place during the dry season, between August 1 and October 31, or as otherwise determined by permitting agencies, and in compliance with the federal Clean Water Act.

- District biologists will survey ponds for special-status aquatic wildlife prior to and during pond maintenance projects. If found, individuals will be relocated to an appropriate site by a qualified wildlife biologist permitted by the U.S. Fish and Wildlife Service.

- No equipment will be operated in standing or flowing water. Heavy equipment working in or adjacent to wetlands will be placed on mats or other measures must be taken to minimize soil disturbance.

- Spoil materials generated during pond maintenance projects will be utilized for pond reinforcement or removed and deposited at the appropriate upland location(s).

- For construction projects adjacent to wetlands and waterbodies, develop and implement best management practices for control of erosion, sediment and pollutants. Best management practices may include: broadcast and/or hydro-seeding exposed areas; using dikes, basins, ditches, clean straw, erosion control fabric and other temporary measures; installing catchments for source pollutants; and including a sufficient vegetated buffer between parking areas and wetlands.

- To avoid impacts to special-status aquatic wildlife during prescribed burns, the District will identify water sources that are known to support these species on the project map and will avoid drawing water from them to suppress a fire.

- To prevent ash from entering waterbodies during prescribed burns, the District will establish appropriate upland buffers around each waterbody within the prescribed burn project area.

Cultural Resource Mitigation

- Preserve and protect known archaeological resources in place, as per the District Cultural Resources Policy (EBRPD Board Resolution 1989-4-124).

- Prior to commencing ground disturbing activities, the project manager or park staff will consult District maps and survey records to determine if archaeological resources have been catalogued in the project vicinity.

- For any project planned on sites with possible past human occupation, District personnel will be responsible for observing ground-disturbing activities to ensure there are no impacts to prehistoric or historic resources, and for complying with the above measures if resources are encountered.

- In the event that prehistoric, archaeological or paleontological artifacts or remains are encountered during project construction, 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 State and federal law) until the find is evaluated by a monitor/archaeological consultant, and appropriate mitigation, such as curation, preservation in place, etc., if necessary, is implemented.

- 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 to identify the Most Likely Descendant (MLD), in accordance with State and federal law. The disposition of the remains will be coordinated between EBRPD, the County Coroner, NAHC, MLD and the archaeological consultant.

Soils and Sediment Mitigation

- When installing drainage crossings and developing trails near wetlands, per California Department of Fish and Game permit conditions, work will be restricted to the dry season between April 1 and October 31 or between August 1 and October 31 in areas that have the potential to support California red-legged frog or California tiger salamander.

- Appropriate erosion control best management practices will be employed when developing trails, conducting road improvements and installing drainage crossings based on site conditions, scale of work and distance to creeks and seasonal wetland areas.

Mitigation for Water Quality

- Appropriate erosion, sediment and pollutant control best management practices will be implemented, including conducting construction activities during the dry season; broadcast and/or hydro-seeding exposed areas; using dikes, basins, ditches, straw, erosion control fabric and other temporary measures; installing catchments for source pollutants; and providing for a sufficient vegetated buffer between park facilities and wetlands.

Traffic Safety Mitigation

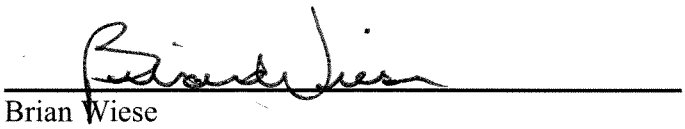
- The District shall contribute a fair share toward the implementation of traffic safety improvements on Vargas Road and Upper Morrison Canyon Road, per plans developed by Aliquot Associates, Inc. and TJKM Transportation Consultants and reviewed by City of Fremont staff. Improvements will bring these public roadways up to acceptable roadway engineering safety standards and may include: roadside pruning to improve sight distance; removing tree(s) to allow for road widening; graveling or paving shoulders and locating turnouts to widen constrained areas and making associated drainage and culvert improvements, if necessary; cutting and overlaying pavement to reconstruct road grades; constructing retaining walls and installing guard rails; installing roadway speed and safety signs; striping road edges and centerlines and installing traffic signs; and similar improvements, as agreed upon by the District and City of Fremont.

1.3 Determination

An Initial Study has been prepared under the direction of the East Bay Regional Park District's Planning, Stewardship and GIS Services Department, in which the environmental effects of the proposed project have been evaluated. On the basis of this Initial Study, a copy of which is attached, the District has found that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project and incorporated mitigation measures have reduced all impacts to a less-than-significant level. Therefore, the proposed project does not require the District to prepare an Environmental Impact Report.

Prepared by: Raphael Breines, Senior Park Planner

ATTEST:



Date: 10/23/07

Brian Wiese
Chief, Planning, Stewardship and GIS Services Department

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2.0 BACKGROUND AND SITE INFORMATION

2.1 Introduction

The East Bay Regional Park District has prepared this Initial Study and Mitigated Negative Declaration for the proposed project (described in Section 1.1), pursuant to the California Environmental Quality Act, as amended (Public Resources Code Section 21000 et seq.), and in accordance with the State of California *CEQA Guidelines* (California Code of Regulations Section 15000 et seq.).

The purpose of this Initial Study is to determine whether implementing the Vargas Plateau Regional Park Land Use Plan project could result in potentially significant effects to the environment, and, if so, to incorporate mitigation measures to eliminate or reduce the project's potentially significant effects to less-than-significant levels.

If, after consideration of this Initial Study and any comments received during the public review period, the District finds no substantial evidence that the proposed project would have a significant adverse effect on the environment, then a Mitigated Negative Declaration would be submitted for adoption by the EBRPD Board of Directors, as provided in CEQA, Section 21064.

2.2 Project Purpose and Need

The East Bay Regional Park District has developed the recommendations and proposals contained in the Vargas Plateau Regional Park Land Use Plan to protect and appropriately manage natural and cultural resources while providing the public with educational and low-impact, passive recreational opportunities.

2.3 Project Review and Approval

This Initial Study and Mitigated Negative Declaration has been distributed for review by local and regional agencies with jurisdiction over the project site. A notice of availability of the IS/MND has been sent to nearby property owners and other interested parties. The document is available for review at the following locations:

Alameda County Library – Fremont Main
2400 Stevenson Boulevard
Fremont, CA 94538
(510) 745-1400

Alameda County Library – Centerville Branch
3801 Nicolet Avenue
Fremont, CA 94536
(510) 795-2629

Alameda County Library – Niles Branch
150 I Street
Fremont, CA 94538
(510) 795-2626

East Bay Regional Park District
Planning, Stewardship and GIS Services Department
2950 Peralta Oaks Court
Oakland, CA 94605
Web site: www.ebparks.org
Phone: (510) 544-2300
Fax: (510) 635-3478

Written comments on the IS/MND should be submitted in writing to EBRPD prior to the conclusion of the 30-day public comment period (**not later than 5:00 p.m., Monday, November 26, 2007**). Comments should be sent or faxed to the attention of the Planning, Stewardship and GIS Services Department, attn: Raphael Breines, at the above address and fax number. In reviewing the IS/MND, affected public agencies, organizations and interested citizens should focus on the sufficiency of the document in identifying and analyzing any potential impacts to the environment, and the proposed ways in which any significant effects of the project are to be avoided or reduced.

The District will review and evaluate written comments received during the public review period, and determine whether any substantial new environmental issues have been raised. If there are substantial new environmental issues, not covered in the IS/MND, further documentation, such as an Environmental Impact Report or an expanded IS/MND, may be required. If not, the EBRPD Board of Directors would adopt the Mitigated Negative Declaration and approve the project. The District would then file a Notice of Determination with the Alameda County Clerk's Office within five days following project approval.

2.4 Permits Needed

The LUP proposes several activities subject to permitting by various regulatory agencies, including but not limited to, the permits described below.

District staff expects that the majority of permits will be under the jurisdiction of the City of Fremont and will submit the proposed project to the City's Community Development Department for review. The project site is zoned O-S (Open Space) and public parks are an allowed use if consistent with the City's Open Space District Performance Standards and Hillside Combining District Development Standards. The project site is within the City's Fremont Hill Area and is consistent with Measure T, the Hill Area Initiative. Measure T was approved by Fremont voters in November of 2002 to protect natural resources, watersheds, water quality, wildlife habitat and scenic views, while allowing public access to nature and low impact, passive outdoor recreation. City staff will review conformance of the park with relevant standards pertaining to tree removal, grading, fire protection, building and roadway encroachment. Installing vault toilets at the park may be subject to review and approval under applicable health standards. Installing a well would require the District

to coordinate with and obtain a drilling permit from Alameda County Water District prior to commencing subsurface drilling activities.

The District has existing permits and agreements with regulatory agencies that allow it to conduct various routine maintenance activities in and adjacent to water-systems throughout its parklands. Routine maintenance activities within water-bodies, including routine removal of vegetation, repair or replacement of rock riprap and existing culverts, stream fords and bridges, are covered under the following agreements: a general permit with the U.S. Army Corps of Engineers (USACE); a Waiver of Waste Discharge and Water Quality Certification under Section 401 of the Clean Water Act with the California Regional Water Quality Control Board (RWQCB); and a California Department of Fish and Game (CDFG) 1601 Memorandum of Understanding – Lake and Streambed Alteration Agreement.

The District would be required to have authorizations for installation of proposed drainage crossings, including new culverts, fords, clear-span bridges or similar structures, in ephemeral drainages from the USACE, RWQCB, CDFG and in consultation with the U.S. Fish and Wildlife Service (USFWS). Clear-span bridges may be non-jurisdictional to the USACE and would be covered under existing RWQCB Water Certification and CDFG 1601 Agreements.

The District would also be required to obtain permits for prescribed burns from the Bay Area Air Quality Management District under Regulation 5 and California Code of Regulations, Title 17. Further review by the California Department of Forestry and Fire Protection (CAL FIRE), CDFG and/or the USFWS may be necessary if the burns were to take place in habitat that supports special-status species.

2.5 Existing Site Conditions

Section III and several appendices of the LUP provide a full description and lists of Vargas Plateau Regional Park's physical environment and natural and cultural resources. Existing site conditions represent the "baseline" setting for the environmental impact analysis, as summarized here.

The project site is a 1,030-acre area comprising a grassland plateau, rolling hills, steep slopes and biologically sensitive riparian areas and constructed stock ponds. Vargas Plateau Regional Park is located within the City of Fremont's Hill Area and is relatively remote with few roads, utilities, development or services (see Figures 1 and 2). Elevations range from about 200 to 1,200 feet above sea level, and slopes to the north and west generally exceed 50 percent. Vargas Plateau rises prominently from Fremont's flatlands and the project site has unique visual resources: its open character provides extensive views of surrounding lands and forms a backdrop to the City.

Though the parkland comprises mostly unimproved open land, the existing conditions reflect centuries of human occupancy, and the land contains a rich variety of cultural resources and unique geological features like rock outcrops. Native Americans inhabited the land that now composes the project site for about two thousand years prior to European settlement. As a result, the park may contain subsurface, prehistoric resources, though no prehistoric village, burial or ceremonial sites have been identified (Texier and Denardo 2006).

European settlement of the area began in the 1850s and livestock production grew to become the primary land use of the Vargas Plateau area. Nearly eight (8) miles of dirt trails, many of which were originally built as ranch roads, traverse the site. As shown in Figure 5, the District proposes that almost seven (7) miles of existing roadways be used to provide the public with a network of trails, as well as for maintenance and emergency vehicles access. Remnants of structures built by settlers in the 19th and 20th centuries are present, and several of these more contemporary buildings remain intact and are currently being used by the District. The park also contains cattle grazing infrastructure, including spring boxes, corrals and water troughs, and seven ponds fed by springs built to supply drinking water for livestock. These constructed waterbodies still provide water for cattle, but also function as watering holes for resident wildlife, amphibians, fish and birds, and are habitat for the federally-listed California red-legged frog and California tiger salamander.

The District has commissioned the following professional studies to document cultural resources at Vargas Plateau Regional Park: an historical architecture assessment of Tavares Barn (Hill 1996), a comprehensive cultural resources survey (Texier and Denardo 2006) and oral histories of former landowners, family members and neighbors on the Vargas Plateau (Imboden 2006). The results of this work have guided Land Use Plan developments and management recommendations.

Vargas Plateau Regional Park is a mosaic of grassland, scrubland and oak/bay woodland vegetation types, and also contains wetland habitats and intermittent streams. The park's northern boundary touches Alameda Creek for almost a half-mile. Park runoff flows primarily into the Alameda Creek watershed, but drinking water is not drawn from the creek downstream of the park. Numerous native plant species grow intermixed among the park's non-native vegetation. These plant communities support over 165 species of birds and 44 species of mammals, as well as reptiles, invertebrates and amphibians, many of which are native. A review of the California Natural Diversity Database (CNDDB), a State-maintained inventory of rare plants and animals, and surveys conducted by District botanists in preparation for the Land Use Plan, did not identify the presence of any State- or federally-listed rare, threatened or endangered plant species at Vargas Plateau Regional Park. Table 1, located in Section 3.4, *Biological Resources*, includes a list of 21 special-status wildlife species that have been observed by District staff or others, or that potentially occur on the project site.

At Vargas Plateau Regional Park, District staff has also conducted extensive inventories of plants and wildlife, and surveys will continue in the future. In the preparation of the LUP, District staff mapped plant communities, and undertook a variety of wildlife surveys and studies including habitat suitability assessments and general and specific inventories and monitoring of species. District staff conducted general wildlife inventories in 2005 and 2006 and pond and wetland surveys in 1996, 2000, 2004 and 2006 for breeding amphibians. Staff conducted specific wildlife surveys and surveys for raptors and their foraging areas in the spring of 2006. In addition, the District contracted with the San Francisco Bay Bird Observatory to perform a systematic avian survey of the park (Churchwell 2006). Together, these studies form a baseline inventory of the park's existing environmental condition, and have allowed the District to design the project so as to minimize potential environmental impacts.

3.0 INITIAL STUDY CHECKLIST

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklists in this section.

✕	Aesthetics		Agricultural Resources	✕	Air Quality
✕	Biological Resources	✕	Cultural Resources	✕	Geology/Soils
✕	Hazards & Hazardous Materials	✕	Hydrology/Water Quality		Land Use/Planning
	Mineral Resources	✕	Noise		Population/Housing
✕	Public Services		Recreation	✕	Transportation/Traffic
✕	Utilities/Service Systems	✕	Mandatory Findings Of Significance		(None of the Above.)

3.1 AESTHETICS – Would the project:	**Rating**
a) Have a substantial adverse effect on a scenic vista?	○
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	⊙
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	○
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	○
Legend: ○ No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a, c) A significant adverse impact would occur if the project would introduce new visual elements that would significantly interfere with existing scenic vistas or be out-of-character with the existing visual setting. The project site is a valuable visual resource, and views from Vargas Plateau Regional Park are an important component in its enjoyment. Because of its open character and varied topography, the project site commands picturesque views of the surrounding San Francisco Bay Area and is a dominant ridgeline visible from many areas of Fremont.

The project would introduce new visual elements such as shelters, trails, campsites, vault toilets, picnic tables, parking lots, cattle grazing infrastructure, fencing, signs, children's play equipment, trees, landscaping and water storage tanks. The project would also include off-site road improvements, such as road signs, guardrails, retaining walls and removing vegetation and tree limbs, that would result in slight changes to the existing visual setting. These improvements would cover only a small percentage of the project site's total landmass, and in general, would not be seen

from off-site and would not have a substantial adverse visual effect. Proposed LUP development would be designed to fit in with the rustic character of the area, consolidated within Recreation and Staging Units, as shown in Figure 3, and would be small in scale and not detract from the natural, open space or visual qualities of the area. Furthermore, the District would continue to implement vegetation management activities, such as prescribed burns and a closely monitored livestock grazing program, to maintain the open space character of the landscape.

Proposed park development, including campsites, would be located in unobtrusive areas, and improvements visible from public roads, such as restrooms, parking lots and trails, would be located and aligned to follow natural topography. Proposed water tanks would be a neutral color and landscaped to blend with the natural setting. Some improvements, including staging areas, trails and water tanks, could be visible from Upper Morrison Canyon Road, but none would be noticeable from flatland areas of Fremont. Sensitive design measures, incorporated in the Land Use Plan, would ensure that the visual character of this site would not be affected. Off-site road improvements would result in slight changes to the visual setting of Vargas Road and Upper Morrison Canyon Road. However, changes to the area's visual character would be minimally perceptible because road improvements, specifically retaining walls, would be small in scale and designed with appropriate materials and colors to blend with the area's natural setting.

Overall, the proposed project would have a beneficial impact on the visual character of the Vargas Plateau. The proposed project is consistent with the City of Fremont's Measure T, which states that its purpose "is to protect natural resources, watersheds and water quality, wildlife habitat, beauty and tranquility, and scenic hill views, while permitting access to nature and outdoor recreation for the residents of Fremont." The proposed parkland would preserve open space and provide the public with low-impact, passive recreational opportunities, precisely what Measure T was designed to achieve. Preserving this land in its current condition as permanent open space would help to maintain the rural character of this landscape that contributes to the quality of life for residents of Fremont and the greater San Francisco Bay region. The District would continue to manage the land to retain its distinctive visual and physical character, and the project would not substantially affect views of or from the parkland.

b) The northern portion of Vargas Plateau Regional Park is visible to motorists along Niles Canyon Road (State Highway Route 84). This portion of Niles Canyon Road is in the process of being designated a State scenic highway, which if adopted, would include ordinances designed to address the type and extent of land uses permitted within the corridor while retaining its scenic views. Aside from development of the Bobcat Trail (see Figure 5), the Land Use Plan does not propose park development projects that would be visible from the Niles Canyon Road scenic corridor. However, trail development would not degrade the scenic value of the corridor, as the District would give careful attention to the design and appearance of the Bobcat Trail. Therefore, the project would have a less-than-significant impact on scenic resources within a State scenic highway.

d) There would be no impact because the Land Use Plan does not propose new sources of light or to construct facilities or buildings that would create a new source of glare.

3.2 AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	**Rating**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	O
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	O
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	O
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a, b and c) There would be no impact because Vargas Plateau Regional Park is not located on Prime Farmland, Unique Farmland or Farmland of Statewide Importance, and is not under a Williamson Act contract (California DOC 1999). The park is located in a district zoned for open space, which permits public parks, and would not conflict with existing agricultural zoning. Livestock grazing is a long-term existing use of the parkland and the surrounding area. Much of the parkland would remain as highly productive rangeland: the LUP proposes to continue a closely monitored grazing program, and implementation of the LUP would not result in conversion of farmland to non-agricultural use.

3.3 AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Rating**
a) Conflict with or obstruct implementation of the applicable air quality plan?	O
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	⊙
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	⊙
d) Expose sensitive receptors to substantial pollutant concentrations?	⊙
e) Create objectionable odors affecting a substantial number of people?	O
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a) There would be no impact because the project would not conflict with implementation of applicable air quality plans.

b, d) Vehicle Exhaust At full build-out, the proposed project would generate traffic from park users, estimated at a maximum of approximately 113 vehicles or 226 vehicle trips on peak days (see Section 3.15, Transportation/Traffic). On most days throughout the year, particularly weekdays

or under poor weather conditions, the volume of traffic would likely be much less. Project-generated automobile traffic would be well below the "significance threshold" of 2,000 vehicle trips per day for air pollutants established by the Bay Area Air Quality Management District (*BAAQMD CEQA Guidelines*, 1999). Therefore, the project would not violate air quality standards and would result in a less-than-significant air quality impact from vehicle traffic.

b, d) Prescribed Burning The District may occasionally conduct prescribed grassland burns, an important ongoing vegetation management tool, which would produce smoke. The District Fire Department conducts all prescribed burns in compliance with Regulation 5 of the BAAQMD and Title 17 of the California Code of Regulations. Smoke production can be managed by burning only under appropriate environmental conditions to minimize the fire's air quality impacts. If the appropriate conditions cannot be met, the District will not conduct the burn.

For a typical burn operation, the District prepares a *Prescribed Fire and Smoke Management Plan*, describing the burn's objectives, how smoke would be managed and other logistical details. The District would prepare this plan in cooperation with in-house firefighters, biologists, Park Operations staff, and the California Department of Forestry and Fire Protection, and it would be reviewed by BAAQMD. Upon approval of the plan by BAAQMD, an appropriate date would be set, fire staff assembled and neighbors notified.

On the burn day, District fire officers would monitor the conditions to confirm that the burn could proceed, and BAAQMD may send an inspector to monitor smoke production along with District personnel. Appropriate staff and firefighting equipment would be deployed to the site for the duration of the prescribed fire and subsequent clean up. The District Fire Department would also prepare and submit a post-burn report to BAAQMD within 30 days. Compliance with these procedures, as outlined in BAAQMD's Regulation 5, would ensure that the District's prescribed burns would have a less-than-significant air quality impact.

c) Almost all air basins within California are non-attainment areas for one or more criteria air pollutants. Activities that emit criteria air pollutants within those air basins could have a significant cumulative impact on air quality. The City of Fremont is located in the San Francisco Bay Area Air Basin, which is currently non-attainment for ozone (State and federal ambient standards) and particulate matter, or PM_{10} and fine particulate matter, or $PM_{2.5}$ (State ambient standards). The air quality management districts and air pollution control districts established under State and federal law to preserve air quality have adopted regional air quality plans intended to reduce pollutant emissions over time. The State mandated regional air quality plan, the Clean Air Plan (CAP), outlines thresholds for significant air quality impacts specifically for "local plans" such as a general plan. Inconsistency with the CAP is considered a significant environmental impact (BAAQMD 2000). The proposed project is consistent with the *Fremont General Plan*, which contains a number of policies that aim to improve air quality, constituting implementation of the Clean Air Plan Transportation Control Measures. Therefore, the project would not result in a cumulatively considerable air quality impact.

d, e) Construction equipment would generate petroleum-based fuel odors and typical motor vehicle pollutants, including particulate matter, carbon monoxide and ozone precursors (e.g., nitrogen oxide and sulfur dioxide), but would not expose sensitive receptors or large numbers of

people to substantial pollution or odors. The project's effect on air quality from dust as a result of equipment and earth-moving activities, such as constructing and maintaining trails, would be temporary and localized, and would result in a less-than-significant impact.

3.4 BIOLOGICAL RESOURCES – Would the project:	**Rating**
a) Have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	⊘
b) Have an adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	⊘
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	⊘
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	⊙
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	O
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	O
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

Vargas Plateau Regional Park contains a diversity of plant communities that provide suitable habitat for invertebrates, amphibians, reptiles, birds and mammals. In an effort to design a project that will avoid or substantially lessen effects on natural resources, District staff and others have conducted extensive habitat assessments to inventory plant and animal species that occur or have the potential to exist, and to document their location(s) in the park. Although focusing particularly on special-status species and sensitive natural communities, staff documented other significant wildlife species and habitat resources. District staff conducted extensive plant and wildlife surveys in 2005 and 2006 and mapped plant communities, wetlands, water sources and special-status species, as well as surveyed all ponds and wetlands in 1996, 2000, 2004 and 2006 for aquatic species including macro-invertebrates, amphibians and fish. In addition, District staff searched the California Natural Diversity Database; reviewed the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California; and contracted with the San Francisco Bay Bird Observatory to perform a systematic avian survey in the summer of 2006. The results of these surveys are detailed in Section III.C and Appendices B and C of the Land Use Plan.

As shown in Figures 3 and 4, the Land Use Plan designates four areas (two staging and two recreation units) totaling approximately 90 acres out of the parkland's 1,030 acres as suitable for parking, staging and recreational facilities and activities. In these areas the LUP proposes to construct, develop or install minor shelters, parking areas, picnic areas, campsites, trails, toilets, water tanks, turf meadows, play equipment, water development systems, landscaping, fencing, signs

and cattle grazing-related infrastructure, as well as continue vegetation management activities (as described in Section 1.1 and shown in Figure 4). As shown in Figure 3, the LUP has designated eight distinct areas as Special Protection or Management Features (referred to in the LUP as SPF and SMF, respectively), which are unique natural or cultural resource areas that will receive special protection and management. The District has used sensitive site planning to avoid or minimize biological resource impacts in the development of the LUP. The District has incorporated mitigation measures, discussed below, into the project to reduce potential affects to biological resources to a level of less-than-significant.

a, b) Plants While Vargas Plateau Regional Park contains a notable representation of native grasses, wildflowers and trees (see Appendix B of the LUP for an inclusive list), plant surveys conducted by District botanists and the review of the California Natural Diversity Database and the California Native Plant Society Inventory of Rare and Endangered Vascular Plants of California, did not reveal the presence of State- or federally-listed rare plant species on the Vargas Plateau. Implementation of the project would not significantly impact rare, threatened or endangered plant species, and therefore, impacts to plants would be less-than-significant under CEQA.

Implementation of the LUP could selectively remove trees and disturb vegetation at the park. However, proposed improvements are generally located in previously developed areas or in areas already accessible by service roads, so vegetation removal and impacts to wildlife habitat associated with equipment access would be minimal. Additionally, ground clearing for park development will be confined to the minimum area necessary.

At Vargas Plateau Regional Park, the District may use manual, mechanical, biological and chemical treatment methods for site-specific vegetation control. In addition, the District may implement prescribed burns and livestock grazing to control vegetation over larger areas. The District, in accordance with its "Pest Management Policies and Practices" and in compliance with applicable State and federal law, would continue to conduct pest management activities at the parkland (EBRPD 1987). The District's Pest Management Policy provides for a process to evaluate the need for pest suppression activities to determine which strategy or set of strategies will achieve satisfactory control. If plant or animal pest species cause functional damage to park facilities or competitive displacement of more desirable species such determination may trigger pest management activities. The District plans the timing and extent of pest control activities so as not to interfere with or impact the annual reproductive cycles of special-status and non-target plant and animal species. Monitoring and evaluating such activities is a critical element in conducting and refining integrated pest management actions. Continuing to restrict the timing and extent of pest management activities, and maintaining a site monitoring and evaluation procedure, would ensure that potential impacts to plants and animals would be less-than-significant.

The District actively manages wildlands, using prescribed fires and grazing animals, to maintain balanced and diverse ecosystems. For example, vegetation management activities in open grassland habitat support populations of California ground squirrel (*Spermophilus beecheyi*). Ground squirrels are a valuable prey species for large aerial predators, including golden eagle (*Aquila chrysaetos*) and Cooper's hawk (*Accipiter cooperii*), which have been observed at Vargas Plateau Regional Park. The District has long recognized that in certain areas prescribed burning, or the intentional ignition of grass, brush and forest fuels for specific purposes, is a practical vegetation management tool.

Prescribed burning simulates natural ecological processes, reduces fuel accumulation, controls invasive plant species and enhances wildlife habitat. At Vargas Plateau Regional Park, the District may perform prescribed burns of grassland and scrubland vegetation to control undesirable plants. Though these projects could harm individual plants, prescribed burns would result in only temporary impacts to affected habitat; therefore, overall impacts to plant populations and wildlife habitat would be less-than-significant under CEQA.

Livestock grazing is an existing land management condition of Vargas Plateau Regional Park, and the District would continue to implement an actively managed livestock grazing program. For the last 150 years, livestock grazing has been the primary land use for the greater Vargas Plateau area and the District has continued to responsibly graze the land since it was acquired over 10 years ago.

A goal of the District's livestock grazing program is to utilize livestock to enhance habitat conditions which contributes to maintaining the viability of native plant and wildlife populations. The intent of livestock grazing from a resource management perspective is to apply grazing pressure on undesirable vegetation. This typically occurs during the early part of the growing season when desirable plants are attempting to colonize gaps in the vegetative structure, germinate and successfully reestablish themselves. Managed livestock grazing and the disturbance caused by cattle to the land provides for a diversity of plant life and helps to maintain suitable habitat conditions for a variety of wildlife (Bartolome and Barrett 2007, Marty 2004, Riensche 2005, USFWS 2000, 2000a).

The Land Use Plan recommends maintaining the existing year-round, rotational cow/calf grazing operation at the Vargas Plateau. The Grazing Management Plan, Appendix D of the LUP, proposes minor improvements, such as installing grazing infrastructure, specifically fencing, to create additional pastures, which will allow the District to better distribute cattle, obtain uniform grazing, and encourage the re-growth and recovery of native grasses and forbs. Therefore, implementation of the LUP would not cause a significant physical change to the environment because the intensity and extent of grazing, for the most part, would remain at current levels. Nevertheless, District staff would continue to annually monitor ground conditions and assess each grazing unit to ensure that overgrazing does not occur. Incorporating management actions would preclude the potential for a cumulative negative effect on plant species. Management actions may include adjusting grazing practices, deferring grazing to certain times of the year, stimulating plant populations through the use of burning, releasing plants from competing vegetation by hand clearing or protection by cattle-enclosure fencing. By continuing to implement a responsible and controlled livestock grazing program, which includes monitoring and maintaining a flexible and adaptive approach, the District would ensure that habitat conditions remain suitable to support State- and federally-protected plant populations.

a, b) Wildlife Vargas Plateau Regional Park offers a variety of vegetation types including grassland, scrubland and woodland, and wetlands and built stock ponds. Based on a review of the CNDDB and on surveys conducted by District biologists, 21 special-status wildlife and aquatic species occur or have the potential to occur at the park (see Table 1). Six species are known or are likely to breed in the park including California red-legged frog (*Rana draytonii*) and California tiger salamander (*Ambystoma californiense*), State species of special concern and federally-threatened species; loggerhead shrike (*Lanius ludovicianus*) and Western pond turtle (*Clemmys marmorata*), State and federal species of special concern; and Cooper's hawk and

Table 1: Special-Status Wildlife and Aquatic Species Potentially Affected by the Project

COMMON NAME	LATIN NAME	OBS	OCCUR	STATUS	COMMENTS
Frog, Calif. Red-legged	*Rana draytonii*	O	B	FT,CSC	Present in 2 ponds
Salamander, Calif. Tiger	*Ambystoma californiense*	O	B	FT,CSC	Present in 3 ponds
Eagle, Golden	*Aquila chrysaetos*	O		FSC,CFP	Forages on plateau, potential nest found
Falcon, Peregrine	*Falco peregrinus*		P	SE,CFP	Likely flyover
Falcon, Prairie	*Falco mexicanus*		P	CSC	Likely uses plateau for foraging
Harrier, Northern	*Circus cyaneus*	O		CSC	Juveniles seen coursing.
Hawk, Cooper's	*Accipiter cooperii*	O	B	CSC	Several nests found
Hawk, Ferruginous	*Buteo regalis*		P/R/M	FSC,CSC	Likely rare migrant
Hawk, Sharp-shinned	*Accipiter striatus*		P	CSC	Likely rare breeder, common migrant
Lark, California Horned	*Eremophila alpestris actia*	O	B	CSC	Breeding behavior observed
Kite, White-tailed	*Elanus leucurus*	O		CFP	May have bred on-site
Merlin	*Falco columbarius*		P/M	CSC	Winter visitor
Owl, Burrowing	*Athene cunicularia*		P	CSC	Suitable habitat present
Shrike, Loggerhead	*Lanius ludovicianus*	O	B	FSC,CSC	Observed feeding fledglings
Warbler, Yellow	*Dendroica petechia brewsteri*	O		CSC	Potential breeding at Alameda Creek
Badger	*Taxidea taxus*	O		CSC	Seen foraging
Bat, Pallid	*Antrozous pallidus*		P	CSC	Within range and habitat
Bat, Townsend's Long—eared	*Corynorhinus townsendii*		P	FSC,CSC	Within range and habitat
Turtle, Western Pond	*Clemmys marmorata*		K	FSC,CSC	Alameda Creek
Whipsnake, Alameda	*Masticophis lateralis euryxanthus*		P	FT,ST	Within range and habitat
Steelhead, Central Calif. Coast ESU	*Oncorhynchus mykiss*	O		FT, ST	Alameda Creek

Abbreviations Used in the Table

OBS = Observations

O = Observed during EBRPD surveys

OCCUR = Occurrence Code

K = known to occur (record by credible source(s))
P = potential to occur (within habitat and range of species, but no record)
U = unlikely to occur (outside of habitat or range of species)
B = breeding confirmed (by EBRPD personnel or others)
R = rare species (rare resident or migrant or vagrant)
M = migrant (appears as non-breeder, migrant or over-wintering)

STATUS = Special Status Species Code List

[1] Status definitions and governing agencies follows:

U.S. Fish and Wildlife Service

FE Listed as endangered by the Federal Government
FT Listed as threatened by the Federal Government
FSC Federal species of concern
FC Federal Candidate

California Fish and Game Commission

SE Listed as endangered by the State of California
ST Listed as threatened by the State of California
CSC Species of Special Concern
CFP Fully Protected Species
CP Protected Species

California horned lark (*Eremophila alpestris actia*), State species of special concern. Alameda whipsnake (*Masticophis lateralis euryxanthus*), a State- and federally-threatened species, has not been identified at the park, but has the potential to occur.

The LUP for Vargas Plateau Regional Park attempts to avoid or minimize impacts to special-status wildlife and aquatic species through resource-sensitive site planning. District staff, using the CNDDB and the San Francisco Bay Bird Observatory (SFBBO) and its own wildlife survey records, has identified and mapped the location of Cooper's hawk and red-tailed hawk (*Buteo jamaicensis)* nests and golden eagle foraging area in the park. The LUP proposes to locate park development and outdoor activity areas, like campsites, to avoid direct impacts to these sensitive nests. Indeed, based on the results of the SFBBO study on avian species (Churchwell 2006) the District substantially modified the LUP: a proposed trail has been removed from consideration because of its proximity to a red-tailed hawk nest and the identification of a Cooper's hawk nest compelled the District to move proposed campsites from their original location to more than 600 feet away from the nest. No new trails are proposed in the vicinity of known active or inactive nests of protected avian species.

Proposed park development projects have the potential to adversely affect habitat that supports special-status wildlife species. The District also proposes to implement pest and vegetation management activities that typically result in a long-term beneficial impact on special-status species habitat, but may have the potential to cause temporary or cumulative adverse impacts to these protected species. Therefore, the District has incorporated design and mitigation measures, to avoid or minimize potentially significant direct or cumulative impacts to wildlife, and thereby reduce them to a level that is less-than-significant.

Several avian species that are State or federal species of concern have been observed and potentially nest within the project site. Though no new trails are proposed in the vicinity of active or inactive nests of protected bird species, opening the park to public access and development of recreation areas and new trails during the bird-nesting season could result in harassment of wildlife, especially of raptors, through disturbance to trees or nests. This would be considered a significant impact under CEQA, as the California Department of Fish and Game Code (Section 3503) and the Migratory Bird Treaty Act protect nesting raptors. Therefore, to avoid or minimize potentially significant impacts, the LUP has separated proposed developed areas with a sufficient natural buffer to reduce disturbance from human activity on sensitive species. In addition, the District will construct projects near known protected species' nests, such as recreation areas and trail segments, outside of the bird-nesting season. Moreover, District staff will monitor known nests to ensure that recreational uses do not adversely affect raptors or other birds protected by CDFG Code 3503. If necessary, the District will restrict recreational use during nesting seasons or close trails to avoid disturbing nesting raptors, breeding or migrating amphibians and other sensitive wildlife, and develop appropriate buffers around successful nest locations. Incorporating these mitigation measures would reduce potential impacts to bird and amphibian breeding sites to a level of less-than-significant.

Park development and maintenance could involve pruning and removing individual trees, primarily eucalyptus, to maintain park user safety and tree health. While the District promotes the preservation of healthy native trees whenever possible, it recognizes that reasonable management of trees, particularly in developed park areas, is necessary to sustain their health and to identify

hazardous trees to minimize the potential of property damage or visitor injury. For example, the District would maintain the eucalyptus grove located within the Morrison Canyon Staging Unit to provide the public with shade and wind protection, but may remove individual trees that are damaged, dead, high risk or host to disease that endangers other trees. Additionally, tree removal may be required to make safety improvements to Vargas and Upper Morrison Canyon roads. Selective removal of mature trees has the potential to result in adverse effects to nesting birds, which could constitute a potentially significant impact if it disturbs or harms a species protected under State or federal law. To reduce potentially significant impacts to protected birds during nesting to a less-than-significant level, prior to the removal of any mature trees, the District will conduct a site-specific tree survey to determine the presence of active special-status species' nests and, if present, avoid removing trees until the nesting season is over.

Alameda whipsnake has not been identified at Vargas Plateau Regional Park, but is likely to occur. According to the U.S. Fish and Wildlife Service, habitat loss, fire suppression, predator pressure, incompatible grazing practices and increased human activity and associated disturbances have the potential to threaten Alameda whipsnake (USFWS 2002a). However, implementation of the Land Use Plan is unlikely to cause adverse impacts to Alameda whipsnake and would likely have a long-term beneficial effect on this species for the following reasons: the District will continue to closely manage the land, which includes fire management, livestock grazing and control of non-native predators, such as feral pigs (*Sus scrofa*) and feral and domestic cats (*Felis domestica*), to reduce threats to whipsnake; and the project would protect the land from urban development and provide for permanent conservation of this strategically located property, allowing for connectivity to larger whipsnake populations and additional habitat areas, which are essential components of the recovery strategy of this species.

The District will continue to perform vegetation management projects at Vargas Plateau Regional Park with the central goals of achieving weed control and fire management objectives while continuing to enhance wildlife habitat and increase populations of special-status and other desirable wildlife species for the long-term. If left unmanaged, grassland habitat will naturally evolve into scrub habitat that does not offer the primary constituent elements for one or more special-status species. The District actively manages the Vargas Plateau using mowing, herbicides, prescribed burning and livestock grazing, independently or in conjunction, to modify the habitat to benefit special-status and other desirable wildlife species. For example, reduction of thatch or dense canopy is intended to result in beneficial environmental effects for species that require higher levels of thermal exposure such as Alameda whipsnake. The District will continue to monitor, evaluate and refine pest and vegetation management projects.

Pesticide use, prescribed burns and livestock grazing activities have the potential to adversely impact special-status wildlife. However, the District has incorporated mitigation measures, including restricting the timing and duration of treatments and the size of particular prescribed burns, to avoid or minimize potentially significant impacts. In addition, the District would continue to conduct pest management activities at the park in compliance with applicable County, State and federal law and regulations, and in accordance with the District's "Pest Management Policies and Practices" (EBRPD 1987).

To avoid potential impacts to special-status wildlife at the park from use of chemicals, the District

will establish appropriate buffers, and plan the timing and extent of integrated pest management projects, so as not to increase harmful exposure to special-status and non-target plant and animal species.

A prescribed burn could have the potential to harm individual animals. Open grassland and scrubland, where prescribed burns would typically take place at Vargas Plateau Regional Park, are habitat for a number of special-status wildlife species. However, the District incorporates standard procedures to ensure that affects on wildlife are less-than-significant. Standard procedure for planning and scheduling prescribed burn projects includes preparing a *Prescribed Fire and Smoke Management Plan*, which addresses land management goals and proper monitoring and evaluation procedures, for approval by the Bay Area Air Quality Management District. The District conducts prescribed burns only during daylight hours to minimize potential impacts to wildlife resources. All prescribed burns are conducted under specific weather conditions that are conducive to flame control and smoke dispersal. The District also minimizes potential adverse impacts to wildlife by limiting the size of treatment areas, which is typically a fraction of a park's total acreage, to allow wildlife to escape. Furthermore, it is standard procedure for a qualified District biologist to approve all prescribed fires and monitor burn operations. In addition, District biologists develop site-specific methodologies to avoid disturbance and injury to State- and federally-listed species, and when appropriate, contact the California Department of Fish and Game and the U.S. Fish and Wildlife Service with information regarding these species. Incorporating these standard practices and mitigation measures into prescribed burn projects will ensure that they would have a less-than-significant impact.

Introduced grasses cover much of Vargas Plateau Regional Park. Non-native annual grasses and herbs tend to rapidly monopolize the landscape and can inhibit the germination and growth of native plant species. Management practices, including livestock grazing, can impair the growth of non-native grasses and herbs, which allows smaller and slower-growing plants to regenerate and coexist with them. It is common in regional parklands that areas grazed by livestock to display a greater diversity and density of plant species than those of unmanaged habitats (Bartolome and Barrett 2007).

Livestock grazing is a long-term existing use at the Vargas Plateau. The Grazing Management Plan prepared for this park proposes only minor changes in the intensity of use. The District conducts a closely monitored and adaptive livestock grazing program at Vargas Plateau Regional Park to manage vegetation and maintain suitable habitat conditions for native plants and wildlife. The intent of the grazing practice is to reduce non-native grassland vegetation to a lower stature to encourage the germination and establishment of native plants and to sustain wildlife populations. An actively monitored livestock grazing program on the Vargas Plateau optimizes habitat conditions that contribute to the maintenance of viable wildlife populations and is consistent with current research and determinations by the U.S. Fish and Wildlife Service (USFWS 1996, 2000, 2002a, 2002b, 2004, 2005, 2006).

On the one hand, inappropriate livestock grazing practices, such as overgrazing and removal of grazing altogether, have the potential to degrade Alameda whipsnake and other species' habitat (USFWS 2002a). On the other hand, maintaining a closely monitored and adaptive livestock grazing program provides for an overall benefit to plant and animal life and would not result in

adverse impacts to special-status wildlife species and the habitat on which they rely. The proposed project is a compatible land use because the District monitors and adapts its livestock grazing program to ensure that an appropriate vegetative cover remains, which would result in a less-than-significant impact on this species.

MITIGATION: Ground clearing for construction will be confined to the minimum area necessary, and appropriate erosion control measures will be incorporated.

MITIGATION: Prior to acceptance of the final alignment of new trails and site design of campsites, a qualified District biologist will conduct site-specific, pre-construction surveys to determine the presence of any special-status species that could be affected.

MITIGATION: Within upland habitats, if special-status species are encountered within or adjacent to trail alignments or recreation areas during the survey or construction period, construction activities will be rescheduled to avoid the nesting season and disturbance to other sensitive wildlife.

MITIGATION: If active special-status bird nests or other protected species are identified in public use areas, the District may seasonally restrict public access to these areas during the breeding season or temporarily close trails, in accordance with Ordinance 38 (EBRPD Visitor Use Regulations), to avoid disturbance to breeding or migrating amphibians or other sensitive wildlife.

MITIGATION: Prior to the removal of select trees, the District will conduct a site-specific tree survey to determine the presence of nests of protected bird species. If any trees to be removed contain active nests, the District will consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service to determine under what conditions these trees can be legally removed. In addition, construction activities near these trees will be conducted only after the young have fledged, as determined by a District biologist.

MITIGATION: Construction of new trails located in potential Alameda whipsnake habitat will be confined to the months of August and September. This represents an active period for Alameda whipsnake and should minimize potential impacts because snakes are expected to move readily during construction.

MITIGATION: To minimize impacts to special-status wildlife, prescribed burns will be conducted according to permit guidelines restricting burns to the season that presents the least risk to the animals.

MITIGATION: The District will conduct prescribed burns during the period of July through January, thus avoiding the major periods of the bird-nesting season.

MITIGATION: During a prescribed burn, if the District's biological monitor finds wildlife

within the burn area, individual animals will be captured if possible, and moved out of the project area. Burns may be suspended for the amount of time necessary to perform this action.

MITIGATION: To reduce the chance of injury of an animal during burning of piles, slash piles will be disassembled and reformed immediately prior to burning. This method will decrease the potential risk of harming any species taking refuge in a pile.

a, b and c) Aquatic Wildlife California red-legged frog (*Rana draytonii*) and California tiger salamander (*Ambystoma californiense*), both federally-threatened species, occur in three stock ponds at Vargas Plateau Regional Park. Western pond turtle (*Clemmys marmorata*), a federal species of special concern; and native Steelhead trout (*Oncorhynchus mykiss*), a federally-threatened species, occur in Alameda Creek, which borders the northern tip of the park.

One of the primary threats to the California red-legged frog and California tiger salamander is habitat destruction, degradation and fragmentation. In this regard, implementation of the LUP would benefit the California red-legged frog and California tiger salamander because it promotes a land use practice that is compatible with the conservation of these species. Moreover, the project would maintain existing rangeland, permanently protecting the land from being converted to land uses that eliminate California red-legged frog and California tiger salamander habitat. Nevertheless, the LUP proposes activities at Vargas Plateau Regional Park, including park development projects adjacent to wetlands, maintaining stock ponds and cattle water development and vegetation management projects, that have the potential to disturb aquatic wildlife and wetland habitat. Mitigation is proposed that would avoid or minimize potential adverse impacts.

Proposed additional water improvements for grazing animals can be accomplished with current water sources and could involve developing new troughs and spring boxes, and periodic maintenance projects such as replacing existing worn spring boxes, pumps, pressure systems, pipelines and troughs. Work could be done either manually or mechanically, and may require the District to obtain additional regulatory permits. These water development projects are categorically exempt from CEQA under one or more of the following sections of the *CEQA Guidelines*: 15301, minor alteration of existing facilities; 15302, replacement or reconstruction of existing structures and facilities; 15303, construction of new, small facilities or structures; and 15304, minor alterations of land, water, and/or vegetation.

The District proposes to enhance a wetland in the Morrison Canyon Staging Unit by repairing and extending protective fencing around the area and planting riparian vegetation. These improvements would benefit wetlands in the long-term as habitat will be preserved and enhanced. The District would also conduct routine pond maintenance activities that may include: clearing debris from culverts and replacing culverts; dredging, filling, re-contouring and draining ponds; stabilizing banks and controlling erosion; installing fences; repairing dams and water supply systems; removing non-native fish and wildlife; and various other activities. The overall intention of pond maintenance and restoration activities is to benefit native wildlife, particularly special-status species, while providing livestock with water. Providing open water habitat is essential for maintaining viable California red-legged frog and California tiger salamander breeding populations. Pond maintenance activities

typically result in beneficial effects to the pond environment, as wetlands quickly restore themselves with an increase in function and long-term value.

Pond maintenance projects would continue to be conducted under existing individual permits issued by responsible State and federal agencies. These permits have previously been subject to environmental review, and at that time maintenance activities covered under them were determined to be categorically exempt from CEQA under Sections 15301 and 15304(g) of the *CEQA Guidelines* (EBRPD 2001). As part of the project, the District will continue to comply with the terms and conditions outlined in existing permits to avoid impacts to special-status aquatic wildlife. Among others, these conditions include conducting routine maintenance activities during the period of August 1 through October 31 or under dry site conditions; inspecting the sites for special-status aquatic wildlife prior to and during maintenance projects, and, if found, relocating these species to an appropriate site; and minimizing all pond sediments and discharges, and utilizing spoils for pond reinforcement or removing spoils to appropriate designated location(s). Compliance with conditions identified in existing permits, which are also incorporated into the project as mitigation measures, would avoid or limit impacts to special-status aquatic wildlife.

Vegetation management projects, specifically prescribed burning and livestock grazing, have the potential to disturb aquatic wildlife and their habitat. However, the District has incorporated management actions and mitigation to reduce potential impacts to a level of less-than-significant.

Prescribed burn activities have the potential to impact special-status aquatic wildlife if water from ponds or creeks in which these species occur is used for fire control. In addition, prescribed burn activities have the potential to impact special-status aquatic wildlife if fire burns too close and ash enters the waterbody. For all prescribed burn projects the District prepares a fire management plan that identifies water sources on a project map. Water sources containing special-status aquatic wildlife will be identified on this map. To avoid impacts to special-status aquatic wildlife during prescribed burn projects, the District will avoid drawing water from ponds or creeks that are known to support these species to suppress a fire. Moreover, the District will establish appropriate upland buffers around each waterbody within the prescribed burn project area. By incorporating these measures into the project, potentially significant impacts to special-status aquatic wildlife would be avoided.

Livestock grazing is a long-term existing use of the Vargas Plateau. The Land Use Plan proposes a minor change in the extent and intensity of use of cattle grazing at Vargas Plateau Regional Park. Important changes include installing additional fencing to facilitate livestock rotation in order to be able to more specifically control grazing impacts at any location. The LUP also recommends reducing the intensity of cattle grazing at specific ponds. Physical barriers and impassable terrain prevent grazing animals from entering Alameda Creek on the northern park boundary. Therefore, implementation of the project would result in no additional impact to aquatic wildlife.

The U.S. Fish and Wildlife Service has adopted a special rule under section 4(d) of the Endangered Species Act that exempts routine ranching activities, including livestock grazing within normally acceptable intensity levels; routine management and maintenance of stock ponds; maintenance of unimproved roads; routine maintenance and construction of grazing infrastructure like fences and corrals; and control and management of noxious weeds. The USFWS has determined that a closely

monitored grazing program is compatible with the conservation of the California tiger salamander and recognizes that "managed livestock grazing at low to moderate levels has a neutral or beneficial effect" on the habitat of this species (USFWS 2004, USFWS 2006). Controlled livestock grazing appears compatible with maintaining California tiger salamander populations in that it maintains shorter vegetation, which makes areas more suitable for California ground squirrel whose burrows are essential to California tiger salamanders (USFWS 2004). Stock ponds built for livestock ranching have become important breeding sites for the California red-legged frog and California tiger salamander. In pond environments grazing helps sustain open water habitat by removing or controlling emergent vegetation around shallower, tadpole-rearing, margins of the pond and increasing the water retention period of that pond (Bobzien et al. 2000, Bobzien and DiDonato 2007, Marty 2005, Pyke and Marty 2005, USFWS 2002b, USFWS 2004, USFWS 2006).

MITIGATION: The District will enact seasonal closure zones, as appropriate, to restrict park activity around breeding or migrating amphibians and other sensitive wildlife.

MITIGATION: All construction activities that have the potential of affecting wetland areas will take place during the dry season, between August 1 and October 31, or as otherwise determined by permitting agencies, and in compliance with the federal Clean Water Act.

MITIGATION: District biologists will survey ponds for special-status aquatic wildlife prior to and during pond maintenance projects. If found, individuals will be relocated to an appropriate site by a qualified wildlife biologist permitted by the U.S. Fish and Wildlife Service.

MITIGATION: No equipment will be operated in standing or flowing water. Heavy equipment working in or adjacent to wetlands will be placed on mats or other measures must be taken to minimize soil disturbance.

MITIGATION: Spoil materials generated during pond maintenance projects will be utilized for pond reinforcement or removed and deposited at the appropriate upland location(s).

MITIGATION: For construction projects adjacent to wetlands and waterbodies, develop and implement best management practices for control of erosion, sediment and pollutants. Best management practices may include: broadcast and/or hydro-seeding exposed areas; using dikes, basins, ditches, clean straw, erosion control fabric and other temporary measures; installing catchments for source pollutants; and including a sufficient vegetated buffer between parking areas and wetlands.

MITIGATION: To avoid impacts to special-status aquatic wildlife during prescribed burns, the District will identify water sources that are known to support these species on the project map and will avoid drawing water from them to suppress a fire.

MITIGATION: To prevent ash from entering waterbodies during prescribed burns, the District will establish appropriate upland buffers around each waterbody within the prescribed burn project area.

d) The District did not identify any migratory patterns of fish or wildlife that would be significantly impacted by this project.

e) The District did not identify any local policies or ordinances protecting biological resources with which the project would conflict.

f) The project site is not under an adopted Habitat Conservation Plan or Natural Community Conservation Plan, and the project would not conflict with any approved local, regional or State habitat conservation plan.

3.5 CULTURAL RESOURCES – Would the project:	**Rating**
a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the *CEQA Guidelines*?	⊙
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the *CEQA Guidelines*?	⊘
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	⊘
d) Disturb any human remains, including those interred outside of formal cemeteries?	⊘
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

Cultural resources are places or objects that are important for scientific, historic or religious reasons to cultures, communities, groups or individuals. Cultural resources include human-made artifacts, structures and sites possessing archaeological or historic significance such as a Native-American burial or an architectural landmark. Cultural resources at Vargas Plateau Regional Park include both prehistoric and historic archaeological sites, artifacts and structures. To inventory and evaluate these resources, over the years the District has contracted with several cultural resource professionals (Hill 1996, Texier and Denardo 2006 and Imboden 2006). The District manages cultural resources according to State and federal law, and a primary goal of the LUP is to preserve these resources in place through protection and specialized management. To this end, the LUP avoids disturbing cultural resources to the extent possible and has designated areas that contain historical resources and landscape features, remnants of early ranching and farming activity on this land, as Special Protection Features. This designation will ensure that the integrity and context of these resources are retained. Furthermore, the District will keep the location of known archaeological resource sites confidential as they are vulnerable to disturbance and destruction.

a) Section 15064.5 of the *CEQA Guidelines* defines a resource as "historically significant" if it is associated with events important to California's history, is associated with the lives of important

persons, embodies distinctive construction characteristics, or contributes important prehistoric or historic information. A significant adverse impact would occur if the project would cause the historical resource to be "materially impaired," as defined in Section 15064.5 of the *CEQA Guidelines*.

Ranch-related structures, infrastructure and landscaping exist on the parkland (Texier and Denardo 2006). Many of the historical resources, specifically ranch buildings, occur in areas with relatively flat topography that have been selected to serve as park staging units. Staging areas may include parking, picnic tables, benches, toilets, drinking water, shelters, interpretive signs, trees, landscaping, fencing and gates.

The LUP proposes, to the extent feasible, to preserve existing structures located on the parkland by either protecting them from disturbance or continuing to use them for operational and/or interpretive purposes. The area identified in Figure 3 as the proposed "Upper Ranch Staging Unit," has been designated a Special Protection Feature because it contains a house, outbuildings and landscaping which are remnants of historical settlement sites.

The LUP also designates the proposed Morrison Canyon Staging Unit a Special Protection Feature because it contains a wooden barn, corral and historical landscaping. According to information provided by City of Fremont staff, the historical significance of the Vargas Barn, located within the Morrison Canyon Staging Unit, has been previously evaluated. The barn was determined to be potentially eligible for listing on the national and state registers (Hill, Minor and Corbett 2002). Though implementation of the LUP would not directly affect the character of the barn itself, the plan proposes development nearby that has the potential to diminish the integrity of the site's setting, and thus its historical significance.

The District will ensure that the historical significance of the barn would not be compromised by the introduction of park-related development. The LUP attempts to avoid or minimize adverse impacts to this historical resource by using sensitive site planning: it would keep intact the site's character-defining features including the barn, corral, developed spring, water troughs, perimeter fencing and eucalyptus windrow (except for selective pruning and thinning of trees to maintain public safety and tree health). Though in poor condition, the barn appears to be largely intact and the project would not affect the barn's appearance. The District will continue to use the building for ranching activities like hay and equipment storage, which will serve to preserve and maintain it. Moreover, the District would only introduce elements that are compatible with the site's historic building fabric and rustic character. The District finds that the proposed project would not cause a substantial adverse change in the site's historical significance, and would therefore have a less-than-significant environmental impact.

Two sites located within the parkland have been previously recorded by the State Department of Parks and Recreation. Site CA-ALA-582H includes a section of the Western Pacific Railroad (now owned by the Union Pacific), constructed in the early 1900s. The site consists of steel single track, tunnels and a bridge and runs underground, below the park. A portion of the Sunol Aqueduct, site record CA-ALA-583H, traverses the northern portion of the park. This aqueduct, constructed between 1898 and 1900 is an engineering feat and is significant on local and regional levels for its association with the history of urban water supply in northern California. Both resources appear

potentially eligible for listing in the California Register of Historical Resources and each is considered historically significant under CEQA, Section 15064.5. The project would not cause a change in the significance of either of these resources. Therefore, there would be no impact under CEQA.

b, c and d) Four archaeological resource sites have been identified at Vargas Plateau Regional Park; none are burial sites (Texier and Denardo 2006). Known prehistoric resources at the park include bedrock milling stations, bedrock mortars and minor artifacts. Outside of known archaeological sites, the proposed project would involve digging, grading and excavating, and continuing a vegetation management program that includes prescribed burns and animal grazing. In addition, implementation of the LUP would increase the number of visitors to Vargas Plateau Regional Park, which could result in potential for disturbance of cultural resources. Park facilities identified in the Land Use Plan have been sensitively located so as to avoid adverse impacts to archaeological resources. Furthermore, in implementing the LUP District staff would take every possible precaution to avoid disturbing known archaeological sites. However, it is possible that unknown archaeological or paleontological material could be uncovered during ground-clearing and other earth-moving activities, resulting in a potentially significant adverse impact under CEQA. If this were to happen, the District will follow its established protocol for appropriate treatment of these materials. The District proposes to incorporate the following mitigation measures into the project to avoid or reduce potentially significant impacts to archaeological and paleontological resources to a less-than-significant level.

MITIGATION: Preserve and protect known archaeological resources in place, as per the District Cultural Resources Policy (EBRPD Board Resolution 1989-4-124).

MITIGATION: Prior to commencing ground disturbing activities, the project manager or park staff will consult District maps and survey records to determine if archaeological resources have been catalogued in the project vicinity.

MITIGATION: For any project planned on sites with possible past human occupation, District personnel will be responsible for observing ground-disturbing activities to ensure there are no impacts to prehistoric or historic resources, and for complying with the above measures if resources are encountered.

MITIGATION: In the event that prehistoric, archaeological or paleontological artifacts or remains are encountered during project construction, 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 State and federal law) until the find is evaluated by a monitor/archaeological consultant, and appropriate mitigation, such as curation, preservation in place, etc., if necessary, is implemented.

MITIGATION: 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 to identify the Most Likely Descendant (MLD), in accordance with State and

federal law. The disposition of the remains will be coordinated between EBRPD, the County Coroner, NAHC, MLD and the archaeological consultant.

3.6 GEOLOGY AND SOILS – Would the project:	**Rating**
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	⊙
ii) Strong seismic ground shaking?	⊙
iii) Seismic-related ground failure, including liquefaction?	O
iv) Landslides?	⊙
b) Result in substantial soil erosion or the loss of topsoil?	⊘
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	O
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	O
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	⊙
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a) Though Vargas Plateau Regional Park is considered to be located in a seismically active area, as is most of the San Francisco Bay Area, the District's environmental analysis did not reveal a presence of geologic or geotechnical constraints that would significantly jeopardize public safety or impact park development.

Vargas Plateau Region Park is not within a Special Studies Zone, but is located between the active Hayward and Calaveras faults, which are both branch faults of the San Andreas Fault system, the largest fault in California. In modern times, the Fremont area has been subject to numerous moderate to severe earthquakes. Though the majority of these earthquakes have been centered on the San Andreas Fault rather than the Hayward or Calaveras faults, they have still caused damage in the East Bay (Fremont 1991, ABAG 2004). An earthquake on the Hayward Fault could cause moderate groundshaking at the park and has the potential to cause ground-surface rupture and significantly damage improvements. But the Vargas Plateau, underlain by stable bedrock, has the least severe shaking potential in the City. Though a number of different soil associations compose the project area, these soils generally have a low-to-moderate shrink-swell susceptibility and are not subject to liquefaction, the phenomenon in which soil loses its strength causing it to behave like a fluid (SCS 1966). In hillside areas like the park, earthquakes can trigger landslides: the eastern Hill

Area of the City of Fremont, of which the subject site is located, has the highest potential for landslides or other slope instabilities in the City (Fremont 1991).

The LUP does not propose to develop buildings for habitation, nor does it recommend components or features that would increase exposure of persons to geologic or related hazards over those conditions currently existing. Nevertheless, proposed park facilities, such as restrooms, shelters and water storage tanks, would be designed in accordance with applicable laws and regulations, and will incorporate applicable design standards of the California Building Code and applicable City of Fremont building permits and grading regulations to ensure that public exposure to seismic hazards would be less-than-significant.

b) The project proposes several earth-moving activities, including improving Vargas and Upper Morrison Canyon roads; constructing new parking lots and minor structures, picnic and camping areas; excavating for vault toilets and two water storage tanks; undergrounding overhead power lines; installing drainage crossings and utility lines; and developing and maintaining roads and trails. Road safety improvements to Vargas and Upper Morrison Canyon roads, which could include graveling or paving shoulders and turnouts, reconstructing road grades, and constructing retaining walls and installing guard rails, have the potential to result in soil erosion and loss of topsoil. Although the size of the proposed water tanks has not yet been determined, regardless of their dimensions, their installation would necessitate the excavation of no more than a total of 600 cubic yards of soil and result in less than 400 cubic yards of soil to be exported, either to be used on-site in project development or hauled off-site.

The total volume of project earthwork would be relatively small, but cannot be precisely determined until the final site design is developed at a later project stage. The majority of proposed improvements would be located in areas that are currently or were formerly developed or disturbed and relatively level, and would not be subject to substantial soil erosion or loss of topsoil as a result of project development. Nevertheless, the soils that make up Vargas Plateau Regional Park range from a moderate to severe erosion hazard (SCS 1966), and construction activities have the potential to generate soil erosion. Therefore, to ensure a less-than-significant erosion impact, the District will incorporate best management practices and mitigation measures.

To reduce the potential for soil erosion, as a rule, the District avoids steep, unstable or erosion-prone trail alignments, contours new trails to encourage proper drainage, and minimizes trail width and earthmoving. For example, the LUP recommends that new trails be developed to a width of eight feet and carefully aligned to minimize erosion. Moreover, the LUP proposes to remove redundant or steep, erosion-prone trails from the circulation system and to maintain all existing trails at a width of eight feet to minimize erosion. Nevertheless, to ensure that new trails, road improvements and necessary drainage crossings will be constructed to minimize erosion to a level that is less-than-significant, the District will incorporate into the project the following mitigation measures:

MITIGATION: When installing drainage crossings and developing trails near wetlands, per California Department of Fish and Game permit conditions, work will be restricted to the dry season between April 1 and October 31 or between August 1 and October 31 in areas that have the potential to support California red-legged frog or California tiger salamander.

MITIGATION: Appropriate erosion control best management practices will be employed when developing trails, conducting road improvements and installing drainage crossings based on site conditions, scale of work and distance to creeks and seasonal wetland areas.

The District would continue to closely monitor livestock grazing at Vargas Plateau Regional Park as part of its existing vegetation management program to achieve wildland fire control objectives, to maintain the open space character of the landscape, and to optimize habitat conditions for resident native plant and animal species. Livestock grazing, if not properly managed, has the potential to lead to overgrazed conditions, which results in removing the protective plant cover, and can lead to soil erosion and loss of topsoil, particularly on steep slopes. The District would continue to implement a managed livestock grazing program at the park to maintain grassland cover and reduce potential impacts related to erosion to a less-than-significant level.

The District has prepared a range analysis, based on official soil surveys, to identify areas on the Vargas Plateau that are suitable for cattle grazing. The range analysis also provides District staff with an estimate of the number of livestock that the land can support (carrying capacity) consistent with resource conservation objectives (see the Grazing Management Plan, Appendix D of the LUP). Additionally, a closely monitored grazing program, which the District employs at the park, includes proper distribution of animals – by appropriately locating watering places, fencing to prevent animals from congregating and supplemental feeding – to obtain uniform grazing. The Park Supervisor and staff, using professionally recognized standards in the field of range management, regularly monitor the grass cover to ensure that a proper amount of plant material remains at all times (EBRPD 2005). Maintaining a cover of live vegetation, which acts as a protective layer over the soil, is the most successful long-term approach to minimizing soil erosion. Moreover, a proper vegetative cover maximizes forage production: a properly used range produces more forage than an overgrazed range. Park staff and ranchers will continue to employ a flexible and adaptive grazing program and will identify existing and potential soil erosion problems, and implement corrective measures to repair damage and control the cause. If staff identifies improper livestock use as the cause of erosion, adjustments will be made to the program, such as reducing animal numbers, improving animal distribution, altering the grazing season or lengthening rest and rotation periods, to reduce potential erosion impacts to a less-than-significant level.

c) Portions of Vargas Plateau Regional Park are prone to geologic hazards and are inappropriate for development, particularly the steepest slopes, which are potentially unstable and erosion-prone. Therefore, the LUP proposes to develop park facilities on the flattest areas of the site and does not locate structures in areas with unstable soils. There would be no impact because development would not increase the potential for geologic instability or public exposure to landslides or other geologic hazards.

d) Soils that make up the site have a low-to-moderate shrink-swell potential, which indicates a relatively constant soil volume with a change in moisture content (SCS 1966). There would be no impact because the project does not propose significant structures or development for human occupancy, and therefore would not expose people to risks of expansive soils.

e) Soils that make up the site have severe limitations for septic tank leach lines (SCS 1966). The LUP proposes to install several vault toilets at Vargas Plateau Regional Park, which are self contained and do not involve septic tank leach lines, sewage lagoons or sanitary landfills. Vault toilets, typically found in remote areas not served by sewer systems, provide for environmental security, as they are designed to retain liquid content, minimizing groundwater contamination, and are economical, efficient and compliant with the Americans with Disabilities Act. Vault toilets would be located in accordance with all applicable laws, regulations and safe design considerations. Compliance with local and State health and water quality regulations would result in a less-than-significant environmental impact.

3.7 HAZARDS AND HAZARDOUS MATERIALS – Would the project:	**Rating**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	○
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	○
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	○
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	○
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	○
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	○
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	○
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	⊙
Legend: ○ No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a, b and c) The proposed project is a park management and development plan that would not involve the transport, use or disposal of hazardous materials, and would therefore not create a significant hazard to the public or the environment through accident conditions.

d) There would be no impact because Vargas Plateau Regional Park has not been identified as a hazardous materials site and there is no record or indication that any hazardous substances release sites occur in the immediate vicinity (Cal/EPA).

e, f) No airport-related impacts are anticipated: there are no heliport operations, jet engine test stands or any other ground facilities and maintenance functions related to airport operations in

Fremont (Fremont 1991).

g) The project would not impair implementation of, or physically interfere with, an adopted emergency response or evacuation plan.

h) The land comprising Vargas Plateau Regional Park, located at the wildland-urban interface, is subject to wildfire risk and is designated a Critical Fire Area by the Fremont Fire Department during summer months when dry, windy climatic conditions make this area susceptible to wildfire. Project implementation could expose people to wildfire risks, a potentially significant impact. Therefore, the Land Use Plan incorporates measures described below, which would significantly reduce the potential for wildfires at the parkland, and therefore lessen the risk to park visitors, neighbors and structures in adjacent homes.

The District will continue to manage the parkland to minimize the potential for uncontrolled wildfire by coordinating fire prevention efforts with other agencies, and by maintaining its vegetation management program that includes livestock grazing, mechanical firebreak construction and prescribed burning, to reduce wildfire risks to a level of less-than-significant. The Vargas Plateau is a low-density area and residential development is located mainly downslope from the proposed parkland. The LUP does not propose constructing major structures or development for human occupancy. An on-site residence located at the top of the plateau will continue to be occupied to maintain a positive security presence. The Fremont Fire Department and California Department of Forestry and Fire Protection are the first responders to Vargas Plateau Regional Park. The park is served for fire suppression by the Fremont Fire Department, and depending on the magnitude of the incident, the EBRPD Fire Department would contribute support and equipment. To ensure an adequate on-site water source, the LUP proposes installing water storage tanks for potable water and emergency firefighting purposes. In addition, EBRPD rangers, police officers and helicopter will continue to periodically patrol the parkland. These measures would minimize exposure of people and structures to a significant loss, injury or death involving wildland fires.

Implementation of the LUP would attract overnight campers to the parkland which could potentially result in an increased risk from wildfires. However, the likelihood of a fire would be limited and less-than-significant at Vargas Plateau Regional Park because the District would continue to monitor weather and fire conditions, and depending on the fuel, humidity and wind indices, could either temporarily prohibit barbecues and open fires or close the park entirely to public use; camping would be by reservation only and minors must be accompanied by adults.

In group camps, the District reduces the potential for wildfires by providing the public with concrete fire rings at camp sites with open fires and establishing adequate fire clearance, per the District Fire Marshall. Open fires would be prohibited at backpack camps and cooking would be on camp stoves only. Finally, as described in Section IV.E, *Fire, Rescue and Police Services*, of the Land Use Plan, the District maintains a program of fire prevention and suppression, and would continue to coordinate fire prevention efforts, including grassland vegetation management activities, to help control the build-up of flammable vegetation.

The District's program of fire prevention and suppression at Vargas Plateau Regional Park is primarily accomplished through cattle grazing, which at this parkland is a primary objective of the

grazing program. In grasslands, cattle grazing is effective at reducing the volume of dried plant material that acts as fuel, to fire-safe levels. Fuel reduction in the park can reduce the probability that a wildfire would burn uncontrolled or move off the site, and reduce the risk posed by wildfire to people, property and other resources. In addition, by reducing the volume of fuel, the intensity of a fire entering a grazed area can be reduced, which may increase firefighters' ability to control the fire.

Prescribed burns are often needed on District property within the wildland-urban interface to reduce the volume of dried plant material to fire-safe levels. Thus, prescribed burns can also reduce wildfire risk, and the District incorporates fire-safety measures into its prescribed burn operations to minimize the potential that a controlled burn would expose people or structures to significant risk. The EBRPD Fire Department conducts a small number of prescribed burns every year on its property including several hundred acres of summer and fall grassland burns. Burns are designed to meet specific land management objectives such as fire hazard reduction, grassland restoration or to reduce the presence of non-native or pest plant species. All prescribed burns are conducted under controlled conditions and during weather that is conducive to smoke dispersal.

Prior to conducting a prescribed burn for a particular site, the EBRPD Fire Department prepares a burn plan which is reviewed and approved by the District's Operations and Planning and Stewardship Departments, the California Department of Forestry and Fire Protection and the Bay Area Air Quality Management District. Each plan includes a detailed project description containing: the fuel type to be burned, required weather prescription, detailed site map, firing techniques, smoke management plan, list of fire department resources needed during the burn day, and public notifications and safety considerations.

Prior to burning, existing fire control lines, such as paved and fire roads, are enhanced with temporary control lines. Personnel used to supervise the burn, perform the actual firing, staff the fire engines, and control and extinguish the flames are all fully trained and briefed. Smoke production and weather conditions are continuously monitored throughout the burn, and all burning material is completely extinguished at the end of each day. These numerous fire-safety measures are followed for every prescribed burn, and effectively reduce the risk to people and structures to level of less-than-significant.

3.8 HYDROLOGY AND WATER QUALITY – Would the project:	**Rating**
a) Violate any water quality standards or waste discharge requirements?	O
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	⊙
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	⊙
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	⊙
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	⊙
f) Otherwise substantially degrade water quality?	⊘
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	O
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	O
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	O
j) Inundation by seiche, tsunami, or mudflow?	O
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a) There would be no impact because the LUP does not recommend projects or activities that would cause decreased water quality or violate waste discharge requirements.

b) Implementation of the recommendations in the LUP would result in public use of the project site, which in turn, would also increase the volume of groundwater consumed. The Land Use Plan recommends developing potable water supplies to serve recreation and staging units, as well as for irrigation, livestock grazing and emergency firefighting purposes. Water sources may include existing or developing new on-site springs or wells. However, because of the relatively small nature of the project and because it does not propose to locate new water tanks or wells at Vargas Plateau Regional Park that could tax existing groundwater supplies, the project would have a less-than-significant impact on groundwater supplies and recharge.

c, d) Proposed park development would neither result in on- or off-site flooding nor substantial erosion or siltation. The project would create such a small amount of new impervious surface that it would represent a marginal increase on surface water runoff, and result in a less-than-significant impact. The project includes developing two separate all-weather surfaced (pavement or gravel) parking lots to cover a total area up to one (1) acre. Additional impervious areas would include: two 5,000-10,000-gallon water tanks; picnicking and play areas; and just over four (4) linear miles of

new trails. Alameda Creek, which is designated as secondary watershed land by the San Francisco Public Utilities Commission and is primary watershed land for Alameda County Water District groundwater recharge, is located at the park's northern boundary for almost a half-mile. But proposed park development would be located far removed from this corridor and would not cause significant amounts of soils, silt or debris to enter the creek that could adversely impact water quality. Most new impervious surfaces, such as parking lots and trails, would have pervious buffers, and new runoff would be kept within park boundaries and would not result in on- or off-site flooding or cause erosive conditions.

Park development would include installing or replacing several seasonal drainage crossings, but implementation of these projects would not modify a stream, creek drainage course, or alter the existing drainage pattern of the site or result in substantial erosion. Livestock grazing, when not properly managed, has the potential to increase water runoff and contribute to soil erosion. Typically, a healthy cover of vegetation promotes infiltration of rainwater and slows its erosive forces. Overgrazing can strip the vegetative cover and in so doing, reduce the soil's ability to absorb water. Unabsorbed water tends to wash downslope, eroding soil as flow increases, and can wash sediment into creeks and drainages, and result in increased off-site runoff.

The District closely monitors its livestock grazing program to minimize on- and off-site erosion and to avoid or reduce impacts to water quality. The District has prepared a grazing plan for Vargas Plateau Regional Park which contains a specific management strategy for both grazing units on the parkland (see the Grazing Management Plan, Appendix D of the LUP). Implementation of the Grazing Management Plan would minimize erosion and protect soil because new grazing infrastructure would be installed to better distribute livestock to obtain more uniform grazing. For example, installation of new fencing would create additional grazing areas or pastures, which will give the District more flexibility over livestock rotation, and importantly, allow the land to rest and recover and ensure that an adequate amount of vegetation remains on the ground at all times. (Physical barriers and impassable terrain prevent grazing animals from entering Alameda Creek on the northern park boundary.) In addition, the Park Supervisor would continue to regularly monitor and inspect vegetation to ensure that a sufficient amount of standing vegetation remains following grazing. The grazing program is flexible and adaptive: if monitoring identifies problems in land management practices, park staff would take remedial actions, such as removing cattle, to ensure that desired conditions are maintained. Closely regulating the number of livestock and careful management of the season, frequency, duration and intensity of grazing, would protect the soil, encourage nutrient recycling and minimize water runoff. Therefore, the project would have a less-than-significant impact on siltation and surface water runoff.

e) The project site would remain unconnected to public stormwater drainage facilities. The project, as proposed, would not result in substantial additional sources of polluted runoff. Over time, pollutants from parked vehicles could collect on-site and seep into the groundwater basin or be carried off-site with rainfall runoff. The amount of polluted runoff would be negligible, and therefore, the project would have a less-than-significant impact on water quality.

f) Proposed park development, including improving Vargas and Upper Morrison Canyon roads; constructing new parking lots and minor structures, picnic and camping areas; excavating for vault toilets and water storage tanks; undergrounding overhead power lines; installing drainage crossings

and utility lines; and developing and maintaining roads and trails, could create soils, sediments and debris which have the potential to adversely impact water quality, particularly in areas adjacent to ponds, creeks and drainages. Therefore, to minimize pollutant discharges during and after construction projects, grading, filling and other earthwork adjacent to wetlands and water bodies, the District will incorporate into the project the following mitigation measure:

MITIGATION: Appropriate erosion, sediment and pollutant control best management practices will be implemented, including conducting construction activities during the dry season; broadcast and/or hydro-seeding exposed areas; using dikes, basins, ditches, straw, erosion control fabric and other temporary measures; installing catchments for source pollutants; and providing for a sufficient vegetated buffer between park facilities and wetlands.

g, h) There would be no impact because the District does not propose to develop housing or major structures, and Vargas Plateau Regional Park is not subject to inundation by a 100-year flood (Fremont 1991).

i, j) There would be no impact because Vargas Plateau Regional Park is not subject to tsunamis, seiches or dam failure (Fremont 1991). The project does not propose any significant topographical alterations that could cause inundation by mudflow.

3.9 LAND USE AND PLANNING – Would the project:	**Rating**
a) Physically divide an established community?	○
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	○
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	○
Legend: ○ No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a) Implementation of the LUP would not physically divide an established community.

b) The project is consistent with the City of Fremont's Measure T, the Hill Area Initiative, as it would protect natural resources, watersheds, water quality, wildlife habitat and scenic views, while providing the public with low-impact, passive outdoor recreation. The City's land use designations are implemented through zoning. The project site is zoned "Open Space," which permits land uses like those proposed in the LUP. Therefore, there are no potentially significant impacts of the project related to land use.

c) The land comprising Vargas Plateau Regional Park is not under an adopted Habitat Conservation Plan or Natural Community Conservation Plan, and implementation of the LUP would not conflict with any approved local, regional or State habitat conservation plans.

3.10 MINERAL RESOURCES – Would the project:	**Rating**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	O
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	O
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a, b) According to the *Fremont General Plan*, all of the major mineral resources found in the City are common and include sand, gravel, stone, salt, mineral water and related resources. There are no significant amounts of "rare" or "valuable" minerals known in the City of Fremont such as gold, silver or mercury (Fremont 1991). There would be no impact: implementation of the proposed project would neither affect existing mineral resources nor result in loss of availability of locally important mineral resource recovery sites or in impacts to existing legal mineral leases or property rights.

3.11 NOISE – Would the project result in:	**Rating**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	⊙
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	O
c) A permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	⊙
d) A temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	⊙
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	O
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	O
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a, c) City of Fremont noise standards apply to the proposed site. Vargas Plateau Regional Park is considered a "normally acceptable" use with maximum noise exposure level of 70 dBA Ldn (the 24-hour average of the A-weighted sound level). This information comes from Figure 10 of the *Fremont General Plan*, *Land Use Compatibility for Community Exterior Noise Environments* (Fremont 1991). Vargas Plateau Regional Park has the character of a quiet refuge with overall noise levels generally ranging from 30 to 45 dBA Ldn, which is similar to a living room or quiet office. Once opened to the public, the parkland would continue to have the character of a sanctuary; though implementation of the project would generate periodic, on-site noise sources, including

human voices and vehicles along roadways and in staging areas, noise sources would not permanently increase the ambient noise level nor exceed "normally acceptable" City standards. Moreover, there are no sensitive receptors, such as homes, schools or hospitals, located near proposed public activity areas in which construction activities or staging would take place. Therefore, the project would not require the implementation of noise mitigation measures and would have a less-than-significant environmental impact.

b) There would be no impact because implementation of the project would not cause ground-borne vibration or increase ground-borne noise levels.

d) In general, occasional maintenance and construction work would be the only perceptible noise associated with the project. Park development activities would occur only on weekdays during daylight areas and would cause elevated noise levels in the project vicinity. However, noise generated would be temporary and short-term, and ambient noise would not reach unacceptable levels at schools or residential areas, resulting in a less-than-significant impact.

e, f) Implementation of the LUP would not result in impacts relating to airports, as there are no airports in Fremont or within the immediate surrounding area.

3.12 POPULATION AND HOUSING – Would the project:	**Rating**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	○
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	○
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	○
Legend: ○ No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a) The proposed project would not construct new homes, and the LUP only proposes new infrastructure and utilities to serve park uses. Therefore, the project would not cause population growth in the surrounding area.

b, c) There would be no impact because the project would not displace existing housing or persons residing in the area.

3.13 PUBLIC SERVICES	**Rating**
a) Would the project result in substantial, adverse, physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	
Fire protection?	⊙
Police protection?	⊙
Schools?	O
Parks?	O
Other public facilities?	O
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a) Implementation of the LUP would not result in the need for expanded or new governmental facilities or impact existing public services. Implementation of the proposed project would not create a need for additional park, school or other public facilities or result in impacts to existing facilities.

The District maintains a staff of fully equipped and professionally trained police officers and a fire department based out of Lake Chabot Regional Park. Vargas Plateau Regional Park falls under the concurrent jurisdiction of the EBRPD and the Fremont police departments. The District participates in Alameda County and State of California fire and mutual aid systems. The project site is also under the jurisdiction of the California Department of Forestry and Fire Protection. The Fremont Police Department patrols adjacent areas within City limits and, along with the District's Police Department, would provide response to emergencies within the park. The parkland is also served for fire suppression by the Fremont Fire Department, the primary provider of fire protection services.

Opening Vargas Plateau Regional Park to the public will increase traffic on local City roads and human activity on the parkland, which could generate a slight increase in demand for police and fire protection services. To minimize this potential impact on City of Fremont public safety services, the District has incorporated additional staff into the project budget dedicated to the parkland, including a full ranger position and a portion of a police officer position, to increase staff presence, as well as the District's ability to maintain the safety of neighbors and park visitors. Therefore, the project would result in a less-than-significant impact on the Fremont Police and Fire Departments because the proposed project would not generate a need for substantial public services beyond those presently available or planned.

3.14 RECREATION	**Rating**
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	○
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	○
Legend: ○ No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a, b) Key goals of the LUP are to increase recreational and educational opportunities and to provide for improved public-use facilities at Vargas Plateau Regional Park. Therefore, there would be no adverse impact on recreation as a result of project implementation.

3.15 TRANSPORTATION/TRAFFIC – Would the project:	**Rating**
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	⊙
b) Exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways?	⊙
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	○
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	⊘
e) Result in inadequate emergency access?	⊘
f) Result in inadequate parking capacity?	○
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	○
Legend: ○ No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a, b) Based on the *CEQA Guidelines*, the project will be considered to cause a significant traffic impact if it would result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads or a substantial increase in congestion at affected intersections or conflict with an existing Congestion Management Plan. Aliquot Associates, Inc. and TJKM Transportation Consultants performed engineering and traffic surveys related to the proposed Vargas Plateau Regional Park Land Use Plan, using standard industry techniques. The analysis shows that traffic generated by Phase I project development would not be of a sufficient volume to significantly impact local roadway capacity. Prior to Phase II park development, the District will contribute to improvement of the road in an amount appropriate to the projected traffic impact of the parkland to implement road safety mitigation, as discussed below in subsection (d).

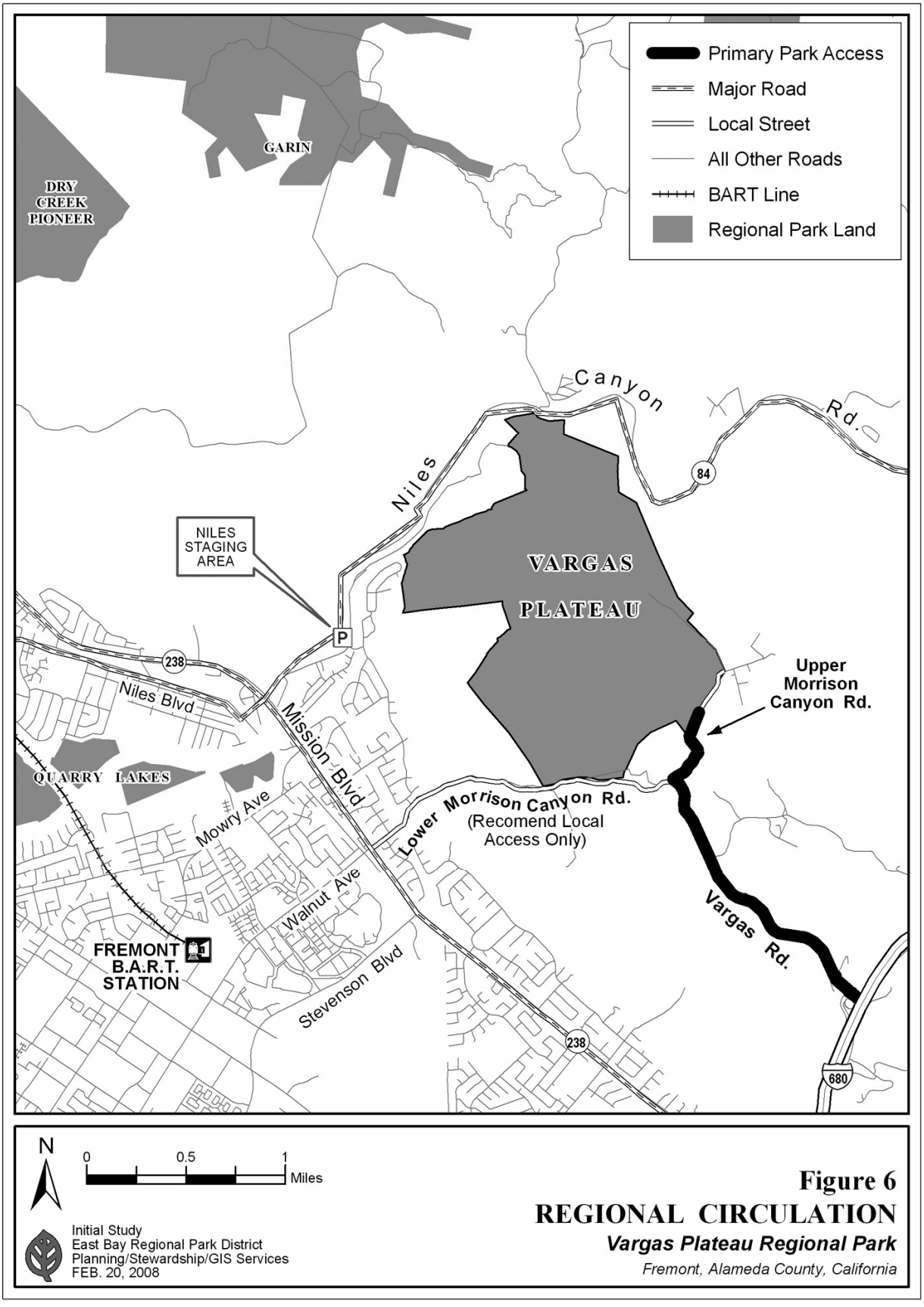
At Vargas Plateau Regional Park, the District proposes to develop parking in phases, with initial development of up to 25 parking spaces and up to 100 spaces at full build-out. As shown in Figure 6, *Regional Circulation*, Vargas Plateau Regional Park can be accessed via two approaches: Vargas Road, which connects to Interstate 680, and Morrison Canyon Road off of Mission Boulevard. There is currently no public access to the park from Niles Canyon Road to the north or from local City streets to the west. The Land Use Plan designates Vargas Road/Upper Morrison Canyon Road as the primary access to the project site. Therefore, it is anticipated that all park users arriving in vehicles would access the park via Vargas Road/Upper Morrison Canyon Road. The District has proposed to the City of Fremont that it restrict access on Lower Morrison Canyon Road so that it will not be used by vehicles as an access to the park. Visitors would also likely access the park from adjacent neighborhoods to the west on foot and bicycle and would not contribute to vehicle traffic.

Existing and Project Traffic

TJKM Transportation Consultants counted vehicle traffic at the project site for a 24-hour period on five consecutive days, between Friday, March 23 and Tuesday, March 27, 2007. Traffic tube counts were taken on Vargas Road approximately 700 feet north of the Interstate 680 southbound off-ramp to avoid including traffic from a cluster of homes with an access road 600 feet north of the highway off-ramp. As shown in Table 2, 24-hour traffic counts on Vargas Road, north of the highway interchange, average 319 vehicle trips on a weekday to just over 400 vehicle trips per day on a weekend. As Vargas Road reaches Upper Morrison Canyon Road, the daily vehicle count likely drops to half the volume just north of the highway interchange, to about 200 vehicle trips a day, since there are approximately 20 homes between the count location on Vargas Road and the Upper Morrison Canyon Road intersection.

Vehicle trip generation assumptions for the proposed Vargas Plateau Regional Park are based on traffic volume of staging areas at two regional parklands that District staff judges to be comparable because they either have similar character, facilities or access as this proposed park. Comparable parking areas include the Ohlone College Staging area that serves the northern part of Mission Peak Regional Preserve, located on Anza-Pine Road off Mission Boulevard in Fremont, and the Arroyo Staging area at Del Valle Regional Park, located on the south end of Arroyo Road in South Livermore. Traffic counts at the Ohlone College and Arroyo Staging areas were used as the basis of this traffic impact analysis because they are similar to Vargas Plateau Regional Park in terms of access and its proximity to a large metropolitan area (Fehr and Peers Associates, Inc 1997, TJKM 2001). Moreover, staff considers the proposed parkland to be like the Arroyo Staging area because it is not expected to be a major destination and is anticipated to generate local traffic by individual park users throughout the day on weekends and during the early morning and evening hours during the week by visitors who will typically hike, bicycle or walk dogs.

The District will implement park improvements in phases. The District has committed to limit initial Phase I park development at the Morrison Canyon Staging Unit to no more than 25 parking spaces for passenger vehicles (and no accommodations for horse trailers) to minimize project-generated traffic. As presented in Table 2, Phase I development of 25 parking spaces could generate up to 33 daily vehicle trips on a peak weekday and 57 total daily vehicle trips on a peak weekend day.


Primary Park Access
Major Road
Local Street
All Other Roads
BART Line
Regional Park Land
GARIN
DRY CREEK PIONEER
Canyon
Rd.
Niles
84
NILES STAGING AREA
P
VARGAS PLATEAU
238
Niles Blvd
Mission Blvd
Upper Morrison Canyon Rd.
QUARRY LAKES
Mowry Ave
Lower Morrison Canyon Rd.
(Recomend Local Access Only)
Walnut Ave
Vargas Rd.
FREMONT B.A.R.T. STATION
Stevenson Blvd
238
680
N
0
0.5
1
Miles
Initial Study
East Bay Regional Park District
Planning/Stewardship/GIS Services
FEB. 20, 2008
Figure 6
REGIONAL CIRCULATION
Vargas Plateau Regional Park
Fremont, Alameda County, California

Future park improvement phases would include larger staging areas with equestrian parking and development of overnight camping facilities. At full build-out, the District could develop parking for up to 100 vehicles at Vargas Plateau Regional Park. With full park operations, based on the traffic volume at the two similar parking areas described above, as shown in Table 2, the District anticipates that the proposed project would generate up to 132 total daily vehicle trips on Vargas and Upper Morrison Canyon roads on a typical peak weekday and up to 226 vehicle trips per day during a peak spring Sunday. As is typical of recreational traffic, which generally is lowest on weekdays, the project would generate more traffic per day on weekends, peaking on Sunday. This is a significant consideration from a traffic impact perspective because Sundays are typically the lowest travel days of the week for commute traffic. Trip generation estimates are conservative (i.e., higher than expected) and based on a high-use scenario at an initial limited opening and full project build-out. It is likely that actual traffic volumes would be much lower during hot summer, cool fall and wet winter months when recreational traffic tends to be light (Fehr and Peers Associates, Inc 1997).

Table 2: Existing and Projected Vehicle Traffic – Vargas Road

Existing Traffic		**24-Hour Traffic Count: Vehicle Trips[1]**
	Peak Weekday Average	319[2]
	Peak Weekend Average	404[2]
Project Traffic	**Phase I: Up To 25 Parking Spaces[3]**	**Estimated 24-Hour Vehicle Trips**
	Peak Weekday Average	33
	Peak Weekend Average	57
	Full Build-Out: Up to 100 Parking Spaces	**Estimated 24-Hour Vehicle Trips**
	Peak Weekday Average	132
	Peak Weekend Average	226

[1] A vehicle is expected to both enter and leave or vice versa, generating two trips per outing.
[2] Daily vehicle traffic counts were taken on Vargas Road on five consecutive days beginning Friday, March 23 to Tuesday, March 27, 2007, about 700 feet north of its intersection with Interstate 680.
[3] Phase 1 park development would not include equestrian parking or camping facilities.

Impact of Project Traffic

Level of service is a qualitative measure describing operational conditions with a traffic stream and their perception by motorists and passengers. The level of service generally describes these conditions in terms of such factors as speed and travel time, delays, freedom to maneuver, traffic interruptions, comfort, convenience and safety. They are given letter designations from A to F, with level of service (LOS) A representing the best operating conditions, when motorists are able to travel

their desired speed, and LOS F the worst, indicating jammed conditions with excessive delay and long back-ups.

The primary measure of roadway level of service quality for Vargas and Morrison Canyon roads is based on "percent time spent following," which indicates the degree to which traffic might be hindered from moving at a drivers desired speed as a result of following other vehicles. According to the Highway Capacity Manual 2000 these narrow roads would be considered to be operating at LOS A if drivers are delayed less than 40 percent of their travel time following slow-moving vehicles (Transportation Research Board 2000). Proposed Phase 1 park development would generate from 33 to 57 new daily vehicle trips on Vargas and Upper Morrison Canyon roads. Added to existing traffic, this would result in total traffic volumes on average ranging from 350 to 460 daily vehicle trips on Vargas Road, but much fewer on Upper Morrison Canyon Road. At full project build-out, the addition of 130 to 226 vehicle trips per day to the park would result in total traffic volumes ranging from 450 to 630 vehicle trips per day on Vargas Road and much fewer on Upper Morrison Canyon Road.

Existing traffic on Lower Vargas Road reaches a high of 37 vehicles per hour on a Sunday afternoon based on vehicle traffic counts performed in 2007 by TJKM Transportation Consultants. At full project build-out, project-generated traffic could increase this volume to a peak of 65 vehicles per hour on Vargas Road. Both Vargas and Morrison Canyon roads can handle 15 vehicles a minute before their level of service drops to a LOS B or worse (Transportation Research Board 2000). Therefore, the anticipated small increase in traffic volume generated by the project, even when the park is fully operational, would not cause substantial traffic delays – it is likely that the performance of affected roadways would remain essentially unchanged from existing conditions – representing a less-than-significant impact.

With regard to regional and local traffic impacts, the project is consistent with the *Fremont General Plan* and the Alameda County Congestion Management Agency's 2003 Congestion Management Plan. The County Congestion Management Agency adopted a policy in 1995 that considers development projects that are consistent with a general plan and that generate less than 100 new afternoon peak hour vehicle trips to have a minimal impact on local roadways. A development exceeding the 100-trip threshold may require preparation of a traffic impact study and possible mitigation measures (Alameda County Congestion Management Agency 2004). Similarly, based on the City of Fremont's standards, a project that generates less than 100 new p.m. peak hour trips would be considered to have a less-than-significant impact on the City's roadways. The proposed project would generate well under 100 new afternoon peak hour trips. Therefore, project traffic would result in a less-than-significant impact.

c) There would be no impact because the project would not result in a change in air traffic patterns.

d, e) The proposed project will be considered to have a significant impact if it would create a traffic hazard as a result of a design feature or restrict emergency access. The District proposes Vargas and Upper Morrison Canyon roads to be the primary public access to the parkland, as shown in Figure 6. Vehicle access to Vargas Plateau Regional Park is from the south via Upper Morrison Canyon Road, which can be reached by Vargas Road from Interstate 680. Morrison Canyon Road,

owned and maintained by the City of Fremont, is a steep, rural residential one-lane road that ranges from 10-12 feet in width with no shoulder. Vargas Road, also City owned and maintained and a rural residential road, varies in width from 15-18 feet. Both Vargas and Morrison Canyon roads have sharp horizontal curves and at least one sharp vertical curve, with limited sight distance, and are generally below City of Fremont standards for residential roads. Despite their design, Vargas and Upper Morrison Canyon roads demonstrate few traffic safety or operational deficiencies (delay, blocked traffic, accidents). Both roads in the vicinity of the proposed parkland have a low incidence of documented accidents. According to City of Fremont records, between January 1998 and March 2007, there were seven reported accidents involving vehicles, pedestrians or bicycles on Vargas Road. Of these seven accidents, one resulted in injuries; there were no fatalities. Over this same period, there was one reported collision with no injuries on Upper Morrison Canyon Road along the proposed park access route.

Under the proposed Phase I park development scenario the project would not generate a significant volume of traffic on Vargas or Upper Morrison Canyon roads; therefore, the probability of traffic delays or accidents on these roads will remain low. The District has determined that the limited Phase I development proposal will not significantly increase traffic volume or safety hazards nor alter emergency vehicle access response times or conditions on Vargas Road or Morrison Canyon Road. Consequently, no traffic or roadway safety mitigation is necessary for Phase I development.

Phase II development would include a larger staging area with equestrian parking, and overnight camping facilities. It is possible that during an emergency situation, the addition of traffic generated by Phase II development could impede emergency vehicle access. In addition, under the Phase II development scenario there is the potential that park-generated traffic, specifically by motorists who may not be familiar with road conditions, could increase a traffic hazard as a result of the existing design of Vargas and Morrison Canyon roads. Therefore, to reduce potentially significant traffic hazards to a less-than-significant level, the District has hired a roadway engineering consultant, developed a proposed plan of roadway improvements, reviewed the improvement plan with City of Fremont staff and prior to developing Phase II of the project, proposed to partner with the City of Fremont to implement the following mitigation measure:

MITIGATION: The District will contribute a fair share toward the implementation of traffic safety improvements on Vargas Road and Upper Morrison Canyon Road, per plans developed by Aliquot Associates, Inc. and TJKM Transportation Consultants and reviewed by City of Fremont staff. Improvements will bring these public roadways up to acceptable roadway engineering safety standards and may include: roadside pruning to improve sight distance; removing tree(s) to allow for road widening; graveling or paving shoulders and locating turnouts to widen constrained areas and making associated drainage and culvert improvements, if necessary; cutting and overlaying pavement to reconstruct road grades; constructing retaining walls and installing guard rails; installing roadway speed and safety signs; striping road edges and centerlines and installing traffic signs; and similar improvements, as agreed upon by the District and City of Fremont.

f) Up to 100 parking spaces, developed in phases, are proposed for Vargas Plateau Regional Park, which would accommodate anticipated project-generated traffic.

g) The District has not identified conflicts with adopted policies, plans or programs supporting alternative transportation. Therefore, there would be no impact.

3.16 UTILITIES AND SERVICE SYSTEMS – Would the project:	**Rating**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	○
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	○
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	○
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	○
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	○
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	⊙
g) Comply with federal, state, and local statutes and regulations related to solid waste?	○
Legend: ○ No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a) There would be no impact because the LUP does not recommend projects or activities that would cause decreased water quality of violate waste discharge requirements.

b) Vargas Plateau Regional Park is not served by municipal water, wastewater or storm drainage systems. There would be no impact because the project does not include additional sanitary wastewater generation that could cause the existing wastewater treatment capacity to be exceeded.

c, e) The project proposes to install self-composting vault toilets, which may be subject to review and approval under applicable health standards. There would be no impact because Vargas Plateau Regional Park would not be served by municipal wastewater or storm drainage systems and implementation of the LUP would not require construction of sewer or storm drainage service from local providers.

d) The proposed project would create no demand on the municipal water supplier. There is no public water service to the parkland and water needed for landscaping, drinking fountains, sinks, livestock grazing and emergency firefighting purposes would continue to be drawn from on-site springs and wells. Water tanks may also be developed, but would be fed from on-site sources. Therefore, there would be no impact because the proposed project would not require use of municipal water.

Though water-related developments proposed in the LUP can be accomplished with current, on-site water resources, there is the potential that these projects, which are generally considered exempt from CEQA, could potentially uncover unknown archaeological resources. If this were to happen, during installation of water lines, the District will follow its established protocol for appropriate treatment of these resources and incorporate mitigation measures (listed in Section 3.5, *Cultural Resources*) so that potentially significant impacts to cultural resources would be avoided.

f, g) The project would comply with local, State and federal statutes and regulations related to solid waste. The project would generate a small amount of solid waste, anticipated at no more than one 20-yard dumpster each month based on similar parklands in the District system. Solid waste generated at the park would likely be transported to the Fremont Transfer Station, which has sufficient capacity to accept project-generated solid waste (Cote 2006). Therefore, the project would have a less-than-significant impact.

3.17 MANDATORY FINDINGS OF SIGNIFICANCE	
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	O
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	⊙
c) Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	O
Legend: O No Impact; ⊙ Less-Than-Significant Impact; ⊘ Less-Than-Significant Impact with Mitigation Incorporated; ⊗ Potentially Significant Impact	

a) The Vargas Plateau Regional Park Land Use Plan contains management programs and land use recommendations that would ensure the long-term preservation of cultural resources and natural habitat and special-status plant and animal species. The District finds that implementation of the project would have a long-term beneficial impact on the quality of the environment.

b) Section 15064 of the *CEQA Guidelines* provides that when assessing whether a cumulative effect requires preparation of an environmental impact report, the lead agency must consider both whether the cumulative impact is significant and whether the incremental effects of the project are cumulatively considerable. The lead agency may determine that a project's contribution would be less than cumulatively considerable when either the contribution would be rendered less than considerable through mitigation measures, or the project would comply with the requirements in a previously approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the project's effects.

As discussed in this document, the potentially significant impacts that could be caused by the project

would be reduced to a less-than-significant level by features included in the project or by the incorporation of feasible mitigation measures. The resources most likely to be cumulatively affected by the project would be air quality, biological resources and traffic. These are discussed below.

Air Quality Almost all air basins within California are non-attainment areas for one or more criteria air pollutants. Activities that emit criteria air pollutants within those air basins could have a significant cumulative impact on air quality. The City of Fremont is located in the San Francisco Bay Area Air Basin, which is currently non-attainment for ozone (State and federal ambient standards) and particulate matter, or PM_{10} and fine particulate matter, or $PM_{2.5}$ (State ambient standards).

The air quality management districts and air pollution control districts established under State and federal law to preserve air quality have adopted plans intended to reduce pollutant level over time. These districts, including the Bay Area Air Quality Management District, have established rules and programs under their air quality plans that limit project-specific contributions to the overall problems. As discussed in Section 3.3, *Air Quality*, the contributions of the project would not be cumulatively considerable because proposals are consistent with the *Fremont General Plan* and the State's air quality plan.

Biological Resources Biological resources, particularly threatened, endangered, candidate and other listed species, would not be cumulatively affected by implementation of the Land Use Plan. In addition to the LUP and the Grazing Managing Plan for Vargas Plateau Regional Park, the District has prepared a number of plans, including a *Master Plan 1997* (EBRPD 1997), "Wildland Management Policies and Guidelines" (EBRPD 1992 and 2001) and "Pest Management Policies and Practices" (EBRPD 1987), that contain policies pertaining to managing wildlands at Vargas Plateau Regional Park. A primary goal of all of these plans is to conserve and enhance important resource values, such as soil, vegetation, water, wetlands and wildlife, to ensure that natural ecosystems are maintained in a healthy and productive condition. In implementing the LUP, the District will apply the general guidance and specific recommendations and policies contained in these plans to ensure the proper use of natural resources. Effects of the project on biological resources are rendered less than cumulatively considerable because of the District's commitment to: comply with all applicable local, State and federal regulations to protect rare, threatened, endangered all other listed plant, fish and animal species; follow the terms and conditions of its existing permits and agreements; and incorporate feasible mitigation measures into the project.

Traffic As discussed in Section 3.15, *Transportation/Traffic*, the proposed project could generate up to an additional 28 afternoon, peak hour trips on busy weekend days and significantly less traffic on weekdays. The minimal number of vehicle trips generated by the project would not affect the operating conditions of existing roadways. District staff has consulted with City of Fremont staff and of this writing there are no commercial or residential development applications within the City of Fremont that have been recently approved or are pending that would impact the local roadway system adjacent to Vargas Plateau Regional Park (Schwob 2006). Therefore, project-generated traffic would not be cumulatively considerable: project traffic combined with existing and all known reasonably foreseeable projects would not significantly affect local traffic operations.

c) The project would not directly or indirectly cause substantial adverse effects on human beings. The project would have long-term beneficial physical and social impacts because it would provide the public with opportunities for low-impact, passive recreation, as well as environmental and interpretive education.

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ATTACHMENT B

VARGAS PLATEAU REGIONAL PARK LAND USE PLAN
MITIGATION MONITORING PROGRAM
RESPONSIBILITY MATRIX
APRIL 2008

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
Wildlife: Ground clearing for construction will be confined to the minimum area necessary, and appropriate erosion control measures will be incorporated.	Immediately Prior to and During Construction	Contractor or Heavy Equipment Operator	Construction Inspector or Roads & Trails Supervisor
Wildlife: Prior to acceptance of the final alignment of new trails and site design of campsites, a qualified District biologist will conduct site-specific, pre-construction surveys to determine the presence of any special-status species that could be affected.	No More Than 30 Days Prior to Construction	Staff Biologist	Stewardship Manager
Wildlife: Within upland habitats, if special-status species are encountered within or adjacent to trail alignments or recreation areas during the survey or construction period, construction activities will be rescheduled to avoid the nesting season and disturbance to other sensitive wildlife.	Prior to and During Construction	Staff Biologist or Consulting Biologist	Stewardship Manager
Wildlife: If active special-status bird nests or other protected species are identified in public use areas, the District may seasonally restrict public access to these areas during the breeding season or temporarily close trails, in accordance with Ordinance 38 (EBRPD Visitor Use Regulations), to avoid disturbance to breeding or migrating amphibians or other sensitive wildlife.	Ongoing	Park Staff and Wildlife Program Manager	Stewardship Manager

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
Wildlife: Prior to the removal of select trees, the District will conduct a site-specific tree survey to determine the presence of nests of protected bird species. If any trees to be removed contain active nests, the District will consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service to determine under what conditions these trees can be legally removed. In addition, construction activities near these trees will be conducted only after the young have fledged, as determined by a District biologist.	No More than 30 Days Prior to Construction	Staff Biologist or Consulting Biologist	Stewardship Manager and CA Department of Fish and Game
Wildlife: Construction of new trails located in potential Alameda whipsnake habitat will be confined to the months of August and September. This represents an active period for Alameda whipsnake and should minimize potential impacts because snakes are expected to move readily during construction.	During Construction	Heavy Equipment Operator and Ecological Services Coordinator	Roads & Trails Supervisor and Wildlife Program Manager
Wildlife: To minimize impacts to special-status wildlife, prescribed burns will be conducted according to permit guidelines restricting burns to the season that presents the least risk to the animals.	During Prescribed Burns	Assistant Fire Chief and Ecological Services Coordinator	Wildlife Program Manager
Wildlife: The District will conduct prescribed burns during the period of July through January, thus avoiding the major periods of the bird-nesting season.	During Prescribed Burns	Assistant Fire Chief and Ecological Services Coordinator	Wildlife Program Manager
Wildlife: During a prescribed burn, if the District's biological monitor finds wildlife within the burn area, individual animals will be captured if possible, and moved out of the project area. Burns may be suspended for the amount of time necessary to perform this action.	During Prescribed Burns	Staff Biologist or Consulting Biologist	Stewardship Manager; Assistant Fire Chief

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
Wildlife: To reduce the chance of injury of an animal during burning of piles, slash piles will be disassembled and reformed immediately prior to burning. This method will decrease the potential risk of harming any species taking refuge in a pile.	During Prescribed Burns	Assistant Fire Chief	Stewardship Manager
Aquatic Wildlife: The District will enact seasonal closure zones, as appropriate, to restrict park activity around breeding or migrating amphibians and other sensitive wildlife.	Ongoing	Park Staff and Wildlife Program Manager	Park Supervisor and Stewardship Manager
Aquatic Wildlife: All construction activities that have the potential of affecting wetland areas will take place during the dry season, between August 1 and October 31, or as otherwise determined by permitting agencies, and in compliance with the federal Clean Water Act.	During Construction	Contractor or Roads & Trails Supervisor and Ecological Services Coordinator	Construction Inspector
Aquatic Wildlife: District biologists will survey ponds for special-status aquatic wildlife prior to and during pond maintenance projects. If found, individuals will be relocated to an appropriate site by a qualified wildlife biologist permitted by the U.S. Fish and Wildlife Service.	No More than 30 Days Prior to and During Maintenance	Qualified Wildlife Biologist	Stewardship Manager
Aquatic Wildlife: No equipment will be operated in standing or flowing water. Heavy equipment working in or adjacent to wetlands will be placed on mats or other measures must be taken to minimize soil disturbance.	During Construction	Contractor or Heavy Equipment Operator and Ecological Services Coordinator	Construction Inspector or Roads & Trails Supervisor
Aquatic Wildlife: Spoil materials generated during pond maintenance projects will be utilized for pond reinforcement or removed and deposited at the appropriate upland location(s).	During Maintenance	Contractor or Heavy Equipment Operator and Ecological Services Coordinator	Construction Inspector or Roads & Trails Supervisor

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
Aquatic Wildlife: For construction projects adjacent to wetlands and waterbodies, develop and implement best management practices for control of erosion, sediment and pollutants. Best management practices may include: broadcast and/or hydro-seeding exposed areas; using dikes, basins, ditches, clean straw, erosion control fabric and other temporary measures; installing catchments for source pollutants; and including a sufficient vegetated buffer between parking areas and wetlands.	Immediately Prior to, During and Post Construction	Project Manager from Design Department; Contractor or Heavy Equipment Operator and Ecological Services Coordinator	Construction Inspector or Roads & Trails Supervisor
Aquatic Wildlife: To avoid impacts to special-status aquatic wildlife during prescribed burns, the District will identify water sources that are known to support these species on the project map and will avoid drawing water from them to suppress a fire.	Prior to and During Prescribed Burns	Wildlife Program Manager	Assistant Fire Chief
Aquatic Wildlife: To prevent ash from entering waterbodies during prescribed burns, the District will establish appropriate upland buffers around each waterbody within the prescribed burn project area.	Prior to Prescribed Burns	Wildlife Program Manager	Assistant Fire Chief
Cultural Resources: Preserve and protect known archaeological resources in place, as per the District Cultural Resources Policy (EBRPD Board Resolution 1989-4-124).	Ongoing	Park Staff	Park Supervisor and Chief of Planning, Stewardship and GIS Services
Cultural Resources: Prior to commencing ground disturbing activities, the project manager or park staff will consult District maps and survey records to determine if archaeological resources have been catalogued in the project vicinity.	Prior to Construction	Project Manager from Design Department or Park Supervisor	Chief of Planning, Stewardship and GIS Services

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
Cultural Resources: For any project planned on sites with possible past human occupation, District personnel will be responsible for observing ground-disturbing activities to ensure there are no impacts to prehistoric or historic resources, and for complying with the above measures if resources are encountered.	During Construction	Park Staff	Park Supervisor and Chief of Planning, Stewardship and GIS Services
Cultural Resources: In the event that prehistoric, archaeological or paleontological artifacts or remains are encountered during project construction, 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 State and federal law) until the find is evaluated by a monitor/archaeological consultant, and appropriate mitigation, such as curation, preservation in place, etc., if necessary, is implemented.	During Construction	Contractor or Roads & Trails Supervisor	Construction Inspector and Chief of Planning, Stewardship and GIS Services
Cultural Resources: 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 to identify the Most Likely Descendant (MLD), in accordance with State and federal law. The disposition of the remains will be coordinated between EBRPD, the County Coroner, NAHC, MLD and the archaeological consultant.	During Construction	Contractor or Park Supervisor	Construction Inspector and Chief of Planning, Stewardship and GIS Services

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
Soils and Sediment: When installing drainage crossings and developing trails near wetlands, per California Department of Fish and Game permit conditions, work will be restricted to the dry season between April 1 and October 31 or between August 1 and October 31 in areas that have the potential to support California red-legged frog or California tiger salamander.	During Construction	Contractor or Roads & Trails Supervisor and Ecological Services Coordinator	Construction Inspector
Soils and Sediment: Appropriate erosion control best management practices will be employed when developing trails, conducting road improvements and installing drainage crossings based on site conditions, scale of work and distance to creeks and seasonal wetland areas.	Immediately Prior to, During and Post Construction	Project Manager from Design Department; Contractor or Heavy Equipment Operator and Ecological Services Coordinator	Construction Inspector
Water Quality: Appropriate erosion, sediment and pollutant control best management practices will be implemented, including conducting construction activities during the dry season; broadcast and/or hydro-seeding exposed areas; using dikes, basins, ditches, straw, erosion control fabric and other temporary measures; installing catchments for source pollutants; and providing for a sufficient vegetated buffer between park facilities and wetlands.	Immediately Prior to, During and Post Construction	Project Manager from Design Department; Contractor or Heavy Equipment Operator and Ecological Services Coordinator	Construction Inspector or Roads & Trails Supervisor

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
Traffic: The District will contribute a fair share toward the implementation of traffic safety improvements on Vargas Road and Upper Morrison Canyon Road, per plans developed by Aliquot Associates, Inc. and TJKM Transportation Consultants and reviewed by City of Fremont staff. Improvements will bring these public roadways up to acceptable roadway engineering safety standards and may include: roadside pruning to improve sight distance; removing tree(s) to allow for road widening; graveling or paving shoulders and locating turnouts to widen constrained areas and making associated drainage and culvert improvements, if necessary; cutting and overlaying pavement to reconstruct road grades; constructing retaining walls and installing guard rails; installing roadway speed and safety signs; striping road edges and centerlines and installing traffic signs; and similar improvements, as agreed upon by the District and City of Fremont.	Prior to Phase II Park Development	Chief of Design and Construction and Chief of Planning, Stewardship and GIS Services	Assistant General Manager, Planning/ Stewardship & Development