

**CALENDAR ITEM**

**C22**

**MINUTE ITEM**  
This Calendar Item No. C22  
was approved as Minute Item  
No. 22 by the State Land  
Commission by a vote of 3  
to 0 at its 3/8/94  
meeting

**GENERAL LEASE - PUBLIC AGENCY USE**

**03/08/94**

**W 24944**

**Howe**

**PRC7744**

**APPLICANT:**

City of San Leandro  
835 E. 14th Street  
San Leandro, California 94577

**AREA, TYPE LAND AND LOCATION:**

A 144-acre parcel of land at Roberts Landing in the City of San Leandro, Alameda County.

**LAND USE:**

Construct, maintain and operate a 144-acre Water Circulation and Drainage Plan, including dredging of approximately 7,290 cubic yards to widen Roberts Landing Slough and channels for purposes of wetland enhancement and restoration. The dredge material will be used to create five Salt Marsh Harvest Mouse islands on State lands.

**PROPOSED PERMIT TERM:**

Twenty-five years

**BACKGROUND:**

The State, acting by and through the State Lands Commission (SLC), acquired sovereign ownership interests in 172 acres known as the Habitat Enhancement Parcel ("State Parcel") pursuant to a Compromise Title Settlement Agreement between the State, the City of San Leandro (City) and Citation Homes, Inc. (Citation). The State Parcel is described in Exhibit "A", attached hereto and incorporated herein by this reference. The State interests in the State Parcel consist of sovereign fee ownership of 144 acres and an easement for open space and habitat over 28 acres, fee title to which is in the City.

As part of the above-mentioned title settlement agreement and past mitigation requirements placed on the City by the United States Army Corps of Engineers for dredging in the City's marina, the City is required to complete and maintain a Water Circulation and Drainage Plan (Plan) for the State Parcel. The City is now ready to begin implementation of the plan and is requesting a lease from the SLC.

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The State Parcel is geographically divided into three distinct portions, North Marsh, Bunker Marsh, and the East Marsh. Implementation of the City's Plan will result in the introduction of tidal action to the State Parcel with the goal of recreating, to the maximum extent possible, the historic conditions which existed before levees isolated the marshes from tidal influence. Seasonal, as well as tidal, wetland conditions for migrating and wintering resident shorebirds and waterfowl will be restored, or enhanced where already present. The construction of elevated refugial islands in the North Marsh is designed to increase habitat of the endangered Salt Marsh Harvest Mouse. Work performed in the area of the Bunker Marsh will serve to further protect and enhance the Bunker Marsh and the unique sand dune area which exists south of the marsh. Abuse to the sensitive areas from off-trail activities, such as motor biking, will be substantially curtailed when water is reintroduced to the marsh areas and public access is formally restricted.

The project will substantially improve existing conditions on the State property and, thus, benefit the aquatic ecosystems which exist at Roberts Landing. The City's Circulation Plan was developed with the cooperation of the United States Fish and Wildlife Service, California Department of Fish and Game, United States Army Corps of Engineers, and SLC staff.

The major features of the plan are: excavation and widening of the Roberts Landing Slough from San Francisco Bay, at the mouth of San Lorenzo Creek, by dredging, generally following the path of the historic Roberts Landing Slough, introducing tidal action to the Bunker and East Marsh; breaching of the shoreline levee in the North Marsh by means of culverts within the levee. Five islands would be created using materials excavated from the slough and channels. Construction details are set forth in the Technical Memorandum of Construction Plan which are on file at the State Lands Commission.

At its November 9, 1993 meeting, the Commission authorized a dredging lease to Citation Homes Inc. A portion of this project area involves land that the City has identified as a public access trail known as the "Loop" portion. The City has stated that the trail shown in the San Leandro Water Circulation and Drainage Plan Initial Study/Negative Declaration is proposed in the event that the Citation development project (and the associated central levee removal and wetland restoration) is not implemented. If and when the Citation development is implemented, a permanent public access trail will be constructed

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as provided for in the Citation development plan and as approved by the relevant responsible agencies.

A Mitigation Monitoring Plan was adopted by the City of San Leandro to ensure that mitigation measures described in the Negative Declaration are carried out. Performance monitoring will be carried out for a minimum of five years following construction in order to assess restoration progress and verify satisfaction of enhancement objectives. Monitoring reports will be prepared by the City of San Leandro or their consultants and submitted to the United States Army Corps of Engineers on an annual basis with circulation to all agencies which have jurisdiction, including the State Lands Commission. The City of San Leandro will be financially responsible for the long term maintenance work to be completed on the State parcel in regards to the Water Circulation and Drainage Project.

The Commission has received a letter commenting on the City's Water Circulation and Drainage Plan from the Ohlone Audubon Society, dated January 17, 1994. These comments have been addressed by Commission staff. Other concerns raised in the letter are not within the jurisdiction of the SLC.

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; title 14, Div. 6.

AB 884:

06/19/94

**OTHER PERTINENT INFORMATION:**

1. The City of San Leandro adopted a Negative Declaration, Findings, and Mitigation Monitoring Plan for the Water Circulation and Drainage Plan and authorized the City Manager to negotiate and enter into a lease with the SLC for the construction and operation of the Water Circulation and Drainage Plan on the State Parcel. The Negative Declaration and Mitigation Monitoring Plan are contained in Exhibit "C", identified as the City of San Leandro, Resolution No. 93-258. Staff has reviewed such material.

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2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Code Regs. 2954 is not applicable.
3. Any dredge spoils removed from the State Parcel and not used for public health and safety purposes or for marsh restoration will have a minimum charge of \$.25 per cubic yard.
4. It is anticipated that the City will turn the long term management of the parcel over to the East Bay Regional Park District for on site management and enforcement purposes. Although the City will be responsible for costs of long-term maintenance in relation to the Water Circulation and Drainage Project.

**APPROVALS OBTAINED:**

City of San Leandro, United States Army Corps of Engineers, and the Regional Water Quality Control Board.

**FURTHER APPROVALS REQUIRED:**

San Francisco Bay Conservation and Development, State Lands Commission.

**EXHIBITS:**

- A. Plat of Settlement Parcel
- B. Site Map
- C. City of San Leandro Resolution No. 93-258

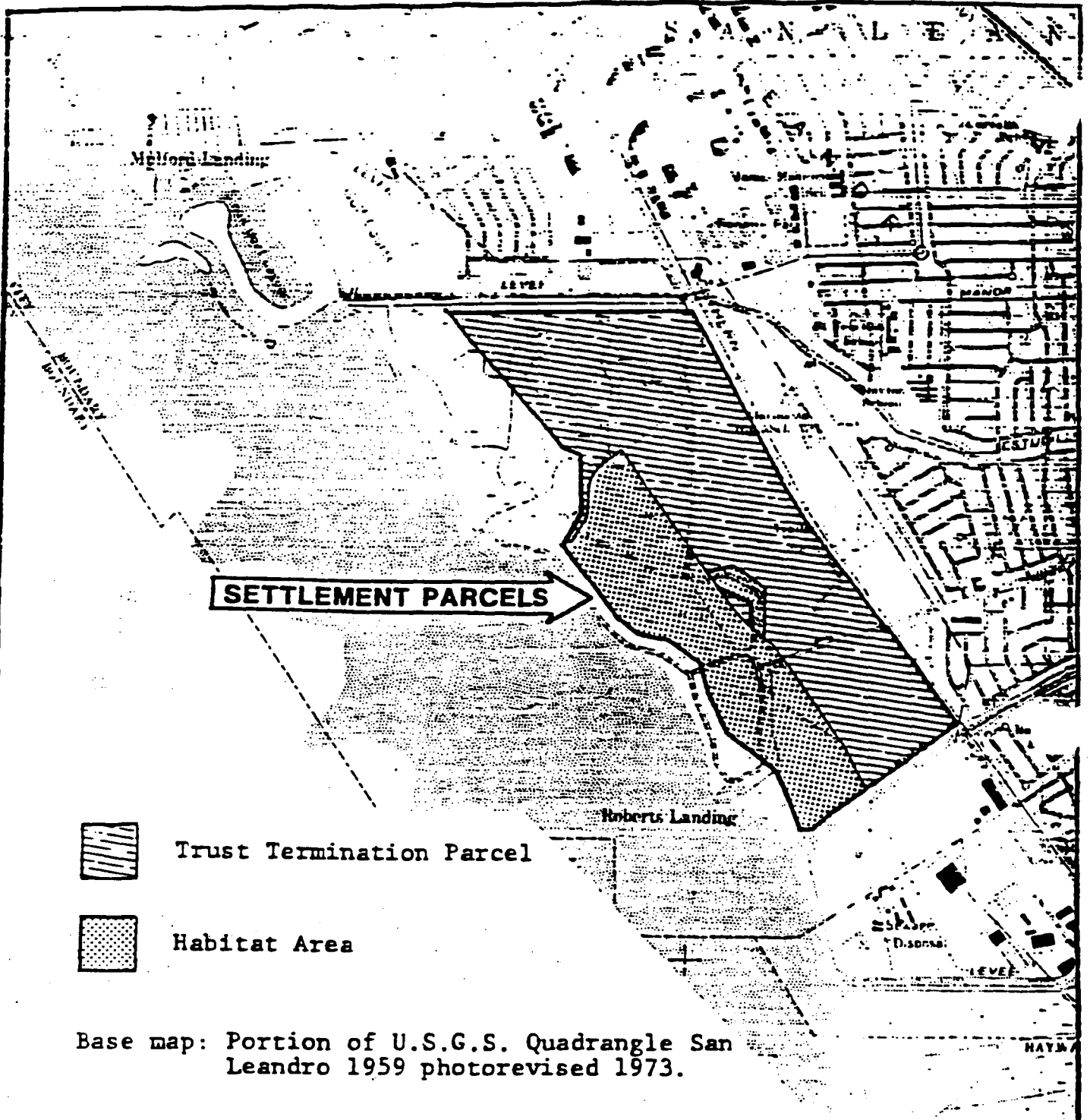
**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT A NEGATIVE DECLARATION AND A MITIGATION MONITORING PLAN WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SAN LEANDRO (SCH 93111015) AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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2. ADOPT THE MITIGATION MONITORING PLAN, AS CONTAINED IN EXHIBIT "C", ATTACHED HERETO.
3. AUTHORIZE THE ISSUANCE OF A TWENTY-FIVE YEAR PUBLIC AGENCY LEASE TO THE CITY OF SAN LEANDRO FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF THE WATER CIRCULATION AND DRAINAGE PLAN ON THE STATE PARCEL AS SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, AND CONSENT TO AN ASSIGNMENT OF THE LEASE FOR MANAGEMENT PURPOSES TO EAST BAY REGIONAL PARK DISTRICT.

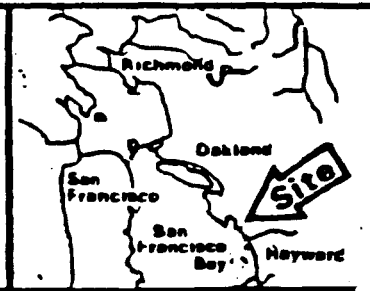
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Base map: Portion of U.S.G.S. Quadrangle San Leandro 1959 photorevised 1973.

STATE LANDS COMMISSION

PLAT of SETTLEMENT PARCELS



Prepared by: D. Plummer

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# EXHIBIT "C"

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 93 - 258

(2755)

RESOLUTION ADOPTING NEGATIVE DECLARATION, FINDINGS,  
AND MITIGATION MONITORING PLAN FOR WATER CIRCULATION AND  
DRAINAGE PLAN AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE  
AND ENTER INTO A LEASE WITH THE STATE LANDS COMMISSION FOR THE  
CONSTRUCTION AND OPERATION OF THE WATER CIRCULATION AND DRAINAGE  
PLAN ON LAND LEASED FROM THE STATE LANDS COMMISSION  
(SAN LEANDRO SHORELINE MARSHLAND ENHANCEMENT PROJECT)  
PROJECT NO. 94-8673

## RECITALS

- a) The Water Circulation and Drainage Plan consists of enhancement of 172 acres of marshland at the San Leandro shoreline near the western terminus of Lewelling Boulevard. The subject property is owned by the City of San Leandro and the State Lands Commission. The project proposes the introduction of tidal action from San Francisco Bay into portions of the 172 acres through proposed culverts in the existing shoreline levee and through an extension of the Roberts Landing Slough to the mouth of San Lorenzo Creek. The project will also create new habitat islands within the North Marsh and provide a shoreline trail link from the existing San Leandro Shoreline Trail south to the East Bay Regional Park District bridge across San Lorenzo Creek.
- b) An initial study was conducted to evaluate potential adverse environmental impacts;
- c) A proposed Negative Declaration containing project features and mitigations to avoid or mitigate any potentially significant effects and reflecting the City's independent judgment, was circulated for public review for the required period;

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- d) The City has received and responded to comments submitted during the thirty-day comment period. Copies of said comments and responses are attached to the staff report and incorporated herein by reference.
- e) A Mitigation and Monitoring program has been prepared in compliance with Public Resources Code Section 21081.6  
(See Exhibit B)

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

That the City Council finds that it has reviewed and considered the attached Negative Declaration for the Water Circulation and Drainage Plan (San Leandro Shoreline Marshland Enhancement Project), Project No. 94-8673, (SCH #93111015) and any comments received, and based on the mitigation measures and findings contained in the attached Exhibit A, finds that the project will not have a significant effect on the environment.

That the City Council approves the implementation of the mitigation measures contained in the Negative Declaration.

That the Negative Declaration for the project reflects the independent judgement of the City of San Leandro, complies with CEQA and the State CEQA Guidelines and is hereby approved.

That the Mitigation and Monitoring Plan outlined in the attached Exhibit B is hereby approved.

That the City Manager is authorized to negotiate and enter into a lease with the State Lands Commission for the construction and operation of the Water Circulation and Drainage Plan on the 144 acre State Lands parcel at the west end of Lewelling Boulevard in San Leandro, California.

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Introduced by Council Member Kerr

and passed and adopted this

20th day of December, 1993, by the following called vote:

Members of the Council:

AYES: Council Members Corbett, Kerr, Myers, Nahm, Perry, Polvorosa;  
Mayor Faria ( 7 )

NOES: None ( 0 )

ABSENT: None ( 0 )

ATTEST:

  
ALICE CALVERT, City Clerk

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## EXHIBIT A

### FINDINGS IN SUPPORT OF MITIGATED NEGATIVE DECLARATION FOR THE SAN LEANDRO WATER CIRCULATION AND DRAINAGE PROJECT (SCH. NO. 93111015)

#### 1.0 Introduction

The California Environmental Quality Act (CEQA Section 21080 (c) and Guidelines Section 15070) provides that if a lead agency determines that a proposed project does not have a significant effect on the environment, such lead agency shall adopt a negative declaration to that effect. The negative declaration shall be prepared for the proposed project if either a) there is no substantial evidence before the agency that the project may have a significant effect on the environment or, b) an initial study has been prepared which identifies potentially significant effects on the environment but revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. Guidelines Section 15074 provides that a decisionmaking body shall approve a negative declaration if it finds that there is no substantial evidence that the project will have a significant effect on the environment.

CEQA (Section 21081.6) also requires that, when making findings or adopting a negative declaration, a lead agency adopt a reporting and mitigation monitoring program encompassing all mitigation measures identified for any significant or potentially significant impacts. Such a program is designed to ensure compliance during project implementation.

For the City of San Leandro's Water Circulation and Drainage Plan Project (also referred to as the San Leandro Shoreline Marshland Enhancement Project), a so-called "Mitigated Negative Declaration" has been prepared as provided for by CEQA. This type of CEQA documentation is appropriate when a project proponent (in this case, the City) can modify the project so as to eliminate all significant effects or reduce them to a level of insignificance.

In designing this project, the City has incorporated a number of "self-mitigation" features, including, but not limited to, placing limitations on construction hours, practicing strict dust control, designating and monitoring haul routes for off-site transport of dried dredge material, and employing a biologist to monitor construction activities near sensitive habitats. Collectively, these measures are judged to be capable of reducing potentially significant environmental effects to a level

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of insignificance. To that end the City hereby makes the following findings to support the above conclusion and the City's proposed negative declaration for this project.

## 2.0 Findings

Potentially significant impacts are identified in the Water Circulation and Drainage Plan Project Initial Study and Negative Declaration and are summarized below. Mitigation or project design features, summarized following each impact statement are capable of eliminating that impact or reducing the impact to a level of insignificance. Page references to the Initial Study/Negative Declaration are also provided following each impact and mitigation statement.

### Potentially Significant Impact: Accidental rupture of pipelines

**STATEMENT OF FACTS:** Excavating and trenching to create and/or widen channels within the enhancement area could result in accidental rupture of underground wastewater pipelines that are present in the area. This possibility is relatively remote, however, because the depth of the pipelines is generally well below that of the proposed excavation. Nevertheless, should such an accidental rupture occur and a substantial amount of wastewater be released, a significant impact to the surrounding marsh habitats and possibly, the Bay could result. Impacts could include acute and/ or chronic toxic effects to marsh plants and animals, including the endangered salt marsh harvest mouse and California least tern. The one petroleum pipeline which traverses the study area is empty and does not pose a danger.

**Mitigation and Conclusion:** Underground utility lines in the vicinity of proposed slough/channel excavation will be "pot-holed" prior to construction to verify depth and location. Pipeline alignments and manholes in the project area will be clearly mapped on the construction drawings and flagged in the field prior to any site excavation work. In addition, the construction contractor shall be responsible for notifying Underground Service Alert prior to construction to identify the location of underground utility lines. All construction work near or within the designated pipeline areas will be closely monitored by the City inspector. With implementation of this mitigation measure, the City finds that the potential impact related to potential accidental rupture of pipelines has been reduced to below a level of significance.

### Potentially Significant Impact: Toxic effects on marsh ecosystem

**STATEMENT OF FACTS:** The potential for soil and groundwater contamination within the WCDP study area leads to a conclusion that the potential for any toxic effects on marsh plants and animals is low because past and recent studies show most heavy metal and organic contaminant concentrations below Basin Plan standards and ecological screening criteria. However, isolated

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areas containing contaminant levels in excess of the sediment screening criteria for unrestricted wetland creation exist and contaminants in these areas could be re-exposed to the environment via excavation and grading activities or inundation. This, in turn, could result in potentially significant impacts to marsh and aquatic species.

**Mitigation and Conclusion:** The surface soils at three isolated locations within the WCDP study area near the Citation property boundary could be removed and used as the base material, then capped with clean material, for creation of the habitat islands proposed in the North Marsh. Contaminant levels in these soils are generally well below sediment screening criteria for restricted (i.e. non-cover) wetlands use. The Regional Water Quality Control Board has recently submitted a letter to the City indicating their approval of this mitigation approach and their conclusion that no significant ecological risk would result from WCDP implementation following such mitigation (see Appendix J). Alternatively, these surface soils could be excavated and transported to an approved site for upland disposal. With implementation of this mitigation measure, the City finds that the potential impact related to potential toxic effects on the marsh ecosystem has been reduced to below a level of significance.

**Potentially Significant Impact: Short-term loss of salt marsh vegetation**

**STATEMENT OF FACTS:** Implementation of the WCDP would result in a short-term loss and/or degradation of salt marsh vegetation due to excavation of new and widened channels, island building (North Marsh only), and altered inundation patterns. In the worst case, these effects could occur over an area of nearly 45 acres. However, the majority of this potential loss would be due to altered inundation patterns and prior studies have shown that established pickleweed is likely to tolerate greater inundation depth and duration than that considered optimal. In addition, the introduction of full tidal action to the Bunker Marsh will enable establishment at the same time of up to 22 acres of pickleweed and cordgrass vegetation coverage where little or none exists at present.

**Mitigation and Conclusion:** Once excavation activities are complete and tidal waters reintroduced into presently diked baylands, natural revegetation of exposed areas should be rapid. In constructing the proposed high marsh islands, material generated during channel widening and containing the highest proportion of pickleweed will be placed on top to facilitate revegetation as rapidly as possible. The short-term losses of pickleweed will be more than offset within the same general time period by an increased quality of salt marsh vegetation directly attributable to reintroduction of tidal waters. This increased quality would be evident in a greater species diversity, higher density of coverage and generally improved vigor of salt marsh plant species. With implementation of this mitigation measure, the City finds that the potential impact related to potential short-term loss of salt marsh vegetation has been reduced to below a level of significance.

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**Potentially Significant Impact: Short-term "take" of salt marsh harvest mouse**

**STATEMENT OF FACTS:** The short-term loss of salt marsh vegetation, and particularly pickleweed, due to channel excavation, island construction, and altered inundation patterns would also likely result in the loss of some individual salt marsh harvest mice, an endangered species. The U.S. Fish and Wildlife Service has issued a Biological Opinion in accordance with the Endangered Species Act concluding that the WCDP would not jeopardize the continued existence of the salt marsh harvest mouse population in this area.

**Mitigation and Conclusion:** Any construction occurring in areas containing pickleweed would occur during the dry season to the maximum extent practical to decrease the probability that salt marsh harvest mice are using the area. The potential short-term impacts to salt marsh harvest mice due to implementation of the WCDP will be more than offset within the same general time period by the creation of the high marsh islands (which will serve as a retreat for the mice during high tides and flood events) and the increased quality of the salt marsh vegetation they depend on. With implementation of this mitigation measure, the City finds that the potential impact related to potential short-term "take" of salt marsh harvest mouse has been reduced to below a level of significance.

**Potentially Significant Impact: Adverse effect on California least terns**

**STATEMENT OF FACTS:** California least terns have been recently observed foraging in significant numbers in the Bay waters near the mouth of San Lorenzo Creek. Excavating the proposed new channel extending Roberts Landing Slough to San Lorenzo Creek could disrupt this foraging activity. The California clapper rail and snowy plover have also been observed in this area.

**Mitigation and Conclusion:** Excavating of the new channel between the current Roberts Landing Slough mouth and San Lorenzo Creek would be timed to avoid the peak least tern foraging season (May 1 - August 31). With this mitigation, the U.S. Fish and Wildlife Service has concluded that WCDP implementation would not significantly affect the least tern (see Appendix E). The Service has also concluded that neither the clapper rail nor snowy plover would be affected by the proposed project. With implementation of this mitigation measure, the City finds that the potential impact related to potential adverse effects on California least terns has been reduced to below a level of significance.

**Potentially Significant Impact: Adverse Effect on Human Health of Trail Use Through Citation Property**

**STATEMENT OF FACTS:** The proposed trail segment 3A through the Citation property could adversely affect trail users through exposure to contaminants potentially present in site soils. A risk assessment was conducted in conformance with requirements of the U.S. Environmental Protection Agency. This assessment demonstrated that, based upon the maximum detected chemical

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concentrations reported in the area, no risk or hazard is expected from the use of the proposed access trail by recreational visitors to the property.

**Mitigation and Conclusion:** No mitigation is necessary, impact is insignificant.

**Potentially Significant Impact: Adverse Effect on Salt Marsh Vegetation and Habitats During Construction**

**STATEMENT OF FACTS:** Construction activities could adversely affect salt marsh vegetation during construction by compacting soils and/or trampling vegetation. This could, in turn, adversely affect salt marsh harvest mouse habitat. In addition, construction activities could increase erosion through exposure of soils during excavation.

**Mitigation and Conclusion:** Project construction will include the following measures: 1) a strict definition of haul routes, equipment movements corridors and construction exclusion zones will be included on the construction drawings; 2) the number and width of haul routes adjacent to the marsh area will be minimized; 3) levee roads will be used to the maximum extent possible; 4) use of heavy equipment will be limited in areas containing substantial (greater than 50%) pickleweed coverage; 5) all defined haul routes and construction exclusion zones will be staked and flagged to ease their identification; 6) construction in areas containing pickleweed shall occur during the dry season to the maximum extent practical; and 7) provide a qualified biologist to regularly monitor all construction activities.

**Potentially Significant Impact: Adverse Effect on Shoreline Trail Use During Construction**

**STATEMENT OF FACTS:** During construction, the Shoreline Trail south of the Tony Lema Golf Course would be subject to closure. This would represent a temporary inconvenience to recreational users.

**Mitigation and Conclusion:** Project construction will be limited to weekdays only, 7:00 a.m. to 7:00 p.m.. Access will be maintained whenever possible and as safety concerns permits. In addition signs will be posted notifying the public of possible inconveniences and forecasting the possible delays/closures along the trail. With implementation of this mitigation measure, the City finds that the potential impact related to potential adverse effects on Shoreline Trail users has been reduced to below a level of significance.

**Potentially Significant Impact: Adverse Effect on Cultural Resources During Construction**

**STATEMENT OF FACTS:** Construction activities could encounter cultural resources in the WCDP study area.

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**Mitigation and Conclusion:** In the unlikely event that cultural resources are discovered during excavation activities, land alteration work in the general vicinity of the find should be halted immediately and a qualified archaeologist consulted. The archaeologist would determine whether deposits warrant further investigation or continuation of construction activities is appropriate. With implementation of this mitigation measure, the City finds that the potential impact related to potential adverse effects on cultural resources during construction has been reduced to below a level of significance.

**Potentially Significant Impact: Adverse Effect on Nesting Birds During Construction**

**STATEMENT OF FACTS:** Construction activities could disturb nesting land birds such as burrowing owl and killdeer as well as other marsh birds such as black-necked stilts in the WCDP study area.

**Mitigation and Conclusion:** Construction activities will be restricted to the maximum extent practical in site areas where nesting birds are identified. A qualified biologist will conduct a field reconnaissance prior to initiation of construction to verify probable nesting locations. With implementation of this mitigation measure, the City finds that the potential impact related to potential adverse effects on nesting birds during construction has been reduced to below a level of significance.

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## EXHIBIT B

# MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SAN LEANDRO WATER CIRCULATION AND DRAINAGE PLAN PROJECT (SCH. NO. 93111015)

### 1.0 Introduction

This mitigation and monitoring program has been prepared by the City of San Leandro for the Water Circulation and Drainage Plan Project (also referred to as the San Leandro Shoreline Marshland Enhancement Project) to comply with Public Resources Code Section 21081.6. Section 21081.6 requires public agencies to adopt a mitigation reporting or monitoring program when adopting a mitigated Negative Declaration. Monitoring programs are designed to ensure that mitigation measures described in the Negative Declaration are carried out.

### 2.0 Scope

The monitoring program described below applies to all mitigation measures described in the Initial Study/proposed Negative Declaration dated October 29, 1993 prepared for the project, including modifications and revisions as embodied in Appendix A of that document. The key components of the mitigation program are generally described on pages 51 and 52 of the Negative Declaration, although these and other specific measures and design features incorporated into the project to minimize any adverse environmental impacts are described throughout the document. Mitigation measures described in the Initial Study that are either associated with potential impacts judged to be less than significant or would result in a beneficial environmental impact are also included in the mitigation program.

### 3.0 Organization

This mitigation monitoring program is organized into several sections that includes a description of mitigation measures incorporated into project design and construction, post-construction monitoring and reporting actions, monitoring responsibility, and performance criteria (Table B-1). In general, monitoring activities include discussions and coordination between the involved parties (i.e. City of San Leandro, the consulting biologist, and the contractor) and the submittal of monthly monitoring reports. The monitoring schedule will correspond to a set period of time (i.e. monitoring frequency) or to milestones in the construction process (e.g. site preparation, excavation and off-hauling, final grading).

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### 3.1 Mitigation Features Incorporated Into The Plan

- Reduce pickleweed habitat loss as a result of inundation and channel construction/widening by covering the proposed habitat islands for construction with surface material containing pickleweed plant parts to encourage rapid revegetation.
- Reduce erosion and improve water quality in North Marsh by designing culverts with well-armored (i.e. protected by rock rip rap on both sides) gates.
- Increase water quality in North Marsh by designing the four culverts to restrict flooding above an elevation of three feet.
- Prevent flooding of adjacent areas (i.e. the Citation property) in East Marsh by: 1) fitting the culvert between Roberts Landing Slough and East Marsh with a screw gate to close off flow; and 2) building up the levee along the southern edge of the slough.
- Reduce impacts during project construction to saltmarsh vegetation, particularly pickleweed, by: 1) strictly defining haul routes and construction zones; 2) minimizing the number and width of haul routes adjacent to marsh area; and 3) utilizing levee roads wherever possible.
- Continue to allow service and emergency vehicle access to the PG&E towers and to the EBDA and LAVWMA utility lines by fitting the culvert between Roberts Landing Slough and East Marsh with a screw gate to restrict water flow as necessary.
- Reduce potential impacts to the restored wetlands from any spill of contaminants into San Francisco Bay by fitting culverts with a tide control structure that would enable the marsh to be closed off from tidal action.

### 3.2 Additional Mitigations Which Will Be Incorporated Into Final Design And/Or Construction Contract Specifications To Further Reduce The Potential Impact Of Plan Implementation

- Defined haul routes and construction zones (including storage areas for equipment) will be staked and flagged to ease identification and compliance. To the extent possible, enlargement of existing and excavation of new channels will be accomplished from adjacent levees.
- Limit the use of heavy equipment in areas containing substantial (i.e., greater than 50% coverage) pickleweed by defining suitable equipment movement corridors (e.g., areas required for excavation of interior channels). These areas would be marked in the field by a qualified biologist prior to initiating construction activities.
- Consistent with other schedule constraints imposed by the Corps permit, any construction in areas containing pickleweed shall occur during the dry season to decrease the probability that salt marsh harvest mice are using the area, and to minimize erosion from surface runoff.

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- During final design review, limited sediment sampling and priority pollutant testing if required by the Regional Water Quality Control Board would be conducted. The test results will be provided to the Regional Water Quality Control Board for review at least 30 days prior to any planned excavation.
- Contract specifications will include dust prevention measures such as watering of dry material (e.g., dried dredge material) as necessary to reduce temporary air quality impacts.
- Construction hours will be limited to 7:00 a.m. to 7:00 p.m. on weekdays except under unusual circumstances. An example of an unusual circumstance might be the need to place erosion control materials in advance of a significant but unanticipated storm front.
- Reduce impacts to users of the Shoreline Trail by: 1) maintaining access along the trail whenever possible and when safety concerns permit; and 2) posting signs notifying the public of the possible inconveniences and forecasting the possible delays/closures along the trail.
- Avoid potential inadvertent damage or rupture to the underground pipelines and manholes in the project area by mapping and flagging the location of each pipeline and manhole prior to project construction initiation.
- Avoid channel excavation activities in the San Lorenzo Creek mouth mudflat between May 1 and August 31 to eliminate any potential adverse effects on California least tern foraging or roosting.
- Minimize impacts to land nesting birds such as the burrowing owl, killdeer and salt marsh song sparrow by restricting construction activities to the extent possible in nesting habitats from February to July.
- Minimize impacts to nesting habitat of the black-necked stilt by flagging and thus avoiding to the extent possible, during project construction, the small vegetated islands in Roberts Landing Slough during the breeding season (i.e., from May to July).
- A qualified biologist will regularly monitor all construction activities.
- In the unlikely event that cultural resources are discovered during excavation activities, land alteration work in the general vicinity of the find should be halted immediately and a qualified archaeologist consulted. The archaeologist would determine whether deposits warrant further investigation or continuation of construction activities is appropriate.
- Notify construction workers that abandoned wells may be present in the study area and to take all necessary precautions.
- A qualified biologist will review all construction drawings and specifications at least two weeks prior to commencement of construction activities to verify that all measures described above have been incorporated to the maximum extent feasible.
- The proposed trail alignment segment 3A will be shifted eastward such that it lies out of the buffer area as proposed by the Citation development plan.
- No hydrologic connection would be provided by the WCDP project between the WCDP study area and the Citation property. Such a connection (i.e. by placing culverts in Roberts Landing Slough at the approximate location of the existing wooden bridge) would only be provided as part of Citation's Wetland Enhancement Plan. The Citation wetland project would not be constructed until all responsible agencies, including the Corps of Engineers, Regional Water Quality Control Board, and the Department of Toxic Substances Control have specified that toxic remediation is complete.

### 3.3 Post-Construction Mitigation and Monitoring

Monitoring, management and maintenance would be carried out for at least five years (or until the Corps determines that success criteria have been met) following WCDP implementation in order to assess restoration progress and verify satisfaction of enhancement objectives. Monitoring reports would be prepared annually.

#### 3.3.1 Interim and Final Success Criteria

Performance criteria have been developed to provide measurable goals against which the success of the WCDP can be assessed. These criteria are presented in Table 5. Most criteria are based on improvements to baseline conditions while a few are based on comparison to reference sites.

#### 3.3.2 Contingency Measures

If monitoring reveals that the interim or final performance criteria are not being substantially satisfied, appropriate corrective action will be taken. Corrective actions may include planting of appropriate salt marsh species, such as pickleweed or salt grass or removal of non-native exotic invasive species such as eastern cordgrass (*Spartina alterniflora*). Other corrective measures would include re-grading and re-excavating channels or modifying the water control system. In the event of an external threat, such as an oil spill in the Bay waters proximate to the WCDP area, and/or upon notification by the Corps, all culverts in the WCDP would be closed.

#### 3.3.3 Monitoring Methods and Frequency (including tidegate operation)

##### Monitoring Methods

Post-construction environmental monitoring would be carried out under the following five primary categories:

**Hydrology/Sedimentation** - The hydrologic regime would be monitored by measuring the actual frequency, extent and duration of tidal inundation against that predicted in the WCDP. Water elevation measuring staffs would be placed within the main channels of the North and Bunker Marsh areas to enable accurate assessment of water depth and elevation. Water depth will be measured in the East Marsh manually (i.e. with a measuring rod) and through visual observation. On an annual basis and during the same season each year, observations of the hydrologic regime within the WCDP area will be made to evaluate tidal range, percent of area inundated, and culvert/channel operation.

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**TABLE B-1: PERFORMANCE CRITERIA FOR WATER CIRCULATION AND DRAINAGE PLAN**

<b>Parameter</b>	<b>Objective</b>	<b>Criteria</b>
<b>North Marsh</b>		
<b>Hydrology</b>	<b>Muted tidal restoration</b>	1) 50-70% of area inundated no more than 12% of the time during mean tidal month.
		2) Mean high water elevation of +1.6 feet NGVD.
<b>Sedimentation</b>	<b>Increase sedimentation</b>	Interior channel/ditch bottom elevations should increase by at least 0.5 feet within first five years.
<b>Vegetation</b>	<b>Provide high marsh vegetation on habitat islands</b>	1st year - 5% cover of native halophytes. <sup>a)</sup> 2nd year - 20% cover of native halophytes. 3rd year - 30% cover of native halophytes. 4th year - 40% cover of native halophytes. 5th year - 50% cover of native halophytes.
	<b>Improve low marsh vegetation quality</b>	1st year - 20% cover of native halophytes. 2nd year - 40% cover, 5% increase in average height of native halophytes. 3rd year - 60% coverage, 10% increase in average height of native halophytes, increased plant biomass. 4th year - 70% coverage, 10% increase in average height of native halophytes. 5th year - 80% coverage, 15% increase in average height of native halophytes, increased plant biomass.

(Continued)

<sup>a)</sup>Native halophytes as used throughout this table is defined as pickleweed.

**TABLE B-1: PERFORMANCE CRITERIA FOR WATER CIRCULATION AND DRAINAGE PLAN (Continued)**

Parameter	Objective	Criteria
<b>North Marsh (Continued)</b>		
Salt Marsh Harvest Mouse	Increase relative abundance, stabilize populations	4th year - 20% increase in capture rates relative to past trapping studies at the site or 75% of average of reference sites.  5th year - 25% increase in capture rates relative to past trapping studies or 80% of average of reference sites.
Birds	Increased waterfowl and shorebird use	Increased numbers and abundance of species.
<b>Bunker Marsh/Lower Roberts Landing Slough</b>		
Hydrology	Full tidal restoration	Mean high water elevation of 2.5 feet NGVD.
Sedimentation	Increase sedimentation	Interior channel/ditch bottom elevations should increase by at least 0.5 feet within first five years.
Vegetation	Increase pickleweed vegetation cover to compensate for that lost through channel excavation in RLS.	2nd year - Establish 0.3 acres of new pickleweed-dominated habitat along and within RLS channel.  5th year - Establish 0.7 acres of new pickleweed-dominated habitat along and within RLS channel.
	Improve marsh vegetation quality	1st year - 5% cover of native halophytes.  2nd year - 10% cover of native halophytes.  3rd year - 20% cover of native halophytes.  4th year - 40% coverage of native halophytes.  5th year - 50% coverage of native halophytes.

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**TABLE B-1: PERFORMANCE CRITERIA FOR WATER CIRCULATION AND DRAINAGE PLAN (Continued)**

<b>Parameter</b>	<b>Objective</b>	<b>Criteria</b>
<b>Bunker Marsh/Lower Roberts Landing Slough (Continued)</b>		
<b>Salt Marsh Harvest Mouse</b>	<b>Increase relative abundance</b>	<p>4th year - 20% increase in capture rates relative to past trapping studies or 75% of average of reference sites.</p> <p>5th year - 25% increase in capture rates relative to past trapping studies or 80% of average of reference sites.</p>
<b>Birds</b>		Increased numbers and abundance of species.
<b>East Marsh</b>		
<b>Hydrology</b>	<b>Muted tidal restoration</b>	Inundation during high tide periods.
<b>Vegetation</b>	<b>Improve marsh vegetation quality</b>	<p>1st year - 20% cover of native halophytes.</p> <p>2nd year - 30% cover, 5% increase in average height of native halophytes.</p> <p>3rd year - 35% coverage, 10% increase in average weight of native halophytes, increased plant biomass.</p> <p>4th year - 40% coverage, 10% increase in average height of native halophytes.</p> <p>5th year - 50% coverage, 15% increase in average height of native halophytes, increased plant biomass.</p>
<b>Birds</b>	<b>Increased waterfowl and shorebird use</b>	Increased numbers and abundance of species.

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As-built drawings, including cross-sections of channels, ditches and the marsh plain, shall be submitted to the Corps within three months of completing all initial WCDP grading. The cross-sections shall be monumented and shall be of sufficient number to provide representative indication of over-all marsh topography. During the fifth year of monitoring, the same cross-sections shall be surveyed and the cross-section drawings submitted with that year's annual report. A discussion of any significant elevation changes since construction will also be provided.

**Vegetation** - Vegetation cover monitoring will be accomplished through the use of low-altitude aerial photographs, conducted on an annual basis. "Ground truthing" and additional baseline data collection will also be conducted by establishing one representative transect in each of the North Marsh, Bunker Marsh/Lower Roberts Landing Slough, and East Marsh. The following measures of vegetation characteristics will be made along each transect: (1) estimates of percent cover of plant species; and (2) measures of average plant height and depth of litter. These measures would be repeated and the data analyzed once a year for the five-year period. Photos would also be taken along the transects to further document vegetation characteristics.

**Salt Marsh Harvest Mouse** - Trapping for small mammals would be carried out in the North Marsh and Bunker Marsh/Lower Roberts Landing Slough within four years of tidal restoration and then again in the fifth year. The trapping would consist of at least 300 trap nights in each of the two sites (i.e., North Marsh, Bunker Marsh) and would be carried out in late spring or early summer for comparability with past trapping studies in the area. These past trapping studies would include the 1987 study by Harvey and Stanley Associates and the 1990 study by WESCO. This would provide an indication of post-project relative abundance (i.e. frequency index) of salt marsh harvest mice and their utilization of the study area. Alternatively, relative abundance could be compared against trapping results from other reference sites.

**Bird Counts** - One day bird counts would be made every two months during the first two years accounting for different habitat areas, seasonality, and tide level. Counts during years three through five of the tidal reintroduction would be made twice yearly during months of highest bird use.

#### Tidegate Operation

Once construction is complete the tidegates on the North Marsh culverts would be temporarily equipped with automated recording tide gages. The measured tide heights on the gages would then be compared with the modeled tide heights. The tidegate settings would be adjusted by the need to either increase or decrease water flows as warranted, taking into account the full range of tides that occur.

All tidegates and culverts in the WCDP would be inspected at least once monthly for evidence of scour, sediment deposition and corrosion. Working parts such as screws and hinges would be kept well-greased to keep these parts fully operational.

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The City Engineer will be responsible for insuring adequate operation of the tidegates in perpetuity. This responsibility will include training of other City employees and/or contractors as necessary to promote their understanding of the purpose of the culverts and tidegates and their ability to successfully maintain these facilities.

#### **3.3.4 Reporting**

Monitoring reports will be prepared and submitted to the following responsible agencies on an annual basis each September: Corps of Engineers, BCDC, USFWS, CDFG, State Lands Commission, Regional Water Quality Control Board, Alameda County Public Works Department. The first report will be submitted after the first complete growing season is concluded following construction. The report format will follow the Corps' October, 1991 guidelines (Section VII.C). Each annual report will assess both attainment of yearly success criteria as well as review progress made toward achievement of final performance criteria.

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