

**CALENDAR ITEM
C20**

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GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

East Bay Regional Park District

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

12.1 acres, more or less, of tide and submerged sovereign land in San Pablo Bay, near the city of Pinole, Contra Costa County.

AUTHORIZED USE:

Construction, use, and maintenance of an elevated segment of the San Francisco Bay Trail with architectural safety railings and mesh fencing on both sides of the raised trail and a temporary construction access road.

LEASE TERM:

25 years, beginning October 13, 2016.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence. Applicant may satisfy all or part of the insurance requirements through maintenance of a staff-approved self-insurance program as outlined in the lease.

Lessee shall not place, attach, or authorize the placement of any utilities or other improvements on the elevated segment of the San Francisco Bay Trail or within the Lease Premises without the Lessor's prior review and approval.

CALENDAR ITEM NO. **C20** (CONT'D)

BACKGROUND:

On February 24, 1977, the Commission authorized a 49-year General Lease – Public Agency Use, PRC 5250.9, to the East Bay Regional Park District (EBRPD), for a public park and water-oriented recreation area with trails, interpretive centers, and appurtenant structures on tide and submerged land along the southeasterly shoreline of San Pablo Bay (Bay) adjacent to the Union Pacific Rail Road (UPRR) tracks ([Calendar Item C2, February 24, 1977](#)). The lease area is part of a regional trail system for hiking, riding, and bicycling along the San Francisco, San Pablo, and Suisun Bay shores in Alameda and Contra Costa Counties.

Pursuant to state law, Public Resources Code sections 5850 and 5851, the Association of Bay Area Governments (ABAG) prepared and adopted the *San Francisco Bay Trail Plan* in July 1989, setting forth a proposed alignment for the San Francisco Bay Trail (Bay Trail). Goals for the Bay Trail are outlined in ABAG's *San Francisco Bay Trail Plan* (July 1989) and more recently identified in the document entitled *The San Francisco Bay Trail Project Gap Analysis Study: A Report on Closing the Gaps in the 500-mile Regional Trail System Encircling San Francisco Bay*, ABAG and The San Francisco Bay Trail Project (September 2005).

Various agencies have been instrumental in providing grant funding to complete gaps in the Bay Trail system including the California State Coastal Conservancy and California Department of Parks and Recreation. The East Bay Regional Park District has applied to the Recreational Trails Grant Program, administered by the Department of Parks and Recreation, for a grant to construct a 0.5-mile segment of the Bay Trail to create safe public access to a scenic stretch of shoreline. The construction of this stretch will begin at Pinole Shores and bridge over the Union Pacific Rail Road tracks toward the Bay, continuing over sovereign bay tidelands, and end at Bayfront Park. The proposed lease represents a short, elevated section of this segment. Although the lease area is a larger, irregularly-shaped parcel (Exhibit B), the elevated trail section will be located on the eastern side of the lease parcel. The rest of the lease parcel will remain in its natural state.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6221, and 6301; California Code of Regulations, title 2, section 2000, subdivision (b).

CALENDAR ITEM NO. **C20** (CONT'D)

Public Trust and State's Best Interests Analysis:

The San Francisco Bay Trail (Bay Trail) segment on tide and submerged sovereign land adjacent to San Pablo Bay directly enhances Public Trust resources for the enjoyment of and access to the State's waterways. These uses are generally consistent with the common law Public Trust Doctrine.

The proposed lease is for a use that will enhance the Public Trust lands for the public and includes certain provisions protecting public use of the proposed lease area, including a limited lease term of 25 years, and a non-exclusive use provision should additional Public Trust consistent uses be identified for the lease area. Construction of the Bay Trail segment along and over the tide and submerged lands does not significantly alter the land and the lease does not permanently alienate the State's fee simple interest in the underlying land, and neither permanently impairs public rights.

Based on the foregoing, Commission staff believes that the construction of a segment of the Bay Trail, will enhance the Public Trust needs, at this location, at this time, and for the foreseeable term of the proposed lease and is consistent with the common law Public Trust Doctrine.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also provides a regional and statewide benefit to the people of the State for the occupation of the public land involved.

For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the upland adjoining the lease premises.
2. The elevated trail will be constructed in phases beginning at the end of the existing Bay Trail, near Pinole Shores, on an elevated ridge of land between two existing mainline railroad tracks to connect to the existing Bayfront Park.

CALENDAR ITEM NO. **C20** (CONT'D)

3. This action is consistent with Strategy 1.3 of the Commission's Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
4. An Environmental Impact Report (EIR) for the San Francisco Bay Trail: Pinole Shores to Bay Front Park (SCH No. 2010082043), was prepared for this project by the East Bay Regional Park District and certified on January 10, 2012. Commission staff has reviewed the EIR and the Mitigation Monitoring Program prepared pursuant to the provisions of the California Environmental Quality Act CEQA (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

A Mitigation Monitoring Program and Statement of Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in Exhibits C and D, respectively, attached hereto.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Statement of Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an Environmental Impact Report for the San Francisco Bay Trail: Pinole Shores to Bay Front Park (SCH No. 2010082043) was prepared for this project by the East Bay Regional Park District, and certified on January 10, 2012, and that the Commission has reviewed and considered the information contained therein.

CALENDAR ITEM NO. **C20** (CONT'D)

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

Determine that the Project, as approved, will not have a significant effect on the environment.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to East Bay Regional Park District beginning October 13, 2016, for a term of 25 years, for the construction, use, and maintenance of an elevated segment of the San Francisco Bay Trail with architectural safety railings and mesh fencing on both sides of the raised trail and a temporary construction access road as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the State finds such action to be in the State's best interests; liability insurance in an amount no less than \$1,000,000 per occurrence, all or part of which requirement Applicant may satisfy through a staff-approved self-insurance program as outlined in the lease.

EXHIBIT A

W 27042

LAND DESCRIPTION

A parcel of tide and submerged land in San Pablo Bay, City of Pinole, Contra Costa County, State of California and more particularly described as follows:

That portion of Protracted Sections 21 and 22, T2N, R4W, MDM described as follows:

Bounded on the north by the south line of Tide Land Survey No. 15;

Bounded on the west by east line of Tide Land Survey No. 124;

Bounded on the south and east by the ordinary high water mark of San Pablo Bay.

END OF DESCRIPTION

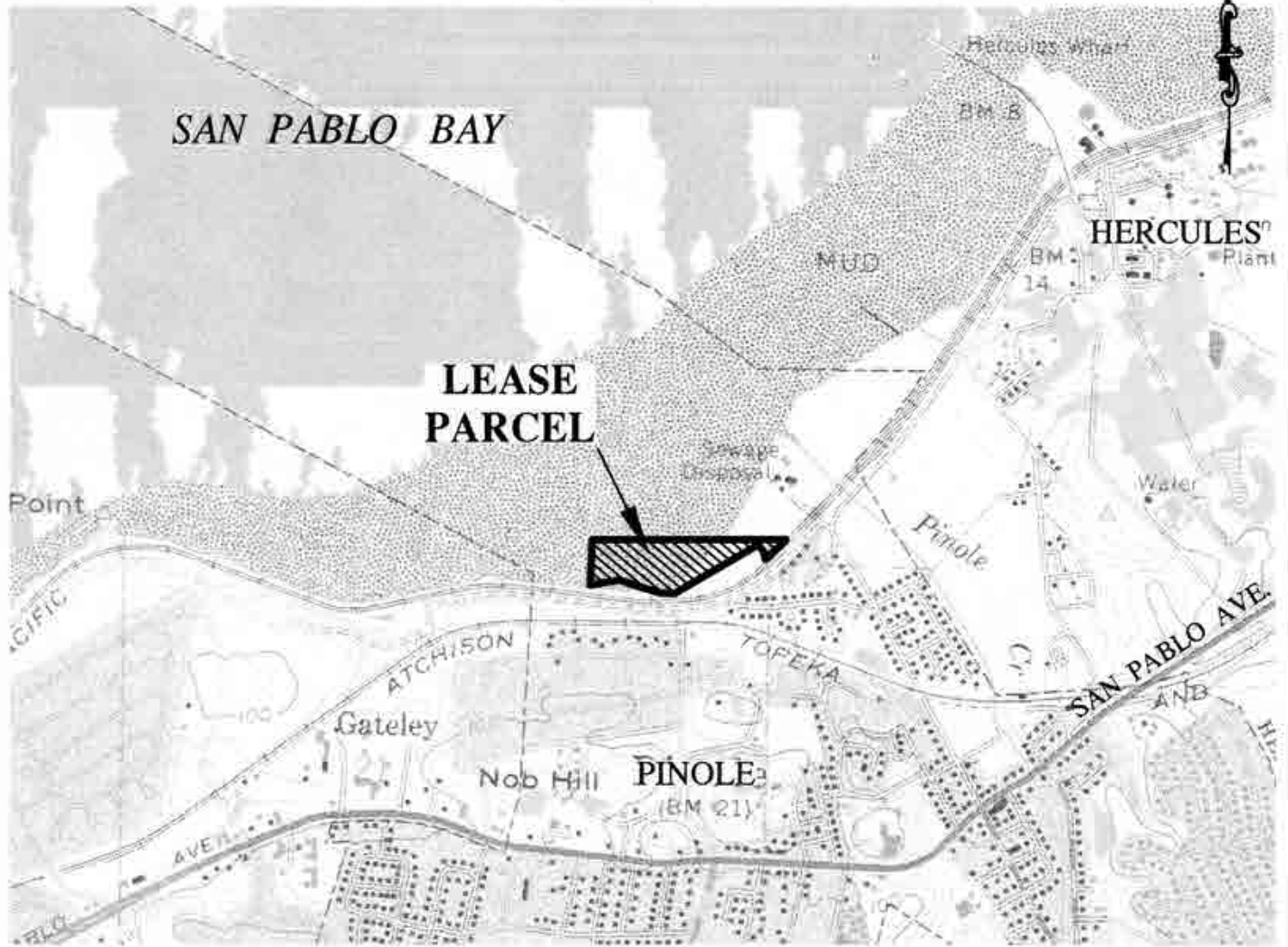
The above description is based on that Parcel 3 of the original description prepared by CSLC Boundary Unit on September 23, 1965 as found in PRC 3371 file, Calendar Item 5.

Revised 09/15/2016 by the California State Lands Commission Boundary.



NO SCALE

SITE



SAN PABLO BAY, NEAR PINOLE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 27042
 EAST REGIONAL PARK
 DISTRICT
 GENERAL LEASE -
 PUBLIC AGENCY USE
 CONTRA COSTA COUNTY



SITE

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

SAN FRANCISCO BAY TRAIL: PINOLE SHORES TO BAY FRONT PARK
(W27042, State Clearinghouse No. 2010082043)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the San Francisco Bay Trail: Pinole Shores to Bay Front Park (Project). The CEQA lead agency for the Project is East Bay Regional Park District.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency has certified an EIR; State Clearinghouse No. 2010082043, and adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures.

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
BIO-1	BIO-1	None
BIO-2	BIO-2	None
BIO-3	BIO-3 (a, b, c)	None
BIO-4	BIO-4 (a, b, c)	None
BIO-5	BIO-5 (a, b)	None
BIO-6	BIO 6 (a, b)	None
CULT-1	CULT-1 (a, b)	See below
CULT-2	CULT-2 (a, b)	See below
CULT-3	CULT-3	None
GEO-1	GEO-1	None
GEO-2	GEO-2	None
GEO-4	GEO-4	None
HYDRO-1	HYDRO-1	None
HAZ-1	HAZ-1 (a, b)	None
NOI-1	NOI-1 (a, b, c, d, e, f)	None
AIR-1	AIR-1	None
GCC-1	GCC-1	None

Add to CULT-1: The title to all abandoned archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). The East Bay Regional Park District shall consult with CSLC staff should any archaeological or historical resources on State lands be discovered during construction of the proposed Project. In addition, the final disposition of archaeological or historical resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.

Add to CULT-2: The title to all abandoned archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). The East Bay Regional Park District shall consult with CSLC staff should any paleontological resources on State lands be discovered during construction of the proposed Project. In addition, the final disposition of paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.

² See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT C-1

**Mitigation Monitoring Program Adopted by the
East Bay Regional Park District**

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation and Monitoring Reporting Program (MMRP) has been formulated based upon the findings of the Environmental Impact Report prepared for the proposed San Francisco Bay Trail: Pinole Shores to Bayfront Park Project (proposed project). The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the project. The MMRP includes the following information:

- A list of mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The East Bay Regional Park District (Park District) must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
4.1 LAND USE					
<i>There are no significant Land Use impacts.</i>					
4.2 AESTHETICS					
<i>There are no significant Aesthetics impacts.</i>					
4.3 BIOLOGICAL RESOURCES					
<i>Impact BIO-1: Implementation of the proposed project could impact special-status plant species.</i>					
<p>Mitigation Measure BIO-1: To further evaluate the presence or absence of special-status plant species, a qualified botanist shall conduct focused botanical surveys in accordance with CDFG protocols. Surveys shall be timed to coincide with the blooming period for the target species. Based on the blooming periods for the target species, botanical surveys shall be conducted for western leatherwood in late winter (January–March) and for other species in early spring (April–May), and late summer (August–September).</p> <p>If any special-status plants are detected, their locations shall be mapped with a Global Positioning System (GPS) unit and their population sizes estimated. Project designers shall strive to avoid any impacts to special-status plants to the greatest extent feasible.</p> <p>Depending on the species detected and its rarity, further mitigation may be required if the project is unable to avoid special-status plants detected during the focused botanical surveys. The Park District shall work with CDFG and the botanist who conducted the surveys to develop measures to compensate for the loss of special-status plants. Such measures shall include collecting seeds and replanting them at suitable locations elsewhere, transplanting the affecting plants, or both. The planting areas shall be on the project site, if suitable locations are available, and if not, shall be at suitable offsite locations that are approved by CDFG.</p>	<p>Focused special status plant surveys and avoidance and/or implementation of mitigation measures to compensate for the loss of special status plants, if detected during focused surveys and, if, impacted by project construction.</p>	<p>Project Botanist/ Park District</p>	<p>Late winter (January – March), early spring (April – May), and late summer (August – September).</p>	<p>Project Biologist/ Park District</p>	<p>Review of survey results during final design. Develop further mitigation prior to initiation of construction (if required).</p>
<i>Impact BIO-2: Implementation of the proposed project could impact special-status bird species and native birds protected under the Migratory Bird Treaty Act potentially nesting in and adjacent to the project area.</i>					
<p>Mitigation Measure BIO-2: To the extent feasible, vegetation removal activities shall occur during the non-nesting season (September 1 to January 31). For any construction activities conducted during the nesting season, a qualified biologist shall conduct a preconstruction nest survey of all trees and other suitable nesting habitat in and within 250 feet of the</p>	<p>If nesting birds are present during nesting season, conduct preconstruction nest survey and</p>	<p>Project Biologist/ Project Contractor</p>	<p>No more than 15 days prior to start of work (if required).</p>	<p>Park District/ Project Biologist</p>	<p>Review of preconstruction survey prior to initiation of construction. Review of buffer</p>

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
limits of work. The survey shall be conducted no more than 15 days prior to the start of work. If the survey indicates the presence of nesting birds, the biologist shall determine an appropriately sized buffer around the nest in which no work would be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist and shall be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 250 feet for raptors and 50 feet for other birds should suffice to prevent substantial disturbance to nesting birds, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.	establishment of buffers around nest trees (if required).				design and implementation prior to construction and throughout the construction period.
Impact BIO-3: Implementation of the proposed project could impact tidal marsh rails.					
Mitigation Measure BIO-3a: Construction activity between the UPRR tracks and the tidal marsh fragment shall be conducted only when high tides are not at their winter or summer extremes, to reduce the likelihood that tidal marsh rails will be present in the work area. Construction next to the marsh shall be avoided during the highest tides of June–July and December–January (± one week each month).	Avoid construction during the highest tides.	Project Contractor	During construction.	Park District/ Project Biologist	Monitor compliance throughout the construction period.
Mitigation Measure BIO-3b: A qualified biological monitor familiar with the habitat and ecology of California black rail, California clapper rail, and salt marsh harvest mouse (see below) shall be present on site during all construction activities between the UPRR tracks and the tidal marsh (i.e., approximately Station 26+50 to 33+50) to ensure that avoidance and minimization measures and construction limits are enforced. The monitor would have the authority to stop any construction activity that is not consistent with approved plans and amendments.	Monitor construction activities between the UPRR tracks and the tidal marsh.	Project Biological Monitor	During construction.	Park District/ Project Biologist	Monitor compliance throughout the construction period.
Mitigation Measure BIO-3c: Prior to construction, the Park District shall obtain required authorization from the USFWS (ESA Section 7 biological opinion) for any construction activities adjacent to the tidal marsh and shall implement any additional protective measures required as part of such authorization such as setbacks between suitable tidal marsh habitat and construction activities.	Obtain authorization from USFWS.	Park District	Prior to construction.	Park District	Review and verification of authorization prior to start of construction.
Impact BIO-4: Implementation of the proposed project could impact the salt marsh harvest mouse.					
Mitigation Measure BIO-4a: Implement Mitigation Measure BIO-3a, described above.	Avoid construction during the highest tides.	Project Contractor	During construction.	Park District/ Project Biologist	Monitor compliance throughout the construction period.

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<p>Mitigation Measure BIO-4b: Prior to ground disturbance, a qualified biologist shall prepare a site-specific salt marsh harvest mouse avoidance plan. At a minimum, the plan shall include (1) the installation of silt fencing around the entire portion of the work area (that is within 100 feet from the edge of the marsh) to exclude salt marsh harvest mice from entering, (2) the clearing of all ground vegetation within the fenced area, taking care to avoid take of any salt marsh harvest mice, if present, and (3) the relocation to the tidal marsh of any salt marsh harvest mice found during the vegetation removal effort (if prior authorization has been obtained from both USFWS and CDFG). If no salt marsh harvest mice are found, construction work shall start as soon as possible (and no longer than one week) after vegetation has been cleared. All exclusion measures and initial ground disturbance activities shall be monitored by a biologist with the necessary federal permits to handle and relocate salt marsh harvest mice.</p>	<p>Prepare avoidance plan. If salt marsh are not present, monitor construction activities. If present, obtain permission from USFWS and CDFG to relocate mice to tidal marsh habitat.</p>	<p>Project Biologist</p>	<p>Prior to and during construction.</p>	<p>Park District</p>	<p>Review and verification of plan prior to ground disturbance. Monitor compliance throughout the construction period.</p>
<p>Mitigation Measure BIO-4c: Prior to construction, the Park District shall obtain the required authorization from the USFWS (ESA Section 7 biological opinion) for any construction activities adjacent to the tidal marsh and implement any additional protective measures required as part of such authorization such as setbacks between suitable tidal marsh habitat and construction activities.</p>	<p>Obtain authorization from USFWS. Implement protective measures for salt marsh harvest mice.</p>	<p>Park District</p>	<p>Prior to construction.</p>	<p>Park District</p>	<p>Review and verification of authorization prior to start of construction.</p>
<p>Impact BIO-5: Implementation of the proposed project would temporarily impact brackish marsh wetlands adjacent to the work area and may also result in indirect impacts.</p>					
<p>Mitigation Measure BIO-5a: Prior to construction, the Park District shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in consultation with the RWQCB, in accordance with the new State Water Resources Board General Stormwater Permit (effective July 1, 2010). The SWPPP shall include the following components, at a minimum:</p> <ul style="list-style-type: none"> • A comprehensive erosion and sediment control plan, depicting areas to remain undisturbed and providing specifications for revegetation of disturbed areas. • A list of potential pollutants from building materials, chemicals, and maintenance practices to be used during construction, and the specific control measures to be implemented to minimize release and transport of these constituents in runoff. 	<p>Prepare and implement SWPPP.</p>	<p>Park District</p>	<p>Prior to and during construction.</p>	<p>Park District</p>	<p>Review and verification of SWPPP prior to construction. Monitor compliance throughout the construction period.</p>

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<ul style="list-style-type: none"> Specifications and designs for appropriate best management practices (BMPs) for controlling drainage and treating runoff in the construction phase. Examples of BMPs that could be implemented include hydroseeding, straw mulch, silt fences, sediment traps, and stockpile management. A program for monitoring all control measures that includes schedules for inspection and maintenance and identifies the party responsible for monitoring. A site map that locates all water quality control measures and restricted areas to be left undisturbed. All concrete for the bridge footings shall be discharged only into tightly sealed forms or cells such that water in contact with uncured concrete will not enter the marsh. 					
<p>Mitigation Measure BIO-5b: Prior to construction, the Park District shall obtain a Section 404 permit from the Corps and Section 401 water quality certification from the RWQCB to authorize the temporary impacts to the tidal marsh. The permit applications shall stipulate that any portions of the marsh disturbed during construction shall be restored to pre-project conditions via re-contouring (if necessary) and revegetation with native marsh species.</p> <p>All jurisdictional areas located adjacent to, but outside of, the construction footprint shall be avoided during construction and no fill shall be allowed to enter these areas. Exclusion fencing (i.e., silt fence) shall be installed to mark the limits of the construction footprint. A biological monitor shall oversee the installation of the fencing and periodically monitor the work area to ensure avoidance of jurisdictional areas.</p> <p>During project construction, no soil or other construction materials shall be allowed to enter or be stored in the marsh. All stockpiled fill and other materials shall be kept at least 50 feet from the marsh edge.</p>	<p>Section 404 Permit and Section 401 Water Quality Certification.</p> <p>Avoid/protect jurisdictional areas during construction.</p> <p>Restore marsh, if disturbed during project construction.</p>	<p>Park District/ Project Contractor/ Biological Monitor</p>	<p>Prior to and during construction.</p>	<p>Park District</p>	<p>Review and certification/ permit issuance prior to start of construction. Monitor compliance throughout the construction period.</p>
<p><i>Impact BIO-6: Implementation of the proposed project could impact native trees protected under the City of Pinole Municipal Code.</i></p>					
<p>Mitigation Measure BIO-6a: To identify the number and location of protected trees within the project area, the Park District shall hire an International Society of Arboriculture (ISA) Certified Arborist to conduct a formal tree inventory of the project area. The resulting arborist report</p>	<p>Conduct a formal tree inventory.</p> <p>Prepare report with recommendations for tree protection</p>	<p>Park District/ Certified Arborist</p>	<p>Prior to construction with City of Pinole Design Review Application.</p>	<p>Park District</p>	<p>Review and verification of tree survey report with final design phase.</p>

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
shall include a table listing the species, health, size, and status of all trees in the project area and recommendations for the removal and/or preservation of specific trees. Protected trees shall be identified on a tree survey plan of the project area that shows which trees are proposed to remain and which trees are to be removed. The tree inventory shall be conducted as part of the final design phase of the project and shall be submitted to the City of Pinole as part of the comprehensive design review application.	and/or removal.				
Mitigation Measure BIO-6b: Any protected trees within the project area shall be avoided to the maximum extent feasible. If project construction requires the removal of protected trees, the Park District shall obtain a tree removal permit from the City pursuant to Section 17.96.060 of the Municipal Code. As part of the conditions of approval for the tree removal permit, the Park District may be required to mitigate for the tree removal by either: 1) planting trees over and above the landscaping that would be required at a value equal to the value of the trees to be removed, or 2) paying an in-lieu fee to the city in an amount equivalent to the value of the protected trees to be removed.	Obtain tree removal permit (if required) from the City of Pinole. Mitigate for tree losses per permit conditions, as needed.	Park District	Prior to construction.	Park District	Tree Removal Permit issuance prior to construction.
4.4 CULTURAL RESOURCES					
Impact CULT-1: <i>Ground-disturbing activities associated with site preparation could adversely affect archaeological deposits that qualify as historical resources or archaeological resources under CEQA.</i>					
<p>Mitigation Measure CULT-1a: A qualified archaeologist shall be retained to monitor project ground-disturbing activities. Archaeological monitors shall be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring should continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered.</p> <p>If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeologist assesses the finds, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If the deposits are not eligible, mitigation is not necessary. If the deposits are eligible, adverse effects on the deposits shall be mitigated. Mitigation</p>	Monitor ground disturbing activities. Evaluate any materials encountered during project activities. Prepare report with findings from monitoring.	Project Contractor/ Project Archaeologist and Monitors	During construction activities.	Park District/ Project Archaeologist	Monitor compliance throughout the construction period.

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<p>may include excavation of the archaeological deposit in accordance with a data recovery plan (see <i>CEQA Guidelines</i> Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to the East Bay Regional Park District (Park District), the City of Pinole, and the Northwest Information Center at Sonoma State University upon completion of the resource assessment.</p>					
<p>Mitigation Measure CULT-1b: If archaeological deposits are encountered during project subsurface construction when an archaeological monitor is <u>not</u> present, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. The Park District shall inform its contractor(s) of the sensitivity of the project area for archaeological deposits. The Park District and the City of Pinole shall verify that the following directive has been included in the appropriate contract documents:</p> <p><i>“If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains.”</i></p>	<p>Redirect construction upon encountering prehistoric or historic archaeological materials and contact qualified archaeologist. No collection or movement of archaeological materials.</p>	<p>Park District/ Project Contractor</p>	<p>Prior to and during construction activities.</p>	<p>Park District/ City of Pinole</p>	<p>Review contract documents prior to issuance of building permit. Monitor compliance throughout the construction period. Inform contractor about sensitivity of project area.</p>
<p>Impact CULT-2: Ground-disturbing activities associated with site preparation could adversely affect paleontological resources.</p>					

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<p>Mitigation Measure CULT-2a: A qualified paleontologist shall be retained to monitor project ground-disturbing activities. Paleontological monitors shall be empowered to halt construction activities at the location of the discovery to review possible paleontological materials and to protect the resource while the finds are being evaluated. Samples of matrix may be collected, as appropriate, for processing, sorting, and microscopic examination to determine if fossils are present. Monitoring should continue until, in the paleontologist’s judgment, fossils are not likely to be encountered.</p> <p>If paleontological resources are discovered during project activities, all work within 25 feet of the discovery shall be redirected until the paleontological monitor has assessed the situation and made recommendations regarding their treatment. It is recommended that adverse effects to paleontological resources be avoided by project activities. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. Paleontological resources are considered significant if they possess the possibility of providing new information regarding past life forms, paleoecology, stratigraphy, and geological formation processes. If the resources are not significant, mitigation is not necessary. If the resources are significant, adverse effects on the resource shall be mitigated. Mitigation may include recording the fossil locality, data recovery and analysis, a technical data recovery report, and accessioning the fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate.</p> <p>Upon completion of the paleontological monitoring, a report of findings with an appended, itemized inventory of specimens—as appropriate—shall be prepared and submitted to an appropriate repository, such as the University of California Museum of Paleontology.</p>	<p>Monitor ground disturbing activities. Redirect construction upon encountering paleontological resources. Evaluate any materials encountered during project activities. Mitigate for resources, as appropriate. Prepare report with findings from monitoring.</p>	<p>Project Contractor/ Project Paleontologist and Monitors</p>	<p>During construction activities.</p>	<p>Park District/ Project Paleontologist</p>	<p>Monitor compliance throughout the construction period.</p>
<p>Mitigation Measure CULT-2b: If paleontological resources are encountered during project subsurface construction when a paleontological resources monitor is <u>not</u> present, all ground-disturbing activities within 25 feet should be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. The Park District and the City of Pinole shall verify that the following directive has been included in the appropriate contract documents:</p>	<p>Redirect construction upon encountering paleontological materials. Contact qualified paleontologist to assess the</p>	<p>Park District/ Project Contractor</p>	<p>Prior to and during construction activities</p>	<p>Park District/ City of Pinole</p>	<p>Review of contract documents prior to issuance of building permit. Monitor compliance throughout the construction period.</p>

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<p><i>“The subsurface at the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks.”</i></p>	<p>situation. No collection or movement of paleontological materials.</p>				
<p>Impact CULT-3: Ground-disturbing activities associated with site preparation could adversely affect Native American skeletal or cremated remains.</p>					
<p>Mitigation Measure CULT-3: Any human remains encountered during project ground-disturbing activities shall be treated in accordance with California Health and Safety Code Section 7050.5. The Park District and the City of Pinole shall verify that the following directive has been included in the appropriate contract documents:</p> <p><i>“If human remains are uncovered, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted—if one is not already on site—to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains or associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.”</i></p>	<p>Redirect construction upon encountering human remains. Notify the County Coroner and a qualified archaeologist. No collection or movement of human remains.</p>	<p>Park District/ Project Contractor</p>	<p>Prior to and during construction activities</p>	<p>Park District/ City of Pinole</p>	<p>Review of contract documents prior to issuance of building permit. Monitor compliance throughout the construction period.</p>
<p>4.5 GEOLOGY, SOILS AND SEISMICITY</p>					
<p>Impact GEO-1: Strong seismic ground shaking at the project site could result in risks to humans and damage to property, including, seismic-related ground failure and/or seismically-induced landslides.</p>					
<p>Mitigation Measure GEO-1: Prior to the issuance of any site-specific grading permit, a final, design-level geotechnical investigation report</p>	<p>Prepare a final, design-level</p>	<p>Project Engineer/ Project</p>	<p>Prior to issuance of a grading</p>	<p>Park District/ City of Pinole</p>	<p>Review and verification of</p>

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
shall be prepared and submitted to the Park District and the City of Pinole for review and confirmation that the proposed project fully complies with the Caltrans Seismic Design Criteria. The report shall determine the project site's geotechnical conditions and address potential seismic hazards such as seismic shaking. The report shall recommend foundation techniques appropriate to minimize seismic damage. All mitigation measures, design criteria, and specifications set forth in the geotechnical reports shall be followed.	geotechnical investigation report. Implement mitigation measures and design criteria recommended in the geotechnical report.	Geotechnical Engineer	permit.		geotechnical report and construction plans prior to issuance of grading permit.
Impact GEO-2: <i>Ground settlement could result in structural damage to proposed site improvements.</i>					
Mitigation Measure GEO-2: All structures shall be designed and constructed in conformance with the Caltrans Seismic Design Criteria. As required in Mitigation Measure GEO-1, a final design-level geotechnical investigation that includes recommendations for avoidance of settlement and placement of fill materials as well as foundation techniques appropriate to minimize seismic damage shall be prepared and submitted to the Park District and the City of Pinole for final approval. All mitigation measures, design criteria, and specifications set forth in the geotechnical reports shall be followed.	Prepare a final, design-level geotechnical investigation report. Submit for review. Mitigate, as appropriate.	Project Engineer/ Project Geotechnical Engineer	Prior to issuance of a grading permit.	Park District/ City of Pinole	Review and verification of geotechnical report and construction plans prior to issuance of grading permit.
Impact GEO-3: <i>Slope excavation and installation of retaining walls could cause slope instability potentially resulting in landslides at the project site.</i>					
Mitigation Measure GEO-3: Prior to issuance of a grading permit, detailed retaining wall design drawings and a site-specific grading plan for the project site shall be prepared by a licensed professional and submitted to the Park District and the City of Pinole for review and approval. The retaining wall design drawings shall be reviewed by a qualified engineering geologist and show the heights of the walls, the backfill material type, drainage details, and the earth pressure used in design. All cut slopes shall be observed by a qualified engineering geologist at the time of grading to assess the applicability of the recommendations and to make supplemental recommendations, if necessary. Supplemental recommendations may include slope flattening, installation of drainage, slope reconstruction in areas where weak rock, adverse bedding, or other local anomalies are encountered, or construction of retaining walls. Retaining wall installation and testing shall be observed by a qualified engineering geologist.	Prepare detailed retaining wall design drawings and site-specific grading plans. Monitor retaining wall installation and testing.	Project Engineer/ Project Geologist	Prior to issuance of a grading permit.	Park District/ City of Pinole	Review and verification of construction plans and peer review of retaining wall design prior to issuance of grading permit.
Impact GEO-4: <i>The shrink-swell potential of project soils could result in damage to structures at the project site.</i>					
Mitigation Measure GEO-4: Prior to the issuance of a site-specific grading permit, a final design-level geotechnical investigation, to be	Prepare a final, design-level	Park District/ Project Engineer	Prior to issuance of a grading	Park District/ City of Pinole	Review and verification of

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
prepared by licensed professionals and approved by the Park District, shall include measures to ensure potential damages related to expansive soils are minimized. Mitigation options may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. If problematic soils are not removed due to budget limitation, the Park District shall have a maintenance plan to correct future soil movement problems.	geotechnical investigation report. Mitigate, as appropriate. Prepare and implement maintenance plan, if needed.		permit.		geotechnical report and construction plans prior to issuance of grading permit.
4.6 HYDROLOGY AND WATER QUALITY					
<i>Impact HYDRO-1: Construction and operation period activities could generate stormwater runoff that could cause or contribute to a violation of water quality standards or waste discharge requirements, or otherwise substantially degrade the water quality of San Pablo Bay.</i>					
<p>Mitigation Measure HYDRO-1: The Park District shall file a Notice of Intent to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities, and shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for construction activities on the site. In addition to the regulatory requirements for the SWPPP, the site-specific SWPPP shall include provisions for the minimization of sediment disturbance (i.e., production of turbidity) and release of chemicals to the Bay. Following are the types of BMPs that shall be implemented, subject to review and approval by the RWQCB.</p> <ul style="list-style-type: none"> • <i>Scheduling.</i> To reduce the potential for erosion and sediment discharge, construction shall be scheduled to minimize ground disturbance during the rainy season. The project applicant shall: <ul style="list-style-type: none"> ○ Sequence construction activities to minimize the amount of time that soils remain disturbed. ○ Stabilize all disturbed soils as soon as possible following the completion of ground disturbing work. ○ Install erosion and sediment control BMPs prior to the start of any ground-disturbing activities. • <i>Preservation of Existing Vegetation.</i> Where feasible, existing vegetation shall be preserved to provide erosion control. • <i>Stabilize Soils.</i> Hydroseeding and geotextile fabrics shall be used, as appropriate, to reduce erosion. • <i>Drainage Swales/Culverts.</i> Construct drainage swales/culverts to 	File Notice of Intent to comply with General Permit for Discharge of Storm Water Associated with Construction Activities. Prepare a SWPPP for construction activities on site. Implement BMPs during construction activities.	Park District/ Project Engineer/ Project Contractor	Prior to issuance of a grading permit and throughout the construction period.	Park District/ RWQCB	Plan review and scheduled site inspections throughout the construction period.

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<p>divert runoff away from exposed soils and stabilized areas, and redirect the runoff to a desired location.</p> <ul style="list-style-type: none"> • <i>Outlet Protection and Velocity Dissipation Devices.</i> Install rock or concrete rubble at culvert and pipe outlets to prevent scour of the soil caused by concentrated high-velocity flows. • <i>Silt Fence/Fiber Roll.</i> Silt fences or fiber rolls shall be installed around the perimeter of the areas affected by construction to prevent offsite sedimentation. • <i>Dust Control.</i> Potable water shall be applied using water trucks to alleviate nuisance caused by dust. Water application rates shall be minimized to prevent erosion and runoff. • <i>Stockpile Management.</i> Silt fences shall be used around the perimeter of stockpiles and stockpiles shall be covered with plastic to prevent wind dispersal of sediment. • <i>Stabilized Construction Entrance/Exit.</i> Construction site entrances and exits, the equipment yard, the water filling area for water trucks, and the project office location, shall be graded and stabilized to prevent runoff from the site and erosion. • <i>Dewatering.</i> The SWPPP shall include a dewatering plan for non-contaminated groundwater specifying methods of water collection, transport, treatment, and discharge. The discharger shall consult with the RWQCB regarding any required permit (other than the Construction General Permit) or Basin Plan conditions prior to initial dewatering activities to land, storm drains, or waterbodies. Water produced by dewatering shall be impounded in holding tanks or other holding facilities to settle the solids and provide other treatment as necessary prior to discharge to receiving waters. Discharges of water produced by dewatering shall be controlled to prevent erosion. • <i>Illicit Connection/Discharge Detection and Reporting.</i> Contractors shall regularly inspect the site for evidence of illicit connections, illegal dumping, or discharges. Such discharges shall immediately be reported to the stormwater illegal discharge contact for Pinole. • <i>Vehicle and Equipment Cleaning.</i> Construction equipment shall be washed regularly in a designated enclosed area. Except for concrete washout, vehicle cleaning shall not be performed on site. Concrete 					

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<p>washout waste will be contained and managed properly.</p> <ul style="list-style-type: none"> • <i>Vehicle and Equipment Fueling and Maintenance.</i> Self-propelled vehicles shall be fueled off-site or at the temporary fueling area. Fuel trucks equipped with absorbent spill clean-up materials shall be used for all on-site fueling; the fuel truck shall be parked on the paved fueling area for overnight storage. Drip pans shall be used for all mobile fueling. Drip pans or absorbent pads shall be used for all vehicle and equipment maintenance activities. Vehicle maintenance and mobile fueling operations shall be conducted on a level graded area, at least 50 feet away from operational inlets and drainage facilities. • <i>Paving and Grinding Operations.</i> Proper practices shall be implemented to prevent run-on and run-off, and to properly dispose of waste. Paving and grinding activities shall be avoided during the rainy season, when feasible. • <i>Material Delivery, Storage and Use.</i> The general material storage area shall be located in the contractor's yard. Two watertight shipping containers shall be used to store hand tools, small parts, and most construction materials that can be carried by hand, such as paint cans, solvents and grease. Very large items, such as light standards, framing materials, and stockpiled lumber, shall be stored in the open in the general storage area. Such materials shall be elevated with wood blocks to minimize contact with run-off. Spill clean-up materials, material safety data sheets, a material inventory, and emergency contact numbers shall be maintained at the site. • <i>Spill Prevention and Control.</i> Proper procedures shall be implemented to contain and clean-up spills and prevent material discharges into the storm drain system. • <i>Solid Waste Management.</i> Solid wastes shall be loaded directly into trucks for off-site disposal. When on-site storage is necessary, solid wastes shall be stored in watertight dumpsters in the general storage area of the contractor's yard. Asphalt concrete and Portland cement concrete rubble shall be removed immediately to an approved disposal site. • <i>Sanitary/Septic Waste Management.</i> Portable toilets shall be located and maintained 50 feet away from drain inlets and away from paved 					

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<p>areas.</p> <ul style="list-style-type: none"> • <i>Stockpile Management.</i> Stockpiles shall be surrounded by sediment controls and shall be covered. Alternatively, soil binders may be used to minimize erosion. If contaminated soils are encountered, such as soils containing aerially-deposited lead, stockpiles shall be covered and bermed and located away from storm drain inlets and watercourses, and on-site storage shall be minimized. Hazardous materials shall be transported and disposed in accordance with applicable regulations. • <i>Concrete Waste Management.</i> Cement-based fill material for the project and waste management shall be consistent with requirements in the CA BMP Handbook (BMP WM-8). Concrete washout waste will be contained and managed properly. • <i>Training.</i> Construction site personnel shall receive training on implementing all BMPs included in the SWPPP. All personnel that inspect BMPs and perform other monitoring activities, such as visual observations and collecting water quality samples, shall be trained. 					
<p>4.7 HAZARDS AND HAZARDOUS MATERIALS</p>					
<p><i>Impact HAZ-1:</i> Project construction activities would entail the use of hazardous materials and could also encounter hazardous materials in shallow soils, which would require transportation off-site and disposal. In addition, hazardous materials used or encountered during construction could create a significant hazard through release into the environment.</p>					
<p>Mitigation Measure HAZ-1a: Prior to the initiation of project construction, a project-specific Health and Safety Plan (HASP) shall be prepared by a certified industrial hygienist that shall include measures to protect construction workers and the general public, if contaminants are encountered during construction. Such measures shall include monitoring, engineering controls, administrative controls, and security measures to prevent unauthorized entry into the construction area. The HASP shall address the possibility of encountering unknown contamination or subsurface hazards, in addition to emergency response procedures in the event of a hazardous materials release. The Park District shall verify that the HASP is incorporated into the construction worker's health and safety programs.</p>	<p>Prepare a Health and Safety Plan (HASP). Implement measures, as appropriate.</p>	<p>Park District/ Licensed Environmental Professional/ Certified Industrial Hygienist</p>	<p>Prior to initiation of project construction.</p>	<p>Park District</p>	<p>Verify that HASP incorporated into construction workers' health and safety programs.</p>

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
Mitigation Measure HAZ-1b: The Storm Water Pollution Prevention Plan required as Mitigation Measure HYD-1 shall include Best Management Practices (BMPs) for containing hazardous materials and minimizing the contact of hazardous materials (e.g., fuels, lubricants, paints, solvents, and adhesives) with rain and stormwater runoff, including BMPs for stockpile management.	File Notice of Intent to comply with General Permit for Discharge of Storm Water Associated with Construction Activities. Prepare a SWPPP for construction activities on site. Implement BMPs during construction activities.	Park District/ Project Engineer	Prior to issuance of a grading permit and throughout the construction period.	Park District	Plan review and scheduled site inspections throughout the construction period.
4.8 TRANSPORTATION AND CIRCULATION					
<i>There are no significant Transportation and Circulation impacts.</i>					
4.9 NOISE					
Impact NOI-1: <i>Construction period activities could result in significant short-term noise impacts on noise-sensitive receptors in the project vicinity.</i>					
Mitigation Measure NOI-1a: All construction equipment must be maintained in good working order and have appropriate sound muffling devices, which shall be properly maintained and used at all times such equipment is in operation.	Maintain construction equipment.	Project Contractor	Throughout the construction period.	Park District	Monitor compliance throughout the construction period.
Mitigation Measure NOI-1b: Where feasible, the project contractor shall place all stationary construction equipment so that emitted noise is directed away and is located as far as practical from sensitive receptors nearest the project site.	Direct noise away from sensitive receptors.	Project Contractor	Throughout the construction period.	Park District	Monitor compliance throughout the construction period.
Mitigation Measure NOI-1c: Take advantage of existing features (terrain, structures, edge of trenches) to act as shielding between construction noise sources and sensitive receptors.	Shield construction noise from sensitive receptors using existing features.	Project Contractor	Throughout the construction period.	Park District	Monitor compliance throughout the construction period.
Mitigation Measure NOI-1d: Except as otherwise permitted, all noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the	Comply with the City of Pinole Noise Ordinance.	Project Contractor	Throughout the construction period.	Park District	Monitor compliance throughout the

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. No construction work shall be conducted on federal holidays A one-time exception may be required to allow the pre-cast bridge span to be placed over the UPRR tracks.	Limit noise producing activities to 7 a.m. to 5 p.m. Monday through Friday.				construction period.
Mitigation Measure NOI-1e: The construction contractor shall post signs prohibiting unnecessary idling of internal combustion engines.	Post signs prohibiting unnecessary idling.	Project Contractor	Throughout the construction period.	Park District	Monitor compliance throughout the construction period.
Mitigation Measure NOI-1f: The use of quieter pile installation methods, where practical and feasible, shall be employed to reduce project-related noise. Examples of such methods include, but are not limited to, the shrouding of the equipment with noise control blankets and use of more than one pile rig to shorten the total pile installation duration.	Use quieter pile installation methods.	Project Contractor	Throughout the construction period.	Park District	Monitor compliance throughout the construction period.
4.10 AIR QUALITY					
Impact AIR-1: Construction period activities could generate significant dust, exhaust and emissions.					
<p>Mitigation Measure AIR-1: Consistent with guidance from the BAAQMD for Basic Construction Mitigation Measures, the following actions shall be required of construction contracts and specifications for the project.</p> <ul style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. All vehicle speeds on unpaved roads shall be limited to 15 mph. All trail surfaces to be paved shall be completed as soon as possible after grading. All construction equipment shall be maintained and properly tuned in accordance with manufacture’s specifications. All equipment shall be 	Require construction contracts and specifications to comply with BAAQMD guidelines for control of fugitive dust emissions during construction.	Project Contractor	During construction activities.	Park District/ BAAQMD	Monitor compliance throughout the construction period.

Mitigation Measures	Product/Action	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency
<p>checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <ul style="list-style-type: none"> A publicly visible sign shall be posted with the telephone number and person to contact at the East Bay Regional Park District regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the BAAQMD shall also be visible to ensure compliance with applicable regulations. 					
<p>4.11 GLOBAL CLIMATE CHANGE</p>					
<p><i>Impact GCC-1:</i> Construction of the proposed project could generate substantial GHG emissions.</p>					
<p>Mitigation Measure GCC-1: Consistent with guidance from the BAAQMD, the following best management practices shall be required of construction contracts and specifications for the project.</p> <ul style="list-style-type: none"> Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet, as feasible; Local building materials (within 100 miles) of at least 10 percent; and Recycle at least 50 percent of construction waste or demolition materials. 	<p>Comply with BAAQMD best management practices.</p>	<p>Project Contractor</p>	<p>During construction activities.</p>	<p>Park District</p>	<p>Monitor compliance throughout the construction period.</p>

Source: LSA Associates, Inc., 2011.

EXHIBIT D – SAN FRANCISCO BAY TRAIL: PINOLE SHORES TO BAY FRONT PARK

CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Public Agency Use, to the East Bay Regional Park District (District), for use of sovereign lands associated with the proposed San Francisco Bay Trail: Pinole Shores to Bay Front Park (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The CSLC is a responsible agency under CEQA for the Project because the CSLC must approve a lease for the Project to go forward and because the District, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The District analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2010082043) and, in January 2012, certified the EIR and adopted a Mitigation Monitoring Program (MMP) and Findings.

The Project involves the construction of a section of the San Francisco Bay Trail in Pinole between Pinole Shores and Bay Front Park, a distance of approximately 0.5 mile.

The District determined that the Project could have significant environmental effects on the following environmental resources:

- Biological Resources;
- Cultural Resources;
- Geology, Soils, and Seismicity;
- Hydrology and Water Quality;
- Hazards and Hazardous Materials;
- Noise;
- Air Quality; and

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

- Global Climate Change.

Project components within the CSLC’s jurisdiction (i.e., trail installation) could have significant environmental effects on all of the eight resource areas noted above.

In certifying the Final EIR and approving the Project, the District imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant.

As a responsible agency, the CSLC complies with CEQA by considering the EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the CSLC may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the CSLC will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the CSLC adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

2.0 FINDINGS

The CSLC’s role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each “public agency” that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the District for the Project identifies potentially significant impacts that fall within the scope of the CSLC’s approval, the CSLC makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund v. Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.)

While the CSLC must consider the environmental impacts of the Project as set forth in the EIR, the CSLC’s obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the CSLC’s exercise of discretion involves only issuing a General Lease – Public Agency Use lease for this Project, the CSLC is responsible for considering only the environmental impacts related to lands or resources subject to the CSLC’s jurisdiction. With respect to all other impacts associated with implementation of the Project, the CSLC is bound by the legal presumption that the EIR fully complies with CEQA.

The CSLC has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the CSLC’s approval of a General Lease – Public Agency Use, which would allow the construction

of a portion of the proposed San Francisco Bay Trail from Pinole Shores to Bay Front Park, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the CSLC, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.²

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the CSLC or existing in its files, all of which is contained in the administrative record. The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR or Exhibit C.

The CSLC is the custodian of the record of proceedings upon which its decision is based. The location of the CSLC's record of proceedings is in the Sacramento office of the CSLC, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

A. SUMMARY OF FINDINGS

Based on public scoping, there are no environmental issue areas that will have No Impact due to the proposed Project. However, the EIR identified the following impacts as Less Than Significant:

- Land Use
- Aesthetics
- Traffic and Circulation

For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR issue areas as presented below.

B. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant. For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

1. Biological Resources	BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6
2. Cultural Resources	CULT-1, CULT-2, CULT-3
3. Geology, Soils, and Seismicity	GEO-1, GEO-2, GEO-4
4. Hydrology and Water Quality	HYDRO-1
5. Hazards and Hazardous Materials	HAZ-1
6. Noise	NOI-1
7. Air Quality	AIR-1
8. Global Climate Change	GCC-1

1. BIOLOGICAL RESOURCES

CEQA FINDING NO. BIO-1

Impact: **Impact BIO-1. Implementation of the proposed project could impact special-status plant species.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The project area contains marginal or suitable habitat for soft bird's-beak, Mason's lilaepsis, and Suisun marsh aster. Project construction could result in the removal of individuals or populations of these species, if present.

Implementation of MM BIO-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-1 (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-2

Impact: **Impact BIO-2. Implementation of the proposed project could impact special-status bird species and native birds protected under the Migratory Bird Treaty Act potentially nesting in and adjacent to the project area.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The numerous trees and shrubs within the project area, particularly the dense blackberry brambles and arroyo willow thickets, provide suitable nesting habitat for a variety of native birds, including San Pablo song sparrow and salt marsh common yellowthroat (California Species of Special Concern). The nests of native birds are protected under the federal Migratory Bird Treaty Act and California Fish and Game Code. If conducted during the nesting season (February 1 to August 31), vegetation removal activities could directly impact nesting white-tailed kites, loggerhead shrikes, and other birds by removing trees or shrubs that support active nests. Construction-related disturbance could also indirectly impact nesting birds by causing adults to abandon nests, resulting in nest failure and reduced reproductive potential.

Implementation of BIO-2 has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-2: (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-3

Impact: **Impact BIO-3. Implementation of the proposed project could impact tidal marsh rails.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The small tidal marsh fragment adjacent to the eastern portion of the project area contains marginal habitat for the State-threatened California black rail and federally and State-endangered California clapper rail. Both of these species are also designated as Fully Protected Species under the California Fish and Game Code. Neither species is likely to nest in or adjacent to the project area due to the small size of the tidal marsh fragment, limited pickleweed cover, poor tidal channel development, and existing disturbance in adjacent uplands. Nevertheless, rails may occur in the marsh during the nonbreeding season or while dispersing along the Bay shoreline. Construction of the bridge south of the marsh is unlikely to directly impact individual rails or result in the loss of nest sites, but the dense ruderal vegetation adjacent to the marsh provides suitable high-tide refuge habitat for both species and construction activities in the area could cause rails seeking high-tide cover to flush, exposing them to predators. Such disturbance or harassment would constitute “take” under both the Federal Endangered Species Act and the California Endangered Species Act, and thus requires preconstruction consultation with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW). If either or both rail species use the marsh fragment on a regular basis, construction of the bridge columns would constitute a permanent impact to upland high-tide refuge habitat and would require preconstruction consultation with the USFWS and CDFW.

Implementation of MM BIO-3 (a, b, c) has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-3 (a, b, c): (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-4

Impact: **Impact BIO-4. Implementation of the proposed project could impact the salt marsh harvest mouse.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Given the limited extent and density of pickleweed in the tidal marsh adjacent to the project area, and the lack of nearby occurrences of salt marsh harvest mice, the likelihood of this species occurring in or adjacent to the project area is low. In the absence of trapping surveys, however, its presence or absence cannot be conclusively determined. The dense ruderal vegetation adjacent to the southern edge of the marsh provides suitable high-tide refuge habitat for the species. If present in the adjacent

marsh, individual salt marsh harvest mice could be killed during any bridge construction activities conducted during high tides, resulting in “take” of the species that would require preconstruction consultation with the USFWS.

Implementation of MM BIO-4 (a, b, c) has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-4 (a, b, c): (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-5

Impact: **Impact BIO-5. Implementation of the proposed project would temporarily impact brackish marsh wetlands adjacent to the work area and may also result in indirect impacts.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The entire project area contains 0.09 acre of jurisdictional wetlands (0.089 acre of brackish marsh wetland and 0.002 acre of seasonal wetland) subject to U.S. Army Corps of Engineers and Regional Water Quality Control Board (RWQCB) jurisdiction under the Clean Water Act and Porter-Cologne Water Quality Control Act. Construction of the bridge foundations next to the tidal marsh will require the placement of an unknown amount of earth fill in the marsh (i.e., brackish marsh wetlands). Construction of the proposed trail is expected to result in approximately 0.75 acre of temporary impacts to jurisdictional waters of the State located on the bay side of the Union Pacific Railroad (UPRR) tracks. Approximately 0.2 acre of permanent fill to jurisdictional waters would result from construction of the trail between the end of the bridge and Bay Front Park. Project construction may also indirectly impact jurisdictional waters if oil or grease from heavy equipment and/or uncured concrete enters the wetlands. Project construction could also result in excess sediment runoff into the wetlands if proper erosion control methods are not implemented.

Implementation of MM BIO-5 (a, b, c) has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-5 (a, b, c): (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-6

Impact: Impact BIO-6. Implementation of the proposed project could impact native trees protected under the City of Pinole Municipal Code.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Chapter 17.64 of the City of Pinole Municipal Code defines protected trees as 1) Select trees (i.e., coast live oak, madrone, buckeye, black walnut, redwood, big-leafed maple, redbud, California bay, and toyon) with a single perennial stem of twelve (12) inches or larger in circumference measured four and a half (4.5) feet above the natural grade; and 2) any other tree with a single perennial stem greater than fifty-six (56) inches or larger in circumference measured 4.5 feet above the natural grade. Several “select” tree species are present in the project area, including coast live oak, California buckeye, California bay, and toyon. Since a detailed tree inventory of the project area has not been conducted, it is unknown whether any of these trees qualify for protected status and if they will be impacted by the proposed project. Given the amount of cut and fill proposed for the trail on the north-facing bluff between the BNSF and UPRR tracks, at least a few trees will likely be impacted.

Implementation of MM BIO-6 (a, b) has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-6 (a, b): (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

2. CULTURAL RESOURCES

CEQA FINDING NO. CULT-1

Impact: Impact CULT-1. Ground-disturbing activities associated with site preparation could adversely affect archaeological deposits that qualify as historical resources or archaeological resources under CEQA.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The project includes grading along portions of the trail that traverse side slopes, stripping and excavation to expose firm, undisturbed foundation support, and vegetation

removal. These project ground-disturbing activities have the potential to impact subsurface prehistoric archaeological deposits. The project corridor is situated near recorded prehistoric archaeological site CA-CCO-262, indicating that the general area is sensitive for prehistoric archaeological deposits. Although no archaeological deposits were identified in the project corridor, the presence of such remains cannot be discounted. If such resources qualify as historical or unique archaeological resources, then a substantial adverse change in their significance (i.e., damage or destruction) would result in a significant impact.

Implementation of MM CULT-1 (a, b) has been incorporated into the Project to reduce this impact to a less than significant level.

MM CULT-1 (a, b): (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CULT-2

Impact: **Impact CULT-2. Ground-disturbing activities associated with site preparation could adversely affect paleontological resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Numerous fossils from the North American Land Mammal Ages (NALMA) have been identified in the vicinity of the project corridor. Should project construction encounter such resources, a substantial adverse change in their significance (e.g., their disturbance or destruction) could constitute a significant impact under CEQA.

Implementation of MM CULT-2 (a, b) has been incorporated into the Project to reduce this impact to a less than significant level.

MM CULT-2 (a, b): (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CULT-3

Impact: **Impact CULT-3. Ground-disturbing activities associated with site preparation could adversely affect Native American skeletal or cremated remains.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Although Native American remains have not been identified within the project corridor, the possibility of encountering such remains, either in isolation or with prehistoric archaeological deposits, cannot be discounted. Such remains could be uncovered during project ground-disturbing activities.

Implementation of MM CULT-3 has been incorporated into the Project to reduce this impact to a less than significant level.

MM CULT-3: [(Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

3. GEOLOGY, SOILS AND SEISMICITY

CEQA FINDING NO. GEO-1

Impact: **Impact GEO-1. Strong seismic ground shaking at the project site could result in risks to humans and damage to property, including, seismic-related ground failure and/or seismically-induced landslides.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The entire San Francisco Bay Area, including the project area, is located in a seismically-active region subject to varying degrees of seismic ground shaking. Considering the proximity of the project site to the Hayward, San Andreas, and other major active faults in the San Francisco Bay Area, the proposed project could be subject to significant impacts related to strong seismic ground shaking, seismic-related ground failure (including liquefaction), and/or seismically-induced landslides. The Preliminary Foundation Report estimates that groundwater may be encountered at grade during the rainy season. The Preliminary Foundation Report further notes that interbedded loose to medium dense silty sand and sand with silt of low to medium

plasticity were present in fill, colluvium and highly weathered sandstone layers below the groundwater table, indicating the potential for liquefaction. Liquefiable soils may be subject to temporary bearing capacity loss during an earthquake event, and may allow either total or differential vertical settlement, and may be subject to lateral spreading.

Implementation of MM GEO-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-1: (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO-2

Impact: **Impact GEO-2. Ground settlement could result in structural damage to proposed site improvements.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Preliminary Foundation Report indicates that the project site is underlain by potentially liquefiable material that will likely liquefy and settle under strong ground shaking associated with moderate to large earthquake on a nearby fault. The bridge piles may experience downdrag loads due to the settlement of the soil above the liquefiable soil layer. Settlement of the soil around the pile shaft may also occur due to placement of new fill on top of the Bay Mud.

Implementation of MM GEO-2 has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-2: (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO-4

Impact: **Impact GEO-4. The shrink-swell potential of project soils could result in damage to structures at the project site.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Many of the soils underlying the project site have a moderate to high shrink/swell potential. Shrinking and swelling of soils occurs when expansive soils undergo alternate cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes significantly. Structural damage, warping, and cracking of the trail surface may occur if the potential expansive soils are not considered during design and construction of improvements. On moderate to steep slopes, the shrink-swell potential of soils can exacerbate a process known as “soil creep.” Soil creep causes surface soil mantling on the slope to move downslope very slowly. Although the movement is slow, structures on and within the soil can deform in response to the movement, resulting in cracked pavement or building foundations.

Implementation of MM GEO-4 has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-4: (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

4. HYDROLOGY AND WATER QUALITY

CEQA FINDING NO. HYDRO-1

Impact: **Impact HYDRO-1. Construction activities could generate stormwater runoff that could cause or contribute to a violation of water quality standards or waste discharge requirements, or otherwise substantially degrade the water quality of San Pablo Bay.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction and grading within the project site would require temporary disturbance of surface soils. During the construction period, grading and excavation activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment and contaminants in the runoff. In addition, construction of the proposed project would require dewatering during drilling of the support columns for the proposed bridge structure. Extracted groundwater could contain contaminants. In addition, the potential for chemical releases is present at most construction sites given the types of materials used, including fuels, oils, paints, and solvents. Once released, without controls, these substances could be transported to the Bay in stormwater runoff, potentially incrementally reducing water quality. The proximity of the project site to the

Bay reduces the chances that the pollutants (e.g., sediment, petroleum hydrocarbons, and lubricants) would be naturally attenuated prior to discharge to the Bay.

Implementation of MM HYDRO-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM HYDRO-1: [(Please refer to Exhibit C for complete text)].

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

5. HAZARDS AND HAZARDOUS MATERIALS

CEQA FINDING NO. HAZ-1

Impact: **Impact HAZ-1. Project construction activities would entail the use of hazardous materials and could also encounter hazardous materials in shallow soils, which would require transportation off-site and disposal. In addition, hazardous materials used or encountered during construction could create a significant hazard through release into the environment.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activities would include the use of hazardous materials such as fuels, oils, lubricants, asphalt products, other petroleum products, and solvents. Moreover, project construction activities may encounter residual hazardous chemicals associated with historic and current use of the railroad tracks, which could be released into the environment and would require off-site transport and disposal. Direct contact, inhalation, or ingestion of hazardous chemicals could cause adverse health effects. The severity of health effects would depend on the contaminant(s), concentration, use of protective equipment during construction, and duration of exposure. The release of hazardous materials during construction activities could pose a hazard to construction workers, nearby receptors, and the environment.

Implementation of MM HAZ-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM HAZ-1: (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

6. NOISE

CEQA FINDING NO. NOI-1

Impact: **Impact NOI-1. Construction period activities could result in significant short-term noise impacts on noise-sensitive receptors in the project vicinity.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Individual construction activities associated with the three segments of the proposed project would result in a temporary increase in ambient noise levels in the project vicinity. Actual construction noise levels at sensitive receptors would depend largely on the type of equipment being used at any given time and the distance between equipment and sensitive receptor.

Implementation of MM NOI-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM NOI-1: (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

7. AIR QUALITY

CEQA FINDING NO. AIR-1

Impact: **Impact AIR-1. Construction period activities could generate significant dust, exhaust and emissions.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment also are anticipated and would include carbon dioxide, nitrogen oxides, reactive organic gases, directly-emitted particulate matter (PM_{2.5} and PM₁₀), and toxic air contaminants such as diesel exhaust particulate matter.

Implementation of MM AIR-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM AIR-1: (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

8. GLOBAL CLIMATE CHANGE

CEQA FINDING NO. GCC-1

Impact: **Impact GCC-1. Construction of the proposed project could generate substantial GHG emissions.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Project construction activities would result in the emission of criteria pollutants. The combustion of fossil-based fuels from equipment exhaust, construction related vehicular activity, and construction worker automobile trips would create greenhouse gas (GHG) emissions primarily in the form of CO₂. GHG emission levels for construction activities would vary daily as construction activity levels change; however, GHG emissions generated during construction of the proposed project would be considered significant.

Implementation of MM GCC-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM GCC-1: (Please refer to Exhibit C for complete text).

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.