

COASTAL CONSERVANCY

Staff Recommendation  
May 05, 2020

**LOWER WALNUT CREEK HABITAT RESTORATION PROJECT, NORTH REACH**

Project No. 19-061-01  
Project Manager: Avra Heller

**RECOMMENDED ACTION:** Authorization to disburse up to \$970,000 to the Contra Costa County Flood Control and Water Conservation District to implement the North Reach of the Lower Walnut Creek Habitat Restoration Project, Contra Costa County; and adoption of findings pursuant to the California Environmental Quality Act.

**LOCATION:** Unincorporated Contra Costa County

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

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*EXHIBITS*

- Exhibit 1: [Project Location](#)
  - Exhibit 2: [Project Photos and Design](#)
  - Exhibit 3: [Lower Walnut Creek Restoration Project Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program](#)
  - Exhibit 4: [Project Letters](#)
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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 nine hundred seventy thousand dollars (\$970,000) to the Contra Costa County Flood Control and Water Conservation District (“the grantee”) to implement the North Reach of the Lower Walnut Creek Habitat Restoration Project, consisting of restoration and enhancement of tidal wetlands and associated upland habitat, and rough grading to support future wildlife-compatible public access trails on Lower Walnut Creek, Contra Costa County.

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

1. A detailed work program, schedule, and budget.
2. A plan for acknowledgement of Conservancy funding.
3. Names and qualifications of any contractors to be retained in carrying out the project.
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the grantee has entered into any agreements that are necessary to implement the project on those portions of the project site that the grantee does not own, and evidence that the grantee has entered into and recorded agreements that the Executive Officer determines are necessary to protect the public interest in the project. ”

Staff further recommends that the Conservancy adopt the following findings:

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

1. The proposed 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 Lower Walnut Creek Restoration Project Final Initial Study/Mitigated Negative Declaration adopted by Contra Costa County on November 19, 2019 pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibit 3. The Conservancy finds that the Lower Walnut Creek Restoration 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 Lower Walnut Creek Restoration Project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.”

**PROJECT SUMMARY:**

Staff recommends the Conservancy authorize disbursement of \$970,000 in funds expected to be awarded to the Conservancy by the United States Fish and Wildlife Service (USFWS) National Coastal Wetlands Conservation (NCWC) grant program, for the North Reach element of the Lower Walnut Creek Habitat Restoration Project, which entails the restoration and enhancement of up to 227.7 acres of tidal wetlands, waters and associated upland habitat, and rough grading for 2.5 miles of future-phased trails for wildlife-compatible public access, on the Lower Walnut Creek, Contra Costa County.

The Lower Walnut Creek Habitat Restoration Project, North Reach (project) provides multiple benefits and addresses a number of critical regional needs. The project primarily addresses: 1) Historic wetland loss and habitat restoration, 2) Long-term ecological resilience, and 3) Lack of wildlife-compatible public access and recreation in this area of Contra Costa County.

### **Historic Loss of Wetland Habitat and Fragmentation**

Since the 1850's San Francisco Bay has lost 80% of its historic tidal wetlands, and areas adjacent to Walnut Creek have lost 85%. This reduction in habitat area threatens native marsh-dependent fish and wildlife species, including special status species such as salmonids, salt marsh harvest mouse, Ridgway's rail, and California black rail. The Lower Walnut Creek Habitat Restoration Project will enhance and restore estuarine wetlands, and improve habitat connectivity by approximately doubling the width of marsh corridor along the Walnut Creek channel and helping fill a nearly mile-wide gap between two large historic tidal marshes on either side of the site along the shoreline of Suisun Bay (Exhibit 2). NCWC funding was requested for the 231.9-acre North Reach subset of the larger 386-acre Lower Walnut Creek Habitat Restoration Project.

This 231.9-acre subset is in the brackish part of the San Francisco estuary where freshwater flows from the Sacramento-San Joaquin Delta mix with saline waters from San Francisco Bay. 227 acres of the subset will be restored to tidal marsh and associated upland habitats, while the remainder will be graded to support future public access. Tidal marsh in this mixing zone provides habitat for protected species and also supports high primary productivity, providing food for many native fish species. Adjacent seasonal wetlands and upland/transitional areas provide a rare ecological opportunity for unique habitat combinations that were once more prevalent along the Bay's edge. This restoration project will also provide the foundational work for a future project phase to create wildlife viewing opportunities and public access amenities.

### **Long Term Ecological Resilience**

This project has been designed to provide sustainable benefits in consideration of future environmental changes, particularly sea level rise. The project enhances the overall resilience of wetland habitats within the project area by providing space for tidal marsh migration with rising sea levels, increased tidal connectivity, reconnecting sediment flow pathways to promote healthy marsh accretion, and reducing the fragmentation of existing wetland habitats in the region. The restoration approach will capitalize on existing landscape features to restore a tidal marsh system integrated with a matrix of lowland terrestrial ecotone habitats (such as non-tidal pickleweed marsh, seasonal ponds and wetlands, annual grasses and coastal scrub). These habitats will provide enhanced ecosystem functions under present day conditions, and be able to evolve and migrate with sea-level rise. The project anticipates a gradual estuarine transgression and is designed to be self-sustaining, provide high ecological value, and function in perpetuity.

**Lack of wildlife-compatible public access and recreation opportunities**

The project is located on the north shore of Contra Costa County. To the east and west along the shoreline are Peyton Marsh and the Point Edith Wildlife Area, respectively, both of which are managed by California Department of Fish and Wildlife and are only accessible by boat. There are very few nearby locations where the large population of Contra Costa County can access tidal marshes and view wildlife without a boat. Upon completion of the habitat restoration work and the rough grading, the John Muir Land Trust will implement public access improvements at the North Reach, which will serve as a destination for a community without adjacent shoreline access. The anticipated source of funds for the public access improvements is via the Priority Conservation Area (PCA) Grant Program. Grant funding is provided by the Metropolitan Transportation Commission (MTC) and the Conservancy, and the program is jointly administered by the Conservancy and MTC/Association of Bay Area Governments (ABAG). At its October 17, 2019 meeting, the Conservancy recommended 16 projects for inclusion into the PCA Grant Program, including \$950,000 to the John Muir Land Trust for construction of trails, bridges, overlooks and other public access amenities as part of the Pacheco Marsh Restoration Project, which is an element of the Lower Walnut Creek Restoration Project (a Conservancy grant for the public access project has not yet been authorized).

**In response to the challenges highlighted above, the project specifically will:**

1. *Restore estuary-watershed connections* to nourish the baylands with sediments and freshwater. The project will incorporate multiple breaches and channels along Walnut Creek to reconnect the flow of freshwater, sediment, and biota between the creek and the baylands. The high sediment supply delivered from the Walnut Creek watershed (second highest of the San Francisco Bay watersheds according to a 2016 San Francisco Estuary Institute review of the project site), will help the restored marshes accrete sediment and maintain resilience to sea-level rise. In the North Reach's approximately 231.9-acre project area, restoration will be accomplished by breaching and lowering berms, excavating to create new tidal wetlands and channels, and grading existing upland areas to create a diverse landscape of lowland terrestrial habitats, including seasonal wetlands, and uplands integrated with the tidal wetlands (Exhibit 2). An existing undersized culvert beneath the TransMontaigne Access Road will be enlarged to allow full tidal flows to the restored wetlands. The District's access road will be relocated to increase the connectivity of restored habitats and to improve maintenance access to a buried outfall pipeline.
2. *Design complexity and connectivity into the baylands landscape at various spatial scales.* The project will provide for a more continuous band of wetlands along Walnut Creek and connects along the Bay shoreline to large historic marshes (Exhibit 2). The North Reach has been designed to provide habitat complexity (e.g., seasonal wetlands, alkali flat, moist grassland, upland grassland and scrub in the upland transition zone).
3. *Plan for the baylands to migrate.* The project includes large upland transition areas that provide space for natural marsh migration with sea level rise. This space coupled with

Walnut Creek's high sediment load should make the site resilient to even high rates of sea level rise.

4. *Reduce stressors by removing invasive vegetation.* Invasive vegetation removal before, during, and after construction is a key component of project implementation.
5. *Provide initial construction for public access:* This project will rough grade 2.5 miles of public trails along the restoration project within Pacheco Marsh (the inland marsh portion of the North Reach – see Exhibit 2). Completion of construction of the public trails will occur in the future, as part of a different element of the Lower Walnut Restoration Project.

The project is designed to minimize the need for active operations and ongoing maintenance. The proposed project will set levees back from the channel to restore wetland habitat and provide modest levels of flood protection. The current configurations of Walnut Creek and Pacheco Creek are remnants of a traditional engineered flood protection project implemented by the U.S. Army Corps of Engineers (USACE) in the 1960s. Ultimately, the USACE project didn't achieve the design level of flood protection; and much higher-than-expected creek sedimentation resulted in the need for periodic dredging to maintain flow capacity. The project ultimately results in modest improvements in flood risk reduction, while taking advantage of natural sediment processes to create new habitat and reduce dredging needs. Once the project is complete, the District will perform routine observation and maintenance to maintain the project's flood protection facilities as part of their regular levee monitoring program. Typical levee monitoring activities which will be applied to the new setback levee include inspection for erosion along the levee tops and slopes. Anticipated levee maintenance includes mowing and weed control and repair of erosion sites. The District will monitor the condition of the proposed improved culvert (TransMontaigne Pier Access Road) to ensure adequate tidal exchange for the restoration area. Long term operations and maintenance provided by the District will be funded using ad valorem tax revenue collected from property owners in the watershed. Public access facilities will require occasional management and maintenance and the District has partnered with the John Muir Land Trust to perform these management duties.

**Site Description:** The project site is located at the mouth of Walnut Creek, three miles east of the City of Martinez, on the southern shore of Suisun Bay (see Exhibit 1). Land use in the project vicinity is primarily industrial and open space and has been disturbed by human activities including dredging, levee-building, other filling, and grading. The resulting landscape is lacking much of the structure and functions (connectivity, natural hydrology, native soils, etc.) that characterize native plant and wildlife communities. The North Reach is subdivided by several remnant berms originally used to contain material dredged from Walnut Creek, creating a series of poorly drained basins disconnected from the creek and the tides. Past disposal of clean dredged material created high ground up to 12 feet above the surrounding tidal marsh. Invasive, non-native plants are present within the marsh, non-tidal wetlands and waters, and transition habitats. Upland communities are dominated by invasive non-native plants. The North Reach abuts a functioning tidal brackish marsh outboard of the existing berms.

The project site comprises three parcels: one co-owned by the District and John Muir Land Trust, one owned by Marathon Oil and one owned by State Lands Commission (SLC). The District is in the process of obtaining a long-term lease from SLC and the rights to construct the project from Marathon Oil, which intends to transfer its property to John Muir Land Trust. After the District completes construction of the project, it will transfer its interest in the co-owned property and the SLC lease to John Muir Land Trust for the long-term operation and management of the site as part of the suite of properties already under the Land Trust's long-term stewardship. The District and John Muir Land Trust have worked together on restoration planning and design of the North Reach.

**Grantee Qualifications:** The District has significant direct experience in successfully delivering grant-funded projects of this magnitude. The District, and their program manager, Paul Detjens, recently completed the 62-acre Upper Sand Creek Basin, a \$15 million partially state-grant funded detention basin with a complex riparian restoration zone. The project was delivered on-time and within available funds. In 2017, the District completed a 90% state-grant funded levee rehabilitation project in North Richmond that significantly lowers flood risk while preserving riparian and wetland vegetation. Mr. Detjens has been the project manager for the Lower Walnut Creek Restoration Project to date, including management of state and federal grants. The District and Mr. Detjens have demonstrated full competency to bring the project to a successful conclusion.

The Conservancy has previously worked with the John Muir Land Trust on a variety of acquisitions and public access projects throughout Contra Costa County, the largest of which being the Franklin-Fernandez Ranch acquisition and trail development projects which resulted in the creation of four new miles of Bay Area Ridge Trail and ridge trail connectors, as well as grazing improvements. John Muir Land Trust manages 3,200 acres of open space in Alameda and Contra Costa counties. They possess expertise in property and habitat management as well as the development of public access trails and amenities.

**Project History:** In January of 2018 the Conservancy (as one of the few California State agencies who can act as a designated recipient of USFWS National Coastal Wetlands Conservation (NCWC) funds) put out a call for partnership proposals for coastal wetland restoration projects. The District responded to that call for proposals, and Conservancy staff worked closely with the District to submit an application for a \$1,000,000 NCWC grant in June 2019 for the implementation of this project. As mentioned earlier, at its October 2019 meeting, the Conservancy also recommended inclusion into the PCA Grant Program a grant of \$950,000 to the John Muir Land Trust for the public access amenities intended for this project site in the next phase of work.

**PROJECT FINANCING (North Reach only)**

<b>US Fish and Wildlife Service (via a grant to the Conservancy)</b>	<b>\$970,000</b>
Contra Costa Flood Control District	\$2,445,170

San Francisco Bay Restoration Authority	\$4,504,406
State Wildlife Conservation Board	\$812,500
Bay Area IRWM	\$932,377
National Fish and Wildlife Foundation	\$910,000
California Department of Fish and Wildlife	\$950,000
<b>Project Total</b>	<b>\$11,524,453</b>

The USFWS is expected to award \$1,000,000 to the Conservancy for the implementation of this project, contingent on compliance with the National Environmental Protection Act and other grant requirements. \$970,000 of the grant will support project implementation directly, while the remaining \$30,000 will pay for Conservancy staff costs. In addition to the capital costs of the project, John Muir Land Trust will provide \$5,000 in in-kind match via \$4,500 value in volunteer time spent on vegetation management (establishment and maintenance), as well as \$500 in match costs associated with their staff costs regarding volunteers and coordination.

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

This project is undertaken pursuant to Chapter 4.5 of the Conservancy’s enabling legislation, Public Resource Code Sections 31160-31165, to address resource goals in the San Francisco Bay Area. Section 31162 of the Public Resources Code authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area, including Contra Costa County, that achieve the goals of the San Francisco Bay Area Conservancy Program. All of the proposed project area is within Contra Costa County. The proposed project will serve to achieve the objectives described in Section 31162(a), which authorizes the Conservancy to improve public access around the bay, coast, ridgetops, and urban open spaces through trail systems and related facilities. This project will prepare for pedestrian and cycling improvements along Marsh Creek Trail. The proposed project will also serve to achieve the objectives described in Section 31162(b), which authorizes the Conservancy to protect, restore, and enhance natural habitats, connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. The proposed project will assist in the enhancement of natural habitat for a variety of listed species in the San Francisco Bay Area.

The proposed project complies with Section 31163(c), which mandates that the Conservancy use specific criteria to develop priority projects within the San Francisco Bay Area Conservancy Program. The project meets the selection criteria under 31163(c), in that it: 1) is supported by and is consistent with adopted regional plans including the San Francisco Baylands Ecosystem Habitat Goals report (1999; Science Update 2015), Restoring the Estuary San Francisco Bay Joint Venture Implementation Plan (Updated 2007), the Contra Costa Flood Control District’s 50 Year Plan – From Channels to Creeks (year), USFWS Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (2013), the San Francisco Estuary Partnership’s Comprehensive Conservation and Management Plan (2016), Bay Area Integrated Regional Watershed

Management Plan (IRWMP) (2013), and the San Francisco Basin (Region 2) Water Quality Control Plan (May 2017); 2) serves a regional constituency by improving water quality discharged into the Bay-Delta, enhancing recreational opportunities in coastal Contra Costa County, and providing invaluable habitat, flood control, and public access benefits along the mouth of Lower Walnut Creek; 3) can be implemented in a timely manner; 4) provides the opportunity to implement a multi-benefit project that would be lost or have to be significantly scaled down if the project cannot be implemented in the near future; and 5) will include significant matching funds from the Contra Costa Flood Control District, the San Francisco Bay Area Restoration Authority, the State Wildlife Conservation Board, the California Department of Water Resources Bay Area Integrated Regional Water Management Grants, the National Fish and Wildlife Foundation, the California Department of Fish and Wildlife, and others.

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

Consistent with **Goal 12, Objective D** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will enhance tidal wetlands, managed wetlands, seasonal wetlands, and upland habitat.

Consistent with **Goal 13, Objective B** of the Conservancy's 2018-2022 Strategic Plan, this project will help implement projects that provide recreational facilities such as picnic and staging areas, docks and piers, parking lots, interpretive signs, interpretive or educational centers, and natural play spaces.

**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 2, 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:**

***USFWS Coastal Program Strategic Plan for 2017-2021:*** The project will help meet Objective 1.1: Restore and enhance coastal habitats, processes, and ecosystems based upon established National, Regional, and Ecoregion interim priorities. The project will help to conserve and restore the mosaic of habitat types and associated processes that support relevant estuarine ecosystems.



**State Wildlife Action Plan (CDFW, 2015 Update):** Consistent with the overall vision of the *State Wildlife Action Plan* (CDFW, 2015 Update), the project will contribute to conservation of ecosystem processes, habitat quality, climate change resilience and sustainability. The project is expected to support several species identified in SWAP 2015 as focal species for conservation. The project will implement the following tidal salt marsh conservation strategies (SWAP 2015, pp. 5.3-48-5.3-56). Similar conservation strategies apply for freshwater marsh, but are of lower priority for the project:

- Protection of land through acquisition or lease (Conservation Strategy 1)
- Research and data gathering on effective restoration methods (Conservation Strategy 2)
- Public outreach and education (Conservation Strategy 3)
- Invasive species control (Conservation Strategy 6)
- Integrated resource management (Conservation Strategy 7)
- Partnership for joint advocacy for recreation (Conservation Strategy 8)

**California Department of Fish and Wildlife Ecosystem Restoration Program (ERP)**

**Conservation Strategy (2014):** The 2014 ERP Conservation Strategy outlines conservation priorities to guide restoration for the Delta and its watershed from 2008-2030. The ERP provides a comprehensive ecosystem restoration strategy for the ERP Focus Area which includes Suisun Marsh and North San Francisco Bay. The project will advance the following Conservation Strategy goals:

- Recover endangered and other at-risk species and native biotic communities (Goal 1);
- Rehabilitate ecological processes (Goal 2);
- Protect and restore habitats (Goal 4);
- Prevent the establishment of and reduce impacts from non-native invasive species (Goal 5); and
- Improve or maintain water and sediment quality (Goal 6).

4. **Support of the public:** This project has received a wide array of public support. This is demonstrated by the letters in support of the Conservancy's grant application to NCWC, as well as the Contra Costa Flood Control District's grant application to the San Francisco Bay Area Restoration Authority. Supporters include: Congressman Mike Thompson, the Wildlife Conservation Board, the California Department of Fish and Wildlife, East Bay Regional Park District, the John Muir Land Trust, Marathon, American Rivers, Save Mt. Diablo, Walnut Creek Watershed Council, Central Contra Costa Sanitary District, and many others. (See Exhibit 4)
5. **Location:** The proposed project is in Contra Costa County, which is within the jurisdiction of the San Francisco Bay Area Conservancy Program (see Exhibit 1).
6. **Greater-than-local interest:** The purpose of the project is the restoration of ecosystem processes including tidal exchange, accretion, and sediment transport. The delivery of sediment supply from Walnut Creek to these newly restored tidal baylands and associated uplands is expected to create a system that is self-sustaining over the long term. The

improved delivery of sediment to vulnerable baylands should help continue to ensure that the wetlands have the ability to keep pace with sea level rise, and the project has been designed so that habitats will be able to migrate upslope over time. The approach of restoring tidal influence and accretion has been used in large marshes for decades in the northern portions of San Francisco Bay (e.g. Napa-Sonoma Salt Pond Restoration) and successfully provided long-term benefits for those restoration sites. The project is also expected to provide habitat benefits for a variety of special status species including: California Ridgway's rail (*Rallus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), salt marsh harvest mouse (*Reithrodontomys raviventris halicoetes*), Longfin Smelt (*Spirinchus thaleichthys*), fall-run Chinook salmon (*Oncorhynchus tshawytscha*), central California coast steelhead DPS (*Oncorhynchus mykiss*), green sturgeon (*Acipenser medirostris*), as well as a wide variety of other coastal-dependent or migratory shore birds.

7. **Sea level rise vulnerability:** The project is specifically designed to be resilient and adaptable to the long-term effects of sea level rise and has been designed to ensure continued coastal wetlands benefits. Early in planning, the project coordinated with regional baylands experts to develop strategies for improving long-term resilience of the lower Walnut Creek landscape to support sustained ecosystem services and wildlife habitat under changing future conditions. This planning occurred primarily via the Flood Control 2.0 project, funded by the US EPA and led by scientists from the San Francisco Estuary Institute in partnership with the District. As such, the design features gradual slopes with a number of ecotones that allow upward migration of habitats to counter the effects of sea level rise.

#### **Additional Criteria**

8. **Urgency:** The anticipated NCWC grant award will cover the period of January 1, 2020 – December 31, 2021. Although a NCWC grant has not yet been awarded, in March 2020, NCWC announced its decision to award a grant for the project.
9. **Resolution of more than one issue:** The purpose of the project is the restoration of ecosystem processes including tidal exchange, accretion, and sediment transport. The delivery of sediment supply from Walnut Creek to these newly restored tidal baylands and associated uplands is expected to create a system that is self-sustaining over the long term. The improved delivery of sediment to vulnerable baylands should help continue to ensure that the wetlands have the ability to keep pace with sea level rise, and the project has been designed so that habitats will be able to migrate upslope over time. The restoration of these baylands to tidal action is expected to provide flood control benefits to adjacent properties. Finally, the rough grading of 2.5 miles of future trails will lay the structural groundwork for the creation of wildlife-compatible public access along a stretch of Contra Costa's shoreline that is currently only accessible by boat.
10. **Leverage:** See the "Project Financing" section above.
11. **Readiness:** The project is currently on schedule for construction in the summer / fall of 2020, with monitoring and adaptive management to follow for a minimum of three years.

Recent project milestones include the completion of the California Environmental Quality Act document (Initial Study / Mitigated Negative Declaration), submittal of regulatory permit applications, and the release of the 65% construction documents.

12. **Realization of prior Conservancy goals:** “See “Project History” above.”
13. **Return to Conservancy:** \$30,000 of the total \$1,000,000 USFWS NCWC grant will be provided directly to the Conservancy to cover staff costs associated with managing this project.
14. **Cooperation:** There has been public involvement throughout the entire planning and design process (2014-present) for the project. At the inception of the planning and design process, the District hosted a ‘listening tour’ in which staff visited and brought together various stakeholder groups, including neighbors, non-government entities and regulators and asked what the creek meant to them, what problems they saw with its current management and condition, and what was their vision for Lower Walnut Creek. These answers fed into a unified vision for the project, and the formation of a Stakeholder Advisory Group, which has met periodically throughout the planning and design process to review progress and provide input at key decision points. In addition to the stakeholder group, the team has hosted over 20 public site tours (typically for two hours on Saturday mornings). Another important aspect of public involvement is the project’s social media presence. Besides the comprehensive project website at [www.LowerWalnutCreek.org](http://www.LowerWalnutCreek.org), the project also has an active Facebook page and a series of nine project videos called “Lower Walnut Creek Adventures” on YouTube. Further public engagement has focused on project partners such as the Walnut Creek Watershed Council, and the John Muir Land Trust (JMLT). The project also has significant coordination with other public agencies, including the California Department of Fish and Wildlife (CDFW), which provided financial support for project planning and design efforts.
15. **Minimization of greenhouse gas emissions:** See description of mitigation measures regarding Air Quality in the CEQA section below.

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

The Lower Walnut Creek Project helps implement BCDC’s San Francisco Bay Plan (Bay Plan), dated January 2008 (reprinted 2012), by supporting the following policies:

1. **Fish, Other Aquatic Organisms and Wildlife, Policy 1** which states that “to the greatest extent feasible, the Bay’s tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.” (page 16);
2. **Water Quality, Policy 1** which states that “tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources.” (page 19);

3. **Tidal Marshes and Mudflats, Policy 4** which calls for the restoration of tidal marshes and tidal flats that have been diked from the Bay to tidal action in order to replace lost historic wetlands, where and whenever possible (page 23);
4. **Public Access, Policy 4** which states: “public access should be sited, designed and managed to prevent significant adverse effects on wildlife.” (page 68).

**CEQA COMPLIANCE:**

Staff has independently evaluated the Lower Walnut Creek Restoration Project Final Initial Study/Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) adopted by Contra Costa County on November 19, 2019, 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.

The MND analyzes the Lower Walnut Creek Restoration Project as whole, which is a larger project than the North Reach component to be funded under this authorization. Because the MND analyzes the larger restoration project, this CEQA discussion pertains to the entire Lower Walnut Creek Restoration project, not just the North Reach. The term “project” in this section therefore refers to the larger restoration project.

The MND indicates that the project will not have a significant effect on the environment with incorporation of certain mitigation measures. The potential effects for which mitigation is proposed are in the areas of air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, recreation, tribal cultural resources and mandatory findings of significance. The District will be responsible for compliance with the mitigation measures. The potential significant effects on air quality, biological resources, cultural resources, and hazards and hazardous materials, will be mitigated by the measures listed below. The following is a summary of potential impacts and planned mitigation measures for the project.

**Air Quality**

The project could result in potentially significant air quality impact, but mitigation measures will reduce the impact to less-than-significant. The District will require its contractors to follow Bay Area Air Quality Management District Basic Construction Mitigation Measures to reduce vehicular emissions and emissions of fugitive dust and equipment exhaust. Those measures include watering exposed surfaces twice daily, all haul trucks transporting loose materials will be covered, vehicle speed limited to 15 mph on unpaved roads, all roadways, driveways and sidewalks will be paved and completed as soon as possible, idling time will be minimized, construction equipment will be properly maintained, and a sign will be posted publicly for a point of contact at the Air District regarding dust complaints.

## Biological Resources

The project would result in: (1) potential impacts on western pond turtle; (2) potential impacts on special-status birds; (3) potential impacts on California black rail and Ridgway's rail; (4) potential impacts on salt marsh harvest mouse and Suisun shrew; (5) potential impacts on special-status plants; (6) potential impacts on special-status fish; (7) potential impacts on sensitive natural communities; (8) potential impacts on wetlands and other waters; and (9) potential construction-related impacts on movement of native resident or migratory fish species or established native resident or migratory wildlife corridors. These potential impacts will be reduced to less than significant effects through mitigation measures. The mitigation measures include having a qualified biologist provide Worker Environmental Awareness Training to all field management and construction personnel. Qualified biologists will conduct pre-construction surveys, and if any listed species are discovered, work will not begin in the immediate vicinity of that discovery until USFWS/CDFW is contacted, and the listed species have been able to leave the area. A Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented for the project area to prevent construction-related water quality impacts.

(1) Construction-related impacts on western pond turtle would be potentially significant. Mitigation measures will reduce construction-related impacts on western pond turtle to a less-than-significant level by providing biological monitoring within 150 feet of sensitive aquatic sites; environmental training to construction personnel; general protection measures, including speed limits on all levees and roads during construction; and specific survey and relocation measures for western pond turtles, if encountered. Operational and long-term effects of the project on western pond turtle will be less than significant.

(2) Construction-related impacts on tricolored blackbird, short-eared owl, Northern harrier, saltmarsh common yellowthroat, Suisun song sparrow, and nesting birds protected by the Migratory Bird Treaty Act would be potentially significant. However, mitigation measures will reduce potential construction-related impacts to nesting special-status birds to a less-than-significant level by providing environmental training to construction personnel, providing general protection measures, and requiring avoidance of construction-related work during the nesting bird season. If avoidance of the nesting season is not possible, then pre-construction nesting bird surveys and establishment of no-construction buffer zones around active bird nests will be used to avoid or minimize the potential for this impact to occur. Operational and long-term effects of the project on tricolored blackbird, short-eared owl, Northern harrier, saltmarsh common yellowthroat, Suisun song sparrow, and nesting birds protected by the Migratory Bird Treaty Act will be less than significant.

(3) Temporary construction-related impacts would result in potentially significant impacts on California black rail and Ridgway's rail. However, implementation of mitigation measures will reduce potential construction-related impacts to Ridgway's rail and black rail to less-than-significant by providing environmental training to construction personnel, providing general

protection measures, avoiding disturbance to rail nesting habitat (including avoiding construction activities requiring heavy equipment within 500 feet of marsh areas during breeding season – February 1 – August 31), conducting pre-construction protocol surveys (*Site-Specific Protocol for Monitoring Marsh Birds*) to identify any active nests, and stopping work if project activities disturb nesting rails. Operational and long-term effects of the project on California black rail and Ridgway's rail will be less than significant.

(4) Construction-related impacts and ongoing Operation and Maintenance (O&M)- related impacts on salt marsh harvest mouse and Suisun shrew would be potentially significant. However, implementation of mitigation measures will reduce potential construction and ongoing O&M impacts to salt marsh harvest mouse and Suisun shrew to a less-than-significant level by providing environmental training to construction personnel, providing general protection measures, conducting pre-construction surveys, identification and avoidance of suitable habitat for the species, and where avoidance is not possible, using hand tools to clear vegetation. Vegetation removal in SMHM habitat will be conducted under supervision of the USFWS and CDFW approved biologist. Further, suitable marsh habitat will be protected during work activities, silt fencing will separate suitable habitat from adjacent work areas, a biomonitor will be in place to stop work if the species is detected, and work during high tide periods will be avoided. With implementation of these mitigation measures, construction- and ongoing O&M -related impacts will be less than significant.

(5) Temporary construction-related impacts would result in significant impacts on special-status plants, and if special-status plants are present in the areas that have not yet been surveyed, these have potential to be impacted indirectly through changes in site hydrology. However, implementation of mitigation measures will reduce potential construction-related impacts to special-status plants and potential indirect impacts to special-status plants due to changes in hydrology to a less-than-significant level. This will be achieved by: conducting pre-construction special-status plant surveys; delineating and avoiding special-status plants within the project work limits by establishing a no-disturbance buffer, including fencing and signage, around the plant to protect it from construction-related activity; compensating for special-status plant impacts that cannot be avoided; and reporting special-status plant occurrence to the California Natural Diversity Database (CNDDDB). Operational and long-term effects of the project will be less than significant.

(6) Construction-related impacts on special-status fish and marine mammals would be potentially significant. However, implementation of mitigation measures will reduce the impact of project construction on special-status fish to less-than-significant by restricting the timing of in-water work to periods in which special-status aquatic species are unlikely to be present, and if work cannot be avoided outside of that period other measures will be taken including instillation of silt screens which will exclude fish from channels in active construction, National Marine Fisheries Services approved sound attenuation monitoring plan for any pile-driving activities and by ensuring the water quality effects of in-water work occur at less than significant levels. Operational and long-term effects of the project will be less than significant.

(7) Construction-related impacts on sensitive natural communities would be potentially significant. Implementation of mitigation measures will reduce construction-related impacts to less than significant by ensuring that sensitive natural communities are delineated and, to the extent feasible, avoided; minimizing impacts by developing and implementing an erosion control plan and SWPPP; using silt curtains to protect submerged aquatic vegetation; avoiding the introduction of non-native, invasive plant species; using only pesticides certified by the USEPA for use in/adjacent to aquatic environments, and monitoring the vegetation and geomorphology for adaptive management to meet the goals of the project. Operational and long-term effects of the project will be less than significant.

(8) Construction-related activities would potentially significantly impact wetlands and other waters. However, implementation of mitigation measures will reduce impacts to less than significant by isolating the in-water work area to isolate suspended sediments to the work area, restricting work activities to within the construction footprint, and by avoiding the introduction and spread of weeds. Although the project will include grading and vegetation management activities within potentially jurisdictional wetlands and waters, and temporal loss of wetlands and waters during construction, these activities will support the goals of habitat restoration and will result in a net increase in wetlands and waters. The project will result in long-term benefits, and therefore the potential operational/long-term impact on wetlands and waters is less than significant.

(9) Construction-related activities would potentially significantly impact submerged aquatic vegetation and fish habitat. However, implementation of mitigation measures will reduce impacts to less than significant. Prior to construction or other habitat restoration or conversion activities, a USFWS-approved biologist shall conduct a survey for submerged aquatic vegetation (SAV) at the shoreline of the North Reach. Locations of SAV shall be mapped in GIS, and a buffer will be established to exclude activities that would indirectly remove or alter the habitat or result in indirect adverse impacts on the SAV. If impacts cannot be avoided, the District will consult with CDFW to devise a plan for minimizing impacts. Potential minimization measures include: 1) salvaging and replanting native SAV at the same location following construction, 2) salvaging and relocating native SAV, 3) collection of seeds or other propagules of SAV to reintroduce at the site or other location; 4) payment of in lieu fees for preservation of individual native SAV plants.

### **Cultural Resources**

The project would result in: (1) potential impacts on archaeological resources or tribal cultural resources; and (2) potential impacts on human remains.

(1) Implementation of mitigation measures will reduce potentially significant impacts to archeological resources to less than significant with mitigation incorporated. Prior to authorization to proceed, a Secretary of the Interior- qualified archeologist will conduct a training program for all field and construction workers involved in site-disturbance. A Secretary of the Interior- qualified archeologist will be retained with 24 hours of any archeological

resources discoveries. If determined that the project could damage a historical resource as defined by CEQA, construction will cease in an area determined by the archeologist until a mitigation plan has been prepared, approved by the District and implemented to the satisfaction of the archeologist (and Native American representative appropriate).

(2) Implementation of mitigation measures will reduce potentially significant impacts to human remains to less than significant. Mitigation includes compliance with applicable State laws, including Section 7050.5 of the Health and Safety Code. This would require work to halt within 100 feet of the find and immediate notification of the County coroner. If the coroner determines the human remains are Native American, the coroner will notify the California State Native American Heritage Commission (NAHC), who will appoint a Most Likely Descendant (MLD) (PRC Section 5097.98) to make recommendations to the District for the appropriate means of treating the human remains and any associated funerary objects.

### **Hazards and Hazardous Materials**

The project would result in potential impacts due to exposure of public and workers to hazardous materials. Preparation and implementation of a Hazardous Materials Dewatering and Management Plan will reduce impacts to less than significant with mitigation incorporated. This mitigation measure will establish procedures analyzing the chemical concentrations in dewatering fluids and ensuring the dewatering fluids are disposed of in accordance with all applicable federal and state laws.

The potential significant effects on hydrology and water quality, recreation, tribal cultural resources and mandatory findings of significance will be also mitigated by these same measures.

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