

BOARD OF DIRECTORS

Board Meeting Packet

November 20, 2018



Vargas Plateau Regional Park, Fremont

East Bay 
Regional Park District
Healthy Parks Healthy People

Clerk of the Board

YOLANDE BARIAL
KNIGHT
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**East Bay Regional
Park District
Board of Directors**

DENNIS WAESPI
President - Ward 3
AYN WIESKAMP
Vice President - Ward 5
ELLEN CORBETT
Treasurer - Ward 4
DEE ROSARIO
Secretary - Ward 2
WHITNEY DOTSON
Ward 1
COLIN COFFEY
Ward 7
BEVERLY LANE
Ward 6
ROBERT E. DOYLE
General Manager



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**MEMO to the BOARD OF DIRECTORS
EAST BAY REGIONAL PARK DISTRICT**

The Regular Session of the **NOVEMBER 20, 2018**
Board Meeting is scheduled to commence at
1:00 p.m. at the EBRPD Administration Building,
2950 Peralta Oaks Court, Oakland

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Robert E. Doyle". The signature is fluid and cursive.

ROBERT E. DOYLE
General Manager

AGENDA

REGULAR MEETING OF NOVEMBER 20, 2018 BOARD OF DIRECTORS EAST BAY REGIONAL PARK DISTRICT

11:00 a.m. **ROLL CALL** **(Board Conference Room)**

PUBLIC COMMENTS

CLOSED SESSION

A. Conference with Labor Negotiator: Government Code Section 54957.6

- I. Agency Negotiator: Robert E. Doyle, Ana M. Alvarez,
 Kip Walsh, Eddie Kreisberg
- Employee Organizations: AFSCME Local 2428,
 Police Association
- Unrepresented Employees: Managers and Confidentials

B. Conference with Legal Counsel:

- I. Anticipated Litigation – Government Code Section 54956.9 (d)(2):
 (1 case)
- 2. Liability Litigation – Government Code Section 54956.95:
 - a) Claim of David Barr
 - b) Claim of Lynne McDonald

C. Conference with Real Property Negotiator Regarding Price and/or Terms of Payment – Government Code Section 54956.8

- I) Agency Negotiator: Matt Graul, Michael Reeves

APN/ADDRESS	PROPERTY OWNERS	PARK/TRAIL
<u>Contra Costa County</u>		
057-010-001-6; 057-010-004-0; and 057-060-006-4 Empire Mine Road, Antioch	Oak Hill Park Company	Deer Valley Regional Park
362-060-011, -012 and -019 Christie Road, Martinez	Oak Hill Park Company	Rancho Pinole Regional Preserve
<u>Alameda County</u>		
048-5658-001-06; 2955 Peralta Oaks Court, Oakland	Oakland Unity High School	District-wide

The Board of Directors of the East Bay Regional Park District will hold a regular meeting at District's Administration Building, 2950 Peralta Oaks Court, Oakland, CA, commencing at 11:00 a.m. for Closed Session and 1:00 p.m. for Open Session on Tuesday, November 20, 2018.

Agenda for the meeting is listed adjacent. Times for agenda items are approximate only and are subject to change during the meeting. If you wish to speak on matters not on the agenda, you may do so under Public Comments at the beginning of the agenda. If you wish to testify on an item on the agenda, please complete a speaker's form and submit it to the Clerk of the Board.

A copy of the background materials concerning these agenda items, including any material that may have been submitted less than 72 hours before the meeting, is available for inspection on the District's website (www.ebparks.org), the Administrative Building reception desk, and at the meeting.

Agendas for Board Committee Meetings are available to the public upon request. If you wish to be placed on the mailing list to receive future agendas for a specific Board Committee, please call the Clerk of the Board's Office at (510) 544-2020.

District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed for you to participate, please contact the Clerk of the Board as soon as possible, but preferably at least three working days prior to the meeting.

1:00 p.m.

OPEN SESSION (Board Room)

PLEDGE OF ALLEGIANCE

A. APPROVAL OF AGENDA

B. PUBLIC COMMENTS

If you wish to comment on an item not on the agenda, please complete a speaker's form and submit it to the Clerk.

1:15 p.m.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- a. Approval of District Check Listing for the Period of October 8, 2018 to October 21, 2018
(Auker/Doyle) (Resolution) (No Cost)
- b. Approval of the Minutes for the Board Meeting of November 6, 2018
(Barial Knight/Auker) (Resolution) (No Cost)
- c. Authorization to Negotiate with Various Property Owners
(Reeves/Graul) (Resolutions) (No Cost)
- d. Authorization to Extend the Existing Memorandum of Agreement for Water Quality Analysis with the East Bay Municipal Utility District: District-wide
(Tuden/Graul) (Resolution) (Budgeted Funds)
- e. Authorization to Execute a Contract with Go Native, Inc. to Provide Habitat Restoration and Vegetation Management Services for Albany Beach Restoration and Public Access Project: McLaughlin Eastshore State Park
(Barton/Graul) (Resolution) (Budgeted Funds)
- f. Authorization to Apply for Grant Funds from the California Department of Fish and Wildlife for Creek Restoration: Sibley Volcanic Regional Preserve
(Margulici/Graul/Auker) (Resolution) (Revenue Authorization)
- g. Authorization to Apply for Grant Funds from the California Department of Boating and Waterways Surrendered and Abandoned Vessel Exchange Program for Derelict Boat Removal: District-wide
(Margulici/Ferrario/Auker) (Resolution) (Revenue Authorization)
- h. Authorization to Apply to the California Department of Forestry and Fire Protection for Fuels Management Grants: East Bay Hills
(Margulici/Theile/Auker) (Resolution) (Revenue Authorization)
- i. Authorization to Appropriate Funds and Apply for Federal Grant from the Bureau of Reclamation for Park Improvements: Contra Loma Regional Park
(Margulici/Goorjian/Auker) (Resolution) (Revenue Authorization/
Budget Change)

- j. Approval of a Successor Memorandum of Understanding (MOU) Between the District and The Police Association for a Four-Year Term with Effective Dates October 1, 2018 to September 30, 2022 and Authorize Appropriations Consistent with the MOU
(Walsh/Alvarez) (Resolution) (Budget Change)
- k. Authorization to Purchase One Refuse Truck from National Auto Fleet Group as an Addition to the Fleet
(McCrystle/O'Connor) (Resolution) (Budgeted Funds)
- L. Authorization to Purchase Two Ford Passenger Vans from Wondries Fleet Group for Vehicle Replacement and an Addition to the Fleet
(McCrystle/O'Connor) (Resolution) (Budgeted Funds)
- m. Authorization to Execute a Professional Services Contract with Accruent, LLC for Computerized Maintenance Management Software: District-wide
(Barrington/O'Connor) (Resolution) (Budgeted Funds)

1:30 p.m.

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- a. Authorize the Certification of the Environmental Impact Report for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment Environmental Impact Report; Adoption of the Mitigation, Monitoring, and Reporting Program; Adoption of the Findings Report; and Approval of the Land Use Plan Amendment: Robert Sibley Volcanic Regional Preserve
(Holt/Graul) (Resolution) (No Cost)
- b. Authorization to Amend the Contract with Sequoia Ecological Consulting, Inc. for Biological Monitoring and Reporting Support for the Implementation of the Wildfire Hazard Reduction and Resource Management Plan Area: Various Locations
(Tuden/Theile/Graul) (Resolution) (Budgeted Funds)

2:00 p.m.

3. BOARD AND STAFF REPORTS

- a. Actions Taken by Other Jurisdictions Affecting the Park District
(Doyle)

2:15 p.m.

4. GENERAL MANAGER'S COMMENTS

- a. Finance and Management Services Division: Presentation by the Information Services Department.

2:45 p.m.

5. ANNOUNCEMENTS FROM CLOSED SESSION

2:50 p.m.

6. PUBLIC COMMENTS

If you wish to comment on an item not on the agenda, please complete a speaker's form and submit it to the Clerk.

3:00 p.m.

7. BOARD COMMENTS

3:30 p.m.

D. ADJOURNMENT

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- a. Approval of District Check Listing for the Period October 8, 2018
Through October 21, 2018 (Auker/Doyle)

RECOMMENDATION

It is recommended that the Board of Directors approve the Check Listing for the period of October 8, 2018 through October 21, 2018.

Per Resolution No. 1992-I-40, adopted by the Board on January 21, 1992, a copy of the Check Listing has been provided to the Board Treasurer for review. A copy of the Check Listing has also been provided to the Clerk of the Board and will become a part of the Official District Records.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 011 -

November 20, 2018

APPROVAL OF DISTRICT CHECK LISTING FOR THE PERIOD OF
OCTOBER 8, 2018 THROUGH OCTOBER 21, 2018

WHEREAS, District Resolution No. 1992 - I - 40, adopted by the Board of Directors on January 21, 1992, requires that a listing of District checks be provided to the Board Treasurer for review;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby approves the check listing for the period of October 8, 2018 through October 21, 2018;

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November, 2018 by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- b. Approval of the Minutes for the Board Meeting November 6, 2018
(Barial Knight/Auker)

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The Board Meeting, which was held on November 6, 2018 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 11:15 a.m. by Board President Dennis Waespi.

ROLL CALL

Directors Present: Dennis Waespi, President
Ayn Wieskamp, Vice President
Dee Rosario, Secretary
Ellen Corbett, Treasurer
Whitney Dotson
Colin Coffey
Beverly Lane

Directors Absent: None.

The **Open Session** of the Board Meeting was called to order at 1:00 p.m. by President Waespi.

All Board members present for the Open Session.

Staff Present: Robert Doyle, Carol Victor, Jim O'Connor, Debra Auker
Aileen Theile, Noah Dort, Steve Castile, Anne Kassebaum, Jeff Rasmussen,
Renee Patterson, Kelly Barrington, Kristin Kelchner, Tiffany Margulici, Al Love,
Sean Dougan, Carol Johnson, Suzanne Wilson, Dave Mason, Rachel Sater, Michael
McNally, Mimi Waluch, Brian Holt, Chris Newey,

Guests: None.

A. APPROVAL OF AGENDA

By motion of Director Wieskamp, and seconded by Director Lane, the Board voted unanimously to approve the Agenda.

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario,
Dennis Waespi, Ayn Wieskamp.
Directors Against: None.
Directors Absent: None.

B. PUBLIC COMMENTS

Chris Newey, President of AFSCME Local 2428 (Union) inquired when the documents regarding the campground at Dumbarton Quarry (DQ) updated since the design change, will be made available to the Union for review. Dr. Ana Alvarez, DGM replied that the document the Union is requesting does not exist. Alvarez explained the staffing plan is almost finalized based on design changes which is different than what the Union is requesting. All documents pertaining to DQ, once completed will be made available to the Union.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Corbett, and seconded by Director Wieskamp, the Board voted unanimously to approve the **Consent Calendar**.

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario,
Dennis Waespi, Ayn Wieskamp.
Directors Against: None.
Directors Absent: None.
Directors Abstain: None.

- a. Approval of District Check Listing for the Period of September 24, 2018 to October 7, 2018
Resolution No. 2018 – 11 – 259 (attached)
- b. Approval of the Minutes for the Board Meeting of July 3, 2018
- c. Approval of 2019 Consolidated Fee Schedule
Resolution No. 2018 – 11 – 260 (attached)

Director Lane thanked staff for the additional information received which will help the Board to make decisions on the changes.

- d. Authorization to Purchase Cisco Network Switch Equipment from AMS.NET for District-wide Information Technology Infrastructure Replacements
Resolution No. 2018 – 11 – 261 (attached)
- e. Authorization to Amend Contract with FOG Studio Inc. for Design Services for Restrooms: District-wide
Resolution No. 2018 – 11 – 262 (attached)
- f. Authorization to Execute a Contract with Gachina Management for Landscaping Services at the Peralta Oaks Administration Building and the Trudeau Training Center
Resolution No. 2018 – 11 – 263 (attached)

Director Rosario commented that there have been a couple of landscapers that can't meet our standards and going inhouse should be considered.

- g. Authorization to Apply to the Environmental Protection Agency for Federal Grant Funds from the San Francisco Bay Water Quality Improvement Fund for the Coyote Hills Restoration and Public Access: Coyote Hills Regional Park
Resolution No. 2018 – 11 – 264 (attached)
- h. Authorization to Award a Contract for Services with Avidex Industries to Design and Install Audio Visual Systems in Meeting Rooms at the District Administration Building and the Trudeau Training Center
Resolution No. 2018 – 11 – 265 (attached)
- i. Authorization to Appropriate Legal Reserve Funds for 2018 Legal Expenses
Resolution No. 2018 – 11 – 266 (attached)

- j. Authorization to Amend and Extend Two License Agreements with the State of California, California Department of Transportation, Office of Radio Communications: Tilden Regional Park
Resolution No. 2018 – 11 – 267 (attached)
- k. Authorization to Purchase Eleven Ford Trucks from Downtown Ford Sales for Vehicle Replacements and Additions to the Fleet
Resolution No. 2018 – 11 – 268 (attached)
- l. Authorization to Appropriate Funds and Purchase Ten Ford F150 Pick-up Trucks from Downtown Ford Sales for Vehicle Replacements and Additions to the Fleet
Resolution No. 2018 – 11 – 269 (attached)
- m. Authorization to Transfer and Appropriate Funds and Purchase Four Mowers from John Deere Company for Equipment Replacement and an Addition to the Fleet
Resolution No. 2018 – 11 – 270 (attached)
- n. Authorization to Purchase Two Type VI Fire Apparatus from Boise Mobile Equipment Inc. for Equipment Replacement
Resolution No. 2018 – 11 – 271 (attached)

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- a. Authorization to Exercise the Purchase Option and Transfer and Appropriate Funds for the Acquisition of 9.24± Acres of Real Property from Penelope I. Heiser, Sole Trustee of the Annette Purviance Family Trust: Round Valley Regional Preserve
Resolution No. 2018 – 11 – 272 (attached)

By motion of Director Lane, and seconded by Director Coffey, the Board voted unanimously to approve **Item 2a.**

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dennis Waespi, Ayn Wieskamp.
Directors Against: None.
Directors Abstain: None.

Michael Reeves, Acting Chief of Land Acquisition directed the Board to the map of Round Valley Regional preserve. Reeves provided background on the land and homes located on the property. Reeves explained this acquisition is the final puzzle piece and removes the private inholding between Round Valley and Marsh Creek State Park, protects the Marsh Creek corridor within Round Valley, and is suitable for a future park service yard. Director Wieskamp asked the size of the property and the health of the trees on the property. GM Doyle replied it is close to 1,000 acres, the almond trees are drought tolerant, and an assessment will be done on the availability of water.

Director Lane said that the park has been discovered and is being enjoyed by park users, and she is happy about the acquisition. Lane asked who is the 'Lydia' in Lydia Lane. Doyle replied she was a Purviance family member. Lane suggested this information be added to the District's history. President Waespi commented if the trailer

on the property is reusable it should be considered as a park residence, and suggested the District put two park residences next to each other since it is a remote site, and a popular staging area. Doyle said staff will look into it. Director Rosario seconded Waespi's observation on two potential residences and added that it could be considered as shared housing for multifamily use. GM Doyle commented that the District has the first right of refusal on this property. If the family wants to keep a residence, staff will routinely ask if the owner decides to sell to give the District a chance to appraise it and make an offer before they sell it. This is how his property was obtained.

- b. Authorization to Exercise the Purchase Option and Transfer and Appropriate Funds for the Acquisition of 160± Acres of Real Property from Jerauld A. Grove, Trustee of the Jerauld A. Grove Revocable Trust dated September 1, 2011: Doolan Canyon Regional Preserve
Resolution No. 2018 – 11 – 273 (attached)

By motion of Director Wieskamp, and seconded by Director Lane, the Board voted unanimously to approve **Item 2b.**

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dennis Waespi, Ayn Wieskamp.
Directors Against: None.
Directors Absent: None.

Michael Reeves, Acting Chief of Land Acquisition. Reeves oriented the Board to the location of this property. He clarified that this property preserves the headwaters of Cottonwood Creek, protects rare and sensitive species habitat, preserves an important wildlife corridor and offers potential recreational trail opportunities.

Director Wieskamp stated it is a fantastic purchase and is important to the citizens from Dublin and Livermore. Director Lane commented that the road north goes to Tassajara and questioned if it could be another access point. Reeves replied that most of that road is an existing ranch road which would be included in future negotiations. GM Doyle explained that staff tried to reserve the right to access, but the property owner at the time was not cooperative. Lane added that this access point should be kept in mind. President Waespi commented that there are three parcels, and three different grazers, and proposed that the metal building could be leased to store hay. Doyle stated that before staff can restore the creek it needs to be determined if mitigation credit can be obtained. Director Wieskamp asked if talks are continuing with the Acacia Partners. Reeves said staff sent a letter of interest and have been in conversation with the Acacia partners.

- c. Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Bay Area Ridge Trail – Garin to Niles Canyon and Approval of the Project: Bay Area Ridge Trail
Resolution No. 2018 – 11 – 274 (attached)

By motion of Director Waespi, and seconded by Director Lane, the Board voted unanimously to approve **Item 2c.**

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dennis Waespi, Ayn Wieskamp.
Directors Against: None.
Directors Absent: None.

Suzanne Wilson, Senior Planner of Trails Development Dept. Wilson gave regional context and history. Wilson reported that the over 50 miles of trail is multi-use. The project scope includes the trail alignment and EVMA

share is approximately 1.1 miles of existing ranch road. Wilson stated that the CEQA Mitigated Negative Declaration (MMD) has been posted on the District's website, at four local staging areas, and advertised in the Argus Newspapers; notice was also sent to responsible agencies and engaged stakeholders. There were six comments within the 30-day period. The At-Grade Railroad crossing is owned by Alameda County and would need to acquire a license agreement from the County and is leased to the Pacific Locomotive Association (PLA). In 2018, they will have operated four trains on 77 days of the year equaling about 205 trips. On the south side it is owned by Union Pacific and is leased to the Altamont Commuter Express (ACE) which operates a minimum of 12 trains on that line with about 4,380 trains per year. The Mitigation and Monitoring Plan is planned to avoid chaparral and rock outcroppings and when staff are working near those sites there will be a bio-monitor on site. Construction is anticipated to begin in the Spring of 2020. Director Rosario asked if the bridge is going to be for pedestrians and equestrians. Wilson replied it is multi-use. Director Corbett inquired if the trail will be available to bicyclists. Wilson answered it will multiuse. Corbett asked if commuters can use it. Wilson answered it doesn't connect to Sunol. Corbett asked if staff might find sensitive Native American sites. Wilson said the trail has been designed to not have ground disturbance. Director Wieskamp thanked staff for the thoughtful consideration in planning this development. Director Lane thanked Wilson for her work and the very clear presentation. Lane queried if the PLA received notification even after their response was received after the deadline. Wilson said they did.

Director Lane stated that the Gelderman Property is named for Harlan Gelderman, a real estate developer who grew up in San Ramon and is part of an historic family—the Harlan's. Gelderman's relatives were very important to Alameda County and Mission San Jose, and when staff begins the process of naming along this trail the name Harlan should be considered. GM Doyle asked that when the analysis was done on the archaeological site did staff look at the impacts of doing an overcrossing vs. a tunnel. Wilson replied the feasibility study addresses impacts at a feasibility level, but the MMD analyzed the at-grade crossing. Doyle added that if Fremont has concerns on the protection of that site, it would be to not build an overcrossing, so staff may want to provide some expert opinion on that impact to defend our recommendation. Sean Dougan, Trails Development Manager, said the criteria given from the CPUC for the feasibility study was the impacts of different options and not cost. There is well written and documented application. This is a very sensitive park, and human remains, and cultural resources have already been discovered. President Waespi asked when this trail ends in Vallejo mills, where would you cross to get into Vargas Plateau. Wilson answered at present it would be Mission Blvd. and Old Canyon Road.

Public Comment: Kelly Abreu, Mission Peak Conservancy commented that the at-grade crossing is very logical. He added that Fremont has a habit of burying historical resources and not using it for this generation. Abreu commented that a water supply should be considered for this area. Abreu submitted a draft resolution of support from Mission Peak Conservancy into the record.

3. BOARD AND STAFF REPORTS

a. Actions Taken by Other Jurisdictions Affecting the Park District

GM Doyle commented on items on the report.

4. GENERAL MANAGER'S COMMENTS

GM Doyle introduced. Katy Hornbeck, Reservation Supervisor. Hornbeck presented a Point of Sale Update. This project was begun in 2008, moving sites from Daily Revenue Reports (DRR) to Point of Sale (POS). This change would increase financial transparency and accuracy, better data and the DRR software was becoming obsolete. The POS change is a team effort by Information Services, Park Operations, and Reservations. Eri Suzuki is the Reservation Support Technician who builds, trains, supports and produces reports. As of now,

26 sites have been converted, with 12 remaining to be finalized within the next two years. Barriers are electricity, connectivity, or space that is too small. Hornbeck discussed the tentative completion schedule. Director Lane asked for clarification on mutual aid in the report. AGM Ciaburro explained that our engine is in our station at night for regional coverage because of massive depletion of state resources statewide. Calfire reimburses the District for the additional time. Waespi expressed interest in the statistics on staff hours in working with CalFire. Ciaburro will obtain.

Director Rosario asked if the Marathon folks at Contra Loma paid for the Firefighters on standby. Mimi Waluch, Business Services Manager said they do as part of our Special Event Permit; all extra staffing is covered.

Director Coffey asked if we keep track of dog incidents. GM Doyle said staff do track and can give you that data as a separate sheet. Waespi thanked lifeguard staff for the great work they do.

5. ANNOUNCEMENTS FROM CLOSED SESSION

Kristine Kelchner, Acting District Counsel, announced there were no announcements.

6. BOARD COMMITTEE REPORTS

a. Finance Committee 9-27-18 (Corbett)

Director Lane would like to have a more thorough discussion on a two-year budget cycle.

7. PUBLIC COMMENTS

Tom Holub, Bicycle Trail Council announced he voted for Measure FF personally, but the Council could not endorse the measure because of its perception that bike access to narrow trails is not treated fairly across the District. There are many examples of shared access parks of which Crockett Hills is an example. The council thinks this could be done in all the parks and would like to partner with the District. They are interested in the Sibley McCosker project.

8. BOARD COMMENTS

Director Waespi reported on meetings attended. Director Waespi

- Attended the California Association of Park and Recreation District in Sacramento;
- Attended the EBMUD Liaison meeting;
- Attended the Board Operations Committee meeting;
- Attended the Service Awards Dinner;
- Teleconferenced with Director Coffey and the District's Chief Auditor;
- Attended the Board Executive Committee meeting.

Waespi met with Bob Nisbet, AGM, ASD and Director Corbett; commented on articles in packet.

Director Lane reported on meetings attended. Director Lane

- Attended the Alameda County Watershed Confluence;
- I-in-I meeting with GM Doyle;
- Said goodbye to Bob Nisbet and Suzanne Lusk;
- Attended EBMUD Liaison meeting;
- Attended the East Bay Leadership Council meeting;

- Attended the Cowboy Hootenanny at Sunol;
- Attended the What's Brewing in the Park;
- Attended the Grazing Dinner;
- Attended the Service Awards Dinner;
- Met in San Ramon regarding the Ironhorse Trail;
- Attended the Executive Committee meeting.

Lane had breakfast with Director Wieskamp and Bob Nisbet. Lane participated in Orondo removal in Danville, commented on cattle and dogs and signage, her concern with not having a residence at Las Trampas.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Board Operations Committee meeting;
- Attended the Cowboy Hootenanny at Sunol;
- Attended the Grazing dinner;
- Attended the ribbon cutting ceremony at Sycamore Grove;
- Attended the Service Awards Dinner.

Wieskamp met for breakfast with Director Lane and Bob Nisbet, commented on the attack on three calves and asked about signage that states when cows are grazing, dogs need to be leashed. GM Doyle responded there is a process and staff agree and have a plan to implement it.

Director Rosario reported on meetings attended. Director Rosario

- Attended the First Alameda County Watershed Confluence;
- Attending the Oakland Estuary Planning meeting;
- Attending the EBMUD Liaison Committee meeting;
- Attended the Hills Emergency Forum;
- Attended the Board Finance Committee meeting;
- Attended retirement for Officer Ian Fraser;
- Attended Bob Nisbet's farewell reception;
- Attended the Service Awards Dinner;
- Attended CCC Mayors Conference in Orinda.

Rosario toured McCosker with Coffey and Nisbet. Rosario thanked everyone for participation and volunteer hours for the campaign.

Director Corbett reported on meetings attended. Director Corbett

- Attended the Board Operations Committee meeting;
- Attended the Board Finance Committee meeting;
- The opening of the new main library in Hayward;
- Attended the Kiwanis Pasta Feed;
- Attended 75th Anniversary Gala to benefit the USS Hornet.

Corbett commented that she met with Bob Nisbet, AGM, ASD and Director Waespi. Corbett thanked everyone for their participation and volunteer hours in the campaign.

Director Coffey reported on meetings attended. Director Coffey

- Attended the Rising Tides Highwater Mark Dedication Ceremony at Big Break;
- Spoke at the Crockett Improvement Association;
- Attended the Finance Committee meeting;
- Teleconferenced with President Waespi and the District's Chief Auditor;
- Met with the Mayor Wright of Antioch with General Manager Doyle;
- I-on-I with General Manager in East County.

Coffey put in Ambassador hours at the John Marsh State Park and the What's Brewing in the Park at Black Diamond. Coffey hiked with Rosario and Nisbet at McCosker.

D. ADJOURNMENT

Rosario asked to adjourn the meeting to recognize the senseless deaths in Kentucky, Florida, and Pittsburg, and remember Carol Victor's mother.

President Waespi adjourned the meeting at 3:10 pm.

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- c. Authorization to Negotiate with Various Property Owners
(Graul/Nisbet)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize the General Manager and the Assistant General Manager, Acquisition, Stewardship & Development Division, to negotiate with:

<u>APN/ADDRESS</u>	<u>PROPERTY OWNER</u>	<u>PARK/TRAIL</u>
<u>Contra Costa County</u>		
362-060-007; 362-060-014; 362-060-016 Franklin Canyon Rd, Martinez	Awenius Family Limited Partnership; Clive A. McAllister, et al.	Rancho Pinole Regional Preserve

REVENUE/COST

Items of cost, terms or conditions of any option are subject to negotiation and would be presented to the Board for formal approval at a later date.

BACKGROUND

The proposed resolution for this item is in direct response to the Brown Act. According to District Counsel, "The Board may meet in Closed (Executive) Session prior to or during negotiations to give instructions to its negotiator regarding the price and terms of payment for the purchase or the lease of the property only after it has identified the parcels of concern, and has identified the people with whom this negotiator may negotiate in open session."

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 11 -

November 20, 2018

AUTHORIZATION TO NEGOTIATE WITH VARIOUS PROPERTY OWNERS

WHEREAS, Government Code Section 54956.8 requires that prior to or during the negotiations concerning the acquisition of real property, the Board of Directors in closed session may give instructions to its negotiator regarding the price and terms of payment of such property; and

WHEREAS, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiator may negotiate;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby approves the authorization to negotiate as presented to the Board of Directors on November 20, 2018; and

BE IT FURTHER RESOLVED, that the General Manager and the Assistant General Manager, Acquisition, Stewardship & Development Division, are hereby authorized by the Board of Directors on behalf of the East Bay Regional Park District and in its name to negotiate the price and terms of payment of the following parcels of real property:

<u>APN/ADDRESS</u>	<u>PROPERTY OWNER</u>	<u>PARK/TRAIL</u>
<u>Contra Costa County</u>		
362-060-007; 362-060-014; 362-060-016 Franklin Canyon Rd, Martinez	Awenius Family Limited Partnership; Clive A. McAllister, et al.	Rancho Pinole Regional Preserve

Moved by Director _____, and seconded by Director _____, and adopted this 20th day of November, 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

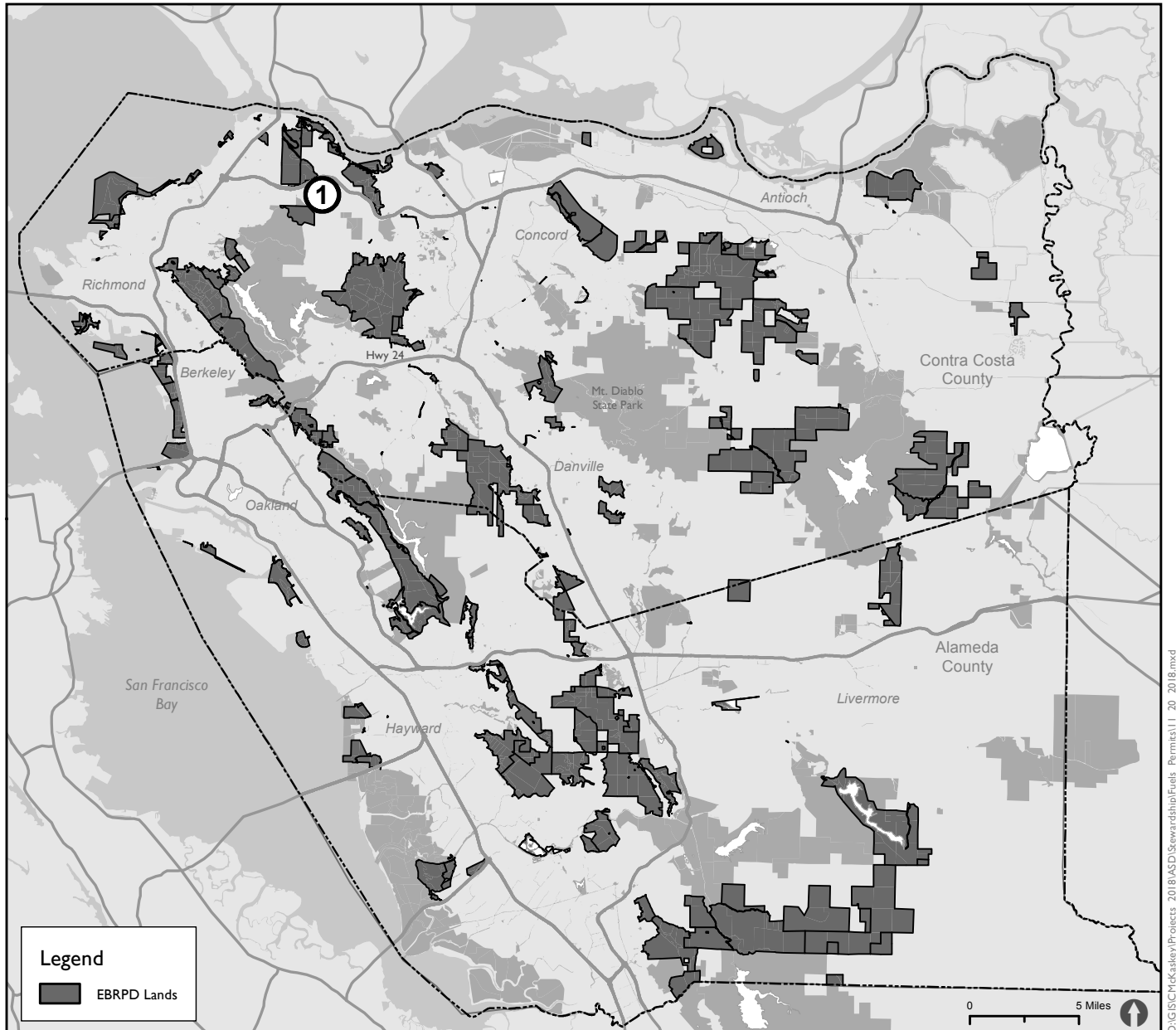
ABSENT:



AUTHORIZATION TO NEGOTIATE

Acquisition, Stewardship &
Development Division

Date: November 20, 2018



CONTRA COSTA COUNTY

①

Park/Trail: Rancho Pinole Regional Preserve
Owner: Awenius Family Limited Partnership; Clive A. McAllister, et al.
APN: 362-060-007; 362-060-014; 362-060-016
Location: Franklin Canyon Road, Martinez

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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- d. Authorization to Extend the Existing Memorandum of Agreement for Water Quality Analysis with the East Bay Municipal Utility District:
District-wide (Tuden/Graul)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize an extension of the existing Memorandum of Agreement (MOA) with the East Bay Regional Park District (Park District) and the East Bay Municipal Utility District (EBMUD) for water quality analyses of the Park District's water resources as necessary for a five (5) year period, with an option to extend for an additional five (5) year term.

REVENUE/COST

This action will authorize an annual cost not to exceed \$250,000 for laboratory services with EBMUD. This MOU Extension increases the annual amount from \$150,000 to \$250,000 from 2018 through 2022. Funding for this increase is available within the existing operating budget of the Stewardship Department's Water Management Unit (101-7482-000-6191).

BACKGROUND

The Park District has developed a comprehensive water quality monitoring program to ensure regulatory compliance and protect public health and safety as specified by various regulatory authorities (i.e. California State Department of Health Services, Regional Water Quality Control Board, Alameda County Department of Environmental Health, Contra Costa County Department of Environmental Health, etc.). The use of a contract laboratory for water quality analyses is necessary because:

1. Regulatory authorities require routine monitoring of the Park District's drinking, recreational, waste and surface water resources; and
2. Regulatory authorities require water quality analyses to be conducted by laboratories with appropriate certification; and

3. The Park District's "in-house" laboratory is not state certified, nor could it handle the volume of required water quality analyses.

EBMUD has an appropriately certified laboratory that has consistently provided excellent services to the Park District at a reasonable cost since 2001. In preparation for this extension, the Park District has again reviewed options and determined that in terms of pricing, reliability and responsiveness, EBMUD is the superior provider. On March 2, 2010, the Board of Directors authorized an annual spending limit of \$150,000 for a five-year period, with an option for the General Manager to extend the term for an additional five years (Resolution No. 2010-3-064). On June 8, 2015, the General Manager utilized the option to extend the authorization for expenditure of \$150,000 for annual laboratory services with EBMUD through 2020.

Due to the growing need for water quality monitoring including: monitoring associated with cyanobacteria remediation at Lake Temescal and Lake Anza, sampling of sanitary sewer overflows, monitoring at Tilden Golf Course, and storm water compliance at the corporation yards and former industrial sites, the Park District is exceeding its annual spending amount.

In 2017, laboratory services exceeded the annual budget by \$37,000, and in 2018, costs are projected to exceed the annual spending limit by \$100,000. The increasing laboratory costs are primarily due to the increased monitoring for harmful algal blooms including: watershed-wide nutrient monitoring to determine the predominant source of nutrients; monitoring for multiple parameters pre- and post- treatment with a coagulant, as required by Regional Water Quality Control Board, and baseline monitoring at Lake Temescal and Lake Anza to evaluate treatment options and effectiveness. The cost of the agreement will be modified annually to reflect the cost adjustments and service modifications as agreed by the parties.

ALTERNATIVES

EBMUD lab services is the most cost-effective option for the Park District. In addition, due to its convenient location, responsiveness and flexibility in accepting samples, Park District staff rely heavily on EBMUD services. The U.S. Environmental Protection Agency laboratory in Richmond, California, is slated for closure and the only other laboratory options are private labs, which tend to be more expensive and restrictive.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 11 –

November 20, 2018

AUTHORIZATION TO EXTEND THE EXISTING MEMORANDUM OF AGREEMENT
FOR WATER QUALITY ANALYSIS WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT:
DISTRICT-WIDE

WHEREAS, the East Bay Regional Park District (Park District) is responsible for monitoring the quality of its water resources to comply with standards and regulations set forth by federal, state and local regulatory authorities to ensure public health; and

WHEREAS, the Park District has developed a comprehensive water quality monitoring program in order to ensure regulatory compliance; and

WHEREAS, the East Bay Municipal Utility District (EBMUD) has been identified as the contract laboratory that provides excellent analytical services at a reasonable cost to the Park District since 2001; and

WHEREAS, by Resolution No. 2010-3-064, the Board of Directors authorized an extension of existing water quality analytical services with EBMUD up to \$150,000 per year, and extended the agreement through 2015 with the option to extend an additional five years, which was exercised by the General Manager on June 8, 2015; and

WHEREAS the Park District's increased need for water quality monitoring, especially remediation of and monitoring for harmful algal blooms, requires a corresponding increase in laboratory services; and

WHEREAS, the additional laboratory costs can be paid out of existing operating funds within the Stewardship Department;

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes the General Manager to extend the existing Memorandum of Agreement with the East Bay Municipal Utility District to provide laboratory services associated with the Park District's water quality monitoring program for a five (5) year period from 2018 to 2022 for a sum not to exceed \$250,000 per year, with an option to extend it for up to one five-year period at the General Manager's discretion. The cost of the agreement will be modified annually to reflect the cost adjustments and service modifications as agreed by the parties. The funding for this agreement shall come from the Stewardship Department's existing operating budget (101-7482-000-6191-Water Management Unit/Professional Services); and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- e. Authorization to Execute a Contract with Go Native, Inc. to Provide
Habitat Restoration and Vegetation Management Services for Albany Beach
Restoration and Public Access Project: McLaughlin Eastshore State Park_
(Barton/Graul)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize a contract with Go Native, Inc. to provide habitat restoration and vegetation management services at Albany Beach at McLaughlin Eastshore State Park through December 2020.

REVENUE/COST

The proposed contract amount is \$82,000 for two years. Funding is available in the Restore Albany Beach Project budget as shown below.

SOURCE OF FUNDS

Restore Albany Beach Project (#571500)	\$ 7,447,415
Encumbrances and Expenditures to Date	<u>(7,269,126)</u>
AVAILABLE BALANCE	\$ 178,289

USE OF FUNDS

Contract with Go Native, Inc.	<u>\$ 82,000</u>
REMAINING BALANCE	\$ 96,289

BACKGROUND

McLaughlin Eastshore State Park is located in western Alameda and Contra Costa counties and consists of approximately 1,800 acres of uplands, wetlands, and subtidal areas along an 8.5-mile shoreline that stretches between the City of Oakland to the south and the City of Richmond to the north. It is jointly owned by the State of California Department of Parks and Recreation (DPR) and the East Bay Regional Park District (Park District). The Park District manages and operates the park through an agreement with the DPR.

McLaughlin Eastshore State Park includes dunes and associated native vegetation that are extremely rare resources along the East San Francisco Bay Shoreline. Expanding and restoring the dunes will provide park visitors a unique glimpse into what dune ecosystems once looked like at the margins of the San Francisco Bay.

Habitat restoration and vegetation management services are proposed to be provided within the restored and expanded dune and wetland areas of Phase 2 of the Albany Beach Restoration and Public Access Project (Project) currently under construction. The Project requires vegetation management work beyond the scope of day-to-day park maintenance. Establishing dune and wetland vegetation will require frequent visits, as well as personnel with expertise in native plant establishment in dune and wetland environments to perform the work.

A sole source approval form was authorized for Go Native, Inc. by Park District Counsel on August 27, 2018, for habitat restoration and vegetation management services at Albany Beach at McLaughlin Eastshore State Park. Go Native, Inc. (as a subcontractor to Questa Engineering Corporation) is part of the team that designed the dune and wetland restoration area. As such, Go Native, Inc. has specific knowledge of site conditions and expertise in establishing native dune habitat, and will help the Project meet establishment goals and long-term restoration success.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 -11-

November 20, 2018

AUTHORIZATION TO EXECUTE A CONTRACT WITH GO NATIVE, INC. TO PROVIDE
HABITAT RESTORATION AND VEGETATION MANAGEMENT SERVICES FOR ALBANY
BEACH RESTORATION AND PUBLIC ACCESS PROJECT:
MCLAUGHLIN EASTSHORE STATE PARK

WHEREAS, the East Bay Regional Park District (Park District) desires to complete the Restoration and Public Access Project (Project) at Albany Beach at McLaughlin Eastshore State Park; and

WHEREAS, habitat restoration and vegetation management services are needed for successful establishment and long-term success of restored and enhanced habitats; and

WHEREAS, the Project will require frequent visits from personnel with expertise in native plant establishment in dune and wetland environments to perform the work; and

WHEREAS, Go Native, Inc. is a part of the team (as a subcontractor to Questa Engineering Corporation) that designed the dune and wetland restoration area of the Project at Albany Beach; and

WHEREAS, based on their demonstrated expertise, high quality work, and familiarity with the site, a sole source approval form for Go Native, Inc. to conduct habitat restoration and vegetation management services was authorized by Park District Counsel on August 27, 2018; and

WHEREAS, the Park District has negotiated a contract with Go Native, Inc. for two years (2018-2020) and a total fee of \$82,000; and

WHEREAS, funds are available for the contract in the Restore Albany Beach Project (#571500) budget;

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes the General Manager to approve a contract with Go Native, Inc. in the amount of \$82,000; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and
adopted this 20th day of November, 2018 by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:



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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- f. Authorization to Apply for Grant Funds from the California Department of Fish and Wildlife for Creek Restoration: Sibley Volcanic Regional Preserve _____ (Margulici/Graul/Auker)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize an application for grant funds from the California Department of Fish and Wildlife Proposition I and Proposition 68 Grant Opportunities for restoration of Alder Creek in the McCosker area of Sibley Volcanic Regional Preserve.

REVENUE/COST

This action proposes approval of a grant application of approximately \$850,000. Once completed, this project will increase the ongoing operational cost of the Park District. Grant funds would be budgeted in existing project #150800 (Restore McCosker Creek).

BACKGROUND

The California Department of Fish and Wildlife (CDFW) has announced funding opportunities for multi-benefit ecosystem restoration and protection projects under both Proposition I and Proposition 68.

The restoration of Alder Creek and surrounding riparian habitat in the McCosker area of Sibley meets the eligibility criteria of this grant program. The project would restore a section of Alder Creek in the McCosker area of Sibley Volcanic Regional Preserve in the upper San Leandro Creek sub watershed. The section of creek is currently in failing, underground culverts that have resulted in sink holes on the property. The proposed habitat restoration project would daylight the creek, restore its banks and provide for safe public access.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 11 -

November 20, 2018

AUTHORIZATION TO APPLY FOR GRANT FUNDS FROM THE CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE FOR CREEK RESTORATION:
SIBLEY VOLCANIC REGIONAL PRESERVE

WHEREAS, the East Bay Regional Park District is seeking funding from the California Department of Fish and Wildlife Proposition I and Proposition 68 Grant Opportunities; and

WHEREAS, the California Department of Fish and Wildlife has been delegated the responsibility of project administration; and

WHEREAS, Park District procedures require Board Approval for all grant applications; and

WHEREAS, said application contains assurances and certifications that the applicant must comply with in order to enter into an agreement with the California Department of Fish and Wildlife;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby

1. Approves the filing of an application with the California Department of Fish and Wildlife up to the maximum amount allowed under the program; and
2. Certifies that Grantee understands the assurances and certification in the application form; and
3. Certifies that Grantee has or will have sufficient funds to operate and maintain the project; and
4. Authorizes and directs the General Manager or Assistant General Manager of Finance and Management Services\CFO, on behalf of the District and in its name, to accept grant funds and execute and deliver such documents including, but not limited to applications, agreements, payment requests and amendments and to do such acts as may be deemed or appropriate to accomplish the intentions of this resolution; and

BE IT FURTHER RESOLVED, that the Assistant General Manager of Finance and Management Services\CFO or Budget Manager is hereby authorized to amend the current year's budget, without further Board action, upon receipt of the executed contract from the Grants Manager. The budget amendment will include an increase in budgeted revenue and a corresponding increase in appropriation for the amount stipulated in the contract.

Moved by Director _____, seconded by Director _____, and
approved this 20th day of November, 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- g. Authorization to Apply for Grant Funds from the California Department of Boating and Waterways Surrendered and Abandoned Vessel Exchange Program for Derelict Boat Removal: District-wide
(Margulici/Ferrario/Auker)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize a grant application to the California Department of Boating and Waterways (DBW) Surrendered and Abandoned Vessel Exchange (SAVE) for grant funds to remove derelict boats District-wide.

REVENUE/COST

This action proposes approval of grant applications of approximately \$75,000 to DBW. This grant has a 10% matching funds requirement, which are available in the Legal Division account 101-2160-000-6642. Grant funds would be budgeted in a new Other Than Asset (OTA) project account (Remove Abandoned Boats) per the attached budget change form. This project will not increase the operational cost to the District.

BACKGROUND

The Park District manages 55 miles of shoreline in Alameda and Contra Costa counties. Derelict and abandoned vessels create challenges for navigation, safe public access and may often contain pollutants that negatively impact water quality. The Park District's Public Safety Division has citation authority to remove abandoned vessels.

The DBW Surrendered and Abandoned Vessel Exchange (SAVE) grants are awarded on a competitive basis to agencies who have citation authority for boat removal. The grants are designed to remove, reduce and prevent abandoned recreational vessels and marine debris. The amount of grant funding for each applicant is based on estimated costs to remove abandoned boats based on historical cost information. The Park District has spent an average of over

\$150,000/year in the past two years cleaning up both recreational and commercial vessels along Park District shorelines. However, only recreational vessels are eligible for clean-up under the SAVE grant, therefore it is recommended to apply for \$75,000 to ensure the grant funds would be spent in a timely fashion. Grants must be spent within two years of grant award.

ALTERNATIVES

No alternatives are recommended

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 11 -

November 20, 2018

AUTHORIZATION TO APPLY FOR GRANT FUNDS FROM THE CALIFORNIA
DEPARTMENT OF BOATING AND WATERWAYS SURRENDERED AND ABANDONED
VESSEL EXCHANGE PROGRAM TO REMOVE DERELICT BOATS:
DISTRICT-WIDE

WHEREAS, the East Bay Regional Park District manages 55 miles of shoreline parks and is responsible for the removal and disposal of abandoned or derelict vessels on Park District shorelines; and

WHEREAS, the East Bay Regional Park District is seeking grant funds from the Division of Boating and Waterways Surrendered and Abandoned Vessel Exchange (SAVE) Program; and

WHEREAS, the East Bay Regional Park District's Public Safety Division has the required citation authority to apply to the SAVE Program; and

WHEREAS, the required 10% matching funds for the grant is available in the Legal Division account 101-2160-000-6642; and

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District, by adoption of this Resolution, hereby:

1. Authorizes that an application be made to the State of California, Department of Parks and Recreation, Division of Boating and Waterways for funding pursuant and subject to all of the terms and provisions of the Surrendered and Abandoned Vessels (SAVE) program; and
2. Approves the filing of an application of up to the maximum amount allowable under the grant to the California Department of Boating & Waterways for removal of derelict boats District-wide; and
3. Appoints the General Manager or the Assistant General Manager of Finance and Management Services/CFO as agent of East Bay Regional Park District to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreement, amendments, billing statements and to do such acts as may be deemed or appropriate to accomplish the intentions of this resolution; and

BE IT FURTHER RESOLVED, that the Assistant General Manager of Finance and Management Services/CFO or Budget Manager is hereby authorized to amend the current year's budget, without further Board action, upon receipt of the executed grant contract from the

Grants Manager. The budget amendment will include an increase in budgeted revenue and a corresponding increase in appropriation for the amount stipulated in the grant contract.

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November 2018, by the following vote,

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- h. Authorization to Apply to the California Department of Forestry and Fire Protection for Fuels Management Grants: East Bay Hills
(Margulici/Theile/Auker)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize grant applications to the California Department of Forestry and Fire Protection (Calfire) for Fuels Management in the East Bay Hills.

REVENUE/COST

This action proposes approval of a grant application of approximately \$800,000 for fuels management. No matching funds are required by the grant. These hazardous fuels management projects would increase future operational costs of the Park District related to annual maintenance in the project areas.

BACKGROUND

Calfire is making funds available through its competitive California Climate Investments (CCI) Fire Prevention Grant program. Through the Fire Prevention Grant Program, CAL FIRE aims to reduce the risk of wildland fires to habitable structures and communities, while maximizing carbon sequestration in healthy wildland habitat and minimizing the uncontrolled release of emissions emitted by wildfires.

Fire Prevention Grants will provide funding and activities that address the risk of wildfire potential to surrounding communities. In support of the Park District's Wildfire Hazard Reduction and Resource Management Plan, staff proposes to submit a grant application for a variety of fuels management projects. Projects would be largely focused on areas also funded by the Federal Emergency Management Agency (FEMA) grants although may be used in other areas as well.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 11 -

November 20, 2018

AUTHORIZATION TO APPLY TO THE CALIFORNIA DEPARTMENT OF FORESTRY
AND FIRE PROTECTION FOR FUELS MANAGEMENT GRANTS: EAST BAY HILLS

WHEREAS, the California Department of Forestry and Fire Protection (Calfire) is offering grants through the California Climate Investments Fire Prevention Grants; and

WHEREAS, the Calfire Fire Prevention Grants fund projects that are aimed at addressing the risk of wildfire potential on surrounding communities; and

WHEREAS, staff proposes to submit a grant application for a variety of fuels management projects in support of the Park District's Fuels Management Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes the submittal of a grant application of approximately \$800,000 in funding to the Calfire grant program;

BE IT FURTHER RESOLVED that the General Manager or Assistant General Manager of Finance and Management Services/CFO be authorized, as an agent of the District, to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, receive grant funds, amendments, payment requests, and compliance with all applicable current state and federal laws and perform such acts which may be deemed necessary for the completion of the aforementioned project; and

BE IT FURTHER RESOLVED, that the Assistant General Manager of Finance and Management Services/CFO or Budget Manager is hereby authorized to amend the current year's budget, without further Board action, upon receipt of the executed contract from the Grants Manager. The budget amendment will include an increase in budgeted revenue and a corresponding increase in appropriation for the amount stipulated in the contract.

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November, 2018, by the following vote,

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- i. Authorization to Appropriate Funds and Apply for Federal Grant from the Bureau of Reclamation for Park Improvements: Contra Loma Regional Park
(Margulici/Goorjian/Auker)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize the appropriation of Major Infrastructure Renovation and Replacement Funds and a grant application to the U.S. Bureau of Reclamation for park improvements including replacement of the fishing dock on the west shore of the reservoir at Contra Loma Regional Park.

REVENUE/COST

This action proposes the appropriation of \$137,500 as matching funds from the Park District's Major Infrastructure Renovation and Replacement Fund 553 and a grant application of approximately \$137,500 to rehabilitate existing facilities Contra Loma including replacement of the fishing dock on the west shore. The grant requires a 50/50 match. Funds will be budgeted in existing project #526600 (Improve Facilities) per the attached Budget Change Form. This project will not increase the operational cost of the District.

BACKGROUND

Having operated Contra Loma Regional Park for the U.S. Bureau of Reclamation (BOR) since 1972, the Park District has a long-standing relationship with BOR. Under the terms of our agreement, the BOR is authorized to share the cost of development or rehabilitation of recreational facilities in the park on a 50/50 basis.

The project will rehabilitate existing facilities at Contra Loma Reservoir resulting in an improved visitor experience at this popular recreation park. Improvements will include replacement of the west shore fishing dock (See location #1 on attached Figure 1). BOR has completed environmental review under the National Environmental Policy Act (NEPA) for these improvements. BOR has also funded replacement of the fishing dock at the boat launch area, which was completed in 2018. Additionally, BOR has committed funding to replace the Channel Point ADA Dock on the south shore in a separate grant.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 11 -

November 20, 2018

AUTHORIZATION TO APPROPRIATE FUNDS AND APPLY FOR FEDERAL GRANT
FROM THE BUREAU OF RECLAMATION FOR PARK IMPROVEMENTS:
CONTRA LOMA REGIONAL PARK

WHEREAS, the East Bay Regional Park District has operated Contra Loma Regional Park for the US Bureau of Reclamation (BOR) since 1972; and

WHEREAS, the Park District is seeking funds to improve existing facilities at Contra Loma Park including replacement of the west shore fishing dock; and

WHEREAS, per the terms of our agreement, the BOR is authorized to share the cost of development on a 50/50 basis; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes the transfer and appropriation of \$137,500 from the Major Infrastructure Renovation and Replace Fund 553 to a new project as match, per the Budget Change Form attached hereto; and

BE IT FURTHER RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes the submittal of a grant application to the US Bureau of Reclamation for park improvements at Contra Loma Regional Park; and

BE IT FURTHER RESOLVED, that the General Manager or Assistant General Manager of Finance and Management Services\CFO be authorized, as an agent of the District, to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, receive grant funds, amendments, payment requests, and compliance with all applicable current state and federal laws and perform such acts which may be deemed necessary for the completion of the aforementioned project; and

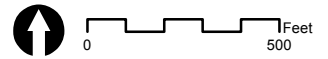
BE IT FURTHER RESOLVED, that the Assistant General Manager of Finance and Management Services\CFO or Budget Manager is hereby authorized to amend the current year's budget, without further Board action, upon receipt of the executed contract from the Grants Manager. The budget amendment will include an increase in budgeted revenue and a corresponding increase in appropriation for the amount stipulated in the contract.

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November, 2018, by the following vote,

FOR
AGAINST:
ABSTAIN:
ABSENT:

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FIGURE 1
REPLACEMENT OF FISHING DOCKS AND RESTROOMS
CONTRA LOMA REGIONAL PARK
Antioch, Contra Costa County, CA



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**EAST BAY REGIONAL PARK DISTRICT
BUDGET CHANGE FORM**

NEW APPROPRIATIONS		BUDGET TRANSFERS	
X	New Appropriations	X	Between Funds
	From New Revenues		Between Projects
DECREASE BUDGET ACCOUNT	AMOUNT	INCREASE BUDGET ACCOUNT	AMOUNT
		Account Name: Other Than Asset Fund- Design Department-Contra Loma- Improve Facilities Project-MIRR Funds- Design/Outside Charges Account: 336-7120-260-6191/ 526600 MIRR-006	\$ 137,500
TRANSFERS BETWEEN FUNDS			
Account Name: TRANSFER OUT: Major Infrastructure Renovation and Replacement Fund-Non Departmental- District Wide-Transfer Out 553-9110-000-9980	\$ 137,500	Account Name: TRANSFER IN: Other Than Asset Fund-Non Departmental- District Wide-Transfer In 336-9110-000-3980	\$ 137,500
As being presented at the Board of Directors meeting on November 20, 2018 the General Manager recommends that the Board of Directors approve the appropriating MIRR Funds to augment project #526600 as matching funds required by the grant from Bureau of Reclamation for Park Improvements.			
As approved at the Board of Directors Meeting on date:			11/20/2018
Board of Directors Resolution Number:			2018-11-
Posted By:		Posted date:	
Signature:			

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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- j. Approval of a Successor Memorandum of Understanding (MOU) Between the District and the Police Association for a Four-Year Term with Effective Dates October 1, 2018 to September 30, 2022 and Authorize Appropriations Consistent with the MOU (Walsh/Alvarez)

RECOMMENDATION

The General Manager recommends the Board of Directors authorize adjustments to the wage and benefits of its employees represented by the Police Association for the length of a four-year contract from October 1, 2018 to September 30, 2022 noted below.

REVENUE/COST

As a result of this action, the projected increase to the Park District's 2018 base budget for wages and benefits is estimated to be approximately \$400,000. The exact amount will be calculated and, if the amount cannot be funded within the adopted 2018 Annual Budget, a separate action seeing an appropriation of funds and change to the 2018 budget will be brought to the Board at a future meeting.

This action will also increase the Park District's expenses for wages and benefits for each year covered by the successor Memorandum of Understanding, including but not limited to costs associated with increases in wages and known and projected increased costs associated with health and pension benefits. The estimated increase costs for future years will be approximately \$1.8 million in 2019, \$2.7 million in 2020, \$3.5 million in 2021, and \$3.0 million in 2022. The annual budgets for these years will include these costs beginning with the 2019 Proposed Budget.

The exact 2019 and further costs for this action, including future wage adjustments and the increased cost of salary-related benefits will be determined by the Finance Department and the updated amounts will be included in the 2019 and subsequent Annual Budgets for the Board's approval as part of the regular budget process.

BACKGROUND

The Park District and the Police Association have met and conferred in good faith on a successor MOU to the MOU that expired on September 30, 2018. The parties have reached agreement on

the terms of a new four-year agreement, through September 30, 2022 that already was ratified by the membership of the Police Association on November 6, 2018. The agreement reflects many months of work and discussion and represents a contract that will appropriately compensate Park District employees while remaining mindful of the Park District's current and future financial health, and the interests of the public. The key elements of the MOU agreement include the following terms:

Term: The contract term is four years; October 1, 2018 through September 30, 2022.

Wages:

- Effective the pay period including October 1, 2018, Sworn employees will receive a wage increase of 8.5% and Non-Sworn employees will receive an increase of 7.5%;
- Effective the pay period including October 1, 2019, Sworn employees will receive a wage increase of 3.75% and Non-Sworn employees will receive an increase of 3.0%;
- Effective the pay period including October 1, 2020, Sworn employees will receive a wage increase of 3.0% and Non-Sworn employees will receive an increase of 3.0%;
- Effective the pay period including October 1, 2021, Sworn employees will receive a wage increase of 3.0% and Non-Sworn employees will receive an increase of 3.0%.

Salary Schedule-New Step Added:

Effective the pay period including October 1, 2018, the District will establish a new top step salary rate for each classification equal to two and one-half percent (2.5%) above the current top step. Employees shall advance to the new top step salary rate after three (3) years in the current top step for the classification.

The District also agreed to language changes as noted in Attachment A-Summary of Provisions.

ALTERNATIVES

None are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 - 11 -

November 20, 2018

APPROVAL OF A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
THE DISTRICT AND THE POLICE ASSOCIATION FOR A FOUR-YEAR TERM WITH
EFFECTIVE DATES OCTOBER 1, 2018 TO SEPTEMBER 30, 2022 AND AUTHORIZE
APPROPRIATIONS CONSISTENT WITH THE MOU

WHEREAS, the East Bay Regional Park District Board of Directors establishes the wage and benefit structure for employees of the District; and

WHEREAS, the Park District has been in labor contract negotiations with employees represented by Police Association, since August 2018; and

WHEREAS, the General Manager recommends the Board of Directors authorize the appropriation of funds and adjustments to the wage and benefits of Police Association employees;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby directs that the wages and benefits of Police Association employees be modified as follows:

- Effective the pay period including October 1, 2018, Sworn employees will receive a wage increase of 8.5% and Non-Sworn employees will receive an increase of 7.5%;
- Effective the pay period including October 1, 2019, Sworn employees will receive a wage increase of 3.75% and Non-Sworn employees will receive an increase of 3.0%;
- Effective the pay period including October 1, 2020, Sworn employees will receive a wage increase of 3.0% and Non-Sworn employees will receive an increase of 3.0%;
- Effective the pay period including October 1, 2021, Sworn employees will receive a wage increase of 3.0% and Non-Sworn employees will receive an increase of 3.0%.
- Effective the pay period including October 1, 2018, the District will establish a new top step salary rate for each classification equal to two and one-half percent (2.5%) above the current top step. Employees shall advance to the new top step salary rate after three (3) years in the current top step for the classification.
- The District agreed to language changes as noted in Attachment A - Summary of Provisions.

BE IT FURTHER RESOLVED, that the Assistant General Manager of Finance and Management Services/CFO is hereby directed to reduce the Unassigned General Fund balance by the amount necessary to fund the 2018 cost of this action, to appropriate the funds and amend the District's Budget as necessary, and to report back to the Board the actual amount as determined to be necessary to fund the increased wage and benefit expenses; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and approved this 20th day of November, 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

**THE EAST BAY REGIONAL PARK DISTRICT
and
EAST BAY REGIONAL PARK DISTRICT POLICE ASSOCIATION**

SUMMARY OF PROVISIONS - 2018

This summarizes the changes to provisions in the Memorandum of Understanding between the East Bay Regional Park District and East Bay Regional Park District Police Association covering the period of **October 1, 2018 through September 30, 2022.**

1. **Term:** The contract term is four years; October 1, 2018 through September 30, 2022.
2. **Wages:**
Effective the pay period including October 1, 2018, Sworn 8.5% and Non-Sworn 7.5%;
Effective the pay period including October 1, 2019, Sworn 3.75% and Non-Sworn 3.0%;
Effective the pay period including October 1, 2020, Sworn 3.0% and Non-Sworn 3.0%;
Effective the pay period including October 1, 2021, Sworn 3.0% and Non-Sworn 3.0%.
3. **Appendix A – Salary Schedule:**
(10) Effective the pay period including October 1, 2018, the District will establish a new top step salary rate for each classification equal to two and one-half percent (2.5%) above the current top step. Employees shall advance to the new top step salary rate after three (3) years in the current top step for the classification.
(11) Effective following Board approval of this MOU, upon completion of the patrol Field Training Program, Police Officer/Helicopter Pilot(s) shall promptly advance to Step B1 of the Helicopter Pilot salary schedule (regardless of assignment).
4. **Article 2.6 Police Association** – Deletes, “Agency Shop” provisions; adds detailed list of deductions; adds that changes to an employee’s deductions are to be implemented in the pay period following notification from the union; clarifies indemnification clause; adds New Employee Orientation access by Association.
5. **Article 4.2 Job Classification** – Deletes MOU language that is already covered by Department policy.
6. **Article 6.1 Total Compensation Survey (D)** – New section: District and Association will meet to discuss appropriate survey agencies and elements of compensation for total compensation survey in advance of next MOU negotiations.

7. **Article 6.2 Work in a Higher Classification** – Amended to increase higher classification pay from ten dollars (\$10) per day to twenty dollars (\$20) per day if the employee works an eight (8) hour day and ten dollars (\$10) per day to twenty-five dollars (\$25) per day if the employee works a ten (10) hour day, (\$100 per week in either case).
8. **Article 6.6 POST Certification and Education Pay (A)** – Amended to restructure incentives: Association members receive incentive of 4.0% for an Intermediate POST certificate and 6.0% for Advanced POST; receive incentive of 1.5% for a Bachelor's Degree, 2.5% for a Master's Degree; incentives apply to sworn personnel and dispatchers. Members currently receiving higher premiums will continue to receive them. Maximum amount available under the section will be 8.5%.
9. **Article 6.6 Bilingual Premium (B)** – New section: Association members may receive a premium of \$100 per month if certified as fluent in Spanish or other language(s) designated by the Department as providing significant value to the Department and/or services to the community.
10. **Article 6.6 Crime Scene Investigator Premium (C)** – New section: When assigned by the Police Chief or designee and performing the duties of a Crime Scene Investigator, association members will receive a premium of \$25 per day.
11. **Article 6.8 Dog Handler Allowance** – Amended to address the cost and conditions if a Dog Handler wishes to purchase a retired canine.
12. **Article 7.2 Training Premium** – Amended language to provide greater operational clarity.
13. **Article 8.3 Uniforms** – Amended to increase the annual uniform allowance from \$1,100 per year to \$1,200 per year for sworn and from \$685 per year to \$735 per year for nonsworn; effective January 2019. Increases one-time Start-Up Allowance for Police Academy Graduates and Sworn Laterals to \$600 and for Non-Sworn to \$367.50.
14. **Article 9.1 Continued Employment (C)** – Amended language to clarify that oral reprimands are documented for record-keeping purposes.
15. **Article 9.2 Probation (D)** – Amended to clarify that the probationary period is extended by any period of extended leave or period in which the employee is in less than full duty status (e.g. light or modified duty).
16. **Article 10 Grievance** – Amended cost-sharing formula of grievance arbitration: parties share cost equally rather than District pay 60% and Association pay 40%.

17. **Article 11.1 Vacation Payout** – Amended to include language consistent with District practices and Internal Revenue Service requirements.
18. **Article 11.2 Holidays** – Amended to add language clarifying the procedures related to Thanksgiving/Christmas holiday scheduling.
19. **Article 11.3. Leaves** – Amended the section governing Parental Leave for clarity.
20. **Article 11.5 Sick Leave (D)** – Amended language for clarification on eligibility for emergency sick leave bank.
21. **Article 11.6 Job Injury Leave** – Amended language for greater procedural and operational clarity.
22. **Article 12.2 Retirement** – Amended to include agreement that District will amend its PERS contract to reflect sworn classic employee payment of 3.0% of the District's employer rate, provided it can be done at no cost to the District.
23. **Article 12.4 Health Plans** – Amended to include language consistent with District practices and Internal Revenue Service requirements; adds requirement that employees provide proof of coverage annually to receive in lieu payment.
24. **Article 12.7 Deferred Compensation** – Adds, "Me Too" clause for Police Association if District provides matching contributions to other represented and unrepresented employees; deletes obsolete language.
25. **Logos and Mission Statement** – Successor MOU will contain the logos of the Park District and the Police Association and the Mission Statement of the Park District.

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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- k. Authorization to Purchase One Refuse Truck from National Auto Fleet Group as an Addition to the Fleet (McCrystle/O'Connor)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize the purchase of one refuse truck from National Auto Fleet Group of Watsonville, California at a total cost of \$187,091.

REVENUE/COST

For the purpose of purchasing additional fleet equipment, funds have been allocated in the East Bay Regional Park District's (Park District) 2018 Budget, Coyote Hills Account 101-5141-265-7505 (Rolling Stock >\$25,000).

PROPOSED ENCUMBRANCE:

Base Price	\$ 166,458
Sales Tax	13,733
Freight	<u>6,900</u>
Proposed Total Encumbrance	\$ 187,091

BACKGROUND

This new refuse truck, an Isuzu cab/chassis outfitted with a Loadmaster 10-yard refuse body, will be an addition to the fleet assigned to Coyote Hills Regional Park for use at the future Dumbarton Quarry Campground by the Bay with funds authorized through the 2018 Mid-Year Budget Adjustments.

This new refuse truck is available for purchase directly from National Auto Fleet Group by means of Sourcewell Contract #081716-NAF. The pricing is the result of a competitive bid process and open to all state governmental entities and educational institutions. Public agencies electing to use this method of vehicle acquisition avoid the administrative costs of seeking formal bids. The

refuse truck will be fueled by non-petroleum based Renewable Diesel (RD-99), which is derived from natural fats, oils, and greases, and purchased via State Bid Contract.

ALTERNATIVES

For this purchase, staff has determined that there is no significant advantage in formally seeking other bids; therefore, no alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 - 11 -

November 20, 2018

AUTHORIZATION TO PURCHASE ONE REFUSE TRUCK FROM NATIONAL AUTO FLEET
GROUP AS AN ADDITION TO THE FLEET

WHEREAS, the East Bay Regional Park District (Park District) has included funding in the amended 2018 Budget for the purchase of new rolling stock for Coyote Hills; and

WHEREAS, the Park District has the need to purchase one new refuse truck as an addition to the fleet assigned to Coyote Hills in the development of the future Dumbarton Quarry Campground by the Bay; and

WHEREAS, National Auto Fleet Group of Watsonville, California is a recognized vendor offering suitable equipment based on the results of competitively bid pricing through the Sourcewell Contract #081716-NAF;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorize the purchase of one refuse truck for a total cost of \$187,091, with said sum to be encumbered from the 2018 Budget, Coyote Hills Account 101-5141-265-7505 (Rolling Stock >\$25,000); and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November, 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- L. Authorization to Purchase Two Ford Passenger Vans from Wondries Fleet Group for Vehicle Replacement and an Addition to the Fleet
(McCrystle/O'Connor)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize the purchase of two Ford passenger vans from Wondries Fleet Group of Alhambra, California at a total cost of \$76,457.

REVENUE/COST

For the purpose of purchasing replacement and additional fleet vehicles, funds have been allocated in the East Bay Regional Park District's (Park District) 2018 Budget, Fleet Replacement Account 101-5933-000-7505 (Rolling Stock >\$25,000) and Recreation Program Outreach Project Account 336-5221-000-7505-572500-321 (Rolling Stock >\$25,000).

PROPOSED ENCUMBRANCE 101-5933-000-7505:

Base Price	\$	37,351
CA Tire Fee & Delivery		679
Sales Tax		<u>3,081</u>
Proposed Encumbrance	\$	41,111

PROPOSED ENCUMBRANCE 336-5221-000-7505-572500-321:

Base Price	\$	32,025
CA Tire Fee & Delivery		679
Sales Tax		<u>2,642</u>
Proposed Encumbrance	\$	35,346

TOTAL ENCUMBRANCE:

Base Price	\$	69,376
CA Tire Fee & Delivery		1,358
Sales Tax		<u>5,723</u>
Proposed Total Encumbrance	\$	76,457

BACKGROUND

One Renewable Diesel (RD-99)-powered Ford 15 passenger van will replace a Liquid Propane Gas (LPG)-powered Ford 15 passenger van assigned to Point Pinole Regional Shoreline. This LPG-powered van, originally built with a gasoline powered engine, was converted to LPG by the Roush CleanTech Company and has been problematic since conversion, causing the vehicle to be continuously out of service for weeks at a time waiting for repair at local dealers. Because LPG vehicle fuel systems operate under high pressure, they require specialized training and tools to service and repair them. Shop staff has relied on local Ford dealers for these services who often must refer to the LPG system manufacturer, Roush, for support, further extending the time the vehicles are out of service.

As of 2015 Roush has stopped selling LPG-converted vehicles in California due to the lengthy California Air Resource Board (CARB) approval process, further reducing local dealer support. The closest dealer that will now work on the Roush LPG system is in Stockton, California making it difficult, time consuming, and expensive to transport back and forth. The RD-99 powered Ford 15 passenger van is being recommended as a replacement to continue with the alternative-fueled vehicle and equipment project at this location. The diesel fuel that the Park District is currently using is non-petroleum based Renewable Diesel (RD-99) purchased via State Bid Contract.

The second vehicle, a Ford 12 passenger van, will be an addition to the fleet assigned to the Interpretation and Recreation Services Department and it will be housed at the Tidewater Boating Center. Due to the Tidewater location, there is no nearby Park District fueling station to provide RD-99 fuel. As a result, this vehicle will be a conventional fuel vehicle.

These new vehicles are available for purchase directly from Wondries Fleet Group by means of contract pricing established by the State of California, General Services Procurement Division, Contract #1-18-23-23E. The pricing is the result of a competitive bid process and open to all state governmental entities and educational institutions. Public agencies electing to use this method of vehicle acquisition avoid the administrative costs of seeking formal bids.

ALTERNATIVES

For this purchase, staff has determined that there is no significant advantage in formally seeking other bids; therefore, no alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 - 11 -

November 20, 2018

AUTHORIZATION TO PURCHASE TWO FORD PASSENGER VANS FROM WONDRIES
FLEET GROUP FOR VEHICLE REPLACEMENT AND AN ADDITION TO THE FLEET

WHEREAS, the East bay Regional Park District (Park District) has included funding in its 2018 Budget for the purchase of new rolling stock; and

WHEREAS, the Park District has the need to replace one vehicle for Point Pinole Regional Shoreline which is being retired due to age, high mileage, and declining condition; and

WHEREAS, the Park District has the need to purchase one new vehicle as an addition to the fleet assigned to the Interpretation and Recreation Services Department; and

WHEREAS, Wondries Fleet Group of Alhambra, California is a recognized vendor offering suitable vehicles based on the results of competitively bid pricing through the State of California, General Services Procurement Division, Contract #1-18-23-23E;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorize the purchase of two Ford passenger vans for a total cost of \$76,457, with said sum to be encumbered from the 2018 Budget, \$41,111 from Fleet Replacement Account 101-5933-000-7505 (Rolling Stock >\$25,000) and \$35,346 from Recreation Program Outreach Project Account 336-5221-000-7505-572500-321 (Rolling Stock >\$25,000); and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November, 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- m. Authorization to Execute a Professional Services Contract with Accruent, LLC for Computerized Maintenance Management Software: District-wide
(Barrington/O'Connor)

RECOMMENDATION

The General Manager recommends that the Board of Directors execute a contract with Accruent, LLC of Austin, Texas for a Computerized Maintenance Management Software (CMMS) to replace the existing work order system for a five-year term, with the option of a two-year extension.

REVENUE/COST

The total cost of this action for purchase, installation, training and annual support of a new work order system for the Operations Division is \$210,554 over five years. Funds are available in capital project account #156300 for the proposed purchase.

SOURCE OF FUNDS

Purchase Work Order System (#156300)	<u>\$250,000</u>
TOTAL AVAILABLE	\$250,000

USE OF FUNDS

Year One Contract (Software, Training, Migration, Interfacing)	(\$80,192)
4 -year Support Costs	(\$110,314)
Other Costs	<u>(\$20,048)</u>
REMAINING	\$39,446

BACKGROUND

CMMS stands for Computerized Maintenance Management System (or Software) which maintains a computer database of information about an organization's maintenance operations designed to simplify maintenance management. The existing work order system, Cartegraph, no

longer meets the Park District's demands for efficient work order generation, execution, and analysis and is at the end of its useful life. Staff first began work on replacement of the existing work order system in 2017, exploring existing software options on the market and defining the needs and capabilities desired in a replacement system. Key considerations for a new work order system include, but are not limited to: improving the efficiency of project planning and completion, integration with existing Park District software, simplicity of use, improved work order management and tracking, budget forecasting tools, specialized report writing functions, expandability, mapping and improved mobile functionality and accessibility. It is the desire of the Operations Division to be more data-driven to improve financial forecasting, labor utilization, and asset management.

A request for proposal (RFP) was issued in Spring 2018 and four vendors submitted proposals: Cartegraph, Dude Solutions, Accruent, and Maintstar. An internal vetting team, comprised of multi-departmental Park District staff, interviewed all four vendors and aided in the selection of a vendor. Ultimately, the team selected the Famis® software suite from Accruent. The vendor was selected due to their system's mapping functionality, integration with existing software, mobile accessibility, advanced reporting and analytical capability, and price.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 - 11 -

November 20, 2018

AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES CONTRACT
WITH ACCRUENT, LLC FOR COMPUTERIZED MAINTENANCE MANAGEMENT
SOFTWARE: DISTRICT-WIDE

WHEREAS, the East Bay Regional Park District's (Park District) existing Cartegraph Software system has become obsolescent and does not provide the necessary data, analytics, or optimal functionality of an up to date work order system; and

WHEREAS, \$250,000 had been budgeted toward the procurement of a new Computerized Maintenance Management Software (CMMS) in the 2017 budget within 553-5910-000-6443 (MIRR – Support Contracts); and

WHEREAS, the Board of Directors of the East Bay Regional Park District authorized funds to be transferred into Project #156300 (Purchase Work Order Staff) per Resolution #2017-11-309; and

WHEREAS, staff issued a request for proposals (RFP) to seek a qualified vendor and received proposals from four vendors; and

WHEREAS, staff reviewed all four proposals and recommends the selection of Accruent, LLC's software Famis® as the new CMMS system;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes executing a contract with Accruent LLC., for a five-year term and an option for a two-year extension, for the total sum of \$210,554, comprised of a first year cost of \$80,192 for software, data migration, implementation and training, \$110,314 for five-year support costs increasing at a rate of 3 percent per year, and \$20,048 for other costs, such as additional module add-ons; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November, 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- a. Authorize the Certification of the Environmental Impact Report for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment; Adoption of the Mitigation, Monitoring, and Reporting Program; Adoption of the Findings Report; and Approval of the Land Use Plan Amendment: Robert Sibley Volcanic Regional Preserve (Holt/Graul)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize:

1. Certification of the Environmental Impact Report (EIR) for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment; and
2. Adoption of the Mitigation, Monitoring, and Reporting Program (MMRP); and
3. Adoption of the Findings Report; and
4. Approval of the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment (LUPA or project).

REVENUE/COST

There are minor filing fees associated with filing the EIR. There are no other direct costs related to the proposed actions. Funding for future implementation of the LUPA recommendations will be considered through the regular Park District budget procedures, taking into account over \$4.4 million in outside funding that has already been secured for stream restoration and associated public improvements. This funding includes approximately \$2.2 million from Caltrans and over \$400,000 in developer fees, along with \$500,000 from the River Parkways Grant Program, \$500,000 from the California Conservancy Proposition I and \$750,000 from the Urban Rivers Proposition I Grant. Park District funding sources will include Measure WW and Measure CC funding. With adoption of this LUPA and EIR, Park District staff will continue to actively seek additional outside funding, which may include additional Proposition I or restoration grants.

BACKGROUND

The Robert Sibley Volcanic Preserve is one of the oldest parks in the East Bay Regional Park District system. Established in 1936 with the formation of the Park District, this centrally located

park offers popular hiking trails and expansive views of the ancient Round Top volcano complex. Since 1936, multiple acquisitions have expanded Sibley northeast towards the City of Orinda and adjoining EBMUD watershed lands creating a permanent wildlife corridor crossing over the Caldecott Tunnel.

The proposed LUPA would further expand Sibley by adding another 639 acres to the Preserve, nearly doubling the parkland and protected habitat and adding opportunities for important trail connections. The areas to be added include the 389-acre Western Hills Open Space, expected to be dedicated to the Park District in 2019, and the 250-acre former McCosker family ranch property which was donated to the Park District in 2010. With the addition of these areas, the Preserve will straddle the East Bay Hills, placing it in the unique position to readily serve Park District visitors residing in the urban areas on the east and west side of these hills, as well as the unincorporated community of Canyon.

LAND USE PLAN AMENDMENT

The LUPA updates the 1985 Land Use Development Plan (LUDP) and provides a formal planning review of public access, recreation facility development, and the protection and enhancement of site resources. The LUPA describes the existing conditions in the 1,318-acre project area and provides recommendations for future improvements. Project recommendations include two main components: (1) creek restoration and enhancement; and (2) recreation and public access improvements.

It is anticipated that implementation of the LUPA would occur over a period of years. Adoption of the LUPA does not constitute a commitment of funds nor guarantee that all elements of the LUPA will be implemented by the Park District. Implementation of the recommendations in the LUPA would be phased and would be contingent upon: (1) the condition of existing resources; (2) visitor demand; (3) funding for the development of facility improvements; (4) permits; (5) modifications to Park District Ordinance 38; and (6) in some cases, augmenting staffing levels.

STREAM RESTORATION. The major component of the LUPA is the restoration of 2,291 linear feet of Alder Creek and 770 linear feet of Leatherwood Creek that was largely culverted and filled as part of former quarrying and ranching operations on the McCosker property. The proposed project would daylight the creek and restore and revegetate its banks. This stream restoration project would be the largest the Park District has undertaken to date. With the help of significant outside funding, the restoration would expand riparian habitat by over four acres, providing new aquatic habitat opportunities for native rainbow trout and California red-legged frog in an area previously altered by former ranching and industrial activities. It would also enhance public safety by removing numerous sink holes and repairing eroded embankments that currently exist due to the failing culverted stream system.

RECREATION AND PUBLIC ACCESS IMPROVEMENTS. The LUPA recommends a wide variety of trail, roadway, and staging area improvements to connect visitors with natural areas, enhance visitor experiences, and provide safe circulation for emergency and maintenance vehicles. These recommendations include new restrooms, additional parking, roadway repairs, and trails connecting the new parcels to existing regional trails in Sibley Preserve. The LUPA also

recommends a group camping area to meet growing demand.¹

Specifically, the LUPA recommends the following recreation and public access improvements:

1. Fiddleneck Field Group Camping: This open meadow area is located on a previously disturbed site and would be designed to accommodate up to 50 people for reservation-only interpretive programs and/or rustic group camping. Facilities would include a cooking area, picnic pavilion, vault toilet restrooms, ADA-compliant trails, and parking for up to 43 vehicles. This facility would allow for a variety of outdoor education programs with universal access directed at serving families, seniors, and persons with disabilities.
2. Fern View Terrace Interpretive Area: This area would provide an informal site for picnicking and would include exhibits to support interpretive programs and self-guided activities.
3. Sibley Staging Area: Modifications to this existing staging area on Skyline Boulevard would expand the parking from 38 spaces to approximately 73 spaces as recommended in the 1985 LUDP and would realign the existing Skyline/Bay Area Ridge Trail connection to accommodate the new layout.
4. Old Tunnel Road Staging Area: Improvements to this existing staging area would include repairing, repaving and restriping the existing site to improve road conditions, increasing parking capacity from 13 to 33 spaces, and adding vehicle turn-arounds. Bike parking and electric recharging units would be added, and a vault toilet would replace the portable unit.
5. Eastport Station (formerly Wilcox) Staging Area: This existing staging area on Pinehurst Road would be renamed to more clearly reflect the history of the site, and a new entry sign would be installed. Minimal grading would add five parking spaces and direct drainage to a storm water treatment feature. The existing gate would be replaced with an equestrian-friendly, self-closing gate.
6. McCosker Parcel Existing Roads: Improvements to existing ranch roads would maintain emergency and maintenance vehicle access. Reconstruction and repaving of the existing access road and development of a turnaround near the residence would improve emergency vehicle circulation.
7. Alder Creek Bridge Crossings: Three arched bridges with natural creek bottoms would be installed across Alder Creek to improve circulation within the McCosker subarea and provide ADA-compliant trail access.
8. Trail System Expansion: The proposed trail system expansion would provide shorter loops and connections to longer, region-wide trails, including the Skyline Trail and Bay Area Ridge Trail. By opening existing trails and adding new trails, the proposed improvements would add

¹ Surveys, studies, and community input indicates that Park District group camping sites are at capacity, and that demand for camping facilities has steadily increased, particularly with residents in the nearby cities of Berkeley and Oakland. (See FEIR Appendix I, page 19, referencing 2014 Camping Program Update.)

approximately 8.2 miles of trails for public use to the existing 13.9-mile trail system, for a total of 22.1 miles of trails through Sibley and Huckleberry.

9. Utility Infrastructure Improvements: Water utility improvements would include installation of a new 1,000-gallon water tank at the existing backpacking camp at Sibley, and installation of a new 4,000-gallon water tank near Fiddleneck Field to augment water sources for fire suppression and provide potable water for group camping. Underground electrical and communication connections would be installed to serve camping and interpretive areas.

The recreation and staging units recommended in the LUPA would make up approximately one percent (1%) of the Preserve area. These recreation areas would provide opportunities for added interpretive programs and rustic camping that, combined with added trails, would encourage multi-day trail treks along the interconnected system of trails through the East Bay Hills, including the Skyline National Recreation Trail/Bay Area Ridge Trail/Juan Bautista de Anza National Historic Trail, consistent with Park District regional trail and public health objectives.

ENVIRONMENTAL IMPACT REPORT

Prior to approving the LUPA, the Board of Directors is requested to authorize three actions relating to the California Environmental Quality Act (CEQA): certification of the EIR, adoption of the MMRP, and adopting of the Findings Report.

POTENTIAL ENVIRONMENTAL IMPACTS. The EIR provides an evaluation of the potential for the proposed project to result in significant environmental impacts and recommends mitigation measures to address those potential impacts. The EIR concludes that several environmental issue areas are not expected to have significant impacts resulting from implementation of the project, including: agricultural resources, land use and planning, mineral resources, population and housing, and transportation and traffic. The EIR analysis found that temporary impacts related to construction could occur in the following areas: aesthetics, air quality, biological resources, cultural resources, greenhouse gases, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, recreation, and utilities. However, the EIR concludes that with mitigation measures all of these potential impacts would be reduced to a less than significant level. A complete description of impacts and mitigation measures can be found in the EIR and the attached Findings Report.

PROJECT ALTERNATIVES. CEQA requires an EIR to evaluate feasible alternatives to the proposed project that would meet the fundamental project purpose. The EIR evaluated the following three alternatives:

- Alternative 1: No Project Alternative, which would result in a continuation of existing conditions, as well as conditions that are reasonably expected to occur if the proposed project is not implemented.
- Alternative 2: Day Use Focus – Minimal Improvements - Reduced Restoration, which identifies the minimum specific project features that are critical to open new areas of the McCosker parcel to the public.

- Alternative 3: Day Use Focus – Parking Maximized, which takes into consideration population increases by developing a scenario that could maximize parking opportunities in the project area.

The EIR concludes that the proposed project is the environmentally superior alternative because it would restore the largest area of creek channel, reducing existing adverse geologic and hydrologic hazard conditions through the establishment of a properly sized channel, the creation of steps and step pools that use rock or wood, and the establishment of riparian vegetation using native plantings and soil bioengineering principles. This would also provide the greatest benefit to biological resources by creating of four acres of riparian woodland and aquatic habitat that could support rainbow trout, California red-legged frog, California newt, and other herpetofauna species. The proposed project would also provide greater benefits to fire hazard and emergency response because it would add new water supply and communication improvements. Added bike parking and electric recharging stations would contribute to a reduction in petroleum emissions.

PUBLIC PROCESS. Four community meetings, two on-site tours, and two youth engagement meetings were held as part of the Land Use Amendment process. The Draft EIR was circulated to local, state, and federal agencies, and to interested organizations and individuals for review and comment on July 6, 2018, for a 45-day public review period that closed on August 20, 2018. The Park District made the Draft EIR available for download on the Park District's project website, and paper copies of the Draft EIR were made available for public review at the Park District administrative office, community libraries and the Canyon Post Office. The Park District also distributed notices of availability of the Draft EIR on July 6, 2018 and posted notices at locations within the project area on July 7, 2018. One hundred ninety-five (195) notices were sent via email. Copies of the NOA were also provided to the Park District Board of Directors and Park Advisory Committee, and mailed to approximately 670 community members.

During the 45-day public review period, the Park District conducted a public meeting to provide an opportunity for the public and regulatory agencies to learn about the project and be informed about how to submit comments on the adequacy and accuracy of the Draft EIR. Approximately 18 members of the public attended the public meeting and eight commented on the Draft EIR.

On July 23, 2018, Park District staff gave a presentation to the Park District's Parks Advisory Committee on the draft LUPA and Draft EIR. On August 2, 2018, Park District staff gave a presentation to the Board Executive Committee, leading to a unanimous recommendation for the EIR and LUPA to proceed to the full Park District Board of Directors.

PUBLIC COMMENTS ON THE EIR. During the comment period on the EIR, 175 comment letters were received. Most of these comments pertained to policy issues associated with the merits of recommendations made in the LUPA for shared use of trails. Following the close of the comment period, over 250 additional comments were received, primarily expressing support for shared trail use by bicyclists. Other comments on the EIR focused on wildland fire safety and biological resources. Each of these topics is addressed below and further discussed in the FEIR.

SHARED TRAIL USE. The LUPA recommendations include new narrow hiker-only trails and new narrow multi-use trails, in accordance with the Park District's Master Plan Policy RFA3, which

states: “The District will continue to add narrow trails designated as both single- and multi-use for hikers, equestrians, dog walkers and bike riders throughout the system of regional parklands.” The EIR appropriately considers potential impacts to the physical environment that could result from full implementation of the LUPA’s trails and trail use recommendations and finds no significant adverse impacts to the environment. The use of trails is an operational policy that does not require review under CEQA, unless a change in trail use would result in a physical impact to the environment.² The EIR is not required to analyze user conflicts, Park District liability, or other policy considerations unrelated to changes to the physical environment.

With respect to potential impacts to the physical environmental from trails, the EIR finds that potential erosion impacts would be minimized with measures that direct water away from trails, control bicycle speeds, and disperse trail use. These measures include: contouring trails to minimize grades, outsloping trails to continually direct water off the trail, incorporating gentle rolling dips to control user speeds and the flow of water, and designing the outside bend of a trail curve to control bike turning motions. The EIR also concludes that additional trail trips would not result in a substantial adverse effect to the environment because those trips would be spread out over a much larger preserve. In addition, providing designated biking trails and decreased concentration of use will lessen the impacts of off-trail use. As a result, the project will not result in significant impacts from rogue bike trails. The LUPA also recommends removing and restoring an existing steep, eroded narrow trail through Huckleberry, and replacing it with a new narrow hiker-only nature trail to improve trail sustainability and protect pallid manzanita.

With respect to commenters’ concerns regarding the merits of shared trail use recommendations as related to potential user conflicts, reported conflicts between trail users are rare. The EIR sets forth existing and proposed efforts to ensure that mountain bike users stay on designated trails, including trail development standards, trail signage, and enforcement efforts. To help ensure safe and enjoyable shared trail experiences, the LUPA recommends locating new narrow multi-use trails only in areas with gentle grades and clear sight lines, allowing hikers and equestrians to easily see dogs or bikes approaching.

For example, the LUPA recommends two new narrow multi-use trails that would connect the new McCosker parcel to the Bay Area Ridge Trail in Sibley. These two new connector trails (the 1.2-mile Blue Eyed trail and 0.6-mile Meadow Barley trail) would be located entirely within areas of gentle grades and open grasslands or low shrubs, providing slower speeds and clear sight lines. An additional 0.6-mile section of the Meadow Barley trail would traverse through oak woodlands along an existing 8-10’ wide roadbed, which also provides gentle grades and good sight lines. These design considerations, along with decreased concentration of trail users dispersed over a larger area, are recommended as providing safe shared trail use experiences.

While the LUPA contains a policy analysis and makes recommendations about multiuse trails, it also makes clear that trail use is an operational policy that is not implemented through a land use plan or EIR. The Park District has an established process for considering and approving changes

² See, for example, California State Parks’ EIR on changes to trail uses, which analyzes only physical changes to the environment that could result from changed uses, such as trail realignments, installation of speed control devices, or changes to trail surfaces. (California State Parks, Road and Trail Change-In-Use Evaluation Process Program EIR, 2012.)

in trail use. Similar to operational rules on park hours, reservation policies, or swimming regulations, policies on trail use are governed by the Park District's Ordinance 38, *Park Rules and Regulations*. Amendment of Ordinance 38 requires adoption of a resolution by the full Board of Directors in a public meeting, following opportunity for the public to review and comment. The process of considering amendments to Ordinance 38 will not happen for several years, until closer to the time that these trails are ready to be built. At that time, the Board will make the policy decision during the Ordinance 38 public review process as to shared trail use.

Specifically, implementation of the LUPA recommendations pertaining to trail use would require: (1) Modification of Resolution 2016-12-318 prohibiting dogs on the McCosker loop trail; (2) Modification of Ordinance 38, Section 409.8 (d), to accommodate bikes on the following trails: sections of the Blue-eyed Trail, Fiddleneck Field Access, Leatherwood Creek Trail and sections of the Meadow Barley Trail; and (3) Modification of Ordinance 38, Section 409.8 409.8 (c) to accommodate a change in use on existing ranch roads currently posted no bikes: a 0.1-mile section of the Gudde Ridge Trail and a 0.3-mile section of the Round Top Loop Trail.

To clarify this process for establishing trail use, the following addition to the LUPA, Chapter 5, Plan Implementation, Section 5.1.2.4, Trail System (LUPA, page 5-6) is recommended:

“Any changes to existing dog and bike use recommended in the LUPA could not be implemented unless and until the Board modifies Ordinance 38, which currently prohibits dogs on the McCosker Loop Trail, and use of bikes on narrow trails per Section 409.8, which states, “*Bicycles are not permitted on narrow hiking or riding trails, except those areas specifically designated from time to time by the Board as allowed. Attachment "A" contains the current list of exceptions (rev. 4/16).*”

BIOLOGICAL RESOURCES. Some commenters raised questions about the adequacy of surveys conducted for the assessment of biological resources and potential impacts to those resources from the project. The potential for the study area to support special-status plant or wildlife species was thoroughly assessed using database results, previous studies of biological resources in the regional vicinity,³ and several reconnaissance surveys conducted by the consulting firm ESA.⁴ Following up on these initial surveys, the District initiated a separate botanist consultant-led study with Nomad Ecology. Nomad conducted seasonally-appropriate protocol level plant surveys for sensitive natural communities and special status plant species and mapped potential impact areas for proposed trails.⁵ A formal wetland delineation of the project area was also conducted by ESA.⁶ In addition, Dr. Sarah Kupferberg conducted a field survey for Foothill Yellow-legged Frog in Alder and Leatherwood Creeks within the McCosker sub-area.⁷

The EIR analysis appropriately relies on these numerous large scale and focused survey results and defers additional surveys until the exact trail alignments are determined. In addition to not

³ The EIR incorporates the biological assessments previously conducted for the Western Hills Open Space as part of the EIR assessment for the Montanera (Wilder) development.

⁴ ESA conducted surveys on May 19, 2016, July 5, 6, and 11, 2017, and September 25 and October 15, 2017.

⁵ Nomad conducted surveys on May 22, April 20, May 17, and October 21, 2018

⁶ ESA conducted wetland delineation on June 6, 2016; July 5, 6, 11, September 25, 2017; and April 19, 23, 2018.

⁷ Dr. Kupferberg's survey was conducted on April 20, 2018.

knowing the final precise trail alignment at this time, the project implementation could take many years and the presence, range, and needs of various habitats and species could change during that timeframe. In accordance with best practices, additional plant and wildlife surveys will be conducted closer to the time that trails or recreational facilities are constructed to ensure the conditions evaluated in the EIR have not changed.

The Park District has also worked closely with resource agencies in developing an assessment of biological resources for the proposed project. In meetings and site visits during June and August of 2017, the Park District met with representatives from the U.S. Army Corps of Engineers (USACE), National Marine Fisheries Service (NMFS), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), and the U.S. Fish and Wildlife Service (USFWS). Representatives from the Park District and ESA presented the proposed project, reviewed existing conditions, discussed the basis of design, and asked for agency input.

Based on these biological and water resource assessments, in October 2018, regulatory resource agencies found the Park District's permit applications for the project to be complete. This demonstrates that the level of analysis completed not only meets but exceeds the level of analysis required under CEQA for a planning level document. Based on these extensive surveys and analysis, the EIR concludes that with implementation of mitigation measures, including protections for special status wildlife and plants, any impacts to biological resources will be less than significant.

WILDLAND FIRE SAFETY. The Park District received some comments addressing concerns about wildfire risk presented by camping. As explained in the EIR, the Park District initiates fire restrictions and prohibits fires during severe fire danger periods. CalFire also imposes bans on outdoor fires when conditions warrant. These bans on campfires during high fire season are effective. Between 2014 and 2018, there were 7,831 nights when park visitors camped at a Park District group campsite with a fire ring, and there were no fire incidents reported. (See *FEIR, Appendix I, page 20.*) The proposed project will also provide two additional water tanks that will augment water sources for fire suppression. Additional security will be provided by the anticipated presence of park staff in the residence on site, located near the group camping area.

ALTERNATIVES

No alternatives are recommended. There are no alternatives identified that would meet the purpose of the project.

ATTACHMENTS

Attachment 1 - Figure 1, Land Use Plan Amendment Project Area
Attachment 2 - Mitigation, Monitoring, and Reporting Program
Attachment 3 - Findings Report

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 11 –

November 20, 2018

AUTHORIZE THE CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT FOR
THE ROBERT SIBLEY VOLCANIC REGIONAL PRESERVE LAND USE PLAN AMENDMENT;
ADOPTION OF THE MITIGATION, MONITORING, AND REPORTING PROGRAM;
ADOPTION OF THE FINDINGS REPORT; AND
APPROVAL OF THE LAND USE PLAN AMENDMENT:
ROBERT SIBLEY VOLCANIC REGIONAL PRESERVE

WHEREAS, on January 18, 2017, the East Bay Regional Park District (Park District) conducted a public scoping meeting to obtain comments on the proposed scope of the Environmental Impact Report (EIR) for the Robert Sibley Regional Preserve Land Use Plan Amendment (LUPA or project) and on June 19, 2017, published a Notice of Preparation of an EIR for the project; and

WHEREAS, on July 5, 2018, the Park District issued a Notice of Availability to the California Governor's Office of Planning and Research, and issued a Notice of Availability of the Draft EIR for the project on July 6, 2018, to responsible and trustee agencies and the public – initiating the public review period; and

WHEREAS, on July 23, 2018, the Park District's Park Advisory Committee reviewed the LUPA and Draft EIR and recommended its consideration by the full Board of Directors; and

WHEREAS, on July 25, 2018, a public meeting was held at Richard C. Trudeau Conference Center in Oakland to give community members an opportunity to comment on the LUPA and Draft EIR; and

WHEREAS, on August 2, 2018, the Park District's Board Executive Committee reviewed the LUPA and Draft EIR and recommended its consideration by the full Board; and

WHEREAS, in response to comments on the merits of the LUPA, an addition to the LUPA [*Chapter 5, Plan Implementation, Section 5.1.2.4, Trail System* (page 5-6)] is recommended to clarify that any changes to dog walking and bicyclist use recommended in the LUPA could not be implemented unless and until the Board considers amending Park District Ordinance 38; and

WHEREAS, the EIR provides an evaluation of the potential for the proposed project to result in significant environmental impacts, recommends mitigation measures to address those potential impacts, and concludes that with mitigation measures included in the Mitigation, Monitoring, and Reporting Program (MMRP), these potential impacts would be reduced to a less than significant level; and

WHEREAS, during the 45-day public review period, no individual or agency provided substantial evidence that a significant adverse environmental impact would occur, or that required substantial changes or alterations to the project, the impact analysis; and

WHEREAS, the MMRP consists of mitigation measures recommended in the EIR for the project and mitigation and monitoring requirements, and has been completed in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Final EIR consists of the Draft EIR, Comments, and Response to Comments on the Draft EIR, and has been completed in compliance with CEQA; and

WHEREAS, a LUPA has been prepared to restore and enhance creeks in the McCosker sub-area and expand public access, trails, camping, picnicking, and interpretive opportunities, and to provide for public safety and resource protection at Robert Sibley Volcanic Regional Preserve; and

WHEREAS, the EIR was presented to the Park District's Board of Directors who reviewed and considered the information contained in the EIR prior to approving the project; and

WHEREAS, the EIR has been prepared, publicized, circulated, and reviewed in accordance with applicable law, and reflects the independent judgment of the Park District; and

WHEREAS, feasible alternatives to the proposed project have been analyzed and the EIR concludes that the project is the superior alternative; and

WHEREAS, the MMRP and the Findings Report were presented to the Park District's Board of Directors on November 20, 2018, who reviewed and considered the information contained in these CEQA components prior to approving the project; and

WHEREAS, the East Bay Regional Park District is the custodian of the documents and other material which constitute the record of the proceedings upon which its decision is made at its administrative office, located at 2950 Peralta Oaks Court, Oakland, California, 94605;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby certifies that the Environmental Impact Report for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment has been prepared in compliance with CEQA, reflects the Park District's independent judgment and analysis, and was presented to the Board of Directors which reviewed and considered the information in the final EIR, and:

BE IT FURTHER RESOLVED, that the Board of Directors hereby finds that the Environmental Impact Report has been prepared in compliance with CEQA; and

BE IT FURTHER RESOLVED, that the Board of Directors adopts the Mitigation, Monitoring, and Reporting Program; and

BE IT FURTHER RESOLVED, that the Board of Directors adopts the Findings Report; and

BE IT FURTHER RESOLVED, that the Board of Directors approves Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment, with the following amendment:

The LUPA, Chapter 5, Plan Implementation, Section 5.1.2.4, Trail System (LUPA, page 5-6) is modified as follows:

“Any changes to existing dog and bike use recommended in the LUPA could not be implemented unless and until the Board modifies Ordinance 38, which currently prohibits dogs on the McCosker Loop Trail, and use of bikes on narrow trails per Section 409.8, which states, *“Bicycles are not permitted on narrow hiking or riding trails, except those areas specifically designated from time to time by the Board as allowed. Attachment "A" contains the current list of exceptions (rev. 4/16).”*

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 20th day of November 2018, by the following vote:

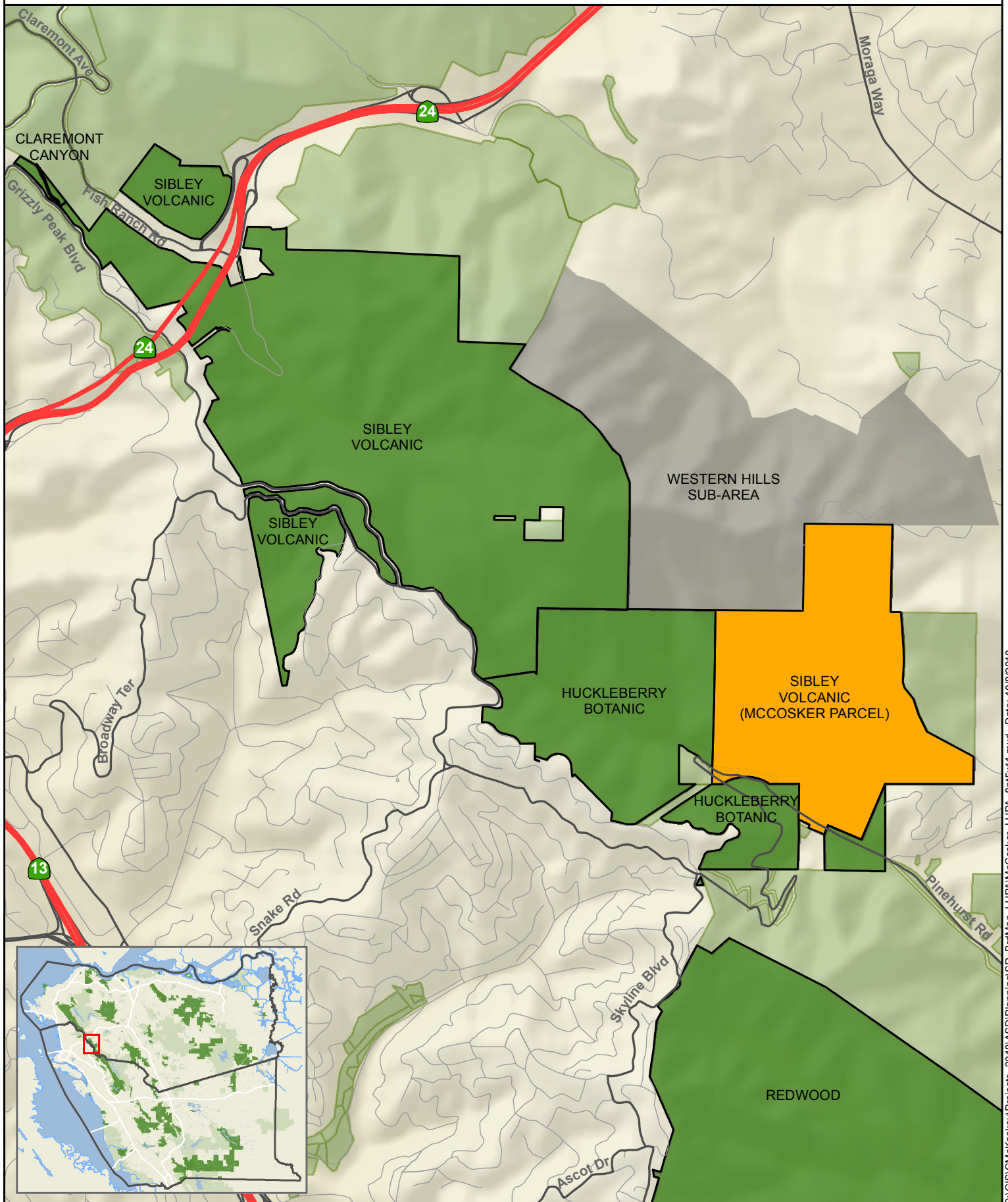
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ATTACHMENT 2

Mitigation Monitoring and Reporting Program

This chapter includes the Mitigation Monitoring and Reporting Program (MMRP), which is formulated based upon the findings of the Draft EIR and the Response to Comments Document which together represent the Final EIR, State Clearinghouse No. 2017062055, prepared for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment (Project). The MMRP, which is found in *Table X-1, Mitigation Monitoring and Reporting Program*, lists mitigation measures recommended in the Final EIR for the Project and identifies mitigation monitoring requirements.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance with the mitigation measures identified in the Final EIR during implementation of the project.

The MMRP is organized in a matrix format. The first column identifies potential impact for the topic area. The second column provides the mitigation measures that would reduce the potential impacts to a level below the threshold of significance. The third column, entitled “*Actions*” refers to the actions that must be undertaken to ensure the mitigation measure is accomplished. The forth column, entitled “*Party Responsible for or Ensuring Implementation of Mitigation*,” refers to the party responsible for implementing the mitigation measure. The fifth column, entitled “*Party Responsible for or Ensuring Implementation of Monitoring*,” refers to the party responsible for oversight or ensuring that the mitigation measure is implemented. The sixth column, entitled “*Timing*,” refers to when monitoring will occur to ensure that the mitigating action is completed. Please note that these mitigation measures include any revisions made as a result of the *Response to Comments Document* on the Draft EIR, as well as staff initiated changes, which are identified with underline for text additions and ~~striethrough~~ for text deletions.

An MMRP must be adopted when the East Bay Regional Park District Board of Directors makes a final decision on the project.

**TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM**

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
Impact AES-3: Visual Quality and Character Project improvements could substantially alter the existing visual character or quality of the site and its surroundings.	Mitigation Measure AES-3-1: Recreation/Staging Area Units - Grading Plans Prior to completion of final plans and specifications for improvements in the Recreation/Staging Units, the District shall review the grading plans to ensure that the new grades will minimize impacts on the surrounding environment. During construction grading techniques shall be employed to create natural appearing landforms and avoid excessive contrast between graded areas and existing surroundings. Completion of this measure shall be monitored and enforced by the District.	1. Review the grading plans 2. Employ construction grading techniques to create natural appearing landforms and avoid excessive contrast between graded areas and existing surroundings	1. EBRPD 2. Contractor	1. EBRPD 2. EBRPD	1. Prior to construction 2. During Construction
	Mitigation Measure AES-3-2: McCosker Sub-area - Site Structure Design The District shall require that new structures in the McCosker sub-area be finished in unobtrusive colors and materials that fit with the natural character of the surrounding area, as a means of minimizing potential effects to the visual characteristics of the site. Prior to completion of final plans and specifications, the District shall review these documents to ensure that new structures are designed to blend in with their surroundings to the extent practicable. Completion of this measure shall be monitored and enforced by the District.	1. Review construction plans and specifications	1. EBRPD	1. EBRPD	1. Prior to construction
	Mitigation Measure AES-3-3: Project-wide - Construction Staging The District shall require construction contractors to stage construction vehicles and equipment in designated staging areas outside the view area of the Pinehurst Road when not in use. Vehicles shall be kept clean and free of mud and dust before leaving the Project site (Refer to <i>Measure Air-2</i>). Completion of this measure shall be monitored and enforced by the District. Also refer to Mitigation Measure BIO2-b: Project-wide: Habitat Mitigation and Monitoring to	1. Stage construction vehicles and equipment in designated staging areas	1. Contractor	1. EBRPD	1. During Construction

**TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM**

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	Mitigate for Temporary Impacts to Riparian Habitat				
AGRICULTURE AND FORESTRY RESOURCES					
<i>There are no impacts related to land use.</i>					
AIR QUALITY					
Impact AIR-2: Generate Air Pollutant Emissions Project construction would generate air pollutant emissions that could violate air quality standards.	<p>Mitigation Measure AIR-2-1: Project-wide - Basic Construction Mitigation Measures</p> <p>The EBRPD and project contractor shall implement the Basic Construction Mitigation Measures during construction activities as follows:</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 tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways and driveways to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and 	<p>1. Comply with Basic Construction Air Quality Mitigation Measures in conformance with BAAQMD regulations to control fugitive dust and airborne toxic emissions during construction</p> <p>2. Post a publicly visible sign with the telephone number and person to contact at the EBRPD regarding dust complaints</p>	<p>1. Project Contractor</p> <p>2. Project Contractor</p>	<p>1. EBRPD</p> <p>2. EBRPD</p>	<p>1. During Construction</p> <p>2. During Construction</p>

**TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM**

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>determined to be running in proper condition prior to operation.</p> <ul style="list-style-type: none"> Post a publicly visible sign with the telephone number and person to contact at the EBRPD regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 				
<p>BIOLOGICAL RESOURCES</p> <p>Impact BIO-1: Habitat Modifications</p> <p>The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p>	<p>Mitigation Measure BIO-1a - Project-wide: General Conservation Measures to Protect Habitat Quality for All Special-status Species.</p> <p>The District's construction contractor(s) shall implement the following general avoidance and minimization measures to protect federally listed species and their habitats during construction:</p> <ul style="list-style-type: none"> Before starting ground disturbing activities within construction sites and along each part of the proposed trail routes, the District shall clearly delineate the boundaries of the construction area with fencing, stakes, or flags. Contractors shall be required to restrict all construction-related activities to within the fenced, staked, or flagged areas. Contractors shall maintain all fencing, stakes, and flags until the completion of construction-related activities in that area. Prior to construction, Lead Biologist shall oversee the delineation of the habitat of the CRLF and AWS within the construction sites with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of CRLF and AWS and pallid manzanita habitat. Sensitive habitat areas, including CRLF and AWS habitat and known populations, and jurisdictional waters, shall be clearly indicated on the Project plans. To prevent CRLF and AWS from moving through the construction area, the District or its contractors would install temporary wildlife 	<p>1a. Delineate Construction Area</p> <p>1b. Restrict Construction activities to Construction Area</p> <p>2a. Delineate CRLF & AWS habitat within construction area</p> <p>2b. Clearly indicate sensitive habitat areas on Project plans</p> <p>3. Install temporary wildlife exclusion fencing in the McCosker sub-area and the Preserve Sub-area (i.e., Sibley parking expansion)</p> <p>4. Clear the area prior to the start of ground disturbing activity</p>	<p>1a. EBRPD</p> <p>1b. Contractor</p> <p>2a. Lead Biologist</p> <p>2b. EBRPD</p> <p>3. EBRPD or its contractors</p> <p>4. Lead Biologist</p>	<p>1a. EBRPD</p> <p>1b. EBRPD</p> <p>2a. EBRPD</p> <p>2b. EBRPD</p> <p>3. USFWS and CDFW</p> <p>4. EBRPD</p>	<p>1a. Prior to Construction</p> <p>1b. During Construction</p> <p>2a. Prior to completion of construction plans</p> <p>2b. During preparation of construction plans</p> <p>3. Prior to construction</p> <p>4. Prior to the start of ground disturbing activity</p>

**TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM**

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	exclusion fencing in the McCosker sub-area and the Preserve Sub-area (i.e., Sibley parking expansion). Final fence design and location shall be determined in consultation with USFWS and CDFW.	5a. Relocate any CRLF or AWS outside the construction area	5a. USFWS-approved biological monitor	5a. USFWS per Biological Opinion	5a. During installation of exclusion fencing
	<ul style="list-style-type: none">Where wildlife exclusion fencing is not installed and ground disturbing activity is occurring (e.g., trail construction), the Lead Biologist will clear the area prior to the start of ground disturbing activity.	5b. Inspect & repair exclusion fencing	5b. Qualified biological monitor	5b. EBRPD	5b. Daily during construction
	<ul style="list-style-type: none">A USFWS-approved biological monitor would be on-site during installation of the fencing to relocate (as authorized in the Biological Opinion) any CRLF or AWS outside the construction area. The fencing shall be inspected by the qualified biological monitor on a daily basis during construction activities to ensure fence integrity. Any needed repairs to the fence shall be performed on the day of their discovery. After construction has been completed, the exclusion fencing would be removed within 72 hours.	5c. Remove exclusion fencing	5c. EBRPD or its contractors	5c. EBRPD	5c. Within 72 hours of construction completion
	<ul style="list-style-type: none">Any construction-related disturbance outside of these boundaries, including driving, parking, temporary access, sampling or testing, or storage of materials, shall be prohibited without explicit approval of the Lead Biologist. New access driveways shall not extend beyond the delineated construction work area boundary. Construction vehicles shall pass and turn around only within the delineated construction work area boundary or local road network. Where new access is required outside of existing roads or the construction work area, the route shall be clearly marked (i.e., flagged and/or staked) prior to being used, subject to review and approval of the Lead Biologist.	6a. Approve construction-related disturbance outside construction area	6a. Lead Biologist	6a. EBRPD	6a. During construction
	<ul style="list-style-type: none">Excavated soils shall be stockpiled in disturbed areas lacking native vegetation.	7. Stockpile soils in disturbed areas lacking native vegetation	7. Contractor	7. EBRPD	7. During construction
	<ul style="list-style-type: none">All detected erosion caused by Project-related impacts (i.e., grading or clearing for new roads) shall be remedied immediately upon discovery.	8. Remediate Project-related erosion	8. Contractor	8. EBRPD	8. Immediately upon discovery during construction
		9. Avoid introduction of exotic plant species through BMPs prevention measures	9. Contractor	9. EBRPD	9. During construction and monitoring

**TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM**

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
<p>shall be consulted regarding any additional avoidance, minimization, or mitigation measures that may be necessary if the animal does not move on its own. A report shall be prepared by the Lead Biologist to document the activities of the animal within the site; all fence construction, modification, and repair efforts; and movements of the animal once again outside the exclusion fence. This report shall be submitted to the District and pertinent wildlife agencies with jurisdiction over the wildlife species.</p> <ul style="list-style-type: none"> Immediately prior to conducting vegetation removal or grading activities inside fenced exclusion areas, the Lead Biologist or a qualified biologist shall survey within the exclusion area to ensure that no federal or state listed species are present. The Lead Biologist or a qualified biologist shall also monitor vegetation removal or grading activities inside fenced exclusion areas for the presence of federal listed species. Before steep-walled holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed species are trapped, the USFWS and/or CDFW, as appropriate, shall be contacted to determine the appropriate method for relocation. All construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods and with a diameter of 4 inches or more shall be inspected for federal listed species before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a listed species is discovered inside a pipe, that section of pipe shall not be moved until the appropriate resource agency, with jurisdiction over that species, has been consulted to determine the appropriate method for relocation. If necessary, under the direct supervision of the biologist, the pipe may 		<p>13a. survey within the exclusion area to ensure that no federal or state listed species</p> <p>13b. Monitor for the presence of federal listed species</p> <p>14. Inspect for trapped animals</p> <p>15. Inspection and discovery of listed species</p> <p>16a. Maintain vehicles and equipment in proper working condition</p> <p>16b. Hazardous spills</p>	<p>13a. Lead Biologist</p> <p>13b. Lead or qualified Biologist</p> <p>14. Lead or qualified Biologist</p> <p>15. Lead or qualified Biologist</p> <p>16a. EBRPD or its contractors</p> <p>16b. EBRPD or its contractors</p>	<p>13a. EBRPD</p> <p>13b. EBRPD</p> <p>14. USFWS and/or CDFW</p> <p>15. USFWS and/or CDFW</p> <p>16a. EBRPD</p> <p>16b. EBRPD</p>	<p>13a. Immediately prior to conducting vegetation removal or grading activities</p> <p>13b. During vegetation removal or grading activities</p> <p>14. Before steep-walled holes or trenches are filled</p> <p>15. For pipes, culverts, etc. stored at construction site for one or more overnight periods</p> <p>16a. During construction</p> <p>16b. Immediately clean up and dispose of contaminated soil Inform Lead Biologist</p>

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>be moved once to remove it from the path of construction activity until the animal has escaped.</p> <ul style="list-style-type: none"> All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Contractor equipment shall be checked for leaks prior to operation and repaired when leaks are detected. Fuel containers shall be stored within appropriately-sized secondary containment barriers. The Lead Biologist shall be informed of any hazardous spills within 24 hours of the incident. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility. If vehicle or equipment maintenance is necessary, it would be performed in the designated staging areas. All temporarily disturbed areas shall be returned to pre-project conditions or better. Project-related vehicles would observe a 15-mile-per-hour speed limit on unpaved roads within the limits of construction. 	<p>17. Return disturbed areas to pre-project conditions or better</p> <p>18. Observe a 15-mile-per-hour speed limit in work areas</p>	<p>17. Contractors</p> <p>18. EBRPD or its contractors</p>	<p>17. EBRPD</p> <p>18. EBRPD</p>	<p>within 24 hours of the incident</p> <p>17. At close of construction</p> <p>18. During construction</p>
	<p>Mitigation Measure BIO-1b: Project-wide: Avoidance, Minimization, and Compensation for Impacts to Special-Status Plants.</p> <p>The District will implement measures to avoid and minimize potential adverse effects on special status plants. Prior to conducting work and during work, the following measures will be implemented.</p> <ul style="list-style-type: none"> A complete botanical survey of the action area will be completed using the Service's Guidelines for <i>Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants</i> (USFWS, 2000) and CDFW <i>Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities</i> (CDFG, 2000). Surveys shall maximize the likelihood of locating special-status species, be floristic in nature, include areas of potential indirect impacts, be 	<p>1. Complete botanical survey of the action area</p>	<p>1. Qualified biologist</p>	<p>1. EBRPD</p>	<p>1. Prior to construction at the time of year when species are both evident and identifiable</p>

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>conducted in the field at the time of year when species are both evident and identifiable, and be replicated and spaced throughout the growing season to accurately determine what plants exist on the site. The purpose of these surveys will be to identify the locations of special-status plants. The extent of mitigation of direct loss of or indirect impacts on special-status plants will be based on these survey results.</p> <ul style="list-style-type: none"> • Locations of special-status plants in proposed construction areas will be recorded using a global positioning system (GPS) unit, and flagged in the field. The GPS data will be used to create digital and hardcopy maps for distribution to construction inspectors and contractors to inform them of areas where disturbance is prohibited. • If initial screening by a Service-approved biologist identifies the potential for special- status plant species to be directly or indirectly affected by a specific project, the biologist will establish an adequate buffer area to exclude activities that would directly remove or alter the habitat of an identified special-status plant population or result in indirect adverse effects on the species. • Access may be restricted around special-status plant populations through appropriate management plans. This may include signage, buffers, seasonal restrictions, and design or no access, depending on the sensitive species in question. • The Project proponents will oversee installation of a temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) at least 4 feet (1.2 meters) tall around any established buffer areas to prevent encroachment by construction vehicles and personnel. A Service-approved biologist will determine the exact location of the fencing. The fencing will be strung tightly on posts set at maximum intervals of 10 feet (3 meters) and will be checked and maintained weekly until all construction is complete. The buffer zone established by the 	<p>2. Record and map special-status plants</p> <p>3. Establish buffer area to exclude activities around identified special-status plant population</p> <p>4. Install construction fencing</p>	<p>2. Qualified biologist</p> <p>3. Service-approved biologist</p> <p>4. Contractors</p>	<p>2. EBRPD</p> <p>3. USFWS</p> <p>4. Lead biologist</p>	<p>2. During development of construction plans</p> <p>3. Prior to construction</p> <p>4. Prior to construction</p>

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>fencing will be marked by signs prohibiting disturbance of special status plants.</p> <ul style="list-style-type: none"> No grading, clearing, storage of equipment or machinery, or other disturbance or construction activity will occur until all temporary construction fencing has been installed by the District, and inspected and approved by the qualified biologist. Any special-status species observed during surveys will be reported to the Service and CDFW so observations can be added to the California Natural Diversity Database (CNDDB). If avoidance is not feasible, rare plants and their seeds shall be salvaged and relocated, and habitat restoration shall be provided to replace any destroyed special-status plant occurrences at a minimum 1:1 ratio based on area of lost habitat. Compensation for loss of special-status plant populations may include the restoration or enhancement of temporarily impacted areas, and management of restored areas. Restoration or reintroduction may be located on-site (i.e., within the project footprint) or at a nearby suitable off-site area. At a minimum, the restoration areas shall meet the following performance standards by the fifth year: <ul style="list-style-type: none"> The compensation area shall be at least the same size as the impact area. Native vegetation cover shall comprise at least 70 percent of the vegetation cover in the impact area. Monitoring shall demonstrate the continued presence of rare plants in the restoration area. Invasive species cover shall be less than or equal to the invasive species cover in the impact area. <p>Additionally, restored populations shall have greater than the number of individuals of the impacted population, in an area greater than or equal to the</p>	<p>5. Approve location of construction fencing</p> <p>6. Report observed special-status species</p> <p>7. Salvage and relocate rare plants and their seeds, and restore habitat that cannot be avoided</p>	<p>5. Qualified biologist</p> <p>6. Qualified biologist</p> <p>7. Qualified biologist</p>	<p>5. EBRPD</p> <p>6. USFWS and CDFW</p> <p>7. USFWS and CDFW</p>	<p>5. Prior to construction</p> <p>6. Pre-and during construction</p> <p>7. Prior to construction</p>

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	size of the impacted population, for at least three (3) consecutive years.				
	<p>Mitigation Measure BIO-1c: Project-wide: California Red-legged Frog Avoidance and Minimization Measures.</p> <p>The District will implement measures to avoid and minimize potential adverse effects to California red-legged frog (CRLF) within suitable habitat for this species (scrub, grassland, oak woodland, mixed woodland, riparian woodland, eucalyptus woodland and ruderal and agricultural/ornamental habitat). Prior to conducting work and during work, the following measures will be implemented.</p> <ul style="list-style-type: none"> • Instream disturbances shall be performed during the dry season when McCosker Stream <u>Alder Creek</u> flows are minimal (e.g., May 15 to October 1531). • A qualified biologist shall perform a preconstruction survey of the Project area <u>no</u> more than 2 weeks prior to construction to determine whether CRLF or other special status species are present in work areas. General minimum qualifications for the qualified biologist are a 4-year degree in biological sciences or other appropriate training and/or experience in surveying, identifying, and handling CRLF. • If special-status wildlife species are known to occur in the Project area, immediately prior to the start of work each day, a qualified biologist will conduct a visual inspection of the construction zone and adjacent areas, as appropriate. If a special-status wildlife species is found on the Project site, work in the vicinity will be delayed until the species moves out of the site on its own, or is relocated by a qualified biologist with permission from the wildlife agencies. • In construction areas containing CRLF or other special status species habitat, a qualified biological monitor shall perform periodic inspections of the Project site to verify the 	<p>1. Perform instream disturbances</p> <p>2. Perform preconstruction survey of the Project area for CRLF</p> <p>3a. Conduct a visual inspection of the construction zone and adjacent areas</p> <p>3b. Wildlife species found on Project site</p> <p>4. Perform periodic inspections of the Project site</p>	<p>1. Contractor</p> <p>2. Qualified biologist</p> <p>3a. Qualified biologist</p> <p>3b. Qualified biologist</p> <p>4. Qualified biological monitor</p>	<p>1. EBRPD</p> <p>2. EBRPD</p> <p>3a. EBRPD</p> <p>3b. Wildlife agencies</p> <p>4. EBRPD</p>	<p>1. During the dry season</p> <p>2. No more than 2 weeks prior to construction</p> <p>3a. Immediately prior to the start of work each day</p> <p>3b. Stop work until species is gone from site</p> <p>4. Pre- and during construction</p>

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>absence of CRLF and other special status species.</p> <ul style="list-style-type: none"> If a CRLF is located, work shall cease in the immediate area and the U.S. Fish and Wildlife Service shall be notified before work is reinitiated. Additional measures including fulltime or spot check biological monitoring and/or exclusion measures for CRLF may be implemented during the remainder of construction following consultation with the Service. The USFWS-approved biologist will remove and destroy from within the Project area any individuals of non-native species, such as bullfrog, crawfish, and centrarchid fishes, to the maximum extent possible. 	<p>5a. Cease work when CRLF found on Project site</p> <p>5b. Conduct fulltime or spot check biological monitoring and/or exclusion measures</p> <p>5c. Remove and destroy from the Project area any individuals of non-native species.</p>	<p>5a. Qualified biologist</p> <p>5b. Qualified biologist</p> <p>5c. USFWS-approved biologist</p>	<p>5a. U.S. Fish and Wildlife</p> <p>5b. U.S. Fish and Wildlife</p> <p>5c. U.S. Fish and Wildlife</p>	<p>5a. Cease work in the immediate area until USFWS is notified.</p> <p>5b. Following consultation with the USFWS.</p> <p>5c. Pre- and during construction</p>
	<p>Mitigation Measure BIO-1d: Project-Wide: Alameda Whipsnake Avoidance and Minimization Measures</p> <p>The District will implement measures to avoid and minimize potential adverse effects to Alameda whipsnake (AWS) within suitable habitat for this species (scrub, grassland, oak woodland, mixed woodland, riparian woodland, and ruderal and agricultural/ornamental habitat). The District will develop and implement an AWS protection and monitoring plan, to be approved by the USFWS during informal consultation under FESA. The following protective measures will be included:</p> <ul style="list-style-type: none"> The District shall provide the names and credentials of a biologist qualified to act as a construction monitor to USFWS for approval at least 15 days prior to commencement of work. The USFWS-approved biologist will survey the site two weeks prior to the onset of work activities and immediately prior to commencing work. If AWS is found, work in the vicinity will be delayed until the species moves out of the site on its own, or the approved biologist will contact the USFWS to determine whether relocating the species is appropriate. 	<p>1. Develop an AWS protection and monitoring plan</p> <p>2. Monitor construction</p> <p>3a. Survey the Project site for AWS.</p> <p>3b. Allow species to move out of the site on its own or relocate the species if appropriate</p> <p>4. Limit ground-disturbing work to April 1 to October 31</p>	<p>1. EBRPD</p> <p>2. Qualified biologist</p> <p>3a. USFWS-approved biologist</p> <p>3b. USFWS-approved biologist</p> <p>4. EBRPD</p>	<p>1. USFWS</p> <p>2. USFWS</p> <p>3a. USFWS</p> <p>3b. USFWS</p> <p>4. USFWS</p>	<p>1. During informal consultation under FESA</p> <p>2. At least 15 days prior to commencement of work</p> <p>3a. Two weeks prior to commencing work</p> <p>3b. Two weeks prior to commencing work</p>

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<ul style="list-style-type: none"> Ground disturbing work shall be performed during the period when AWS are active, April 1 to October 31, to minimize potential impacts to hibernating snakes. Exclusion fencing will be placed near the grading limit for the duration of the grading and construction, and removed within 72 hours of completion of work, to prevent AWS from entering the Project site. No monofilament plastic will be used for erosion control. Sites within AWS habitat will be hand-cleared of vegetation, or a qualified biologist will survey the area immediately prior to equipment clearing Upland habitats used by AWS will be restored as feasible, and the lost habitat will be compensated according to a ratio agreed upon with wildlife agencies. 	<ul style="list-style-type: none"> 5. Use exclusion fencing near grading limit 6. Hand-clear sites within AWS habitat of vegetation 7. Compensate for loss of upland habitats used by AWS 	<ul style="list-style-type: none"> 5. EBRPD 6. Qualified biologist 7. EBRPD 	<ul style="list-style-type: none"> 5. USFWS 6. USFWS 7. Wildlife agencies 	<ul style="list-style-type: none"> 4. During ground-disturbing work 5. During grading and construction. Remove within 72 hours of completion of work 6. Immediately prior to equipment clearing 7. Following consultation with wildlife agencies
	<p>Mitigation Measure BIO-1e: Project-Wide: Prepare and Implement a Revegetation Plan for Temporary Impacts to California Red-legged Frog and Alameda Whipsnake Habitat.</p> <p>To restore temporarily impacted habitat for California Red-legged Frog (CRLF) and Alameda Whipsnake (AWS), the District shall prepare and implement a Revegetation Plan (Plan) with detailed specifications for minimizing the introduction of invasive weeds and restoring all temporarily disturbed areas, and shall ensure that the contractor successfully implements the Plan. The Plan shall indicate the best time of year for seeding to occur.</p> <p>To facilitate preparation of the Plan, the District shall ensure that, prior to construction, a botanist (experienced in identifying sensitive plant species in the Project area) performs additional preconstruction surveys of the areas to collect more detailed baseline vegetation composition data, including species occurrence, vegetation characterization (tree diameter size, etc.), and percent cover of plant species. Photo documentation shall be used to show pre-project conditions.</p>	<ul style="list-style-type: none"> 1a. Perform additional preconstruction surveys 	<ul style="list-style-type: none"> 1a. Botanist 1b. Botanist 	<ul style="list-style-type: none"> 1a. EBRPD 1b. EBRPD 	<ul style="list-style-type: none"> 1a. Prior to construction 1b. Prior to construction

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>The HMMP shall outline measures to restore, improve, or re-establish upland habitat for CRLF/AWS on the site, and shall include the following elements:</p> <ol style="list-style-type: none"> 1. Name and contact information for the property owner of the land on which the mitigation will take place. 2. Identification of the water source for supplemental irrigation, if needed. 3. Identification of depth to groundwater. 4. Topsoil salvage and storage methods for areas that support special-status plants. 5. Site preparation guidelines to prepare for planting, including coarse and fine grading. 6. Plant material procurement, including assessment of risk of introduction of plant pathogens through use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds. 7. Planting plan outlining species selection, planting locations and spacing, for each vegetation type to be restored. 8. Planting methods, including containers, hydroseed or hydromulch, weed barriers and cages, as needed. 9. Soil amendment recommendations, if needed. 10. Irrigation plan, with proposed rates (in gallons per minute), schedule (i.e. recurrence interval), and seasonal guidelines for watering 11. Site protection plan to prevent unauthorized access, accidental damage and vandalism 12. Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species 13. Performance standards by which successful completion of mitigation can be assessed in comparison to a relevant baseline or reference site, and by which remedial actions will be triggered; 	<p>1b. Conduct photo documentation of pre-project conditions</p>			

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	<p>14. Success criteria, which at a minimum require the restoration or compensation sites meet the following performance standards by the fifth year following restoration, as outlined in <i>Table 3.4-8</i>:</p> <ul style="list-style-type: none"> • Temporarily impacted areas are returned to pre-project conditions or greater • Native vegetation cover shall be at least 70 percent of baseline/impact area native vegetation cover • No more cover by invasive species than the baseline/impact area <p>15. Monitoring methods and schedule.</p> <p>16. Reporting requirements and schedule.</p> <p>17. Adaptive management and corrective actions to achieve the established success criteria.</p> <p>18. Educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages.</p>				
	<p>Mitigation Measure 1f: Project-wide: Avoid and Minimize Impacts to Nesting Migratory Birds and Raptors</p> <p>All construction activity associated with restoration and development of recreational infrastructure will avoid take of migratory birds and their eggs and nests, including golden eagles and other raptors, according to the restrictions of the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Project activities will not remove any trees during nesting season (February 1 through July 31) unless first inspected by a qualified biologist and determined to be lacking active nests. Preconstruction nesting surveys shall be conducted during nesting season within 14 days of the start of construction activities. If pre-construction surveys identify nesting birds, construction activities near these trees will not commence until the young have fledged, as determined by a qualified biologist. A suitable avoidance buffer will be determined in consultation</p>	<p>1a. Inspect trees for active nests.</p> <p>1b. Conduct nesting surveys.</p> <p>1c. Delay construction activities until nesting birds have fledged</p>	<p>1a. Qualified biologist</p> <p>1b. Qualified biologist</p> <p>1c. Qualified biologist</p>	<p>1a. EBRPD</p> <p>1b. EBRPD</p> <p>1c. EBRPD</p>	<p>1a. Prior to removal of any trees during nesting season</p> <p>1b. Within 14 days of the start of construction activities</p> <p>1c. During construction</p>

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	with CDFW, depending on the species of nesting bird. Completion of this measure shall be monitored and enforced by the District.	1d. Determine avoidance buffer	1d. Qualified biologist	1d. EBRPD in consultation with CDFW	1d. During construction
	Mitigation Measure BIO-1g: Project-Wide: Avoid and Minimize Impacts to Dusky-footed Woodrat. A USFWS-approved biologist will conduct a preconstruction survey for San Francisco dusky-footed woodrats and other species that may be inhabiting woodrat nests no more than 24 hours before construction in suitable habitat and will be onsite during construction activities in potential habitat to ensure that woodrats and their nests encountered during construction are avoided. To the greatest extent practicable, no vegetation should be removed within 5 meters (16.4 feet) of the perimeter of a woodrat den to provide full natural cover in the area directly adjacent to the den. Where it is necessary to remove vegetation within a radius of 5 to 15 meters (woodrat core area territory), clear cutting in this area shall be avoided, but some thinning of vegetation may proceed. Fifty-five percent of the woody understory and a minimum of 60 percent of the woody overstory shall be retained. Completion of this measure shall be monitored and enforced by the District.	1. Conduct preconstruction survey and onsite monitoring for SF dusky-footed woodrats and other species inhabiting woodrat nests	1. USFWS-approved biologist	1. EBRPD	1. No more than 24 hours prior to construction and during construction
	Mitigation Measure BIO-1h: McCosker Sub-area: Avoid and Minimize Impacts to Special-status Bat Species In advance of tree and structure removal, a preconstruction survey for special-status bats shall be conducted by a qualified biologist to characterize potential bat habitat and identify active roost sites within the Project site. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed under the project, the following measures shall be implemented: <ul style="list-style-type: none"> Removal of trees and structures shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, and outside of bat maternity roosting season (approximately April 16⁵ – August 31¹⁴) 	1. Conduct preconstruction survey for special-status bats 2a. Removal of trees and structures	1. Qualified biologist 2a. Qualified biologist	1. EBRPD 2a. EBRPD	1. Prior to tree and structure removal 2a. Between March 1 and April 15 and August 15 to October 15

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	and outside of months of winter torpor (approximately October 15 – February 28), to the extent feasible.	2b. Establish a no-disturbance buffer of 100 feet	2b. Qualified biologist	2b. EBRPD	2b. During tree and structure removal within bat maternity roosting season (April 16 to August 14) and winter torpor (October 16 to February 28)
	<ul style="list-style-type: none">If removal of trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the Project site where tree and structure removal is planned, a no-disturbance buffer of 100 feet shall be established around these roost sites until they are determined to be no longer active by the qualified biologist.	2c. Onsite monitoring of tree removal if active bat roosts not used for maternity or hibernation purposes are present	2c. Qualified biologist	2c. EBRPD	2c. When no rain is occurring and when daytime temperatures are at least 50°F
	<ul style="list-style-type: none">The qualified biologist shall be present during tree and structure removal if active bat roosts, which are not being used for maternity or hibernation purposes, are present. Trees and structures with active roosts shall be removed only when no rain is occurring or is forecast to occur for three days and when daytime temperatures are at least 50°F.	3a. Removal of trees with active or potentially active roost sites using chainsaws	3a. Qualified biologist	3a. EBRPD	3a. On the first day of tree removal
	<ul style="list-style-type: none">Removal of trees with active or potentially active roost sites shall follow a two-step removal process:<ol style="list-style-type: none">1. On the first day of tree removal and under supervision of the qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, shall be cut only using chainsaws.2. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be removed, either using chainsaws or other equipment (e.g. excavator or backhoe).	3b. Removal of remainder of tree with chainsaws or other equipment	3b. Qualified biologist	3b. EBRPD	3b. On the following day of tree removal
	<ul style="list-style-type: none">Removal of structures containing or suspected to contain active bat roosts, which are not being used for maternity or hibernation purposes, shall be dismantled under the supervision of the qualified biologist in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to	4. Dismantle structures containing or suspected to contain active bat roosts	4. Qualified biologist	4. EBRPD	4. In the evening after bats of emerged from roost to forage

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	<p>significantly change the roost conditions, causing bats to abandon and not return to the roost.</p> <p>Mitigation Measure BIO-1i: McCosker Sub-area - Avoid and Minimize Impacts to Fish</p> <p>If worksites require dewatering, fish shall be captured and relocated to avoid injury and mortality and minimize disturbance during the construction season. The following guidelines shall apply:</p> <ul style="list-style-type: none"> The District shall consult with CDFW to provide preservation and avoidance measures commensurate with the CDFW standards. Prior to and during the initiation of construction activities, a qualified CDFW-approved biologist and other approved fisheries biologists shall be present during installation and removal of clear-water creek diversions. For sites that require flow diversion and exclusion, the work area will be blocked by placing fine-meshed nets or screens above and below the work area to prevent state or federally listed species from re-entering the work area. To minimize entanglement, mesh diameter will not exceed 5 mm. The bottom edge of the net or screen will be secured to the channel bed to prevent fish from passing under the screen and avoid scour by flow. Exclusion screening will be placed in low velocity areas to minimize impingement. Screens will be checked weekly and cleaned of debris to permit free flow of water. Before removal and relocation begins, the qualified fisheries biologist will identify the most appropriate release location(s). In general, release locations should have water temperatures similar to (<3.6°F difference) the capture location and offer ample habitat (e.g., depth, velocity, cover, connectivity) for released fish, and should be selected to minimize the likelihood of reentering the work area or becoming impinged on exclusion nets or screens. The means of capture will depend on the nature of the work site, and will be selected by a 	<ol style="list-style-type: none"> Capture and relocate fish Onsite monitoring of installation and removal of clear-water creek diversions Block work area from state or federally listed species from re-entering Check screens and clean of debris Identify most appropriate release locations Select the means of capture 	<ol style="list-style-type: none"> EBRPD CDFW-approved biologist and other fisheries biologist CDFW-approved biologist and other fisheries biologist CDFW-approved biologist and other fisheries biologist Qualified fisheries biologist 	<ol style="list-style-type: none"> CDFW CDFW 3a. CDFW 3b. CDFW CDFW 5. CDFW 	<ol style="list-style-type: none"> During construction season if requiring dewatering Prior to and during initiation of construction During construction Weekly during construction Before fish removal and relocation begins

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing	
	qualified fisheries biologist. Complex stream habitat may require the use of electrofishing equipment (e.g., Smith-root LR-24 backpack electrofisher), whereas in outlet pools, aquatic vertebrates and invertebrates may be captured by pumping down the pool and then seining or dipnetting. Electrofishing will be used only as a last resort.				5. Prior to fish removal and relocation begins	
	<ul style="list-style-type: none">When feasible, initial fish relocation efforts will be performed several days prior to the scheduled start of construction. To the extent feasible, flow diversions and species relocation will be performed during morning periods. The fisheries biologist will survey the flow exclosures throughout the diversion effort to verify that no state or federally listed fish or aquatic invertebrates are present. Afternoon pumping activities should generally not occur and pumping should be limited to days when ambient air temperatures are not expected to exceed the limits allowed by NMFS guidelines. Air and water temperatures will be measured periodically, and flow diversion and species relocation activities will be suspended if temperatures exceed the limits allowed by NMFS guidelines.Handling of fish and aquatic invertebrates will be minimized. When handling is necessary, personnel will wet hands or nets before touching them.Prior to translocation, fish that are collected during surveys will be temporarily held in cool, aerated, shaded water using a five-gallon container with a lid. Overcrowding in containers will be avoided; at least two containers will be used and no more than 25 fish will be kept in each bucket. Aeration will be provided with a battery-powered external bubbler. Fish will be protected from jostling and noise, and will not be removed from the container until the time of release. A thermometer will be placed in each holding container and partial water changes will be conducted as necessary to maintain a stable	6. Survey flow exclosures	6. Qualified fisheries biologist	6. CDFW	6. Several days prior to construction throughout flow diversions and species relocation during morning periods	
		7. Measure air and water temperatures, and suspend flow diversion if temperatures exceed limits allowed by NMFS guidelines	7. Qualified fisheries biologist	7. CDFW	7. Periodically during flow diversion and species relocation activities	
			8. Wet hands or nets before handling fish and aquatic invertebrates	8. EBRPD	8. CDFW	8. During fish relocation
			9. Collect fish in cool, aerated, shaded water using a five-gallon container with a lid.	9. EBRPD	9. CDFW	9. Prior to fish translocation

TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>water temperature. Fish will not be held more than 30 minutes. If water temperature reaches or exceeds NMFS limits, the fish and other aquatic species will be released and relocation operations will cease.</p> <ul style="list-style-type: none"> If mortality during relocation exceeds three percent, relocation will cease and CDFW will be contacted as soon as feasible. 	10. Cease relocation activities if mortality exceeds three percent	10. EBRPD	10. CDFW	10. During relocation
	<p>Mitigation Measure BIO-1j: Preserve Sub-area Eucalyptus Woodland: Avoidance and Protection of Overwintering Monarch Butterfly Colonies</p> <p>Construction activities in and around potential butterfly overwintering sites shall occur outside of the overwintering season (November 1 to March 31), to the greatest extent feasible, to avoid potential impacts on monarch butterfly overwintering habitat. However, when it is not feasible to avoid the overwintering season and construction activities take place during this time, the following measures shall apply:</p> <ul style="list-style-type: none"> Preconstruction surveys shall be conducted for overwintering monarch butterfly sites within 100 feet of the construction areas. Surveys for overwintering aggregations of monarch butterflies shall be conducted over the winter season (November to first week of March) prior to construction activities. A minimum of two surveys shall be conducted: one during Thanksgiving week and the other during the week of January 1. Surveys shall follow survey methods specified by the Xerces Society for Invertebrate Conservation (Xerces, 2004). If an active overwintering site is located, work activities shall be delayed within 100 feet of the site location until avoidance measures have been implemented. Appropriate avoidance measures shall include the following measures (which may be modified as a result of consultation with the CDFW to provide equally effective measures): <ul style="list-style-type: none"> If the qualified wildlife biologist determines that construction activities would not affect an 	<p>1. Conduct construction activities outside overwintering season (November 1 to March 31)</p> <p>2. Conduct preconstruction surveys within 100 feet of the construction areas</p> <p>3. Conduct surveys for overwintering aggregations of monarch butterflies</p> <p>4. Delay work activities within 100 feet upon encounter of active overwintering site</p>	<p>1. EBRPD</p> <p>2. EBRPD</p> <p>3. EBRPD</p> <p>4. Qualified wildlife biologist</p>	<p>1. CDFW</p> <p>2. CDFW</p> <p>3. CDFW</p> <p>4. CDFW</p>	<p>1. During construction</p> <p>2. Prior to construction</p> <p>3. During the winter season (November to first week of March) prior to construction</p> <p>4. During construction</p>

TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>active overwintering site, activities may proceed without restriction.</p> <ul style="list-style-type: none"> A no-disturbance buffer may be established around the overwintering site to avoid disturbance or destruction until after the overwintering. The extent of the no-disturbance buffers shall be determined by a qualified wildlife biologist in consultation with the CDFW. Throughout the year, the District shall avoid removing or trimming trees utilized by monarch butterflies or trees adjacent to the winter roost to prevent indirect changes to the humidity, wind exposure, and temperature within the immediate vicinity of the roost site. Any routine tree trimming shall be done between April and August to eliminate the risk of disturbance to monarch colonies, and shall be conducted under the guidance of a qualified monarch butterfly specialist if butterflies have been documented in the Project area. 	<p>5. Establish no-disturbance buffer</p> <p>6. Avoid removing or trimming trees utilized by monarch butterflies</p>	<p>5. Qualified wildlife biologist</p> <p>6. EBRPD</p>	<p>5. CDFW</p> <p>6. EBRPD</p>	<p>5. During construction</p> <p>6. Throughout the year</p>
<p>Impact BIO-2: Riparian Habitat</p> <p>The Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.</p>	<p>Measure BIO-2a: Project-wide: Minimize Disturbance to Riparian Habitat</p> <p>For work occurring adjacent to riparian habitat, riparian areas shall be clearly delineated with flagging by a qualified biologist. Riparian areas shall be separated and protected from the work area through silt fencing, amphibian-friendly fiber rolls (i.e., no monofilament), or other appropriate erosion control material. Material staging, and all other Project-related activity shall be located as far possible from riparian areas. If riparian areas cannot be avoided, any temporarily impacted areas shall be restored to pre-construction conditions or better at the end of construction (see <i>Mitigation Measure BIO-2b: Habitat Mitigation and Monitoring Plan</i>).</p> <p>Mitigation Measure BIO-2b: Project Wide: Habitat Mitigation and Monitoring to Mitigate for Temporary Impacts to Riparian Habitat</p>	<p>1. Flag riparian areas and protect from work area</p>	<p>Qualified biologist</p>	<p>Wildlife agencies</p>	<p>Prior to and during construction</p>
		<p>1. Implement a revegetation plan as in BIO-1e for riparian habitat</p>	<p>EBRPD</p>	<p>Wildlife agencies</p>	<p>Prior to construction</p>

TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	If temporary disturbance to riparian habitat within the Project area cannot be avoided, the Revegetation Plan (Plan) discussed in Mitigation Measure BIO-1e: Prepare and Implement a Revegetation Plan for Temporary Impacts to California Red-legged Frog and Alameda Whipsnake Habitat , shall be implemented at all riparian habitat temporarily impacted by construction activities. The Plan shall outline measures to restore, improve, or re-establish riparian habitat on the site.				
Impact BIO-3: Wetlands This Project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	Mitigation Measure BIO-3a: Project-wide: Avoid and Minimize Impacts to Wetlands and Waters of the U.S. and of the State A jurisdictional wetland delineation shall be conducted to determine the extent of waters of the U.S. and waters of the state within the Project component footprints and anticipated construction disturbance area. The Project shall be designed to avoid and/or minimize direct impacts on wetlands and/or waters under the jurisdiction of the USACE, RWQCB, and CDFW to the extent feasible. Mitigation Measure BIO-3b: Project-wide: Habitat Mitigation and Monitoring to Mitigate for Temporary Impacts to Wetlands and Waters of the U.S. and of the State If temporary disturbance to wetland habitat within the Project area cannot be avoided, the Revegetation Plan (Plan) discussed in Mitigation Measure BIO-1e: Prepare and Implement a Revegetation Plan for Temporary Impacts to California Red-legged Frog and Alameda Whipsnake Habitat , shall be implemented at all wetlands or waters of the U.S. or of the State temporarily impacted by construction activities. The Plan shall outline measures to restore, improve, or re-establish wetland habitat on the site.	1. Conduct jurisdiction wetland delineation	EBRPD	USACE, RWQCB, and CDFW	Prior to construction
		1. Implement a revegetation plan as in BIO-1e for wetland habitat	EBRPD	Wildlife agencies	Prior to construction
CULTURAL AND TRIBAL RESOURCES					
Impact CUL-1: Archaeological Resources	Mitigation Measure CUL-1: Project-wide - Unanticipated Discovery Protocol for Archaeological Resources	1. Redirect construction upon encountering archaeological deposits.	Qualified Archaeologist	East Bay Regional Park District	During construction

**TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM**

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
<p>The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5</p>	<p>If prehistoric or historic-era archaeological resources are encountered during Project implementation, the District and/or its contractors shall immediately cease all construction activity within 50 feet of the find and flag off the area for avoidance (in accordance with EBRPD Board Resolution No. 1989-4-124 and State law). The District and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, shall be immediately informed of the discovery. The qualified archaeologist shall inspect the find within 24 hours of discovery and notify the District of their initial assessment. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls, and deposits of metal, glass, and/or ceramic refuse.</p> <p>If the District determines, based on recommendations from the qualified archaeologist, that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines § 15064.5), or a tribal cultural resource (as defined in PRC § 21074), the resource shall be avoided if feasible. Avoidance means that no activities associated with the Project that may affect cultural resources shall occur within the boundaries of the resource or any defined buffer zones. If avoidance is not feasible, the District shall consult with appropriate Native American tribes (if the resource is Native American-related), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC § 21083.2, and CEQA Guidelines § 15126.4. This shall include documentation of the resource and may include data recovery or other measures. Treatment for most resources would consist of (but would not be not</p>	<ol style="list-style-type: none"> 2. Prohibit collection or movement of Archaeological deposits. 3. Notify Native American tribes (if the resource is Native American-related) 4. Determine treatment measures 5. File technical report with the California Historical Resources Information System (CHRIS) 5. Documented in EBRPD GIS database (Cultural Site Atlas) 			

TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource. The resource and treatment method shall be documented in a professional-level technical report to be filed with the California Historical Resources Information System (CHRIS). Work in the area may commence upon completion of approved treatment and under the direction of the qualified archaeologist. Additionally, any such archaeological resources are to be documented in the District's GIS database (Cultural Site Atlas) and, as practical, the information shall be provided to the CHRIS for a Primary number and/or trinomial.				
Impact CUL-2: Paleontological Resources The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Mitigation Measure CUL-2a: Project-wide - Paleontological Monitoring and Mitigation Plan The Project proponent shall retain a qualified paleontologist, defined as one meeting the standards of the SVP (2010), to develop and implement a Paleontological Monitoring and Mitigation Plan (PMMP) for the Project. The PMMP shall include a Worker Environmental Awareness Program (WEAP) to be conducted by the qualified paleontologist for all construction crew members involved in Project-related ground-disturbing activities. The PMMP shall also include paleontological monitoring and provisions for the event of fossil discovery.	1. Develop and implement a Paleontological Monitoring and Mitigation Plan (PMMP) for the Project	Qualified Paleontologist	EBRPD	During construction
	Mitigation Measure CUL-2b: Project-wide - Paleontological Monitoring Full-time paleontological resources monitoring shall be conducted for all ground-disturbing activities occurring in previously undisturbed sediments of geologic units with high paleontological sensitivity. Within the Project area the deeper layers (greater than 2 meters deep) of Alluvium (Qa) and all depths of areas mapped as the Orinda Formation (Tor) and the Monterey Formation (Monterey Shale [Ts] and Sobrante Sandstone [Tso]) have high paleontological sensitivity. Paleontological resources monitoring shall be performed by a qualified paleontological monitor, defined as one meeting the standards of the SVP	1. Monitor construction in previously undisturbed sediments of geologic units with high paleontological sensitivity 2. Prepare daily logs detailing the types of activities and soils observed, and any discoveries 3. Prepare a final monitoring and mitigation report	Paleontological monitor, defined as one meeting the standards of the SVP (2010) under direction of a qualified paleontologist	EBRPD	During construction

TABLE X-1
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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	<p>(2010) under direction of a qualified paleontologist, defined as one meeting the standards of the SVP (2010). Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The qualified paleontologist shall spot check the excavation on an intermittent basis and recommend whether the frequency or depth of monitoring should be revised based on his/her observations. The qualified paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.</p>	documenting results of monitoring effort			
	<p>Mitigation Measure CUL-2c: Project-wide - Unanticipated Discovery Protocol for Fossils If paleontological resources are discovered during activities associated with implementation of the Project, all work within 50 feet of the discovery shall be redirected until the qualified paleontologist, defined as one meeting the standards of the SVP (2010), can assess the significance of the find. The qualified paleontologist shall make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological resources. If the paleontological resources are determined to constitute a unique paleontological resource, pursuant to CEQA, the qualified paleontologist shall provide recommendations for the collection and curation of the paleontological resources with an accredited institution, such as the University of California Museum of Paleontology. The qualified paleontologist shall prepare a report documenting evaluation and/or additional treatment of the resource. The report along with related notes, maps, and photographs, shall be filed with the District, Contra Costa County, and the</p>	<p>1. Redirect construction upon encountering paleontological deposits. 2. Prohibit collection or movement of paleontological deposits. 3. Provide recommendations for collection and curation of paleontological resources with accredited institution 4. Prepare a report documenting evaluation and/or treatment of resource 5. File report with EBRPD, Contra Costa County, and repository</p>	Qualified paleontologist	EBRPD	During construction

TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
	repository. Completion of this measure shall be monitored and enforced by the District.				
Impact CUL-3: Human Remains The Project could disturb any human remains, outside of formal cemeteries	Mitigation Measure CUL-3: Project-wide-Unanticipated Discovery Protocol for Human Remains If human remains are uncovered during Project construction, the District and/or its contractors shall immediately halt all work, contact the Contra Costa county coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines § 15064.5(e)(1). If the county coroner determines that the remains are Native American, the District and/or its contractors shall contact the NAHC, in accordance with HSC § 7050.5(c), and PRC § 5097.98. Per PRC § 5097.98, the District shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the District and/or its contractor has discussed and conferred, as prescribed in this section (PRC § 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.	1. Halt all construction upon encountering human remains 2. Notify County Coroner 3. Protect Native American human remains from damage or disturbance 4. Notify qualified archaeologist, and MLD (if remains are Native American) and develop recommendations	Project Contractor	EBRPD	During construction
Impact CUL-4: Tribal Cultural Resources The Project could uncover an unknown tribal cultural resource as defined in PRC § 21074	Mitigation Measures CUL-1 and CUL-3 Impacts would be reduced to a less than significant level with implementation of Mitigation Measures CUL-1 and CUL-3 (see discussions for Impacts CUL-1 and CUL-3, above).				
GEOLOGY AND SOILS <i>With implementation of required NPDES General Construction Activities Permit and District Technical Specifications BMPs there are no significant impacts related to Geology and Soils requiring mitigation.</i>					

**TABLE X-1
MITIGATION, MONITORING AND REPORTING PROGRAM**

Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
HAZARDS AND HAZARDOUS MATERIALS					
Impact HAZ-1: Project construction could create a significant hazard to construction workers encountering contaminants in soils or live utility lines	Mitigation Measure HAZ-1a: McCosker Sub-area - Soil Contaminants Potential exposure of construction workers to contaminants in soils during grading and construction in areas of McCosker Sub-area shall be minimized through the requirement to test for contaminants and establish and implement a remediation plan as part of the grading. If contaminated soils are found to be present in the construction areas, the District shall complete remediation or treatment prior to the institution of grading. The District shall be responsible for notifying all construction contractors undertaking tank removal and grading activities the potential for exposure to contaminated soils and require adherence to all applicable federal, state, and local standards.	1. Notify construction contractors undertaking tank removal and grading activities of potential for contaminated soils 2. Test for contaminants 3. Establish and implement a remediation plan contaminated soils are found	1. EBRPD 2. Project Contractor 3. Project Contractor	1. EBRPD 2. Project Contractor 3. Project Contractor	1. Prior to initiating grading 2. Prior to initiating grading 3. During Construction
	Mitigation Measure HAZ-1b: Project-wide – Health and Safety Plan All work shall be performed in accordance with a Site Health and Safety Plan that includes: 1) methods to assess risks prior to starting onsite work; 2) procedures for the management and disposal of waste soils generated during construction activities or other activities that might disturb contaminated soil; 3) monitoring requirements; 4) storm water controls; 5) record-keeping; and; emergency response plan.	Perform construction in accordance with a Site Health and Safety Plan	Project Contractor	EBRPD	During construction
	Mitigation Measure HAZ-1c: Project-wide - Utility Avoidance Prior to any excavation activities, the Contractor shall coordinate with a utility line locator to ensure avoidance of utility lines.	Coordinate with a utility line locator	Project Contractor	EBRPD	Prior to any excavation activities
HYDROLOGY AND WATER QUALITY					
	<i>With implementation of required NPDES General Construction Activities Permit and District Technical Specifications BMPs there are no significant impacts related to Hydrology and Water Quality requiring mitigation.</i>				
LAND USE AND PLANNING					
	<i>There are no impacts related to Land Use.</i>				
MINERAL RESOURCES					

**TABLE X-1
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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
<i>There are no impacts related to Mineral Resources.</i>					
NOISE					
Impact NOI-4: Construction of the Project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<p>Mitigation Measure NOI-1: Project-wide: Basic Construction Mitigation Measures</p> <p>The Project contractor shall implement the following Best Management Practice measures during construction of the Project:</p> <ul style="list-style-type: none"> Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active Project site. Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all Project construction. Prohibit extended idling time of internal combustion engines. The hours of work shall be any 8.5-hour block as mutually agreed upon between the Contractor and the EBRPD between 7:00 a.m. and 5:00 p.m., Monday through Friday. No night work shall be permitted. Designate a "disturbance coordinator" at EBRPD who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem. 	<p>Comply with Basic Construction Air Quality Mitigation Measures in conformance with EBRPD Technical Specifications including:</p> <ol style="list-style-type: none"> 1. Implementation of noise reduction measures. 2. Limiting hours of construction activities. 	Project Contractor	EBRPD	During construction
POPULATION AND HOUSING					
<i>There are no impacts related to Population and Housing.</i>					
PUBLIC SERVICES					
Impact PUB-1:	Mitigation Measure PUB-1-1: Project-wide - Noticing and Outreach Plan	1. Brief Public Affairs of Construction Closures	1. EBRPD	1. EBRPD	1. Prior to Construction

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
The Project could result in temporary disruption of park services during construction activities	<p>Temporary impacts to recreation uses resulting from temporary closure of existing recreational facilities, including staging areas, trailheads and trails, during:</p> <p>1) repair and maintenance work in the Preserve sub-area; and 2) construction of the creek restoration project and development of recreational facilities within the McCosker sub-area shall be minimized through advance communication and redirection to the nearest comparable facilities. Noticing and outreach shall include the following components:</p> <ul style="list-style-type: none"> The District shall post notices at key access points in the Project area that identify the closure area and provide information on the nature of the closures and the anticipated duration. Public Affairs staff shall be briefed as to Project construction-related closures and disruptions, such as added noise and dust in a normally tranquil setting, occasional traffic disruptions, or potential reduction in available parking at park staging areas and access points. The District shall provide notice of construction activities on its website as the Project is implemented. Prior to acceptance of construction documents, the District shall review the plans and specifications ensure that they contain language requiring the construction contractor to post signs at entrances in the Project area at least one month in advance of construction, indicating the construction schedule and alternative recreation facilities (including location and hours of operation) located in the service area that can be used during the construction period. This measure will be monitored and enforced by the District. 	<p>2. Post notice of construction activities on website</p> <p>3. Review the plans and specifications for language requiring the construction contractor to post signs</p> <p>4. Post Closure Notices at Parks</p>	<p>2. EBRPD</p> <p>3. EBRPD</p> <p>4. Project Contractor</p>	<p>2. EBRPD</p> <p>3. EBRPD</p> <p>4. EBRPD</p>	<p>2. Prior to Construction</p> <p>Prior to Construction</p> <p>4. Approximately one month in advance of construction</p>
RECREATION					
Impact REC-1: The Project would include the construction and	Mitigation Measures AES-3-1, HAZ-1a, HAZ-1b, and HAZ-1c Impacts would be reduced to a less than significant level with implementation of Mitigation Measures	Refer Mitigation Measures AES-3, HAZ-1a, HAZ-1b, and HAZ-1c and			

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Impact Summary	Mitigation Measures	Actions	Party Responsible for or Ensuring Implementation of Mitigation	Party Responsible for or Ensuring Implementation of Monitoring	Timing
expansion of recreational facilities that would change the physical the environment	AES-3, HAZ-1a, HAZ-1b, and HAZ-1c and implementation of required NPDES General Construction Activities Permit and District Technical Specifications BMPs (see discussions for Impacts AES-3, HAZ-1a, HAZ-1b, and HAZ-1c above).	NPDES General Construction Activities Permit and District Technical Specifications BMPs above			
TRANSPORTATION AND TRAFFIC					
<i>There are no significant impacts related to Transportation and Traffic</i>					
UTILITIES AND SERVICE SYSTEMS					
Impact UTI-7: Project implementation would generate a substantive quantity of solid waste that would need to be deposited at a landfill facility	Mitigation Measure UTL-1: Solid Waste Disposal during Construction Prior to completion of the plans and specifications, the District shall review the plans to ensure that they include a solid waste recovery plan. This recovery plan shall be in compliance with the District's adopted sustainability policy, which is directed minimizing disposal of solid waste generated during construction in accordance with applicable state and county codes. The recovery plan shall address, at a minimum, recycling of asphalt and concrete paving materials, lumber and metal and concrete pipes and tanks, and balancing graded soil on site to the maximum extent feasible.	1. Review solid waste recovery plan 2. Implement solid waste recovery plan	1. EBRPD 2. Project Contractor	1. EBRPD 2. EBRPD	1. Prior to completion of plans and specifications 2. During construction

ATTACHMENT 3

Findings

CEQA Findings for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment

The following findings are hereby adopted by the East Bay Regional Park District (EBRPD) Board of Directors (“Board”) for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment (“Project”) in accordance with the California Environmental Quality Act (“CEQA”), Public Resources Code sections 21081, 21081.5, and *CEQA Guidelines*, Title 14, California Code of Regulations 15091 through 15093.

The East Bay Regional Park District (“the District”) Board of Directors, as the lead agency, prepared an Environmental Impact Report (EIR for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment (“Project”). The EIR was prepared in accordance with the California Environmental Quality Act (“CEQA”) and consists of the Draft EIR and the Final EIR. The EIR analyzes the significant effects of the Project on the environment.

The District makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, based on substantial evidence in the whole record of this proceeding and under in accordance with CEQA, (Pub. Resources Code, § 21000 et seq.) and Guidelines for Implementation of CEQA (“CEQA Guidelines”) (14 California Cal. Code Regs. § 15000 et seq.) This document is organized as follows:

Section I provides a description of the Project and Project objectives proposed for adoption, the environmental review process for the Project, the approval actions to be taken, and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

Section IV evaluates the different Project alternatives and other considerations that support approval of the Project and the rejection of the alternatives, or elements thereof, analyzed.

The Mitigation Monitoring and Reporting Program (“MMRP”) for the mitigation measures that have been proposed for adoption is attached to Board Staff Report as Attachment 1. The MMRP is required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091. The

MMRP set forth in Attachment 1 to the November 20, 2018, Board Staff Report includes a table setting forth the full text of each mitigation measure listed in the Final EIR for the proposed Project that is required to reduce or avoid a significant adverse impact. Attachment 1 also specifies the agency responsible for implementation of each measure and establishes implementing actions and a monitoring schedule.

These findings are based upon substantial evidence in the entire record before the District. The references set forth in these findings below to certain pages or sections of the Draft EIR or the Response to Comments document (“RTC”) in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. Approval of the Project

A. Project Description

Project recommendations include two main components: 1) McCosker sub-area creek restoration and enhancement; and 2) recreation and public access improvements. The recreation and public access improvements include six main elements: 1) improvements to existing staging areas; 2) improvements to existing roadways; 3) bridge installation; 4) trail system expansion; 5) recreation facility development; and 6) improvements to utility infrastructure.

The purpose of the creek restoration component is to restore the natural ecology of existing culverted creeks in the McCosker sub-area, including providing for upstream migration access for native rainbow trout. Two creeks, Alder and Leatherwood Creek, are currently culverted within the majority of the Project area. The proposed project would daylight, restore, and enhance approximately 2,291 linear feet of Alder Creek and 770 linear feet of Leatherwood Creek.

The purpose of the recreational infrastructure improvements is to provide facilities for passive and active recreation, including infrastructure at the McCosker sub-area and Robert Sibley Volcanic Regional Preserve, and to connect trails from the McCosker sub-area to the neighboring Park District parks.

B. Project Objectives

The District developed the Project to address the following objectives:

- **Objective 1: Protect and Support Natural Plant Communities and Wildlife Habitat:** Protect and support natural communities and habitat through conservation and enhancement of riparian corridors, wetlands, and wildlife linkages, including habitat for special status species.
- **Objective 2: Creek Restoration:** Improve creek functions in the McCosker sub-area, including overall ecosystem health for native aquatic organisms, water quality protection, sediment sorting and transport, flood storage capacity, and site aesthetics.
- **Objective 3: Trail Development:** Develop a trail circulation system that considers cultural resources, natural communities and ecosystem functioning, and identifies links between District lands and connections to the City of Orinda.

- Objective 4: Recreation Facility and Interpretive Program Elements: Provide facilities for passive and active recreation that connect District residents and visitors to natural areas and cultural features in support of the mission, vision, and policies of the District’s 2013 Master Plan, including, but not limited to, providing camping, trail use, staging areas, and outdoor education focused on natural ecology and cultural history.
- Objective 5: Operations and Maintenance: Provide facilities, equipment, and programs that facilitate staff in providing safe and enriching recreation and interpretive experiences and support habitat protection, conservation and enhancement programs.
- Objective 6: Climate Adaptation and Resiliency: Incorporate climate adaptation and resiliency strategies into the creek restoration actions, recreational facility design and material selection, and program development to provide project stability and programming that reflect an era of changing climate conditions.

C. Environmental Review

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the Park District, as lead agency, prepared a Notice of Preparation (NOP) to prepare a Draft EIR on the proposed project. Prior to issuance of the NOP on January 18, 2017, the Park District conducted a public scoping meeting to obtain comments on the proposed scope of the EIR for the Project. The NOP was circulated to local, state, and federal agencies, and to other interested parties on June 19, 2017, initiating a public scoping period that extended through July 19, 2017.

The NOP provided a general description of the proposed Project, locations, and objectives, and included a preliminary list of the potential environmental impacts related to the following resource topics: aesthetics; air quality; biological resources; cultural and archaeological resources; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use; noise and vibration; public services and utilities; recreation; socioeconomics and environmental justice; soils, seismicity, and geologic resources; and transportation and traffic.

The State Clearinghouse distributed the NOP to responsible agencies, those involved in funding or approving the Project and trustee agencies, and those responsible for natural resources affected by the Project. The NOP was filed with the Contra Costa County Clerk of the Board. One hundred seventy-nine (179) notices were sent via email. Copies of the NOP were also provided to the Park District Board of Directors and Park Advisory Committee, and mailed to 575 community members and local government entities, including libraries. The NOP was also posted on the Park District’s website. The comment period closed on July 19, 2017. The Park District received 12 comment letters in response to the NOP. The NOP and a summary of comments received during the scoping period are included in the Draft EIR *Appendix A, Notice of Preparation*.

The Park District then prepared the Draft EIR, which describes the Project and the environmental setting, identifies potential impacts, presents mitigation measures for impacts found to be significant or potentially significant, and evaluates three alternatives to the Project, including a “No Project” alternative. The EIR also considers the cumulative impact of the Project and alternatives in combination with other past, present, and future projects with potential for impacts on the same resources.

Each environmental issue presented in the Draft EIR is analyzed with respect to significance criteria that are based on CEQA Guidelines Appendix G.

The Draft EIR was circulated to local, state, and federal agencies, and to interested organizations and individuals for review and comment on July 6, 2018, for a 45-day public review period that closed on August 20, 2018. The Park District made the Draft EIR available for download on the Park District's Project website, the address for which was included in all public notices. Paper copies of the Draft EIR were made available for public review at the Park District administrative office, community libraries and the Canyon Post Office. The Park District also distributed notices of availability of the Draft EIR on July 6, 2018; and posted notices at locations within the Project area on July 7, 2018. One hundred ninety-five (195) notices were sent via email. Copies of the NOA were also provided to the Park District Board of Directors and Park Advisory Committee, and mailed to 666 community members.

During the 45-day public review period, the Park District conducted a public meeting to provide an opportunity for the public and regulatory agencies to learn about the project and be informed about how to submit comments on the adequacy and accuracy of the Draft EIR. The public meeting was held on July 25, 2018, at Richard C. Trudeau Conference Center. Approximately 18 members of the public attended the public meeting and eight commented on the Draft EIR. On July 23, 2018, Park District staff gave a presentation to the Park District's Parks Advisory Committee on the draft LUPA and Draft EIR leading to a unanimous recommendation for the EIR and LUPA process to proceed to the full Park District Board of Directors. On August 2, 2018, Park District staff gave a presentation to the Board Executive Committee on the draft LUPA and Draft EIR leading to a unanimous recommendation for the EIR and LUPA process to proceed to the full Park District Board of Directors.

The Park District received a total of 175 comment letters from state, regional, and local agencies, as well as organizations and individuals. Over 100 of these letters contained comments pertaining to dog use. Copies of all written comments received during the comment period and a summary of the oral comments received at the July 25, 2018, community meeting are included in the Response to Comments, Section, RTC 3.0.

The Final EIR, published on October 15, 2018, includes copies of the comment letters received on the Draft EIR as well as individual responses to the comments contained in those letters. The Final EIR fully analyzes the Project proposed for approval herein. The Final EIR provides additional, updated information and clarification on issues raised by commenters, as well as the consultant and the lead and responsible agencies. The Final EIR contains no information revealing (1) a new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) a substantial increase in the severity of a previously identified environmental impact, (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the Project's proponents, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The Park District concurs in that determination.

The Final EIR fully analyzed the Project proposed for approval herein. No new impacts have been identified that have not been analyzed in the Final EIR.

II. Impacts Found Not to Be Significant and Thus Not Requiring Mitigation

Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA, § 21002; CEQA Guidelines, §§ 15126.4 (a)(3), 15091.) The Final EIR identified impacts found not to be significant for each component of the Project. Based on the evidence in the whole record of this proceeding, the District finds that implementation of the Project will not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation: agricultural resources, land use and planning, mineral resources, population and housing, and transportation and traffic.

III. Findings on Potentially Significant Environmental Impacts of the Project that are Reduced to a Level of “Less-than Significant” by the Mitigations Measures Adopted for the Project and the Facts in Support of Findings

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project’s identified significant impacts or potential significant impacts if such measures are feasible (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this section concern mitigation measures set forth in the EIR. The full text of the mitigation measures is also contained in the Final EIR and in the Mitigation Monitoring and Reporting Program.

Aesthetics

Impact AES-3: Visual Quality and Character. Project improvements could substantially alter the existing visual character or quality of the site and its surroundings.

Mitigation Measure AES-3-1: Recreation/Staging Area Units - Grading Plans

Prior to completion of final plans and specifications for improvements in the Recreation/Staging Units, the District shall review the grading plans to ensure that the new grades will minimize impacts on the surrounding environment. During construction grading techniques shall be employed to create natural appearing landforms and avoid excessive contrast between graded areas and existing surroundings. Completion of this measure shall be monitored and enforced by the District.

Finding: Implementation of Mitigation Measure AES-3-1 would reduce potential impacts to the existing visual character and quality of the site to a less-than-significant level by ensuring that grading plans are adequately reviewed to minimize impacts prior to project implementation.

The Board finds mitigation measure AES-3-1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on visual quality and character.

Mitigation Measure AES-3-2: McCosker Sub-area - Site Structure Design

The District shall require that new structures in the McCosker sub-area be finished in unobtrusive colors and materials that fit with the natural character of the surrounding area, as a means of minimizing potential effects to the visual characteristics of the site. Prior to completion of final plans and specifications, the District shall review these documents to ensure that new structures are designed to blend in with their surroundings to the extent practicable. Completion of this measure shall be monitored and enforced by the District.

Finding: Implementation of Mitigation Measure AES-3-2 would reduce potential impacts to the existing visual character and quality of the site to a less-than-significant level by ensuring that site structure design incorporates unobtrusive colors and materials that fit with the natural character of the surrounding area.

The Board finds mitigation measure AES-3-2 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on visual character.

Mitigation Measure AES-3-3: Project-wide - Construction Staging

The District shall require construction contractors to stage construction vehicles and equipment in designated staging areas outside the view area of the Pinehurst Road when not in use. Vehicles shall be kept clean and free of mud and dust before leaving the Project site (Refer to Measure Air-2). Completion of this measure shall be monitored and enforced by the District.

Also Refer to Mitigation Measure BIO2-b: Project-wide: Habitat Mitigation and Monitoring to Mitigate for Temporary Impacts to Riparian Habitat

Finding: Implementation of Mitigation Measure AES-3-3 would reduce potential impacts to the existing visual character and quality of the site to a less-than-significant level by ensuring that designated construction staging areas are utilized.

The Board finds mitigation measure AES-3-3 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on visual character.

Air Quality

Impact AIR-2: Generate Air Pollutant Emissions. Project construction would generate air pollutant emissions that could violate air quality standards.

Mitigation Measure AIR-2-1: Project-wide - Basic Construction Mitigation Measures

The EBRPD and project contractor shall implement the Basic Construction Mitigation Measures during construction activities as follows:

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

Finding: Implementation of Mitigation Measure AIR-2-1 would reduce potential air pollutant emissions to a less-than-significant level by incorporating basic construction mitigation measures.

The Board finds mitigation measure AIR-2-1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on air pollutant emissions and air quality standards.

Biological Resources

Impact BIO-1: Habitat Modifications. The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Mitigation Measure BIO-1a - Project-wide: General Conservation Measures to Protect Habitat Quality for All Special-status Species.

The District's construction contractor(s) shall implement the following general avoidance and minimization measures to protect federally listed species and their habitats during construction:

- Before starting ground disturbing activities within construction sites and along each part of the proposed trail routes, the District shall clearly delineate the boundaries of the construction area with fencing, stakes, or flags. Contractors shall be required to restrict all construction-related activities to within the fenced, staked, or flagged areas. Contractors shall maintain all fencing, stakes, and flags until the completion of construction-related activities in that area.
- Prior to construction, Lead Biologist shall oversee the delineation of the habitat of the CRLF and AWS within the construction sites with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of CRLF and AWS and pallid manzanita habitat. Sensitive habitat areas, including CRLF and AWS habitat and known populations, and jurisdictional waters, shall be clearly indicated on the Project plans.
- To prevent CRLF and AWS from moving through the construction area, the District or its contractors would install temporary wildlife exclusion fencing in the McCosker sub-area and the Preserve Sub-area (i.e., Sibley parking expansion). Final fence design and location shall be determined in consultation with USFWS and CDFW.
- Where wildlife exclusion fencing is not installed and ground disturbing activity is occurring (e.g., trail construction), the Lead Biologist will clear the area prior to the start of ground disturbing activity.
- A USFWS-approved biological monitor would be on-site during installation of the fencing to relocate (as authorized in the Biological Opinion) any CRLF or AWS outside the construction area. The fencing shall be inspected by the qualified biological monitor on a daily basis during construction activities to ensure fence integrity. Any needed repairs to the fence shall be performed on the day of their discovery. After construction has been completed, the exclusion fencing would be removed within 72 hours.
- Any construction-related disturbance outside of these boundaries, including driving, parking, temporary access, sampling or testing, or storage of materials, shall be prohibited without explicit approval of the Lead Biologist. New access driveways shall not extend beyond the delineated construction work area boundary. Construction vehicles shall pass and turn around only within the delineated construction work area boundary or local road network. Where new access is required outside of existing roads or the construction work area, the route shall be clearly marked (i.e., flagged and/or staked) prior to being used, subject to review and approval of the Lead Biologist.
- Excavated soils shall be stockpiled in disturbed areas lacking native vegetation.
- All detected erosion caused by Project-related impacts (i.e., grading or clearing for new roads) shall be remedied immediately upon discovery.

- The introduction of exotic plant species shall be avoided first through prevention, followed by physical or chemical methods. Construction equipment shall arrive at the Project area free of soil, seed, and vegetative debris to reduce the likelihood of introducing new weed species. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. All earth-moving equipment, gravel, fill, or other materials will be weed-free. Construction operators will ensure that clothing, footwear, and equipment used during construction is free of soil, seeds, vegetative matter or other debris or seed-bearing material before entering the park or from an area with known infestations of invasive plants and noxious weeds. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS).
- Use of herbicides as vegetation control measures shall be used only when mechanical means have been deemed ineffective. All uses of such herbicidal compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and state and federal legislation as well as additional Project-related restrictions deemed necessary by the CDFW and/or USFWS. No rodenticides shall be used.
- The introduction of soil-borne pathogens shall be avoided by following the District's Pathogen Controls Best Management Practices, described in Section 3.4.1 Regulatory Framework.
- If federal listed wildlife species are found on the site during Project construction, construction activities shall cease in the vicinity of the animal until the animal moves on its own outside of the Project area (if possible). The wildlife resource agency(ies) with jurisdiction over the species shall be consulted regarding any additional avoidance, minimization, or mitigation measures that may be necessary if the animal does not move on its own. A report shall be prepared by the Lead Biologist to document the activities of the animal within the site; all fence construction, modification, and repair efforts; and movements of the animal once again outside the exclusion fence. This report shall be submitted to the District and pertinent wildlife agencies with jurisdiction over the wildlife species.
- Immediately prior to conducting vegetation removal or grading activities inside fenced exclusion areas, the Lead Biologist or a qualified biologist shall survey within the exclusion area to ensure that no federal or state listed species are present. The Lead Biologist or a qualified biologist shall also monitor vegetation removal or grading activities inside fenced exclusion areas for the presence of federal listed species.
- Before steep-walled holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed species are trapped, the USFWS and/or CDFW, as appropriate, shall be contacted to determine the appropriate method for relocation.
- All construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods and with a diameter of 4 inches or more shall be inspected for federal listed species before the pipe is

subsequently buried, capped, or otherwise used or moved in any way. If a listed species is discovered inside a pipe, that section of pipe shall not be moved until the appropriate resource agency, with jurisdiction over that species, has been consulted to determine the appropriate method for relocation. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the animal has escaped.

- All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Contractor equipment shall be checked for leaks prior to operation and repaired when leaks are detected. Fuel containers shall be stored within appropriately-sized secondary containment barriers. The Lead Biologist shall be informed of any hazardous spills within 24 hours of the incident. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility. If vehicle or equipment maintenance is necessary, it would be performed in the designated staging areas.
- All temporarily disturbed areas shall be returned to pre-project conditions or better.
- Project-related vehicles would observe a 15-mile-per-hour speed limit on unpaved roads within the limits of construction.

Finding: Implementation of Mitigation Measure BIO-1a would reduce potential impacts to habitat quality for all special-status species to a less-than-significant level by ensuring that general conservation measures are implemented.

The Board finds mitigation measure BIO-1a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on special-status species habitat.

Mitigation Measure BIO-1b: Project-wide: Avoidance, Minimization, and Compensation for Impacts to Special-Status Plants.

The District will implement measures to avoid and minimize potential adverse effects on special status plants. Prior to conducting work and during work, the following measures will be implemented.

- A complete botanical survey of the action area will be completed using the Service's Guidelines for *Conducting and Reporting Botanical Inventories for Federally listed, Proposed and Candidate Plants* (USFWS, 2000) and CDFW *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (CDFG, 2000). Surveys shall maximize the likelihood of locating special-status species, be floristic in nature, include areas of potential indirect impacts, be conducted in the field at the time of year when species are both evident and identifiable, and be replicated and spaced throughout the growing season to accurately determine what plants exist on the site. The purpose of these surveys will be to identify the locations of special-status plants. The extent of mitigation of direct loss of or indirect impacts on special-status plants will be based on these survey results.

- Locations of special-status plants in proposed construction areas will be recorded using a global positioning system (GPS) unit, and flagged in the field. The GPS data will be used to create digital and hardcopy maps for distribution to construction inspectors and contractors to inform them of areas where disturbance is prohibited.
- If initial screening by a Service-approved biologist identifies the potential for special-status plant species to be directly or indirectly affected by a specific project, the biologist will establish an adequate buffer area to exclude activities that would directly remove or alter the habitat of an identified special-status plant population or result in indirect adverse effects on the species.
- Access may be restricted around special-status plant populations through appropriate management plans. This may include signage, buffers, seasonal restrictions, and design or no access, depending on the sensitive species in question.
- The Project proponents will oversee installation of a temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) at least 4 feet (1.2 meters) tall around any established buffer areas to prevent encroachment by construction vehicles and personnel. A Service-approved biologist will determine the exact location of the fencing. The fencing will be strung tightly on posts set at maximum intervals of 10 feet (3 meters) and will be checked and maintained weekly until all construction is complete. The buffer zone established by the fencing will be marked by signs prohibiting disturbance of special status plants.
- No grading, clearing, storage of equipment or machinery, or other disturbance or construction activity will occur until all temporary construction fencing has been installed by the District, and inspected and approved by the qualified biologist.
- Any special-status species observed during surveys will be reported to the Service and CDFW so observations can be added to the California Natural Diversity Database (CNDDDB).
- If avoidance is not feasible, rare plants and their seeds shall be salvaged and relocated, and habitat restoration shall be provided to replace any destroyed special-status plant occurrences at a minimum 1:1 ratio based on area of lost habitat. Compensation for loss of special-status plant populations may include the restoration or enhancement of temporarily impacted areas, and management of restored areas. Restoration or reintroduction may be located on-site (i.e., within the project footprint) or at a nearby suitable off-site area. At a minimum, the restoration areas shall meet the following performance standards by the fifth year:
 - The compensation area shall be at least the same size as the impact area.
 - Native vegetation cover shall comprise at least 70 percent of the vegetation cover in the impact area.
 - Monitoring shall demonstrate the continued presence of rare plants in the restoration area.
 - Invasive species cover shall be less than or equal to the invasive species cover in the impact area.

Additionally, restored populations shall have greater than the number of individuals of the impacted population, in an area greater than or equal to the size of the impacted population, for at least three (3) consecutive years.

Finding: Implementation of Mitigation Measure BIO-1b would reduce potential impacts to special-status plants to a less-than-significant level by incorporating avoidance, minimization and compensation measures into the Project.

The Board finds mitigation measure BIO-1b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on special-status plants.

Mitigation Measure BIO-1c: Project-wide: California Red-legged Frog Avoidance and Minimization Measures.

The District will implement measures to avoid and minimize potential adverse effects to California red-legged frog (CRLF) within suitable habitat for this species (scrub, grassland, oak woodland, mixed woodland, riparian woodland, eucalyptus woodland and ruderal and agricultural/ornamental habitat). Prior to conducting work and during work, the following measures will be implemented.

- Instream disturbances shall be performed during the dry season when Alder Creek flows are minimal (e.g., May 15 to October 31).
- A qualified biologist shall perform a preconstruction survey of the Project area no more than 2 weeks prior to construction to determine whether CRLF or other special status species are present in work areas. General minimum qualifications for the qualified biologist are a 4-year degree in biological sciences or other appropriate training and/or experience in surveying, identifying, and handling CRLF
- If special-status wildlife species are known to occur in the Project area, immediately prior to the start of work each day, a qualified biologist will conduct a visual inspection of the construction zone and adjacent areas, as appropriate. If a special-status wildlife species is found on the Project site, work in the vicinity will be delayed until the species moves out of the site on its own, or is relocated by a qualified biologist with permission from the wildlife agencies.
- In construction areas containing CRLF or other special status species habitat, a qualified biological monitor shall perform periodic inspections of the Project site to verify the absence of CRLF and other special status species.
- If a CRLF is located, work shall cease in the immediate area and the U.S. Fish and Wildlife Service shall be notified before work is reinitiated. Additional measures including fulltime or spot check biological monitoring and/or exclusion measures for CRLF may be implemented during the remainder of construction following consultation with the Service.
- The USFWS-approved biologist will remove and destroy from within the Project area any individuals of non-native species, such as bullfrog, crawfish, and

cetrarchid fishes, to the maximum extent possible.

Finding: Implementation of Mitigation Measure BIO-1c would reduce potential impacts to California red-legged frog to a less-than-significant level by ensuring that avoidance and minimization measures are implemented within suitable habitat for this species. Seasonal construction window limitations, preconstruction surveys and inspections are part of these measures.

The Board finds mitigation measure BIO-1c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on California red-legged frog.

Mitigation Measure BIO-1d: Project-Wide: Alameda Whipsnake Avoidance and Minimization Measures

The District will implement measures to avoid and minimize potential adverse effects to Alameda whipsnake (AWS) within suitable habitat for this species (scrub, grassland, oak woodland, mixed woodland, riparian woodland, and ruderal and agricultural/ornamental habitat). The District will develop and implement an AWS protection and monitoring plan, to be approved by the USFWS during informal consultation under FESA. The following protective measures will be included:

- The District shall provide the names and credentials of a biologist qualified to act as a construction monitor to USFWS for approval at least 15 days prior to commencement of work.
- The USFWS-approved biologist will survey the site two weeks prior to the onset of work activities and immediately prior to commencing work. If AWS is found, work in the vicinity will be delayed until the species moves out of the site on its own, or the approved biologist will contact the USFWS to determine whether relocating the species is appropriate.
- Ground disturbing work shall be performed during the period when AWS are active, April 1 to October 31, to minimize potential impacts to hibernating snakes.
- Exclusion fencing will be placed near the grading limit for the duration of the grading and construction, and removed within 72 hours of completion of work, to prevent AWS from entering the Project site.
- No monofilament plastic will be used for erosion control.
- Sites within AWS habitat will be hand-cleared of vegetation, or a qualified biologist will survey the area immediately prior to equipment clearing
- Upland habitats used by AWS will be restored as feasible, and the lost habitat will be compensated according to a ratio agreed upon with wildlife agencies.

Finding: Implementation of Mitigation Measure BIO-1d would reduce potential impacts to Alameda whipsnake to a less-than-significant level by ensuring that avoidance and

minimization measures are implemented within suitable habitat for this species. Seasonal construction window limitations, preconstruction surveys and inspections, and exclusion fencing installation are part of these measures.

The Board finds mitigation measure BIO-1d is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on Alameda whipsnake.

Mitigation Measure BIO-1e: Project-Wide: Prepare and Implement a Revegetation Plan for Temporary Impacts to California Red-legged Frog and Alameda Whipsnake Habitat.

To restore temporarily impacted habitat for California Red-legged Frog (CRLF) and Alameda Whipsnake (AWS), the District shall prepare and implement a Revegetation Plan (Plan) with detailed specifications for minimizing the introduction of invasive weeds and restoring all temporarily disturbed areas, and shall ensure that the contractor successfully implements the Plan. The Plan shall indicate the best time of year for seeding to occur.

To facilitate preparation of the Plan, the District shall ensure that, prior to construction, a botanist (experienced in identifying sensitive plant species in the Project area) performs additional preconstruction surveys of the areas to collect more detailed baseline vegetation composition data, including species occurrence, vegetation characterization (tree diameter size, etc.), and percent cover of plant species. Photo documentation shall be used to show pre-project conditions.

The HMMP shall outline measures to restore, improve, or re-establish upland habitat for CRLF/AWS on the site, and shall include the following elements:

1. Name and contact information for the property owner of the land on which the mitigation will take place.
2. Identification of the water source for supplemental irrigation, if needed.
3. Identification of depth to groundwater.
4. Topsoil salvage and storage methods for areas that support special-status plants.
5. Site preparation guidelines to prepare for planting, including coarse and fine grading.
6. Plant material procurement, including assessment of risk of introduction of plant pathogens through use of nursery-grown container stock vs. collection and propagation of site-specific plant materials, or use of seeds.
7. Planting plan outlining species selection, planting locations and spacing, for each vegetation type to be restored.

8. Planting methods, including containers, hydroseed or hydromulch, weed barriers and cages, as needed.
9. Soil amendment recommendations, if needed.
10. Irrigation plan, with proposed rates (in gallons per minute), schedule (i.e. recurrence interval), and seasonal guidelines for watering
11. Site protection plan to prevent unauthorized access, accidental damage and vandalism
12. Weeding and other vegetation maintenance tasks and schedule, with specific thresholds for acceptance of invasive species
13. Performance standards by which successful completion of mitigation can be assessed in comparison to a relevant baseline or reference site, and by which remedial actions will be triggered;
14. Success criteria, which at a minimum require the restoration or compensation sites meet the following performance standards by the fifth year following restoration, as outlined in Table 3.4-8:
 - Temporarily impacted areas are returned to pre-project conditions or greater
 - Native vegetation cover shall be at least 70 percent of baseline/impact area native vegetation cover
 - No more cover by invasive species than the baseline/impact area
15. Monitoring methods and schedule.
16. Reporting requirements and schedule.
17. Adaptive management and corrective actions to achieve the established success criteria.
18. Educational outreach program to inform operations and maintenance departments of local land management and utility agencies of the mitigation purpose of restored areas to prevent accidental damages.

Finding: Implementation of Mitigation Measure BIO-1e would reduce potential impacts to temporarily impacted habitat for California red-legged frog and Alameda whipsnake to a less-than-significant level by implementing a revegetation plan. Preconstruction surveys, including species occurrence, vegetation characterization, and percent cover of plant species would inform the Plan.

The Board finds mitigation measure BIO-1e is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on habitat for California red-legged frog and Alameda whipsnake.

Mitigation Measure 1f: Project-wide: Avoid and Minimize Impacts to Nesting Migratory Birds and Raptors

All construction activity associated with restoration and development of recreational infrastructure will avoid take of migratory birds and their eggs and nests, including golden eagles and other raptors, according to the restrictions of the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Project activities will not remove any trees during nesting season (February 1 through July 31) unless first inspected by a qualified biologist and determined to be lacking active nests. Preconstruction nesting surveys shall be conducted during nesting season within 14 days of the start of construction activities. If pre-construction surveys identify nesting birds, construction activities near these trees will not commence until the young have fledged, as determined by a qualified biologist. A suitable avoidance buffer will be determined in consultation with CDFW, depending on the species of nesting bird. Completion of this measure shall be monitored and enforced by the District.

Finding: Implementation of Mitigation Measure BIO-1f would reduce potential impacts to nesting migratory birds and raptors to a less-than-significant level by restricting tree removal during nesting season and conducting nesting surveys prior to construction. Preconstruction surveys, including species occurrence, vegetation characterization, and percent cover of plant species would inform the Plan.

The Board finds mitigation measure BIO-1f is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on nesting migratory birds and raptors.

Mitigation Measure BIO-1g: Project-Wide: Avoid and Minimize Impacts to Dusky-footed Woodrat.

A USFWS-approved biologist will conduct a preconstruction survey for San Francisco dusky-footed woodrats and other species that may be inhabiting woodrat nests no more than 24 hours before construction in suitable habitat and will be onsite during construction activities in potential habitat to ensure that woodrats and their nests encountered during construction are avoided. To the greatest extent practicable, no vegetation should be removed within 5 meters (16.4 feet) of the perimeter of a woodrat den to provide full natural cover in the area directly adjacent to the den. Where it is necessary to remove vegetation within a radius of 5 to 15 meters (woodrat core area territory), clear cutting in this area shall be avoided, but some thinning of vegetation may proceed. Fifty-five percent of the woody understory and a minimum of 60 percent of the woody overstory shall be retained. Completion of this measure shall be monitored and enforced by the District.

Finding: Implementation of Mitigation Measure BIO-1g would reduce potential impacts to dusky-footed woodrats to a less-than-significant level by conducting pre-construction surveys and limiting vegetation removal near nests.

The Board finds mitigation measure BIO-1g is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on dusky-footed woodrats.

Mitigation Measure BIO-1h: McCosker Sub-area: Avoid and Minimize Impacts to Special-status Bat Species

In advance of tree and structure removal, a preconstruction survey for special-status bats shall be conducted by a qualified biologist to characterize potential bat habitat and identify active roost sites within the Project site. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed under the project, the following measures shall be implemented:

- Removal of trees and structures shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, and outside of bat maternity roosting season (approximately April 16 – August 14) and outside of months of winter torpor (approximately October 16 – February 28), to the extent feasible.
- If removal of trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the Project site where tree and structure removal is planned, a no-disturbance buffer of 100 feet shall be established around these roost sites until they are determined to be no longer active by the qualified biologist.
- The qualified biologist shall be present during tree and structure removal if active bat roosts, which are not being used for maternity or hibernation purposes, are present. Trees and structures with active roosts shall be removed only when no rain is occurring or is forecast to occur for three days and when daytime temperatures are at least 50°F.
- Removal of trees with active or potentially active roost sites shall follow a two-step removal process:
 1. On the first day of tree removal and under supervision of the qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, shall be cut only using chainsaws.
 2. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be removed, either using chainsaws or other equipment (e.g. excavator or backhoe).
- Removal of structures containing or suspected to contain active bat roosts, which are not being used for maternity or hibernation purposes, shall be dismantled under the supervision of the qualified biologist in the evening and after bats have emerged from

the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost.

Finding: Implementation of Mitigation Measure BIO-1h would reduce potential impacts to special-status bat species to a less-than-significant level by restricting tree and structure removal to seasonal windows and outside of bat maternity roosting season, conducting preconstruction surveys, and following the removal process stipulated in this measure.

The Board finds mitigation measure BIO-1h is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on special-status bat species.

Mitigation Measure BIO-1i: McCosker Sub-area - Avoid and Minimize Impacts to Fish

If worksites require dewatering, fish shall be captured and relocated to avoid injury and mortality and minimize disturbance during the construction season. The following guidelines shall apply:

- The District shall consult with CDFW to provide preservation and avoidance measures commensurate with the CDFW standards.
- Prior to and during the initiation of construction activities, a qualified CDFW-approved biologist and other approved fisheries biologists shall be present during installation and removal of clear-water creek diversions.
- For sites that require flow diversion and exclusion, the work area will be blocked by placing fine-meshed nets or screens above and below the work area to prevent state or federally listed species from re-entering the work area. To minimize entanglement, mesh diameter will not exceed 5 mm. The bottom edge of the net or screen will be secured to the channel bed to prevent fish from passing under the screen and avoid scour by flow. Exclusion screening will be placed in low velocity areas to minimize impingement. Screens will be checked weekly and cleaned of debris to permit free flow of water.
- Before removal and relocation begins, the qualified fisheries biologist will identify the most appropriate release location(s). In general, release locations should have water temperatures similar to (<3.6°F difference) the capture location and offer ample habitat (e.g., depth, velocity, cover, connectivity) for released fish, and should be selected to minimize the likelihood of reentering the work area or becoming impinged on exclusion nets or screens.
- The means of capture will depend on the nature of the work site, and will be selected by a qualified fisheries biologist. Complex stream habitat may require the use of electrofishing equipment (e.g., Smith-root LR-24 backpack electrofisher), whereas in outlet pools, aquatic vertebrates and invertebrates may be captured by pumping down the pool and then seining or dipnetting. Electrofishing will be used only as a last resort.

- When feasible, initial fish relocation efforts will be performed several days prior to the scheduled start of construction. To the extent feasible, flow diversions and species relocation will be performed during morning periods. The fisheries biologist will survey the flow enclosures throughout the diversion effort to verify that no state or federally listed fish or aquatic invertebrates are present. Afternoon pumping activities should generally not occur and pumping should be limited to days when ambient air temperatures are not expected to exceed the limits allowed by NMFS guidelines. Air and water temperatures will be measured periodically, and flow diversion and species relocation activities will be suspended if temperatures exceed the limits allowed by NMFS guidelines.
- Handling of fish and aquatic invertebrates will be minimized. When handling is necessary, personnel will wet hands or nets before touching them.
- Prior to translocation, fish that are collected during surveys will be temporarily held in cool, aerated, shaded water using a five-gallon container with a lid. Overcrowding in containers will be avoided; at least two containers will be used and no more than 25 fish will be kept in each bucket. Aeration will be provided with a battery-powered external bubbler. Fish will be protected from jostling and noise, and will not be removed from the container until the time of release. A thermometer will be placed in each holding container and partial water changes will be conducted as necessary to maintain a stable water temperature. Fish will not be held more than 30 minutes. If water temperature reaches or exceeds NMFS limits, the fish and other aquatic species will be released and relocation operations will cease.
- If mortality during relocation exceeds three percent, relocation will cease and CDFW will be contacted as soon as feasible.

Finding: Implementation of Mitigation Measure BIO-1i would reduce potential impacts to fish in the McCosker sub-area to a less-than-significant level by following the guidelines established by the CDFW for preservation and avoidance measures for fish.

The Board finds mitigation measure BIO-1i is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on fish.

Mitigation Measure BIO-1j: Preserve Sub-area Eucalyptus Woodland: Avoidance and Protection of Overwintering Monarch Butterfly Colonies.

Construction activities in and around potential butterfly overwintering sites shall occur outside of the overwintering season (November 1 to March 31), to the greatest extent feasible, to avoid potential impacts on monarch butterfly overwintering habitat. However, when it is not feasible to avoid the overwintering season and construction activities take place during this time, the following measures shall apply:

- Preconstruction surveys shall be conducted for overwintering monarch butterfly sites within 100 feet of the construction areas.
- Surveys for overwintering aggregations of monarch butterflies shall be conducted over the winter season (November to first week of March) prior to construction activities. A minimum of two surveys shall be conducted: one during Thanksgiving

week and the other during the week of January 1. Surveys shall follow survey methods specified by the Xerces Society for Invertebrate Conservation (Xerces, 2004).

- If an active overwintering site is located, work activities shall be delayed within 100 feet of the site location until avoidance measures have been implemented. Appropriate avoidance measures shall include the following measures (which may be modified as a result of consultation with the CDFW to provide equally effective measures):
 - If the qualified wildlife biologist determines that construction activities would not affect an active overwintering site, activities may proceed without restriction.
 - A no-disturbance buffer may be established around the overwintering site to avoid disturbance or destruction until after the overwintering. The extent of the no-disturbance buffers shall be determined by a qualified wildlife biologist in consultation with the CDFW.
 - Throughout the year, the District shall avoid removing or trimming trees utilized by monarch butterflies or trees adjacent to the winter roost to prevent indirect changes to the humidity, wind exposure, and temperature within the immediate vicinity of the roost site. Any routine tree trimming shall be done between April and August to eliminate the risk of disturbance to monarch colonies, and shall be conducted under the guidance of a qualified monarch butterfly specialist if butterflies have been documented in the Project area.

Finding: Implementation of Mitigation Measure BIO-1j would reduce potential impacts to overwintering Monarch butterfly colonies to a less-than-significant level by restricting construction activities to seasonal windows, conducting preconstruction surveys, and following avoidance measures around overwintering sites.

The Board finds mitigation measure BIO-1j is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on Monarch butterfly colonies.

Impact BIO-2: Riparian Habitat: The Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Measure BIO-2: Project-wide: Minimize Disturbance to Riparian Habitat

For work occurring adjacent to riparian habitat, riparian areas shall be clearly delineated with flagging by a qualified biologist. Riparian areas shall be separated and protected from the work area through silt fencing, amphibian-friendly fiber rolls (i.e., no

monofilament), or other appropriate erosion control material. Material staging, and all other Project-related activity shall be located as far possible from riparian areas. If riparian areas cannot be avoided, any temporarily impacted areas shall be restored to pre-construction conditions or better at the end of construction (see *Mitigation Measure BIO-2b: Habitat Mitigation and Monitoring Plan*).

Finding: Implementation of Mitigation Measure BIO-2 would minimize disturbance to riparian habitat to a less-than-significant level by separating and protecting riparian areas with silt fencing, fiber rolls or other erosion control material.

The Board finds mitigation measure BIO-2 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on riparian habitat.

Mitigation Measure BIO-2b: Project Wide: Habitat Mitigation and Monitoring to Mitigate for Temporary Impacts to Riparian Habitat

If temporary disturbance to riparian habitat within the Project area cannot be avoided, the Revegetation Plan (Plan) discussed in Mitigation Measure BIO-1e: Prepare and Implement a Revegetation Plan for Temporary Impacts to California Red-legged Frog and Alameda Whipsnake Habitat, shall be implemented at all riparian habitat temporarily impacted by construction activities. The Plan shall outline measures to restore, improve, or re-establish riparian habitat on the site.

Finding: Implementation of Mitigation Measure BIO-2b would reduce potential temporary impacts to riparian habitat to a less-than-significant level by preparing and implementing a revegetation plan for temporary impacts to California red-legged frog and Alameda whipsnake habitat.

The Board finds mitigation measure BIO-2b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on riparian habitat.

Impact BIO-3: Wetlands. This Project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Mitigation Measure BIO-3a: Project-wide: Avoid and Minimize Impacts to Wetlands and Waters of the U.S. and of the State

A jurisdictional wetland delineation shall be conducted to determine the extent of waters of the U.S. and waters of the state within the Project component footprints and anticipated construction disturbance area.

The Project shall be designed to avoid and/or minimize direct impacts on wetlands and/or waters under the jurisdiction of the USACE, RWQCB, and CDFW to the extent feasible.

Finding: Implementation of Mitigation Measure BIO-3a would reduce potential impacts to wetlands and waters of the U.S. and of the State to a less-than-significant level by conducting a wetland delineation to determine the extent of such waters within the project footprint.

The Board finds mitigation measure BIO-3a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on wetlands and waters of the U.S. and of the State.

Mitigation Measure BIO-3b – Project-wide: Habitat Mitigation and Monitoring to Mitigate for Temporary Impacts to Wetlands and Waters of the U.S. and of the State

If temporary disturbance to wetland habitat within the Project area cannot be avoided, the Revegetation Plan (Plan) discussed in **Mitigation Measure BIO-1e: Prepare and Implement a Revegetation Plan for Temporary Impacts to California Red-legged Frog and Alameda Whipsnake Habitat**, shall be implemented at all wetlands or waters of the U.S. or of the State temporarily impacted by construction activities. The Plan shall outline measures to restore, improve, or re-establish wetland habitat on the site.

Finding: Implementation of Mitigation Measure BIO-3b would reduce potential temporary impacts to wetlands and waters of the U.S. and of the State to a less-than-significant level by implementing the Revegetation Plan at all wetlands or waters of the U.S. or of the State.

The Board finds mitigation measure BIO-3b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on wetlands and waters of the U.S. and of the State.

Cultural and Tribal Resources

Impact CUL-1: Archaeological Resources. The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5

Mitigation Measure CUL-1: Project-wide - Unanticipated Discovery Protocol for Archaeological Resources

If prehistoric or historic-era archaeological resources are encountered during Project implementation, the District and/or its contractors shall immediately cease all construction activity within 50 feet of the find and flag off the area for avoidance (in accordance with EBRPD Board Resolution No. 1989-4-124 and State law). The District and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's

Professional Qualifications Standards for Archeology, shall be immediately informed of the discovery. The qualified archaeologist shall inspect the find within 24 hours of discovery and notify the District of their initial assessment. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls, and deposits of metal, glass, and/or ceramic refuse.

If the District determines, based on recommendations from the qualified archaeologist, that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines § 15064.5), or a tribal cultural resource (as defined in PRC § 21074), the resource shall be avoided if feasible. Avoidance means that no activities associated with the Project that may affect cultural resources shall occur within the boundaries of the resource or any defined buffer zones. If avoidance is not feasible, the District shall consult with appropriate Native American tribes (if the resource is Native American-related), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC § 21083.2, and CEQA Guidelines § 15126.4. This shall include documentation of the resource and may include data recovery or other measures. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource. The resource and treatment method shall be documented in a professional-level technical report to be filed with the California Historical Resources Information System (CHRIS). Work in the area may commence upon completion of approved treatment and under the direction of the qualified archaeologist.

Additionally, any such archaeological resources are to be documented in the District's GIS database (Cultural Site Atlas) and, as practical, the information shall be provided to the CHRIS for a Primary number and/or trinomial.

Finding: Implementation of Mitigation Measure CUL-1 would reduce potential impacts to archaeological resources to a less-than-significant level by implementing the Unanticipated Discovery Protocol for Archaeological Resources.

The Board finds mitigation measure CUL-1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on archaeological resources.

Impact CUL-2: Paleontological Resources. The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Mitigation Measure CUL-2a: Project-wide - Paleontological Monitoring and Mitigation Plan

The Project proponent shall retain a qualified paleontologist, defined as one meeting the standards of the SVP (2010), to develop and implement a Paleontological Monitoring and Mitigation Plan (PMMP) for the Project. The PMMP shall include a Worker Environmental Awareness Program (WEAP) to be conducted by the qualified paleontologist for all construction crew members involved in Project-related ground-disturbing activities. The PMMP shall also include paleontological monitoring and provisions for the event of fossil discovery.

Finding: Implementation of Mitigation Measure CUL-2a would reduce potential impacts to paleontological resources to a less-than-significant level by implementing the Paleontological Monitoring and Mitigation Plan.

The Board finds mitigation measure CUL-2a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on paleontological resources.

Mitigation Measure CUL-2b: Project-wide - Paleontological Monitoring

Full-time paleontological resources monitoring shall be conducted for all ground-disturbing activities occurring in previously undisturbed sediments of geologic units with high paleontological sensitivity. Within the Project area the deeper layers (greater than 2 meters deep) of Alluvium (Qa) and all depths of areas mapped as the Orinda Formation (Tor) and the Monterey Formation (Monterey Shale [Ts] and Sobrante Sandstone [Tso]) have high paleontological sensitivity. Paleontological resources monitoring shall be performed by a qualified paleontological monitor, defined as one meeting the standards of the SVP (2010) under direction of a qualified paleontologist, defined as one meeting the standards of the SVP (2010). Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The qualified paleontologist shall spot check the excavation on an intermittent basis and recommend whether the frequency or depth of monitoring should be revised based on his/her observations. The qualified paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.

Finding: Implementation of Mitigation Measure CUL-2b would reduce potential impacts to paleontological resources to a less-than-significant level by implementing paleontological resources monitoring for all ground-disturbing activities occurring in previously undisturbed sediments of geologic units with high paleontological sensitivity.

The Board finds mitigation measure CUL-2b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on paleontological resources.

Mitigation Measure CUL-2c: Project-wide - Unanticipated Discovery Protocol for Fossils

If paleontological resources are discovered during activities associated with implementation of the Project, all work within 50 feet of the discovery shall be redirected until the qualified paleontologist, defined as one meeting the standards of the SVP (2010), can assess the significance of the find. The qualified paleontologist shall make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological resources. If the paleontological resources are determined to constitute a unique paleontological resource, pursuant to CEQA, the qualified paleontologist shall provide recommendations for the collection and curation of the paleontological resources with an accredited institution, such as the University of California Museum of Paleontology. The qualified paleontologist shall prepare a report documenting evaluation and/or additional treatment of the resource. The report along with related notes, maps, and photographs, shall be filed with the District, Contra Costa County, and the repository. Completion of this measure shall be monitored and enforced by the District.

Finding: Implementation of Mitigation Measure CUL-2c would reduce potential impacts to fossils to a less-than-significant level by implementing an unanticipated discovery protocol should any paleontological resources be discovered during construction activities.

The Board finds mitigation measure CUL-2c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on fossils.

Impact CUL-3: Human Remains. The Project could disturb any human remains, outside of formal cemeteries

Mitigation Measure CUL-3: Project-wide- Unanticipated Discovery Protocol for Human Remains

If human remains are uncovered during Project construction, the District and/or its contractors shall immediately halt all work, contact the Contra Costa county coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines § 15064.5(e)(1). If the county coroner determines that the remains are Native American, the District and/or its contractors shall contact the NAHC, in accordance with HSC § 7050.5(c), and PRC § 5097.98. Per PRC § 5097.98, the District shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the District and/or its contractor has discussed and conferred, as prescribed in this section (PRC § 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

Finding: Implementation of Mitigation Measure CUL-3 would reduce potential impacts to the unanticipated discovery of human remains to a less-than-significant level by implementing an unanticipated discovery protocol for human remains.

The Board finds mitigation measure CUL-3 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on unanticipated human remains.

Impact CUL-4: Tribal Cultural Resources. The Project could uncover an unknown tribal cultural resource as defined in PRC § 21074

Mitigation Measures CUL-1 and CUL-3

Impacts would be reduced to a less than significant level with implementation of Mitigation Measures CUL-1 and CUL-3 (see discussions for Impacts CUL-1 and CUL-3, above).

Finding: Implementation of Mitigation Measures CUL-1 and CUL-3 would reduce potential impacts to Tribal Cultural Resources to a less-than-significant level.

The Board finds mitigation measure CUL-1 and CUL-3 are feasible, adopts such measures, and finds such measures will lessen to an insignificant level the potentially significant direct impact of the Project on tribal cultural resources.

Greenhouse Gases

Impact GHG-1: Project construction activities would generate approximately 160 metric tons of CO₂e.

Refer to Mitigation Measure AIR-2-1: Project-wide - Basic Construction Mitigation Measures

Implementation of the BAAQMD Basic Construction Mitigation Measures, as required by Mitigation Measure AIR-2-1, above would further reduce greenhouse gas emissions during the construction period to ensure impacts remain less than significant.

Finding: Implementation of Mitigation Measure AIR-2-1 would reduce potential impacts to greenhouse gas emissions to a less-than-significant level by implementing BAAQMD basic construction mitigation measures.

The Board finds mitigation measure AIR-2-1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on greenhouse gas emissions.

Hazards and Hazardous Materials

Impact HAZ-1: Project construction could create a significant hazard to construction workers encountering contaminants in soils or live utility lines

Mitigation Measure HAZ-1a: McCosker Sub-area - Soil Contaminants

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

Finding: Implementation of Mitigation Measure HAZ-1a would reduce potential impacts from soil contaminants to construction workers to a less-than-significant level by requiring a test for contaminants and implementing a remediation plan as part of the grading.

The Board finds mitigation measure HAZ-1a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on construction worker exposure to hazardous materials.

Mitigation Measure HAZ-1b: Project-wide – Health and Safety Plan

All work shall be performed in accordance with a Site Health and Safety Plan that includes: 1) methods to assess risks prior to starting onsite work; 2) procedures for the management and disposal of waste soils generated during construction activities or other activities that might disturb contaminated soil; 3) monitoring requirements; 4) storm water controls; 5) record-keeping; and; emergency response plan.

Finding: Implementation of Mitigation Measure HAZ-1b would reduce potential impacts to construction workers to a less-than-significant level by requiring a Health and Safety Plan to be prepared.

The Board finds mitigation measure HAZ-1b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on construction worker health and safety.

Mitigation Measure HAZ-1c: Project-wide - Utility Avoidance

Prior to any excavation activities, the Contractor shall coordinate with a utility line locator to ensure avoidance of utility lines.

Finding: Implementation of Mitigation Measure HAZ-1c would reduce potential impacts from utility lines to a less-than-significant level by coordinating with a utility line locator prior to excavation activities.

The Board finds mitigation measure HAZ-1c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on construction worker exposure to utility lines.

Noise

Impact NOI-4: Construction of the Project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Mitigation Measure NOI-1: Project-wide: Basic Construction Mitigation Measures

The Project contractor shall implement the following Best Management Practice measures during construction of the Project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active Project site.
- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all Project construction.
- Prohibit extended idling time of internal combustion engines.
- The hours of work shall be any 8.5-hour block as mutually agreed upon between the Contractor and the EBRPD between 7:00 a.m. and 5:00 p.m., Monday through Friday. No night work shall be permitted.
- Designate a "disturbance coordinator" at EBRPD who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Finding: Implementation of Mitigation Measure NOI-1 would reduce potential impacts to ambient noise levels a less-than-significant level by implementing noise best management practices.

- The Board finds mitigation measure NOI-1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on ambient noise levels.

Public Services

Impact PUB-1: The Project could result in temporary disruption of park services during construction activities

Mitigation Measure PUB-1-1: Project-wide - Noticing and Outreach Plan

Temporary impacts to recreation uses resulting from temporary closure of existing recreational facilities, including staging areas, trailheads and trails, during: 1) repair and maintenance work in the Preserve sub-area; and 2) construction of the creek restoration project and development of recreational facilities within the McCosker sub-area shall be minimized through advance communication and redirection to the nearest comparable facilities. Noticing and outreach shall include the following components:

- The District shall post notices at key access points in the Project area that identify the closure area and provide information on the nature of the closures and the anticipated duration.
- Public Affairs staff shall be briefed as to Project construction-related closures and disruptions, such as added noise and dust in a normally tranquil setting, occasional traffic disruptions, or potential reduction in available parking at park staging areas and access points.
- The District shall provide notice of construction activities on its website as the Project is implemented.
- Prior to acceptance of construction documents, the District shall review the plans and specifications ensure that they contain language requiring the construction contractor to post signs at entrances in the Project area at least one month in advance of construction, indicating the construction schedule and alternative recreation facilities (including location and hours of operation) located in the service area that can be used during the construction period. This measure will be monitored and enforced by the District.

Finding: Implementation of Mitigation Measure PUB-1-1 would reduce potential impacts from the disruption of park services to a less-than-significant level by implementing a noticing and outreach plan to inform the public about upcoming construction work and closure areas.

The Board finds mitigation measure PUB-1-1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on park services.

Recreation

Impact REC-1: The Project would include the construction and expansion of recreational facilities that would change the physical the environment

Mitigation Measures AES-3-1, HAZ-1a, HAZ-1b, and HAZ-1c

Impacts would be reduced to a less than significant level with implementation of Mitigation Measures AES-3, HAZ-1a, HAZ-1b, and HAZ-1c and implementation of required NPDES General Construction Activities Permit and District Technical Specifications BMPs (see discussions for Impacts AES-3, HAZ-1a, HAZ-1b, and HAZ-1c above).

Finding: Implementation of Mitigation Measures AES-3-1, HAZ-1a, HAZ-1b, and HAZ-1c would reduce potential impacts to recreational facilities to a less-than-significant level by implementing these measures.

The Board finds mitigation measures AES-3-1, HAZ-1a, HAZ-1b, and HAZ-1c are feasible, adopts such measures, and finds such measures will lessen to an insignificant level the potentially significant direct impact of the Project on recreational facilities.

Utilities and Service Systems

Impact UTI-7: Project implementation would generate a substantive quantity of solid waste that would need to be deposited at a landfill facility

Mitigation Measure UTL-1: Solid Waste Disposal during Construction

Prior to completion of the plans and specifications, the District shall review the plans to ensure that they include a solid waste recovery plan. This recovery plan shall be in compliance with the District's adopted sustainability policy, which is directed minimizing disposal of solid waste generated during construction in accordance with applicable state and county codes. The recovery plan shall address, at a minimum, recycling of asphalt and concrete paving materials, lumber and metal and concrete pipes and tanks, and balancing graded soil on site to the maximum extent feasible.

Finding: Implementation of Mitigation Measure UTL-1 would reduce potential impacts from solid waste generation to a less-than-significant level by implementing a solid waste recovery plan that emphasizes minimizing solid waste disposal and recycling construction material.

The Board finds mitigation measure UTL-1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on solid waste disposal.

IV Evaluation of Project Alternatives

Because the Final EIR mitigates all potentially significant environmental impacts to a less than significant level, and the Board adopted all the mitigation measures proposed in the Final EIR, CEQA does not require the Board of Directors to determine if a less environmentally damaging alternative exists or make findings regarding alternatives. Nonetheless, to provide the public with additional information regarding the decision making process, the Board provides the alternatives findings below.

The Final EIR evaluated three alternatives to the Project. As described below, each of the three alternatives represent a different approach to meeting the Project purpose and objectives.

- **Alternative 1:** No Project Alternative
- **Alternative 2:** Day Use Focus - Minimal Improvements - Reduced Restoration
- **Alternative 3:** Day Use Focus – Parking Maximized

Alternative 1: No Project Alternative

CEQA Guidelines Section 15126.6(e) requires that EIRs include an evaluation of the No Project Alternative to provide decision-makers the information necessary to compare the relative impacts of approving the Project and not approving the Project. The No Project Alternative is defined as a continuation of existing conditions, as well as conditions that are reasonably expected to occur if the Proposed Project is not implemented.

In the event that the District does not approve the Project, restoration of the creeks in the McCosker sub-area would not occur. The failing culvert system would not be replaced and the aquatic species would not benefit from a restored and reconnected natural system. Site conditions would continue to deteriorate in the valley floor of the McCosker sub-area including a potential increase in sediment transport into San Leandro Creek and deterioration of geologic and soil conditions on previously graded pads. Without remedy, these conditions pose a risk to site resources within and downstream of the Project area, and staff and public safety that could accelerate.

No new recreation or interpretive facilities, including added parking, would be created. Additional trails throughout the Project area would also not be constructed. Climate adaptation and resiliency would not be woven into the proposed changes. The No Project Alternative would maintain the existing land use designations including the established conservation easement, and developed trails and a staging area in the Western Hills sub-area, and the transfer of said items to the District.

The *No Project Alternative* would not change the following existing features:

- Sibley Wilcox Station Staging Area with parking for 10 cars on Pinehurst Road
- 8.8 miles of existing trails in their current use and design configuration, including no dogs on the McCosker Loop Trail
- The existing backpack camp near the Sibley Main Staging Area
- Three park security residences and one park office
- The visitor pavilion at the Main Staging Area
- The graded terraces and culverted creeks in the McCosker sub-area
- Equipment shed in the McCosker sub-area

The *No Project Alternative* would not meet most of the project objectives, specifically creek restoration, trail development, recreation facility and interpretive program elements, operations and maintenance, and climate adaptation and resiliency.

Therefore, the EBRPD Board of Directors finds that the No Project Alternative would not achieve the Project objectives to the same extent as the Project. Therefore, this alternative is rejected as infeasible.

Alternative 2: Day Use Focus – Minimal Improvements - Reduced Restoration

The purpose of Alternative 2 is to identify the minimum specific project features that are critical to open the site to the public more broadly.

The *Day Use Focus-Minimal Improvements -Reduced Restoration Alternative* would restore Alder Creek at the McCosker site to the full extent of 2,291 linear feet. Fiddleneck Field would be created from the fill material excavated to daylight the Alder Creek Channel. Leatherwood Creek, which is almost entirely culverted, except for a small daylighted segment that is surrounded by oak woodland vegetation would not be restored.

Limited road development, including widening the access road to accommodate two-way, day-use traffic and installing one new vehicle bridge would occur to provide access to the Fiddleneck Field parking area with space for up to 26 cars. Fiddleneck Field development would also include installation of a vault toilet for day use visitors. The existing equipment shed would be retained to facilitate maintenance at the site. Up to five additional parking spaces would also be provided at the existing Wilcox Staging Area.

This alternative would also allow for opening up to 5.2 miles of existing trails and changing use options for 2.4 miles of existing trails Project-wide, including 0.4 miles of added bike use in the Preserve sub-area and 2.0 miles of added dogs on leash use in the McCosker sub-area. There would be no trail development or other facility improvements.

Alternative 2 would only partially meet the Project objective for creek restoration. The remaining objectives for trail development, recreation facility and interpretive program elements, operations and maintenance, and climate adaptation and resiliency would not be fully met.

Therefore, the EBRPD Board of Directors finds that the Day Use Focus-Minimal Improvements Alternative would not avoid or minimize environmental impacts to the same extent as the Project and would not meet the Project objectives to the same extent as the Project. Therefore, this alternative is rejected as infeasible.

Alternative 3: Day Use Focus - Parking Maximized

The purpose of Alternative 3 is to take into consideration population increases by developing a scenario that could optimize capacity/use by maximizing parking opportunities in the Project

area. It would include all the added parking proposed by the Proposed Project, plus 81 additional spaces in the McCosker sub-area.

Similar to the Project, the *Day Use Focus -Parking Maximized Alternative* would restore Alder and Leatherwood Creek in the McCosker sub-area to the full extent consistent with the Project, construct new recreation and interpretive facilities on Fiddleneck Field. Parking would increase equivalent to the Proposed Project in the Preserve sub-area Recreation/Staging Units and substantially at the McCosker sub-area Recreation/Staging Units to support increased day use activities.

Expanded parking to accommodate a higher level of day use activities in the McCosker sub-area would involve removal and replacement of a culvert drainage structure to add parking at Eastport (formerly) Wilcox Staging Area, thereby reducing the length of restored channel compared to the Project, which would not be consistent with Project restoration objectives.

Alternative 3 would relocate the equipment shed to accommodate the additional parking spaces in Fiddleneck Field. It would incorporate day use-oriented activities for individual and families including individual picnic sites, vault toilet, trails and self-guided interpretive walks at and between Fiddleneck Field and Fern View Terrace.

Alternative 3 would not add camping or any include any infrastructure or amenities that would support camping activities. Thus, Alternative 3 excludes the pavilion and other overnight camping amenities including the water system, emergency communications, fire pit, and cooking facilities. Elimination of the water system and emergency communications recommended in the Proposed Project would not meet Project objectives for fire hazard reduction and emergency response objectives in the McCosker sub-area. Elimination of the camping opportunities would not fully meet recreation objectives for a rustic group camp and multi-day backpack camp options in the East Bay Hills.

Access to the Fiddleneck Field and Fern View Terrace would involve road development, including widening the access road to accommodate two-way traffic to Fiddleneck Field and installing three bridges, consistent with the Project.

Consistent with the Project, Alternative 3 would include trail expansion connecting the McCosker sub-area to other communities and regional parks by adding approximately 4.3 miles of existing ranch roads and 3.9 miles of new narrow trails for public use to the existing 13.9-mile trail system, including 3.1 miles of trails in Huckleberry Preserve, for a total of 22.1 miles.

Alternative 3 maintains most elements presented in the Proposed Project, and presents the potential for additional parking at the Eastport Staging Area and Fiddleneck Field, although it eliminates specific elements related to camping (group and backpacking) and special programming at Fiddleneck Field.

As such, Alternative 3 would meet many of the Project objectives, specifically trail development, operations and maintenance, and climate adaptation and resiliency. While the full extent of the creek daylighting would occur, removing storm-related flooding impediments such as buried

culverts and the culvert conveying discharge off the site would be retrofitted to encourage fish movement, Alternative 3 would also include development of a new, open bottom arched culvert intended to provide added parking. This would reduce the area of open channel and riparian woodland habitat. As such, this Alternative would not fully meet habitat and creek restoration objectives. This alternative would not fulfill the recreation facility and interpretive program objectives, and may conflict with trail and recreation objectives associated with consideration of traffic patterns on neighborhood streets and providing parking such that it does not overwhelm the site or interfere with scenic and visual resources.

Therefore, the EBRPD Board of Directors finds that the Day Use Focus-Parking Maximized Alternative would not avoid or minimize environmental impacts to the same extent as the Project and would not meet the Project objectives to the same extent as the Project. Therefore, this alternative is rejected as infeasible.

Alternatives Considered but Rejected from Further Analysis

CEQA *Guidelines* § 15126.6 sets forth several requirements regarding the consideration of alternatives in an EIR. This section, and related case law, hold that alternatives that are not reasonable or are infeasible need not be discussed at length; alternatives that do not offer substantial environmental advantages over the Project can be rejected from consideration; and alternatives that do not accomplish most of the basic objectives of the Project can be excluded from detailed analysis. Alternatives considered, but rejected from further analysis including higher density recreation development; alternative location, and restoration of the McCosker site to its original landforms.

Environmentally Superior Alternative

The Proposed Project would be the environmentally superior alternative as it would:

- Restore the largest area of creek channel by reducing existing adverse geologic and hydrologic hazard conditions through the establishment of a properly sized channel, the creation of steps and step pools that use rock or wood, and the establishment of riparian vegetation using native plantings and soil bioengineering principles.
- Have the greatest benefits to:
 - 1) Aesthetics from developing the recreation site with landscaping to screen parking, define use areas and augment the natural character of a previously disturbed site
 - 2) Biological resources through the creation of four acres of riparian woodland and aquatic habitat that could support rainbow trout, California red-legged frog, California newt, and other herpetofauna species
 - 3) Fire hazard and emergency response through water supply and communication improvements
 - 4) Recreation from added day use and destination site amenities, including expanded interpretive program/rustic group camping area that could a) offer a variety of outdoor

- education programs with universal access directed at serving families, seniors and persons with disabilities, and b) offer close to home overnight camping opportunities that could encourage multi-day treks along the East Bay Hills consistent with District regional trail objectives and public health objectives
- 5) Added trail connectivity for multiple types of users to encourage to access this parkland area from neighboring communities
 - 6) Energy conservation programs, including solar and added bike parking and add electric recharging stations that would encourage use of alternative transportation options that would result in a reduction in petroleum emissions and vehicle traffic noise when accessing the Project area.

Summary

Based on the foregoing Findings and the information contained in the record, the EBRPD Board of Directors has found that each of the potentially significant effects of the Project is mitigated to a less-than-significant level by the changes or alterations that have been required in, or incorporated into, the Project. Based on the foregoing Findings and the information contained in the record, it is determined that none of the other alternatives to the Project is feasible or desirable.

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AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- b. Authorization to Amend a Contract with Sequoia Ecological Consulting, Inc. for Biological Monitoring and Reporting Support for the Implementation of the Wildfire Hazard Reduction and Resource Management Plan Area: Various Locations

(Tuden/Theile/Graul)

RECOMMENDATION

The General Manager recommends that the Board of Directors of the East Bay Regional Park District (Park District) authorize an amendment to the contract with Sequoia Ecological Consulting, Inc. to provide continued support for biological monitoring pursuant to the environmental permits for the Park District's Wildfire Hazard Reduction and Resource Management Plan (WHRRMP) at various locations, including the East Bay Hills

REVENUE/COST

This action will augment the \$382,500 contract with Sequoia Ecological Consulting, Inc. by \$641,000 for an additional two years, for a total contract amount of \$1,023,500. This augmentation is needed to keep up with the increased pace of fuels management projects since the beginning of Federal Emergency Management Agency (FEMA) fuels work in March 2018. Funds are available for this action as indicated below.

SOURCE OF FUNDS

Fuels Management – City of Oakland FEMA Project (#514500)	\$ 2,984,608
Encumbrances and Expenditures to Date	<u>(764,215)</u>
AVAILABLE BALANCE	\$ 2,220,393

USE OF FUNDS

Professional services contract amendment, Sequoia Ecological	\$641,000
BALANCE REMAINING	\$ 1,579,393

BACKGROUND

On April 20, 2010, by Board Resolution No. 2010-4-103, the Park District completed the WHRRMP and certified an Environmental Impact Report in compliance with the California Environmental Quality Act. In early 2015, in order to implement fuels management in brushland areas, FEMA completed a federal Environmental Impact Statement and acquired a Biological Opinion from the U.S. Fish and Wildlife Service (USFWS). In 2018, the Park District acquired an Incidental Take Permit from the California Department of Fish and Wildlife (CDFW) that authorized the implementation of the project. Pursuant to these state and federal permits, the Park District is required to adhere to biological monitoring requirements during project work, subject to quarterly and annual review by USFWS and CDFW.

Per Board Resolution No. 2016-07-174, adopted on July 5, 2016, Sequoia Ecological Consulting, Inc. has provided biological monitoring support for FEMA fuels management work, including assigning daily monitoring by biologists, ensuring permit compliance, and providing the necessary daily work reports required by USFWS and CDFW. The proposed contract amendment will allow Sequoia Ecological Consulting, Inc. to continue to provide biological monitoring to this project to enable the timely implementation of fuels management work in the following locations: Point Pinole Regional Park, Miller/Knox Regional Shoreline, Sobrante Ridge Botanic Regional Preserve, Kennedy Grove Regional Recreation Area, Wildcat Canyon Regional Park, Claremont Canyon Regional Preserve, Robert Sibley Volcanic Regional Preserve, Huckleberry Botanic Regional Preserve, Redwood Regional Park, Leona Canyon Regional Preserve, Anthony Chabot Regional Park, Lake Chabot Regional Park, and Tilden Regional Park. This will help ensure community safety and wildfire protection.

Specific tasks the consultant will complete include daily monitoring, completion of Daily Monitoring Reports, pre- and post-project assessments, and tracking of habitat impacts pursuant to permits from USFWS and CDFW.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2018 – 11 -

November 20, 2018

AUTHORIZATION TO AMEND A CONTRACT FOR SERVICES WITH SEQUOIA
ECOLOGICAL CONSULTING, INC. FOR BIOLOGICAL MONITORING AND REPORTING
SUPPORT FOR THE IMPLEMENTATION OF THE WILDFIRE HAZARD REDUCTION AND
RESOURCE MANAGEMENT PLAN AREA:
VARIOUS LOCATIONS

WHEREAS, by Resolution No. 2010-4-103, the Board of Directors of the East Bay Regional Park District (Park District) approved the Wildfire Hazard Reduction and Resource Management Plan (WHRRMP); and

WHEREAS, in 2018, the Park District acquired an Incidental Take Permit from the California Department of Fish and Wildlife (CDFW) that authorized the implementation of the project; and

WHEREAS, to implement the WHRRMP and comply with requirements from US Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the Federal Emergency Management Agency, the Park District is required to adhere to biological monitoring requirements during project work, subject to quarterly and annual review by USFWS and CDFW; and

WHEREAS, in 2016, the Park District sent a Request for Proposals for biomonitoring support to 14 consultants and posted the same Request for Proposals on the Park District web site for 30 days; and

WHEREAS, the Park District recommended that the best proposal to provide biological monitoring support was submitted by Sequoia Ecological Consulting, Inc. of Danville, California, at a cost of \$382,500, and the contract was subsequently awarded by the Board of Directors by Resolution No. 2016-07-174; and

WHEREAS, Sequoia Ecological Consulting, Inc. has provided biological monitoring and assessment on fuels projects since 2016, and to comply with regulatory requirements, the Park District requires the continued expertise and assistance of Sequoia Ecological Consulting, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes a contract amendment with Sequoia Ecological Consulting, Inc. in the amount of \$641,000 for an additional two years, for a total contract amount of \$1,023,500, to be paid out of the Fuels Management – City of Oakland FEMA Project (#514500); and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

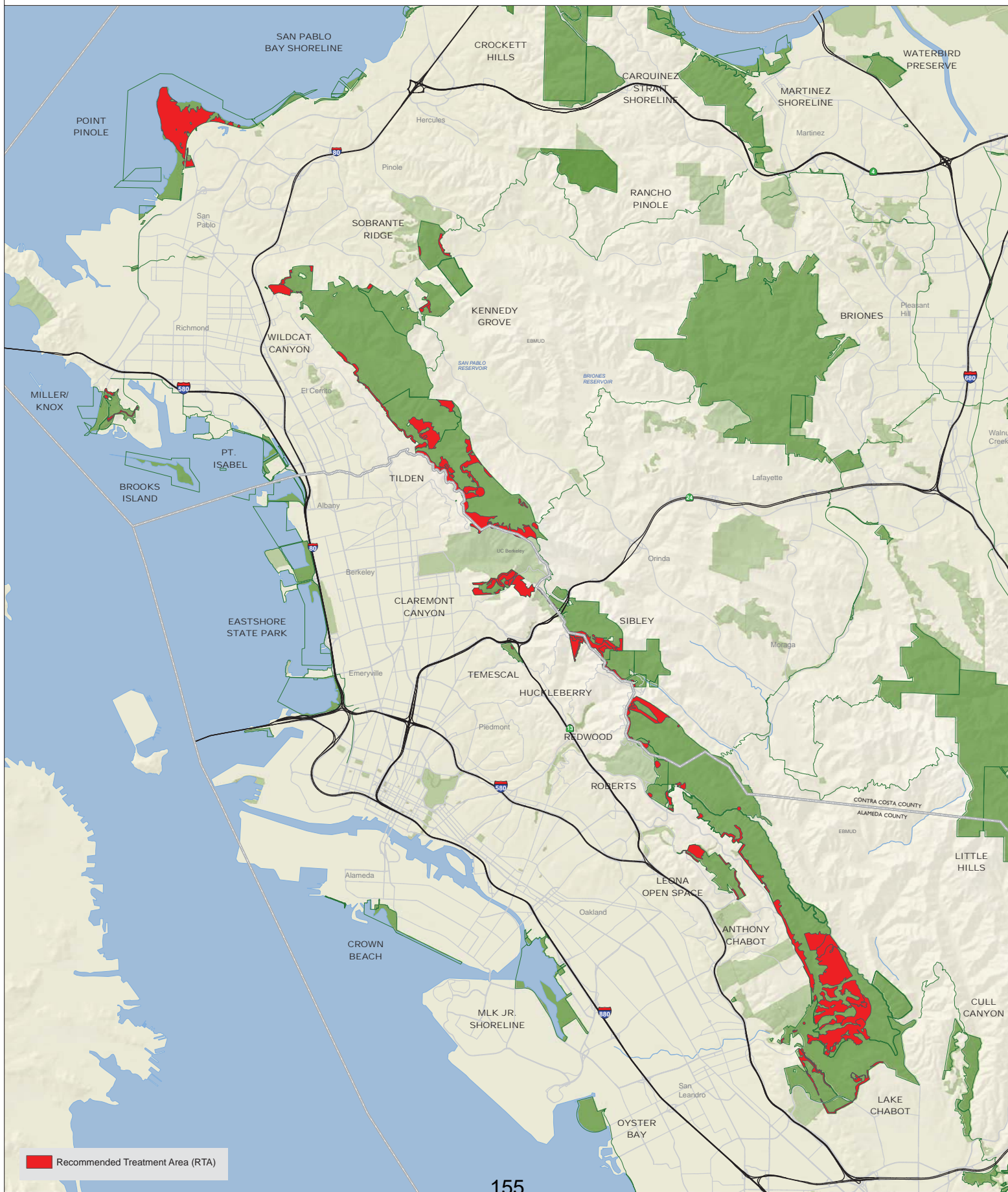
Moved by Director _____, seconded by Director _____, and adopted this 20th day of November 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:



BOARD AND STAFF
REPORTS

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

3. BOARD AND STAFF REPORTS

- a. Actions Taken by Other Jurisdictions Affecting the Park District
(Doyle)

City of Concord – Community Reuse Project

On November 13, 2018, the Concord City Council, sitting as the Local Reuse Authority, approved a 9-month extension (to March 31, 2020) of the First Amended and Restated Agreement to Negotiate between Lennar Concord, LLC and the Local Reuse Authority regarding development of phase one of the Community Reuse Project on the former Concord Naval Weapons Station (CNWS). Lennar Concord, LLC and the City of Concord originally entered into a 24-month agreement on July 12, 2016 to allow negotiations of a Disposition and Development Agreement (DDA) and preparation of a Specific Plan for the phase one development parcel of the former CNWS to be conveyed to the City through an Economic Development Conveyance. A 12-month extension was granted on May 22, 2018. This additional extension is to address an expanded scope of work for the Specific Plan as requested by the City of Concord. The Park District continues to work with the City of Concord, the U.S. Navy, and the National Park Service to complete conveyance of over 2,500 acres of the former base through a Public Benefit Conveyance.

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, November 20, 2018

C. BUSINESS BEFORE THE BOARD

4. GENERAL MANAGER'S COMMENTS

STAFF PRESENTATION

Information Services Department Chief Information Officer Jim Tallerico will provide a "Year in Review" of District-wide technology services, projects, and status of equipment during 2018.

GM COMMENTS

OPERATIONS DIVISION

Interpretive and Recreation Services Department

Community Outreach: On October 20, over 60 participants from Contra Costa Health Services Pittsburg clinic visited Big Break.

Northwest Region

Coyote Hills: On October 7, the 25th Annual Gathering of Ohlone Peoples event attracted 2,750 people. Approximately 21 Ohlone vendors and one dance group shared their cultures with event guests, deepening visitors' understanding of the connections between people and place.

Crab Cove: On September 28, staff coordinated with Save the Redwoods League and 22 volunteers from Workday to construct 300-feet of split rail fence, protecting Redwood Creek along the Stream Trail in Redwood Park.

Mobile Education: On October 20 – 21, staff led the Adventure Crew/Richmond Rangers youth program's first overnight of the year at Point Pinole.

Outdoor Recreation: On October 13 – 14, staff led 24 participants on two kayak trips to Brooks Island and led a hike on the island.

Tilden Nature Area: On October 18, staff piloted a new farm station program *Where Does Your Food Come From?* With over 150 children participating, the program enabled naturalists to engage with larger groups.

Southeast Region

Ardenwood Historic Farm: From October 13 – 14, a total of 7,345 visitors attended the 33rd Annual Harvest Festival. Visitors enjoyed corn harvesting, corn husk doll making, music, magic

shows, old fashioned ice cream, cider pressing, stilt walking, sack racing, wheat and corn milling, and treats baked in the newly-restored antique wood-burning stove.

Big Break Visitor Center: On October 17, staff hosted Contra Costa County Supervisor Diane Burgis and 127 representatives from the US Army Corps of Engineers, Delta Protection Commission, California Department of Water Resources, Contra Costa County Flood Control, and Oakley City Council in unveiling a collaboratively developed high water mark wayside interpretive panel near the fishing and observation pier.

Black Diamond: On October 20, a What's Brewin' in the Parks event served 300 people. Attendees celebrated with Welsh food, beer, interpretive walks, bocce ball, horseshoes, sack races, and leaf pressings. The event is a collaboration with the Regional Parks Foundation.

Community Services & Volunteers: On October 4, a total of 139 students and 102 teacher chaperones from six tri-city area schools participated in the Special Kids Fishing Derby at Quarry Lakes. Activities included fishing, various crafts, field games, and environmental education. The event was supported by 72 community volunteers including Let's Go Fishing, the Fremont Lions Club, and Irvington High School.

Del Valle and Sunol Visitor Centers: On October 13, staff piloted a fall season evening program at the campground with an overview of the park, followed by a movie night with over 215 attendees.

Park Operations Department **Recreation Unit**

Diablo Foothills: In September, staff worked with local Eagle Scouts to expand the oak tree corrals near the park entrance.

Parkland Unit

Leona Canyon: On September 25, staff worked with Merritt College and 25 volunteers to remove invasive Cape Ivy.

Redwood: On September 28, the Regional Parks Foundation hosted a Save the Redwoods League Volunteer event in honor of the League's 100th Anniversary. Staff worked with Director Dee Rosario, the Regional Parks Foundation, and 22 volunteers from Workday to replace a 100-foot section of wooden fence along the Stream Trail.

Lakes Unit

Alameda County Trails: On September 29, staff held a Share the Trail event near Beard Staging area. Staff passed out bike bells, water bottles, and provided trail etiquette information to the public.

Shadow Cliffs: On September 22, staff worked with 38 volunteers from Chevron. The group removed and pruned vegetation along the levee and trails, and spread 20 yards of wood chips for the service yard improvement sheet mulching project.

Shoreline Unit

Miller/Knox: On September 22, approximately 300 swimmers attended the 9th Annual Richmond Swims Keller Cove Swim for Kids' Sake competition. Races included .75-mile, 1-mile, and 2-mile lengths.

Martin Luther King Jr.: On September 27, staff attended annual Boat Operation and Safety Training. Marine Officer Dustin Martinelli provided expert training on boating rules, best practices, requirements for a Boat Operator Card, and practical water skills.

Point Pinole: On October 6, approximately 1,200 people attended the 15th Annual North Richmond Shoreline Festival and 3rd Bay Day events. Staff assisted with planning, preparation, staffing, and logistics for the event. Director Whitney Dotson and event co-founders received an award at the event.

Delta

Briones: On September 25, Animal Planet filmed a TV episode pertaining to the activity of ground snakes and their interaction with rattlesnakes.

Martinez Shoreline: On September 22, Directors Colin Coffey and Whitney Dotson joined approximately 100 people on a Wellness Walk.

Interpretive Parklands

Sunol: On October 20, approximately 750 people attended the annual Cowboy Hootenanny.

Maintenance and Skilled Trades Department

North County Trades

Kennedy Grove: Repairs were made to the back deck at Fern Cottage, including reinforcement of the handrail on the backyard ADA ramp.

Roberts: The North County Carpenter completed the viewing platform for the Footprints of the Giants project in coordination with Save the Redwoods League and the Interpretive and Recreation Northwest Regional Services Manager. Final installation of the exhibit portion of the project will occur in advance of the ribbon cutting – to be scheduled.

Tilden: The remodel of Fire Station I was completed. The project included a complete exterior remodel, new flooring, furnishings, and cabinets.

South County Trades

Anthony Chabot: The electrical panel at Puma Point was repaired and new GFI-rated doors were installed to replace non-code compliant wooden doors.

Mission Peak: The Pine Avenue Trailhead at Ohlone College was equipped with a new ADA drinking fountain. The fountain provides a new water source for hikers choosing to use the Ohlone entrance as an alternative to Stanford Avenue.

Shadow Cliffs: A new HVAC unit was installed at the kiosk.

Water Utilities Maintenance

Del Valle: The Water Treatment Plant Sodium Hypochlorite (Chlorine) generator was rebuilt, dramatically improving production and efficiency of water treatment at Del Valle.

Roads and Trails

District-wide: Staff focused on jurisdictional permitted projects for the Trails, Creeks, and Ponds (TCP) Program. The work included engaging with internal stakeholders and outside biological monitors to ensure permit compliance. Thirty projects were completed in-house, seven were completed by contract, and four more in the Shoreline Unit are planned for completion by the end of the year.

Sanitation and Recycling

Camp Arroyo: A new septic system control panel was installed. The new panel allows remote access for diagnostics and monitoring.

Del Valle: During the weekend of August 24 – 26, Sanitation staff responded to an emergency response power outage and manually pumped the lift stations throughout the park. No spills or releases occurred, and power was restored on August 27.

District-wide: Staff coordinated Recycling Task Force meetings with Operations Supervisors. Sanitation staff continued its efforts to reduce solid waste by coordinating a new compost collection service for Sibley and Public Safety's headquarters.

Pavement Maintenance & Preservation Program

District-wide: Staff met with the Alameda Creek Trails and Contra Costa County Trails supervisors in preparation for the prioritizing and bidding of next year's projects. Additionally, staff identified several smaller projects that may be appropriate for internal crews to construct.



Learn about California Coal Mining History at Black Diamond Mines Regional Preserve

By Beverly Lane, President, East Bay Regional Park District Board of Directors

One of the many East Bay Regional Parks with an unusual and interesting history is Black Diamond Mines Regional Preserve in Antioch.

For millennia before the arrival of Europeans in California, the area that is now Black Diamond Mines was in the backcountry between three Native American tribes. There's little evidence of permanent habitation, it was more likely an area for hunting and gathering.

With the arrival of Spanish, Mexican and American settlers, the area became ranchland. Then after coal was discovered in the hills, five mining towns were established and became active from the 1850s through the early 1900s.

This was California's largest coal mining operation. Nearly four million tons of coal were extracted from the hills, helping to fuel California's industrial revolution. At the height of the mining era, Somersville and Nortonville were among the largest towns in Contra Costa County.

Coal mining ended due to rising costs, competition from other fuel sources, and the discovery of a better grade of coal in Washington Territory.

However, from the 1920s through the early 1940s, mining made a comeback as silica was extracted for use in glass-making and steel production. The second mining era ended due to competition from Belgian glass sand and the closing of the foundry.

Ranching resumed, and the East Bay Regional Park District began acquiring property for the preserve in the early 1970s.

Besides its mining history, Black Diamond Mines is home to a variety of wildlife, including coyotes, deer, bobcats, occasional mountain lions, and birds of prey. The park is the northernmost location of Coulter pine, black sage and desert olive. Springtime wildflower displays can be spectacular.

Public programs at Black Diamond Mines highlight both the cultural and natural history of the park.

Weekend underground tours of the former Hazel-Atlas sand mine continue through November, shut down from December through February, and resume in March.

Generally the tours cost \$5 per person and are restricted to ages seven and older for safety reasons.

However, Black Diamond Mines is hosting an open house from noon to 4:30 p.m. on Saturday, November 17, during which you can take a free, self-guided tour of the mine. There will be aboveground activities for children ages six and under, and all ages are welcome at the underground Greathouse Visitor Center (dogs, too). The visitor center is wheelchair accessible, the mine is not. The mine walk includes descending 112 stairs, though you may opt to turn around and exit at the level on which you entered.

Park naturalists offer lots of above ground programs, too. For example there's a walk from 10 a.m. to noon on Sunday, Nov. 11 to historic Rose Hill Cemetery, where many of the 19th century miners and their families are buried.

Or you can use binoculars and magnifiers to examine the natural world in a program from 9:30 to 11:30 a.m. on Saturday, Nov. 24.

There's a "Nature Discoveries" program from 10 to 11 a.m. every Saturday in December, with a different nature subject each week.

And Black Diamond Mines has snakes in residence. They'll be fed during a program from 1 to 2 p.m. on Saturday, Dec. 1.

All except the snake program meet at Black Diamond Mines' uppermost parking lot on Somersville Road, 3½ miles south of Highway 4. The snake program is at the Sidney Flat Visitor Center just past the entrance kiosk.

Black Diamond Mines has a parking fee of \$5 per vehicle when the kiosk is staffed. For general information on the park, call 888-327-2757, ext. 2750. For more information, or to reserve a guided mine tour, go to https://apm.activecommunities.com/ebparks/Activity_Search

Whether the mine tours are in season or not, Black Diamond Mines is a great park to explore, with more than 60 miles of trails and abundant wildlife. It's well worth a trip, especially when winter rains green the hills, or in the spring when the wildflowers are in bloom.



The Mercury News

[Lifestyle](#) > [Pet Pal Connection](#)

California newts shut down road in Berkeley's Tilden Regional Park

The road through Tilden Regional Park is closed every year through spring to protect the migrating, breeding salamanders.

By **JOAN MORRIS** jmorris@bayareanewsgroup.com / Bay Area News Group

PUBLISHED: November 8, 2018 at 12:04 pm / UPDATED: November 9, 2018 at 4:56 am



(Paul Licht) Newts like moist places, but they only take to the water to breed and spawn. (Courtesy of Paul Licht)

By **JOAN MORRIS** |

Sorry, speedy bicyclists. Too bad, commuters looking to sneak around bad traffic on I-80. Tough luck, park visitors. South Park Drive in Tilden Regional Park is closed to all motor vehicles through March 31.

The reason? Newts. Lots of newts.

The road closure is an annual precaution to protect the migrating and breeding newts making their way from the summer habitat to ponds and creeks in the park. Once they arrive, it's newt love to the max.

Bicycles are allowed, although riders are asked to go slowly to avoid newts crossing the road. While dogs may be off-leash on South Park Drive during the closure, they must be under voice control, and their owners must carry a leash and use it when necessary.

Newts excrete a neurotoxin that can be fatal, so park rangers urge dog owners to keep a close eye on their animals. Humans need to avoid touching the newts, too.

For the non-newtons in the crowd, the East Bay Regional Park District explains that California newts are a native species of salamander. They measure 5 to 6 inches long, and during the dry season they stay in sheltered upland locations, in abandoned rodent holes, under rocks and logs and anywhere there is moisture.

When winter approaches, the newts leave their homes, biologically driven to return to the places where they were spawned, to mate and produce a new generation of newts.

"They respond to the moisture level in the air," parks naturalist Trent Pearce explained. "They come out after the rains, and even after heavy fog."

Officials said that East Bay Regional Park District is committed to making park lands accessible to Bay Area residents and guests, but they also protect sensitive species in the urban landscape. For the past 20 years, the district, working with UC Berkeley researchers, have shut down the road to help out the newts.

Those visiting the park can use Grizzly Peak Boulevard, Wildcat Canyon Road and Central Park Drive to maneuver to favorite park areas.

Newts are not an officially threatened species, but their population has decreased in the past few decades, mostly because of habitat loss. Preserving the Tilden population helps maintain the newt numbers.

Want to know more about newts? Here's a Q & A with naturalist Pearce:

Q: How far do these newts travel?

A: Studies have shown some newts are able to return to their home stream from distances of up to 2.5 miles, although shorter migrations are more common. Here in Tilden, many newts cross South Park Drive on their way to Wildcat Creek. Some also cross Wildcat Canyon Road on their way to the Regional Parks Botanic Garden, the Tilden Golf Course, and other pools of water.

Q: What changes do the newts go through in the breeding season?

A: Male newts change more dramatically than females. Once in the water, males swell and become bulkier, their tails become flattened for swimming, and they develop nuptial pads on their feet for gripping females. Females may develop a slightly flattened tail.

Q: What do the newts look like when they hatch from their eggs?

A: When newly hatched, larval newts look similar to a frog tadpole, but are striped and have external gills. As they grow, four legs slowly emerge. As summer progresses, they metamorphose into a terrestrial juvenile (a tiny version of the adult), changing color, losing their gills and leaving the water to find an upland retreat.

Q: Where are the newts in the summer?

A: Some newts weather the dry months in rodent burrows, under rocks and logs, and anywhere moisture is trapped. Others may remain in their mating pools year round if the pools stay filled with water.

Q: How can I help the newts?

A: When traveling on South Park Drive, watch the ground — especially when cycling. Drive slowly when passing the Regional Parks Botanic Garden on Wildcat Canyon Road, as many newts cross in this unprotected area. And never remove a newt from the wild. All animals in East Bay Regional Parks are protected under the park's ordinance 38.

Officials cut ribbon at Byron Family Farm Park

Nov 8, 2018 Updated 19 hrs ago



(Tony Kukulich/The Press)

TONY KUKULICH

Byron Union School District Superintendent Dr. Debbie Gold cuts the ribbon at the Byron Family Farm Park ribbon-cutting ceremony Nov. 1. The community park, which includes an all-abilities playground and an educational and interpretive center, was paid for with Measure WW funds and a

\$600,000 grant from the East Bay Regional Park District.

[Photos] Byron Family Farm Park ribbon-cutting ceremony

Photo by Tony Kukulich



EAST BAY TIMES

Community News

Park It: S.F. Bay Trail gap to be closed between Berkeley, Albany

By **NED MACKAY** | East Bay Regional Park District

PUBLISHED: November 4, 2018 at 5:00 am | UPDATED: November 5, 2018 at 5:00 am



Aric Crabb/staff photographer

Visitors walk across a new pedestrian bridge in September at the East Bay Regional Park District's Pinole Shores park in Pinole. Construction is planned nearby, for a mile between Buchanan and Gilman Streets west of Golden Gate Fields in Albany and Berkeley, to close one of the largest remaining gaps in the trail that, when completed, will encircle all of San Francisco Bay.

Construction is planned to close one of the largest remaining gaps in a trail that, when completed, will encircle all of San Francisco Bay.

The project will extend the existing trail for a mile between Buchanan and Gilman Streets west of Golden Gate Fields in Albany and Berkeley. The trail section will be built on an easement donated by Golden Gate Fields to the East Bay Regional Park District in 2016. When completed, the trail will offer spectacular views of San Francisco Bay, the Golden Gate Bridge and Mount Tamalpais.

During construction, security fencing, barriers and signs will be in place for the safety of bicyclists and pedestrians crossing the racetrack property. Racetrack patrons will still have access via Gilman and Buchanan Streets. As part of the same project, the park district is restoring wildlife habitat at Albany Beach. The beach will be closed for five months during construction.

Alameda: Lots of great programs are in the works at the East Bay regional parks in November. First of all, on Veterans Day, Nov. 11, parking fees at regional park entrances will be waived for all veterans, in recognition of their military service.

And there's a veteran-themed open house from 10 a.m. to 4 p.m. Nov. 12 at Crab Cove Visitor Center in Alameda. Crab Cove was once a military installation, a training school for Merchant Marine officers. Drop in at the open house and learn how to fold a flag, tie knots, make red-white-and-blue crafts and create a flower for a memorial wreath to honor our veterans. Crab Cove is at the end of McKay Avenue off Alameda's Central Avenue. For information, call 510-544-3187.

Antioch: Out at Black Diamond Mines Regional Preserve in Antioch there's a hike to historic Rose Hill Cemetery from 10 a.m. to noon Nov. 11, led by naturalist Eddie Willis. Learn about the lives of 19th century coal miners and their families, many of whom are buried at Rose Hill. Meet Eddie in the parking lot at the end of Somersville Road, 3½ miles south of Highway 4. There's a parking fee of \$5 per vehicle; the hike is free. It's about a 15-minute uphill walk from the lot to the cemetery. Rain would cancel the program. For information, call 888-327-2757, ext. 2750.

Oakley: Raccoons are the stars of a program from 2 to 3 p.m. Nov. 11 at Big Break Regional Shoreline in Oakley. Naturalists will lead a hunt for signs of the elusive little ring-tailed furballs. Big Break is at 69 Big Break Road off Oakley's Main Street. For information, call 888-327-2757, ext. 3050.

Orinda: Briones Regional Park near Orinda will be the venue for a hilly bird-watching walk from 9 a.m. to noon Nov. 12, led by naturalist Anthony Fisher. Meet Anthony at the Bear Creek staging area, which is on Bear Creek Road about 5 miles north of the junction with Camino Pablo/San Pablo Dam Road in Orinda.

Richmond: The Over-the-Hills Gang is an informal group of hikers ages 55 and older who enjoy nature study, fitness and fun while exploring various regional parks. The gang will tackle Point Pinole Regional Shoreline in Richmond on a hike from 10 a.m. to 12:30 p.m. Nov. 13, led by naturalist "Trail Gail" Broesder. This is a mostly flat walk through a park with beautiful views and an explosive past. Meet Gail at the Atlas staging area, which is at the bay end of Atlas Road. For information on either Anthony's or Gail's program, call 510-544-2233.

Berkeley: Tilden Nature Area near Berkeley plans a couple of fun programs on Veterans Day weekend. You can join Gail Broesder from 2:30 to 3:30 p.m. Nov. 10 to make a miniature boat out of tule reeds, then test its buoyancy in a nearby pond.

Or you can learn all about woodrats, a smaller relative of the beaver, in a program from 10 a.m. to noon Nov. 11 with naturalist Anthony Fisher. Woodrats spend all their time building messy nests, foraging, fighting and creating habitat for other woodland creatures. Both programs meet at Tilden's Environmental Education Center, which is at the north end of Central Park Drive. Again, call 510-544-2233.

Sunol: At Sunol Regional Wilderness in southern Alameda County, there's a Maguire Peak mysteries hike from 10 a.m. to 2 p.m. Nov. 11. It's a 5-mile trek through time, led by naturalist Ashley Adams, with lots of natural history curiosities along the way. The hike is free, but registration is required. Call 888-327-2757, select option 2, and refer to program number 23234.

Ned MacKay writes a regular column about East Bay Regional Park District sites and activities. Email him at nedmackay@comcast.net.

Owner of dog that attacked three calves in regional park faces prison

By ANNIE SCIACCA | asciaccia@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: November 2, 2018 at 10:27 am | UPDATED: November 2, 2018 at 6:34 pm

MARTINEZ — A man whose dog attacked three calves in Antioch late last year faces up to three years in county jail for animal cruelty.

A Contra Costa County jury this week found the man, Vinicio Santos of Antioch, guilty of three misdemeanors, including animal cruelty, vandalism that caused more than \$400 in damages and resisting, obstructing or delaying a police officer.

Santos and his dog, a white Husky mix, were at Contra Loma Regional Park on Dec. 1, 2017 when spotted by park rangers, according to information from the Contra Costa County District Attorney's Office. The dog was off leash, although that is permitted at some East Bay Regional Park District trails if under voice control.

Soon after, rangers heard animals in distress and found the dog attacking a calf, then saw it attack two other calves. According to Deputy District Attorney Whitnee Goins, who prosecuted the case for the county, Santos did not try to leash or control his dog.

"The evidence showed the defendant was maliciously attacking the calves and watching the dog go from calf to calf," Goins said.

Rangers told Santos to leash his dog, but he ignored their commands and refused to provide information, Goins said. In October, park district police said in a statement that Santos also threatened the rangers.

Police already had a photo of Santos and his dog, who had been suspect in previous attacks before the Contra Loma incident. That helped them track down Santos, Goins said.

In an October park district news release, Paul Daysh, the calves' owner, said that since Santos was arrested he has not had any cows or calves attacked by a dog, except for occasional coyote attacks that are "obvious" because coyotes tend to dismember and eat the calves. Before the arrest, he had around 10 cattle injured or killed from dog attacks.

"Since there has been no more dog attacks, I believe that just that one dog had been causing most or all of the dog-related injuries to my cattle," Daysh said then.

Park district police also said in October that Santos' dog appeared to be a wolf hybrid. Antioch Animal Services and the East Bay Regional Park District did not immediately respond to questions about what happened to Santos' dog after the attacks. The December attack left the calves permanently injured.

Santos will be sentenced Nov. 30 by a county judge, who also is to decide how much restitution Santos should pay Daysh.

Goins said Daysh testified that he had to spend about \$3,500 on each calf for veterinary bills. Santos could be ordered to pay upwards of \$8,000.

Firefighter injured in half-acre wildfire at Point Isabel Regional Shoreline in Richmond

By **RICK HURD** | rhurd@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: November 1, 2018 at 12:44 pm | UPDATED: November 2, 2018 at 3:32 am



El Cerrito firefighters put out hot spots at a vegetation fire off Bayview Avenue in El Cerrito, Calif., on Thursday, Nov. 1, 2018. (Jane Tyska/Bay Area News Group)

RICHMOND — A firefighter was sent to the hospital after being hurt while fighting a wildfire within Point Isabel Regional Shoreline on Thursday, an East Bay Regional Parks official said.

The severity of injuries to the firefighter was not known immediately, but the firefighter did go by ambulance, Regional Parks spokesman Dave Mason said. Nobody else was injured.

Crews contained the blaze before it could get out of control. They responded around 11:55 a.m., limited it to about a half-acre and declared it contained by 2 p.m., Mason said.

Firefighters remained on the scene to monitor for hot spots and keep the fire from re-igniting, he said.

Check back for updates.

Sycamore Grove Park Arroyo Del Valle Trail Reopened

Posted: Thursday, November 1, 2018 12:00 am



From left to right: Sycamore Grove Ranger Eric, Sycamore Grove Ranger Danny, Patricia Lord LARPD Assistant General Manager, John Lawrence Former LARPD Assistant General Manager, Robert Doyle EBRPD General Manager, Marc Roberts Livermore City Manager, Tim Barry Former LARPD General Manager, Greg Davis LARPD Foundation Treasurer, Ayn Wieskamp EBRPD Board of Directors Vice President, Mathew Fuzie LARPD General Manager, Maryalice Summers Faltings LARPD Board of Directors Chair, David Furst LARPD Board of Directors Vice Chair, Jan Palajac LARPD Director, Philip Pierpont LARPD Director, Beth

Wilson LARPD Director, Stacey Kenison LARPD Marketing and Operations Supervisor and daughters Avarie and Audrey Kenison.

The Livermore Area Recreation and Park District hosted the Grand Re-Opening of the Sycamore Grove Park Arroyo Del Valle Regional Trail with a Ribbon Cutting at the Sycamore Grove Park Wetmore Entrance on October 25th. The Sycamore Grove Park Arroyo Del Valle Regional Trail Renovation is a 2.5 mile trail renovation that began in the summer of 2018. Renovations included re-paving of the 2.5 mile trail with information markers painted along the path, rock walls and french drains built along the trail and hydro-seeding over construction areas. The renovations have been completed in partnership with the East Bay Regional Park District. The East Bay Regional Park District provided \$500,000 in funding, \$700,000 was provided from reserves approved by Livermore Area Recreation and Park District Board of Directors with an additional \$75,000 authorized for project management expenses.

Livermore Area Recreation and Park District Staff, Board Members, East Bay Regional Park District staff, representatives from the City of Livermore and the community gathered at the trail head at Sycamore Grove's Wetmore Entrance to celebrate the renovated trail. New LARPD General Manager Mathew Fuzie welcomed attendees and thanked the community and those who helped make the renovations possible. General Manager Fuzie introduced speakers including Maryalice Summers Faltings, Chair of the LARPD Board of Directors, Robert Doyle, General Manager of the East Bay Regional Park District, Greg Davis, Treasurer of the LARPD Foundation, and Ayn Wieskamp, Vice President of the East Bay Regional Park District Board of Directors, as well as former LARPD General Manager Tim Barry who gave a brief history of the project. Shareen Ram from Senator Steve Glazer's and Assembly member Catharine Baker's office was in attendance to present the Livermore Area Recreation and Park District with a Certificate of Recognition for their work improving the Sycamore Grove Park Arroyo Del Valle Regional Trail.

