

# COASTAL CONSERVANCY

Staff Recommendation  
December 6, 2018

## **ALDER CREEK RESTORATION PROJECT**

Project No. 17-007-01  
Project Manager: Jessica Davenport

**RECOMMENDED ACTION:** Authorization to disburse up to \$490,000 to East Bay Regional Park District to restore habitat and improve water quality by restoring a culverted section of Alder Creek, a tributary of Upper San Leandro Creek in the Robert Sibley Volcanic Regional Preserve in Contra Costa County, and adoption of CEQA findings.

**LOCATION:** Upper San Leandro Creek Watershed, Robert Sibley Volcanic Regional Preserve, Contra Costa County

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

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### **EXHIBITS**

- Exhibit 1: [Project Location Map and Site Design](#)
- Exhibit 2: [Project Photographs](#)
- Exhibit 3: [Project Letters](#)
- Exhibit 4: [Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment Draft Environmental Impact Report, Incorporating the McCosker Parcel and Western Hills Open Space](#)
- Exhibit 5: [Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment Final Environmental Impact Report](#)
- Exhibit 6: [Mitigation Monitoring and Reporting Program](#)

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### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed four hundred ninety thousand dollars (\$490,000) to East Bay Regional Park District (“the grantee”) to restore habitat and improve water quality by restoring a culverted section of Alder Creek, a tributary of Upper San Leandro Creek located on the McCosker parcel, part of the Robert Sibley Volcanic Regional Preserve, in Contra Costa County.

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*ALDER CREEK RESTORATION PROJECT*

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Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be employed in carrying out the project.
3. A plan for acknowledgement of Conservancy funding and Proposition 1 as the source of that funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the *Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment Draft Environmental Impact Report, Incorporating the McCosker Parcel and Western Hills Open Space* and the *Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment Final Environmental Impact Report* certified by the East Bay Regional Park District on November 20, 2018 pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibits 4 and 5. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the project will have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.”

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**PROJECT SUMMARY:**

Staff recommends that the Conservancy authorize a grant of up to \$490,000 to East Bay Regional Park District (the District) to restore habitat and improve water quality by restoring a culverted section of Alder Creek, located on the McCosker parcel, part of the Robert Sibley Volcanic Regional Preserve in Contra Costa County.

The 250-acre McCosker parcel is owned in fee title by the District. Prior to the District’s acquisition of the parcel in 2010, approximately 2,000 feet of Alder Creek was placed into a

culvert. Large sink holes have formed, and the culvert system may soon fail completely, causing increased erosion and a potential increase in sediment transport into downstream channels.

The project consists of removing the culvert system on Alder Creek, a tributary of Upper San Leandro Creek, restoring the channel, and revegetating the banks with plants native to the site. The reconstructed stream will be designed as a high gradient, step-pool system. The design will closely match the pattern of a natural stream for this specific valley, using rock and wood structures for nature-based grade control.

The stream will be restored in a manner that allows it to transport both water and sediment in a balanced way that will not lead to excessive erosion, nor deposition, throughout the project length or downstream of the project. Therefore, the project will improve water quality for downstream native rainbow trout currently found in Upper San Leandro Creek, which runs along the western boundary of the project site.

Specific restoration activities will include growing native plants using seeds from the site, cutting down trees in the way of channel reconstruction and reusing the logs in channel and bank stabilization, mobilization and demobilization, clearing and grubbing, floodplain excavation and grading, channel excavation, culvert demolition, in-stream construction, bank stabilization and planting of native riparian vegetation.

**Site Description:**

The project is located in the upper and relatively undeveloped portion of the San Leandro Creek watershed. San Leandro Creek drains into Upper San Leandro Reservoir, a water supply reservoir operated by the East Bay Municipal Utility District. From the reservoir, the water drains southward into Lake Chabot, and finally to San Francisco Bay.

Several streams flow southward through the McCosker parcel joining into a single tributary, recently named Alder Creek, that joins Upper San Leandro Creek at Pinehurst Road. Significant portions of the lower reach of this tributary were filled and culverted prior to acquisition by the District. From aerial photos, culverting of the tributary within the McCosker parcel began in 1958. By 1971, the majority of the lower tributaries had been culverted. Several of these culverts are now failing, exposing culverted sections of the stream channel.

The project site is comprised of approximately 2,000 feet of the main tributary, Alder Creek, that provides a direct connection to Upper San Leandro Creek. This reach is a culverted section that has been overlain with compacted dirt fill. The vegetation now consists of non-native grasses and noxious, non-native weed species. The water quality and erosion in the project area and downstream are at risk of worsening should the deteriorating culvert system collapse completely.

Upper San Leandro Creek (upstream of the reservoir) is a perennial creek that provides habitat for native rainbow trout (*Oncorhynchus mykiss*), which use the creek for spawning. These fish may stay in the creek for several years before migrating down to the reservoir. Water quality and flow from Alder Creek and other tributaries are sufficient to support rainbow trout spawning and reproduction, but removal of the failing culverts on Alder Creek is required to prevent conditions from deteriorating.

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*ALDER CREEK RESTORATION PROJECT*

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Restoring the stream and riparian habitat will also provide significant benefit to many special status wildlife species. These include, but are not limited to, the Alameda whipsnake, California red-legged frog, golden eagle, Cooper’s hawk, and San Francisco dusky-footed wood rat. The project also falls within the “critical habitat” designated for the Alameda whipsnake, a species listed as threatened by federal and state wildlife agencies.

**Grantee Qualifications:**

The applicant has a track record of successfully completing similar projects on time and within budget. In 2012, the District completed the restoration of 770 feet of Wildcat Creek in Tilden Regional Park. In 2014, the District completed the 164-acre restoration of Breuner Marsh on Richmond, California. In addition, the District has previously completed small creek restoration projects in the City of Lafayette, Wildcat Creek in the City of Richmond and an 800-acre south bay salt ponds wetland restoration at Eden Landing Ecological Reserve for the Wildlife Conservation Board. In addition, the District has completed over 60 Coastal Conservancy projects valued at over \$26 million. For this specialized work, only consultants with strong credentials and experience working on stream restoration projects with fluvial and geomorphological elements will be selected.

The District also has a successful track record of effectively monitoring, operating and maintaining parks and preserving their natural and cultural resources. The park system comprises 119,000 acres in 65 parks, including over 1,250 miles of trails. The proposed project will be incorporated into this well-maintained park system. Long term operations and maintenance will be provided by District staff and funded from the District’s General Fund.

**Project History:**

The McCosker property was acquired by the District in 2010. District staff have completed an inventory of site conditions and cleaned up loose debris at the project site. Stantec, an environmental engineering services design firm with specialists in fluvial restoration, has completed a feasibility report and alternatives analysis plan. In March 2016, the District entered into a contract with the environmental science consulting firm Environmental Science Associates for the design and permitting of the project. The design is at 65 percent. An earlier phase of the project involves completion of the design and permitting work. The proposed project will not fund these tasks.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$490,000</b>
California Department of Transportation	\$2,015,000
California Natural Resources Agency (CNRA), River Parkways Grant Program	\$375,000
CNRA, Urban Rivers Grant Program	\$750,000
East Bay Regional Park District	\$2,420,000

**Project Total**

\$6,050,000

The expected source of Conservancy funds for this project is the fiscal year 2018/19 appropriation to the Conservancy from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1, Water Code Section 79700 et seq.). Funds appropriated to the Conservancy derive from Chapter 6 (commencing with Section 79730) and may be used “for multi-benefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state” (Section 79731). Section 79732 identifies specific purposes of Chapter 6, which include: protect and restore aquatic, wetland, and migratory bird ecosystems, including fish and wildlife corridors; and protect and restore coastal watersheds, including, but not limited to bays, marine estuaries, and nearshore ecosystems.

The proposed project helps achieve the above-identified Chapter 6 purposes and provides multiple benefits. By restoring channel form and function, the project will optimize conditions for the rainbow trout and other native species in this area and improve water quality by preventing excessive erosion.

The proposed project was selected through a competitive grant process under the Conservancy’s Proposition 1 Grant Program Guidelines adopted in June 2015 (“Prop 1 Guidelines”). (See Section 79706(a)). The proposed project meets each of the evaluation criteria in the Prop 1 Guidelines as described in further detail in this “Project Financing” section, the “Project Summary” section and in the “Consistency with Conservancy’s Project Selection Criteria & Guidelines” section of this report.

The California Department of Transportation is providing \$2,015,000 in penalty fees from a violation at the Pigeon Pass Route 84 Realignment Project in Alameda County. The California Natural Resources Agency (CNRA) is providing \$375,000 from its River Parkways Grant Program and \$750,000 from its Urban Rivers Grant Program. The District is contributing the balance of funds needed, totaling \$2,420,000, which are from various local sources, including District Bond Measure WW, passed in 2008.

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

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165, which authorizes the Conservancy to award grants in the nine-county San Francisco Bay Area to help achieve stated goals.

Consistent with Section 31162(b), the proposed project will help “to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance.” The District intends to remove the culvert from Alder Creek, restore the channel, and revegetate the banks with native plants, which will provide habitat for many special status wildlife species and improve water quality for downstream native rainbow trout in Upper San Leandro Creek.

Consistent with Section 31163(c), the project 1) is compatible with adopted regional plans, including the *East Bay Regional Park District Master Plan* and the *Bay Area Integrated*

*Regional Water Management Plan*; 2) is regionally significant in terms of riparian and riverine habitat restoration potential; 3) can be implemented in a timely way, as the funding for the restoration has been secured; 4) provides a significant restoration opportunity that could be lost if grant funding is not used; and 5) includes local matching funds from the District.

**CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#)  
GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 12, Objective F** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will enhance riparian and riverine habitat and other watershed functions and processes for the benefit of wildlife and water quality.

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

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 4, 2014, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** The project helps to implement the *California Water Action Plan* (California Natural Resources Agency, California Department of Food and Agriculture, and California Environmental Protection Agency, 2016). This project is consistent with the action to protect and restore important ecosystems; by restoring a culverted stream, it enhances water flows and improves habitat quality to benefit downstream rainbow trout and other sensitive species.
4. **Support of the public:** Letters of support (Exhibit 3) were provided by State Senator Steven Glazer, Assemblymember Catherine Baker, the California Urban Steams Partnership, and the Friends of San Leandro Creek. A series of public meetings were held regarding the creek restoration project as part of the Robert Sibley Volcanic Preserve Land Use Planning Process. The community is supportive of the creek restoration.
5. **Location:** The project is in the County of Contra Costa, within the jurisdiction of the nine-county San Francisco Bay Area Conservancy Program.
6. **Need:** Conservancy funds are needed to supplement local funds generated by the District Bond Measure WW and other state funding sources.
7. **Greater-than-local interest:** The creek restoration project will provide environmental education opportunities for residents of both Alameda and Contra Costa Counties. Public

access will include nature trails compatible with the restored creek that will allow for wildlife viewing and interpretation.

8. **Sea level rise vulnerability:** This project is not vulnerable to sea level rise because it is located far above the range of current and projected future tidal influence.

#### **Additional Criteria**

9. **Resolution of more than one issue:** In addition to restoring important stream and riparian habitat to benefit many special status species, the project will protect water quality for downstream rainbow trout by removing the failing culvert and stabilizing the stream bed and banks, thus preventing excessive erosion.
10. **Leverage:** See the “Project Financing” section above.
11. **Readiness:** The grantee has completed CEQA documentation, local and other state funds are available to supplement Conservancy funds, and the grantee is ready to complete the design process and apply for permits.
12. **Vulnerability from climate change impacts other than sea level rise:** The project is in an area designated as Very High Fire Hazard area. Should fire occur within the project site, sustainability of the project would not be significantly adversely impacted as the vegetation selected for the project would be native to the site and designed, to the extent possible, to withstand external events such as fire and drought once established.
13. **Minimization of greenhouse gas emissions:** During construction, best management practices for energy efficiency will be required of contractors including maintaining all equipment engines in good condition, in proper tune (per manufacturer’s specifications), and in compliance with all State and Federal requirements. Moreover, equipment operators will not be allowed to keep vehicles idling for long periods of time on site.

#### **CEQA COMPLIANCE:**

Pursuant to the California Environmental Quality Act (CEQA), the East Bay Regional Park District, as lead agency, prepared the “*Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment Environmental Impact Report, Incorporating the McCosker Parcel and Western Hills Open Space*” (EIR) (SCH # 2017062055) (Exhibit 5). On November 20, 2018, the District certified the EIR and adopted the Mitigation Monitoring and Reporting Plan (Exhibit 6). The EIR, which covers a number of different projects, contains a detailed analysis of the proposed project, which is referred to in the Draft EIR as “Alder Creek restoration work” under the heading of “McCosker Sub-area Creek Restoration and Enhancement.”

The EIR identified potentially significant impacts of the Alder Creek restoration project in the areas of air quality, biological resources, cultural and tribal resources, greenhouse gases, geology and soils, hazards and hazardous materials, hydrology and water quality, recreation, and cumulative impacts. The EIR also identified mitigation measures that will avoid impacts, or reduce them below the level of significance, such that the project will not result in significant

adverse impacts on the environment. A majority of the impacts are short-term and associated with the construction phase of the project. Over the long term, the project will benefit the Upper San Leandro Creek watershed's hydrology/hydraulic function, riparian and aquatic resources, and the species that depend on them. Potential project impacts and relevant mitigations include:

*Air Quality:* The potential air quality impact is that construction would generate air pollutant emissions that could violate air quality standards. To reduce the potential impact of dust generation and tailpipe emission, the District has included a project measure requiring project contractors to implement the Basic Construction Mitigation Measures, including:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways and driveways to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact at the District regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

*Biological Resources:* The construction phase of the project could potentially have a substantial adverse effect, either directly or through habitat modifications, on special status species. It could adversely affect riparian habitat or other sensitive natural communities, and it could adversely affect federally protected wetlands through direct removal, filling, hydrological interruption, or other means.

To reduce potential impacts on federally listed species and their habitats to less than significant levels during construction, the District's construction contractor(s) shall



implement general avoidance and minimization measures. For example, prior to construction, contractors, in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, shall place fencing as necessary to minimize the disturbance of California red-legged frog (CRLF) and Alameda whipsnake (AWS) and pallid manzanita habitat and install temporary wildlife exclusion fencing to prevent CRLF and AWS from moving through the construction area. Measures will be taken to avoid the introduction of exotic plant species and soil-borne pathogens. The District will take measures to avoid and minimize potential adverse effect on special status plant species, including the use of buffer areas and seasonal restrictions.

Additional measures to protect CRLF include restricting work in Alder Creek to the dry season (e.g., May 15 to October 15) when flows are minimal and working with a qualified biologist who will perform surveys and inspections, and when necessary, relocation of CRLF and other special status species. To protect AWS, ground disturbing work shall be performed when AWS are active, April 1 to October 31, to minimize potential impacts to hibernating snakes. To restore temporarily impacted habitat for CRLF and AWS, the District shall prepare and implement a revegetation plan with detailed specifications for minimizing the introduction of invasive weeds and restoring all temporarily disturbed areas.

All construction activity associated with restoration and development of recreational infrastructure will avoid take of migratory birds and their eggs and nests, including golden eagles and other raptors, according to the restrictions of the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Project activities will not remove any trees during nesting season (February 1 through July 31) unless first inspected by a qualified biologist and determined to be lacking active nests. In addition, in advance of tree and structure removal, a preconstruction survey for special-status bats shall be conducted by a qualified biologist to characterize potential bat habitat and identify active roost sites within the project site. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed under the project, the avoidance and mitigation measures shall be implemented. Impacts to dusky-footed woodrat dens also shall be avoided or mitigated. If worksites require dewatering, fish shall be captured and relocated to avoid injury and mortality and minimize disturbance during the construction season. Construction activities in and around potential butterfly overwintering sites shall occur outside of the overwintering season (November 1 to March 31), to the greatest extent feasible, to avoid potential impacts on monarch butterfly overwintering habitat.

To minimize disturbance to riparian habitat, project-related activity shall be located as far as possible from riparian areas. If riparian areas cannot be avoided, any temporarily impacted areas shall be restored to pre-construction conditions or better at the end of construction. The project shall be designed to avoid and/or minimize direct impacts on wetlands and/or waters under the jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Wildlife, to the extent feasible. If temporary disturbance to wetland habitat within the Project area cannot be avoided, the revegetation plan discussed above shall be

implemented.

*Cultural and Tribal Resources:* There is some potential for the project to impact archeological resources and human remains. However, project activities are not expected to have a significant adverse effect because the mitigation measures will be implemented.

Work will be stopped if archaeological resources are discovered during project activities, and a qualified archaeologist shall inspect the find and notify the District of their initial assessment. If the District determines, based on recommendations from the qualified archaeologist, that the resource may qualify as a historical resource or unique archaeological resource, the resource shall be avoided if feasible. If avoidance is not feasible, the District shall consult with appropriate Native American tribes (if the resource is Native American-related), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource.

If paleontological resources are discovered during activities associated with implementation of the project, all work within 50 feet of the discovery shall be redirected until the qualified paleontologist can assess the significance of the find. If the paleontological resources are determined to constitute a unique paleontological resource, pursuant to CEQA, the qualified paleontologist shall provide recommendations for the collection and curation of the paleontological resources with an accredited institution, such as the University of California Museum of Paleontology. The qualified paleontologist shall prepare a report documenting evaluation and/or additional treatment of the resource.

If human remains are uncovered during project construction, the District and/or its contractors shall immediately halt all work, contact the Contra Costa county coroner to evaluate the remains. If the county coroner determines that the remains are Native American, the District and/or its contractors shall contact the Native American Heritage Commission. The District shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the District and/or its contractor has discussed conferred, as prescribed by California State law, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

*Geology and Soils.* With implementation of required National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit and District Technical Specifications best management practices (BMPs), there are no significant impacts related to Geology and Soils requiring mitigation.

*Greenhouse Gases.* Implementation of the Bay Area Air Quality Management District Basic Construction Mitigation Measures, as required by the air quality mitigation measures above, will reduce greenhouse gas emissions during the construction period to ensure impacts remain less than significant.

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*ALDER CREEK RESTORATION PROJECT*

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*Hazards and Hazardous Materials.* Potential exposure of construction workers to contaminants in soils during grading and construction in areas of McCosker area shall be minimized through the requirement to test for contaminants and establish and implement a remediation plan as part of the grading. If contaminated soils are found to be present in the construction areas, the District shall complete remediation or treatment prior to the institution of grading. The District shall be responsible for notifying all construction contractors undertaking tank removal and grading activities the potential for exposure to contaminated soils and require adherence to all applicable federal, state, and local standards

*Hydrology and Water Quality.* With implementation of required NPDES General Construction Activities Permit and District Technical Specifications BMPs, there are no significant impacts related to hydrology and water quality requiring mitigation.

*Public Services.* Temporary impacts to recreational uses resulting from temporary closure of existing recreational facilities, including staging areas, trailheads and trails during construction of the creek restoration project and development of recreational facilities within the McCosker area shall be minimized through advance communication and redirection to the nearest comparable facilities.

Staff has independently evaluated the *Sibley Volcanic Regional Preserve Land Use Plan Amendment Environmental Impact Report* and MMRP certified and adopted by the East Bay Regional Park District on November 20, 2018 and concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by 14 Cal. Code Regs. §15382.

Upon approval of the project, Conservancy staff will file a Notice of Determination.