

ADDENDUM TO  
CEQA INITIAL STUDY/MITIGATED  
NEGATIVE DECLARATION

BAY POINT REGIONAL SHORELINE  
LAND USE PLAN



September 2017

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## I. INTRODUCTION

### A. DETERMINATION

This document is an Addendum to the February 2001 Initial Study/Mitigated Negative Declaration (2001 IS/MND) (East Bay Regional Park District, 2001), which was originally prepared for the Bay Point Regional Shoreline Land Use Plan (hereafter referred to as the 2001 Land Use Plan). Subsequent to project approval in 2001, some but not all of the components of the 2001 Land Use Plan were constructed. EBRPD now proposes to construct the remaining components of the approved project, including marsh restoration, sewer connection, two trails, and a non-motorized watercraft launch. In addition, the following modifications are proposed: install water well at the staging area, revise marsh restoration grading based on updated sea-level rise estimates, revise tidal inlet location, enhance the Harrier Loop Trail for sea level rise resiliency including a tidal slough crossing, restore northwest pond to tidal panne, move non-motorized watercraft (kayak) launch location, improve Great California Delta Trail spur, pave the gravel driveway from the gated park entrance at McAvoy Road to the parking lot, and construct a segment of the Great California Delta Trail. With the exception of the water well, driveway paving, and segment of the Great California Delta Trail, these modifications are described in the Final Bay Point Regional Shoreline Restoration and Public Access Plan (ESA, 2017c) (hereafter referred to as the 2017 Restoration and Public Access Plan). This Addendum evaluates whether the modifications and refinements to the 2001 Land Use Plan (hereafter referred to as the Proposed Project) would result in any new or substantially more adverse significant effects, or require any new mitigation measures not identified in the 2001 IS/MND.

As verified in this Addendum, the analyses and conclusions in the 2001 IS/MND remain current and valid. The Proposed Project (including proposed modifications), would not cause new significant effects not identified in the IS/MND nor increase the level of environmental effect to substantial or significant, and, hence, no new mitigation measures would be necessary to reduce significant effects. No change has occurred with respect to circumstances surrounding the Proposed Project that would cause new or substantially more severe significant environmental effects than were identified in the 2001 IS/MND. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the 2001 IS/MND. Therefore, no further environmental review is required beyond this Addendum.

This Addendum incorporates all of the mitigation measures detailed in the 2001 IS/MND. With this Addendum, the Proposed Project would still be within the framework of the evaluation for the 2001 Land Use Plan as documented in the 2001 IS/MND.

### B. BACKGROUND

The 2001 IS/MND formally evaluated the environmental impacts of the 2001 Land Use Plan. The 2001 IS/MND was prepared pursuant to the California Environmental Quality Act (CEQA) and adopted by the East Bay Regional Park District (District) on February 20, 2001.

As discussed above, EBRPD proposes to construct the remaining components of the 2001 Land Use Plan approved in 2001, in addition to a water well, driveway paving, segment of Great California Delta Trail, and the revisions described in the 2017 Restoration and Public Access Plan. These revisions to the project design constitute project modifications that were not evaluated in the 2001 IS/MND, which necessitates subsequent environmental review/

documentation under CEQA. Section 15164(b) of the CEQA Guidelines states that an Addendum to an adopted Mitigated Negative Declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 (further described below under Section I.D) apply.

The East Bay Regional Park District is the Lead Agency under CEQA and has prepared this Addendum to address the potential environmental impacts of implementing the Proposed Project on the project site.

### C. PURPOSE OF THIS ADDENDUM

The purpose of this Addendum is to evaluate whether the Proposed Project would result in any new or substantially greater significant effects or require any new mitigation measures not identified in the 2001 IS/MND for the 2001 Land Use Plan. This Addendum, together with the 2001 IS/MND, will be used by the District and/or Responsible Agencies when considering approval of the Proposed Project.

### D. CEQA FRAMEWORK FOR ADDENDUM

For a proposed modified project, State CEQA Guidelines (Sections 15162 and 15164) provide that an Addendum to an adopted MND may be prepared if only minor technical changes or additions are necessary or none of the following conditions calling for the preparation of a subsequent MND have occurred:

- Substantial changes in the project which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following:
  - i) the project will have one or more significant effects not discussed in the MND,
  - ii) the project will result in impacts substantially more severe than those disclosed in the MND,
  - iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative, or
  - iv) mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

This Addendum evaluates the Proposed Project as a revision of the 2001 IS/MND for the 2001 Land Use Plan and demonstrates that these modifications does not trigger any of the conditions

described above. Based on the analysis provided below, an Addendum to the 2001 IS/MND is the appropriate CEQA document.

## II. PROJECT INFORMATION

### A. SUMMARY OF THE 2001 LAND USE PLAN

The 2001 Land Use Plan, as evaluated in the 2001 IS/MND, includes Recreation/Staging Unit Development, and Marsh Restoration and Natural Unit Management. Planned Recreation/Staging Unit facilities consisted of a staging area accessed via McAvoy Road, with shade structures, parking, bus turn-around, restrooms, picnic facilities, non-motorized watercraft launch/carry-in boat access to the J-shaped channel east of the staging area, water and electricity lines, and two trailheads, linking to an existing informal trail on the east side of the J-shaped channel, and the existing trail along the south and west perimeter of the site. To date, parking, bus turn-around, vault toilet, picnic facilities, electrical service, and the two trailheads have been constructed, but the shade structures, water lines, non-motorized watercraft launch, and the Marsh Restoration Project and Natural Unit Management (monitoring of special-status species, maintaining habitat, and control of invasive species) components have not been implemented.

### B. SUMMARY OF PROPOSED PROJECT

The Proposed Project would restore and enhance up to 29 acres of sustainable wetlands and uplands habitat, as stipulated in the 2001 Land Use Plan and the final Wetland Restoration and Management Plan for the Bay Point Regional Shoreline (LSA et al., 2001), and updated and described in detail in the 2017 Restoration and Public Access Plan. The Proposed Project also would enhance shoreline access including improved trails, construct a new non-motorized watercraft launch, construct two shade structures, install a water well, construct an aluminum boardwalk along the existing Bay Conservation and Development Commission (BCDC) designated public access shoreline trail located on the neighboring property to the east (Great California Delta Trail spur), and may pave the gravel driveway from the gated park entrance at McAvoy Road to the parking lot and construct a segment of the Great California Delta Trail (see Figures 1 and 2). Improvements along the BCDC public access shoreline trail on private property may require an easement or other permission from the property owner and BCDC.

#### 1. Wetland and Upland Habitat Restoration

The project would create and enhance approximately 16.0 acres of tidal marsh and channel, 1.6 acres of tidal panne<sup>1</sup>, 0.3 acres of seasonal wetland, and 10.1 acres of coastal grassland and coastal scrub. This project would restore the historic tidal function that has been lost from sand dredging and other human activities.

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<sup>1</sup> Tidal pannes, also known as tidal ponds, are water-retaining depressions located within salt and brackish marshes. Pannes generally do not retain water during the summer months between high tides. With successive cycles of inundation and evaporation, the panne develops an increased salinity greater than that of the larger body of water.

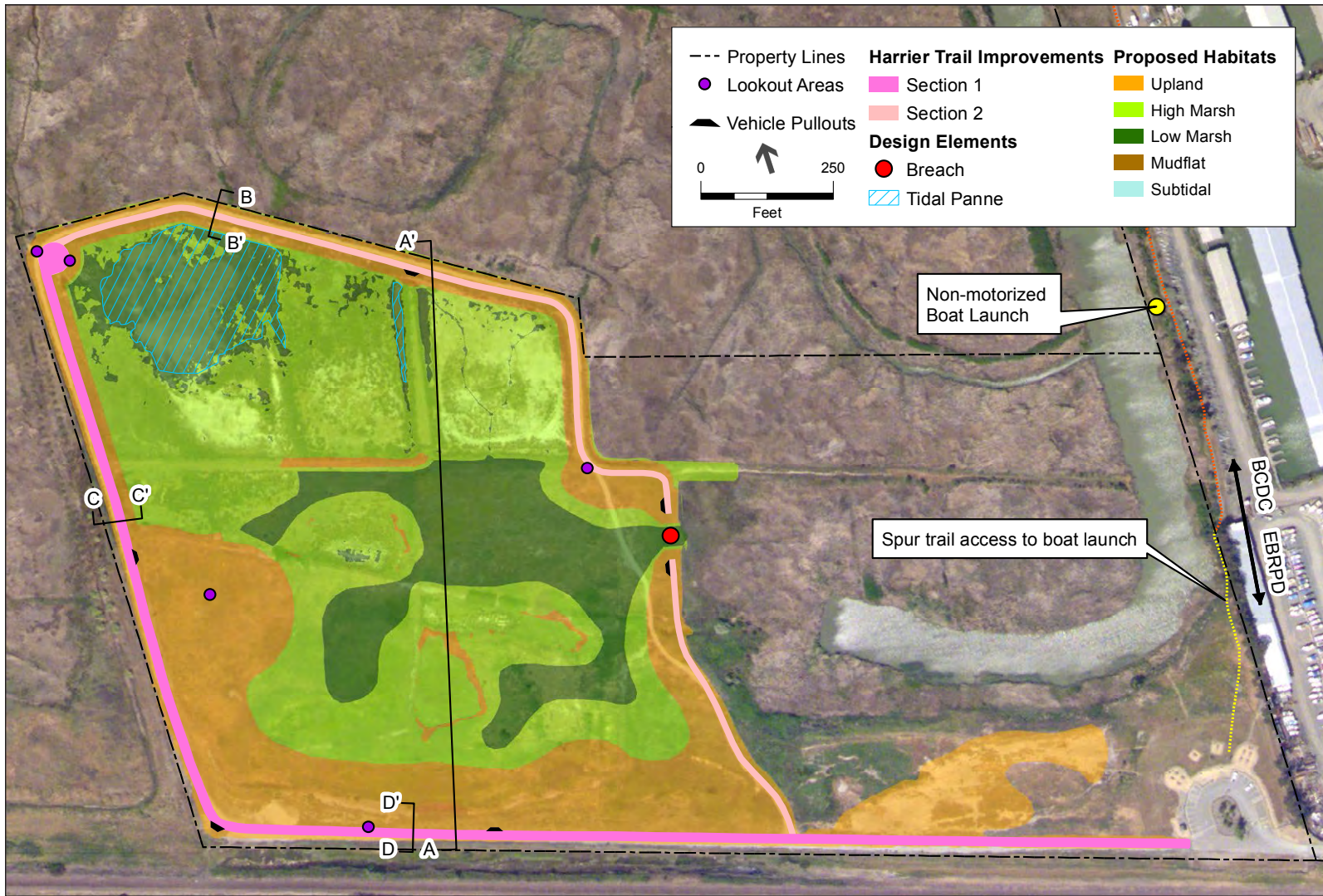


Figure 1  
Restoration and Public Access Plan

Source: ESA



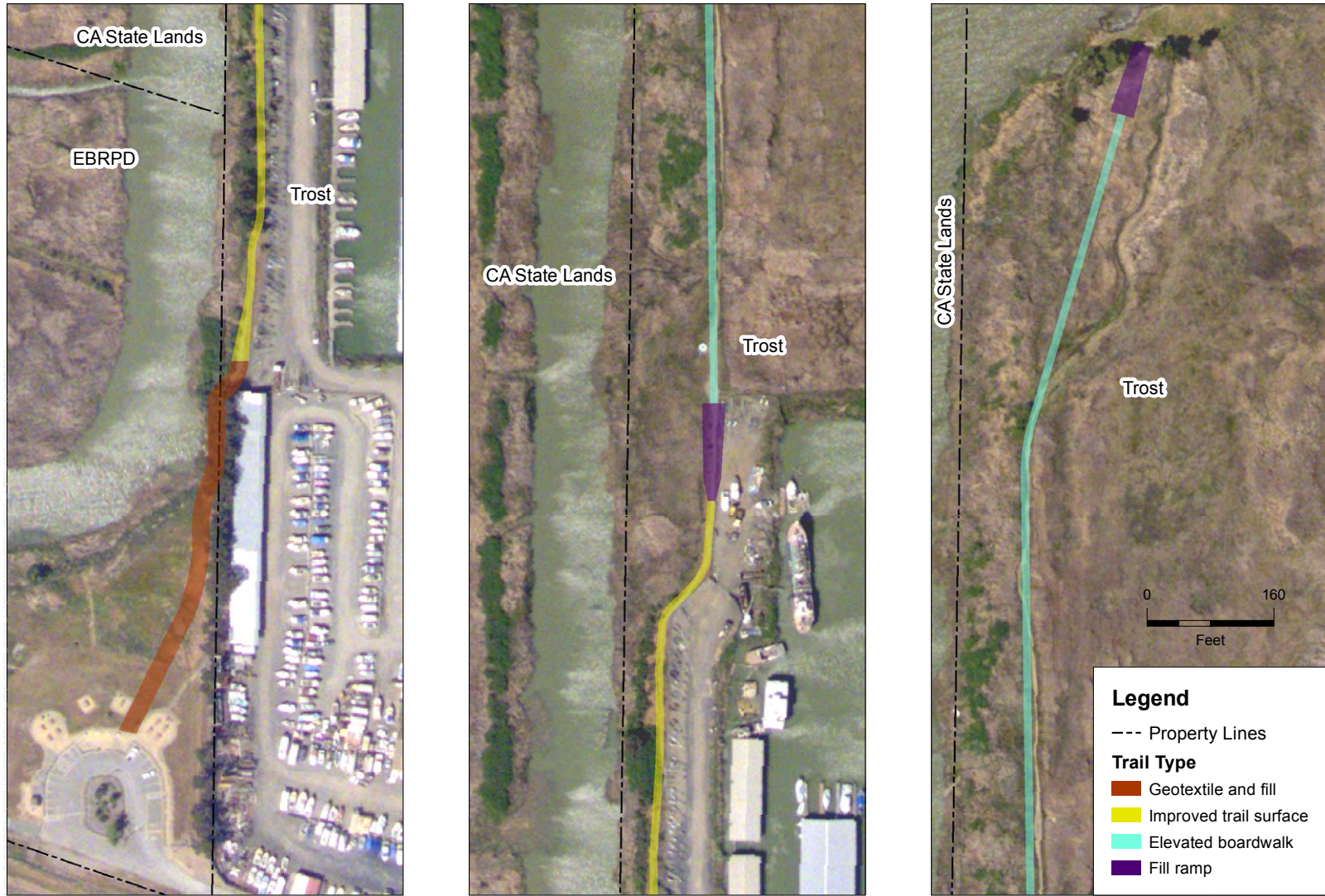


Figure 2  
Spur Trail

Source: ESA

High areas, filled during prior sand processing operations at the site, would be lowered to tidal marsh elevations and re-connected to the tides of Suisun Bay. Excavated material would be used to build gently sloped transitions from tidal marsh into upland habitat. Following site grading, much of the tidal area would naturally recruit native species while higher areas would be revegetated with native plants, weeded and irrigated as needed to ensure establishment. Part of a remnant berm that extends east of the restoration area, located north of the breach to the J channel, would be lowered to tidal marsh elevations to eliminate it as a predatory access route into the marsh plain and bank of the J channel.

The grading plan was developed to create a diversity of habitats, interspersed throughout the restoration area to create a high level of habitat complexity at the site. The restoration would create and enhance habitat for a number of special-status species that are either known to occur or have potential to occur in or around the project site.

## 2. Public Access

The project would improve the surface of the existing Harrier Trail along the south and west boundary of the site, to meet accessibility standards and raise the trail to decrease periodic flooding and increase sea level rise resiliency. New lookout areas and interpretive signs would be installed. A channel crossing would allow tidal flows beneath the Harrier Trail to connect the restored area to the J Channel. The channel crossing structure would consist of one of the following options:

- Multiple culverts – four 6-ft diameter circular culverts supported by headwalls and deep foundation
- Arch culvert – a single-span arch culvert comprised of precast concrete elements with deep foundation
- Concrete bridge – precast concrete elements placed on abutments with deep foundation
- Steel truss bridge – prefabricated truss placed on abutments with deep foundation

Fencing and upland and transitional habitat buffers would protect sensitive wildlife resources from human disturbance. A non-motorized boat launch would be constructed on the J Channel north of the existing staging area. A water well would be drilled approximately 50 to 100 feet from the existing toilet, and a drinking fountain would be installed at the staging area. The existing restrooms would be upgraded to flush toilets, and connected to the existing sewer main located along the southern edge of the project site, including an electric pump. A boardwalk system would be installed above an approximately 1,600-linear-foot segment of the Spur Trail to keep trail users from traversing wetlands. Two 24-foot by 30-foot metal shade structures with a 15'6" ridge height would be constructed, each covering four picnic tables. The gravel driveway from the gated park entrance at McAvoy Road to the parking lot may be paved, along with constructing a segment of the Great California Delta Trail.

## 3. Project Components That Constitute Revisions of 2001 Land Use Plan

As discussed above, the Proposed Project builds on and updates the 2001 Land Use Plan and 2001 Wetland Restoration and Monitoring Plan, reflecting updated site conditions, updated (higher) sea-level rise estimates, and additional planning efforts. As a result, some of the components of the Proposed Project described above modify the original project. To clearly identify the Proposed Project's changes from the approved 2001 Land Use Plan, these revised components are listed and discussed below.



- Updated sea-level rise. Estimates of global sea-level rise have risen substantially since 2001. The revised elevations of project components in the Proposed Project, including the Harrier Trail, are consistent with current State and regional sea-level rise adaptation planning guidance.
- Revised marsh restoration grading. Revised restoration grading would increase marsh sustainability with updated sea level rise estimates, incorporate updated restoration science, and avoid impacts to existing wetlands based on updated mapping.
- Tidal inlet location. The Plan has been revised to connect the restored channel network to the J Channel, rather than to the State Lands Commission property to the north. Connecting to the J Channel lessens construction-related impacts to sensitive tidal marsh habitats, reduces earthwork volumes, is more cost-effective, and uses natural tidal flows to sustain a larger channel at the non-motorized watercraft launch.
- Harrier Loop and crossing. The Proposed Project would maintain and improve the existing Harrier Trail as a loop trail. (The 2001 Land Use Plan had proposed converting the loop to an out-and-back trail alignment.) Section 1 of the trail would be approximately 2,987 feet long, 10 feet wide, with 2-foot gravel shoulders, and paved with 3-inch thick asphalt and a 6-inch aggregate base (see Figure 1). Section 2 would be approximately 2,230 feet long, 8 feet wide, with 2-foot shoulders, surfaced with gravel over a 6-inch aggregate base.
- Northwest pond restored to tidal panne. In the 2001 Land Use Plan, the northwest pond is a diked pond. The Proposed Project enhances the northwest pond by converting it to a high intertidal panne. Creation of tidal panne is consistent with regional goals that call for enhancing ponds and providing habitat diversity.
- Non-motorized watercraft launch location. The original location at the southern side of the J Channel has silted in since the 2001 Land Use Plan was prepared, and is no longer a viable location for watercraft access. The Proposed Project introduces the option to place the launch at a deeper segment of the J Channel in an area approximately 600 feet north of the original location. The non-motorized watercraft launch would consist of a gangway extending from the existing spur trail onto a low-freeboard floating dock in the J-Channel, held in place by two piles.
- Great California Delta Trail spur improvements. A lightweight aluminum boardwalk structure has been identified as the preferred type of construction for improving the existing Spur Trail that was identified in the Land Use Plan.
- Water well. The 2001 Land Use Plan included a water line connecting the staging area to offsite water mains, which has been determined to be infeasible. The Proposed Project would drill a well at the staging area located approximately 50 to 100 feet from the existing bathrooms, to serve a drinking fountain and the bathrooms.
- Pave driveway and construct segment of Great California Delta Trail. The Proposed Project may include paving the gravel driveway from the gated park entrance at McAvoy Road to the parking lot. This may also include building a segment of the Great California Delta Trail.

- Annex portion of project site to Delta Diablo Sanitation District. The Proposed Project would include annexation to Delta Diablo Sanitation District of a small area in the southeast of the project site, roughly corresponding to the existing staging area. The annexation may include a narrow strip of land owned by the Contra Costa Water District that runs along the southern border of the project site.
  
- Amend lease with State Lands Commission. Some of the changes described in “Non-motorized watercraft launch location” and “Great California Delta Trail spur improvements”, above, would occur on land adjacent to the project site that is leased from the State Lands Commission. As required by the original lease agreement, the Proposed Project would include approval of these improvements by the State Lands Commission.

#### 4. Impact Avoidance and Minimization

In addition to the mitigation measures identified in the 2001 IS/MND, which remain in force, the 2017 Restoration and Public Access Plan incorporates as part of the project the following avoidance and minimization measures.

##### Design for Avoidance of Protected Species and Sensitive Habitat

The project design includes the preservation of existing habitats within the primary grading area. These habitats will be properly surveyed prior to finalization of construction plans and will be staked in the field before construction to limit impacts to existing vegetation. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction will be identified and the area outside avoided.

To isolate construction of the tidal channel connection from the J channel, a silt curtain with floating boom will be installed across the J channel. The silt curtain will accomplish the following:

- Isolate construction activities from the open water J channel
- Contain turbidity and sediment resulting from construction activity
- Exclude fish (that may be occupying the J channel) from accessing the active construction area
- Allow water to pass between the J channel and new channel with the tides

The silt curtain will be installed both from a small watercraft and from land approximately 50 feet from the terminus of the channel and span the 100+ ft channel. The curtain will be at least 5 ft tall to maintain a barrier at high tide (MHHW=6 ft NAVD; existing bed elevations in the J channel range from 1-2 ft NAVD). The curtain will consist of permeable filter fabric supported by a line of floats (boom) on the water surface and a line of weights/anchors on the bottom to secure the curtain to the channel bed to maintain coverage (and construction area isolation) across the wetted area of the channel throughout the tidal cycle. The curtain would be secured to land with anchors at the channel banks to hold the curtain in place and to keep it extended across the channel. Once excavation is completed, the silt curtain would be removed both from a small watercraft and from land to allow for full connection with the restoration site and the J Channel.

##### Seasonal Work Restrictions

To avoid disturbing special-status wildlife species, including Ridgeway's rail, California black rail, and white-tailed kites, marsh restoration will occur in the non-breeding season unless approved protocol surveys are conducted and work zone exclusion buffers established. To minimize impacts to special-status fish species, dredging and working in the open water will occur between August 15 and October 15. Pre-construction surveys for special-status species will be conducted by a qualified biologist prior to vegetation clearing or other ground disturbing activities. Surveys will focus on potential habitat that could support special-status species and be disturbed by construction activities. Methods will follow approved protocols appropriate for each species. Species that shall be surveyed for prior to construction include Ridgeway's rail, California black rail, salt marsh harvest mouse, western pond turtle, special-status plants, and nesting birds.

#### Contractor Worker Training

All on-site personnel will be trained by a qualified biologist<sup>2</sup> before construction begins, to be aware of the sensitive environment in which they will be working and how best to protect wetlands and special-status plant and animal species.

#### Erosion and Sediment Control

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared by a Qualified SWPPP Developer, and a Qualified SWPPP Practitioner will oversee its implementation. The SWPPP will include site-specific measures to reduce or eliminate sediment or pollutants generated during construction from entering wetlands or waters. Measures may include, for example, installing sediment barriers like silt fencing and fiber rolls, maintaining equipment and vehicles used for construction, and other Best Management Practices [BMPs].

### III. ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS

The following section discusses environmental topics and related environmental effects in the 2001 IS/MND, to compare the 2001 Land Use Plan and the Proposed Project. These topics are listed in the sequence that they are addressed in the 2001 IS/MND. Three additional topics are discussed below. These topics (Forest Resources (which is added to 2. Agricultural Resources, below), 7. Greenhouse Gases, and 17. Tribal Cultural Resources) were not evaluated in the 2001 IS/MND because they were added to the Initial Study checklist at a later date. These three topics have been inserted below, in the sequence they appear in the current Initial Study checklist. This section concludes by determining that all of the mitigation measures from the 2001 IS/MND remain intact.

#### A. ENVIRONMENTAL TOPICS ANALYZED IN 2001 LAND USE PLAN

##### 1. Aesthetics

The 2001 IS/MND found that the 2001 Land Use Plan would have no impact on scenic vistas, scenic resources, visual character of the site and its surroundings, and light and glare. The

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<sup>2</sup> The term "qualified biologist" is defined as an individual who shall possess, at a minimum, a bachelor's degree in biology, ecology, wildlife biology or closely related field and has demonstrated prior field experience using accepted resource agency techniques for the survey prescribed, and who possesses all appropriate USFWS, NMFS, and CDFW permits.

components of the Proposed Project, including the revised habitat restoration, staging area improvements, trail improvements, and non-motorized watercraft launch, have aesthetic characteristics similar to those of the 2001 Land Use Plan, and none of the components of the Proposed Project would create aesthetic impacts that are substantially different or greater than those of the 2001 Land Use Plan.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 2. Agricultural and Forest Resources

The 2001 IS/MND found that the 2001 Land Use Plan would have no impact on agricultural resources. Construction of the Proposed Project would take place within the project area evaluated in the 2001 IS/MND. These lands are not used for agricultural uses, nor are they zoned for those purposes. After the 2001 IS/MND was prepared, impacts on forest land and uses were added to the Initial Study checklist. The project site does not contain forest land, nor is it zoned for those purposes. Therefore, implementation of the Proposed Project would not result in the conversion of agricultural or forest land, nor would it conflict with existing zoning for these purposes or Williamson Act contract.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 3. Air Quality

Section 4.12 of the 2001 IS/MND analyzed air quality impacts of the 2001 Land Use Plan, and concluded that it would not conflict with applicable air quality plans or result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under a federal or state ambient air quality standards.

The 2001 IS/MND found that project-generated operational traffic would be less than the Bay Area Air Quality Management District (BAAQMD) threshold of significance for motor vehicle emissions, and that this impact would be less than significant.

The 2001 IS/MND found that dust generated by project construction could affect residences south of the project site, and that implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

- *Standard EBPRD contract specifications regarding dust control shall be followed (Article 21 (b)). These specifications provide that a dust palliative or water (in sensitive habitats) shall be used by the contractor for dust control.*
- *Standard Bay Area Air Quality Management District control measures (as listed in Table 2, BAAQMD 1996) shall be implemented. These measures include: controlling dust with watering, palliatives, or hydroseed, as specified; covering dump trucks; sweeping streets and paved access roads; limiting traffic speeds on unpaved roads; and erosion control measures.*

The Park District may conduct prescribed burns in the marsh uplands to control undesirable

weeds, enhance habitat, and reduce wildfire hazard. The Park District Fire Department would conduct these burns in compliance with Bay Area Air Quality Management District (BAAQMD) requirements, including a prescribed burn plan to be reviewed and approved by BAAQMD, notification of neighbors, monitoring smoke during the burn by on-site Park District Fire Department staff, and conducting a burn only when appropriate environmental conditions (e.g., wind, fuel moisture, temperature, relative humidity) are met. Smoke can be managed by burning on those days when the wind is not blowing to the south (towards the Shore Acres/Bay Point neighborhood), and when other environmental conditions are appropriate for minimizing the fire's air quality impacts, as outlined in the approved prescribed burn plan. The 2001 IS/MND concluded that compliance with these procedures would ensure that the Park District's prescribed burns would have a less-than-significant air quality impact. The potential impact of prescribed burning on wildlife species is discussed in A.4. Biological Resources, below.

The 2001 IS/MND determined that odors generated by construction equipment would be a temporary, short-term impact and would be less than significant. As discussed above, smoke from prescribed burns would be managed to avoid creation of significant odors.

The impact of the Proposed Project on air quality was evaluated by an air quality consultant (RCH Group, 2017a). This evaluation, which consists of answers to the questions in the Initial Study checklist, is reproduced in Appendix A, and summarized below.

The air quality plan applicable to the project is currently the Bay Area Air Quality Management District's 2010 Bay Area Clean Air Plan (CAP), which was adopted after the 2001 IS/MND was prepared. The 2017 evaluation concluded that the Proposed Project would be consistent with the 2010 CAP because it would not exceed BAAQMD CEQA thresholds of significance (as discussed below). The Proposed Project would support the primary goals of the 2010 CAP, would be consistent with all applicable 2010 CAP control measures, and would not disrupt or hinder implementation of any 2010 CAP control measures. Therefore, the Proposed Project would have a less-than-significant impact associated with, conflicting with, or obstructing implementation of the applicable air quality plan, similar to the determination in the 2001 IS/MND.

The 2017 evaluation found that the Proposed Project's construction equipment generation of air emissions would be below the BAAQMD significance thresholds, and therefore would be less than significant. Similar to the 2001 IS/MND, the 2017 evaluation found that construction activities including grading and excavation would temporarily generate fugitive dust, and that compliance with BAAQMD's Basic Construction Mitigation Measures would reduce the impact of construction-generated dust to a less-than-significant level. Since the 2001 IS/MND was prepared, the BAAQMD has updated its basic construction mitigation measures (Bay Area Air Quality Management District, May 2012). The current construction measures are equal to or more effective than the 1996 version of the construction measures identified in the 2001 IS/MND (discussed above). Compliance with standard BAAQMD construction mitigation measures and EBRPD contract specifications, as stipulated in the 2001 IS/MND, would reduce the impact of construction dust to a less-than-significant level, and no additional mitigation measures are required.

Similar to the 2001 IS/MND, the 2017 evaluation concluded that operational emissions of the Proposed Project (users and EBRPD maintenance and security vehicle trips) would be minimal and would have a less-than-significant impact.



The 2017 evaluation included toxic air contaminants (TACs), a topic not specifically addressed in the 2001 IS/MND. During construction activities, the Proposed Project would constitute a new emission source of diesel particulate matter (DPM), which is a TAC. DPM from diesel-fueled engines is a human carcinogen and chronic (long-term) inhalation exposure to DPM poses a chronic health risk. Typically, health risks are estimated based on an exposure period of 30 years, and are not assessed for projects lasting less than two months. The Proposed Project would be a short-term construction activity (approximately 95 working days of construction using diesel-fueled engines) that would not generate substantial emissions, would involve emissions throughout the Project site of 56.6 acres, and would not occur at any one location of longer than 30 days. For these reasons, the Proposed Project would have a less than significant on health impacts.

Similar to the 2001 Land Use Plan, the Proposed Project may include prescribed burns in the marsh uplands to control undesirable weeds, enhance habitat, and reduce wildfire hazard. As with the 2001 Land Use Plan, the Park District Fire Department would conduct these burns in compliance with Bay Area Air Quality Management District (BAAQMD) requirements. Smoke can be managed by burning on those days when the wind is not blowing to the south (towards the Shore Acres/Bay Point neighborhood), and when other environmental conditions are appropriate for minimizing the fire's air quality impacts. Prescribed burning would continue to be subject to BAAQMD's Regulation 5, which regulates open burning. For these reasons, and similar to the 2001 Land Use Plan, compliance with these procedures would ensure that the Park District's prescribed burns would have a less-than-significant air quality impact. The potential impact of prescribed burning on wildlife species is discussed in A.4. Biological Resources, below.

Similar to the 2001 IS/MND, the 2017 evaluation concluded that odor impacts associated with the Proposed Project would be less than significant, because odors created by diesel-fueled construction equipment exhaust would typically dissipate quickly and would be unlikely to affect a substantial number of people, and because operations would not generate any odors.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

#### 4. Biological Resources

Section 4.3 of the 2001 IS/MND analyzed impacts of the 2001 Land Use Plan on biological resources. The 2001 IS/MND determined that the enhancement of habitat would have a long-term beneficial impact on a number of special-status wildlife, plant, and fish species at the site, but that project construction, recreational use of the site, and prescribed burning could adversely affect special-status species. These impacts are discussed below.

The 2001 IS/MND found that construction, including draining seasonal non-tidal ponds; dredging and grading with heavy equipment; and creating new channels to allow tidal waters to enter the existing ponds, could have potential impacts on special-status plant and wildlife species, sensitive habitats, and wetlands, and that the following mitigation measures would reduce impacts to special-status species a less-than-significant level.

- *Because the marsh restoration will be conducted in U.S. Army Corps of Engineers' jurisdictional water bodies, EBRPD shall comply with all conditions specified under*

*a permit to be obtained (pursuant to Section 404 of the federal Clean Water Act).*

*Examples of conditions are:*

- *EBRPD shall consult with U.S. Fish and Wildlife Service, National Marine Fisheries Service and the San Francisco Bay Regional Water Quality Control Board, as applicable.*
  - *Heavy equipment working in wetlands must be placed on mats or other measures taken to minimize soil disturbance.*
  - *Breaching the levee, to allow tidal water to inundate the site, will not be done until the grading within the marsh restoration area is complete. If necessary, this will occur in the year following major construction.*
- *Because the marsh restoration will be conducted within State property, EBRPD shall comply with all permitting conditions imposed (under the authority of Section 1601 of the California Fish and Game Code). Examples of conditions are:*
    - *Heavy equipment shall not be used in the seasonal non-tidal ponds without prior verbal approval and according to conditions determined by the CDFG.*
    - *In order to minimize the potential impact of construction on special-status plant species, a pre-construction survey will be conducted to determine their occurrence and location. The survey will be timed to maximize species identification and will be focused on the areas where both the special-status plant species are likely to occur and where construction is proposed. This includes the tidal marsh area where the channel will be dredged (from the SLC property to the District property) and on the sides of existing levees within the proposed marsh restoration area. If special-status plant species occur on the site, strategies to ensure that these species will continue to occur will be developed in conjunction with the appropriate agencies. These strategies may include: avoiding areas where the special-status species occur, collecting propagules prior to construction, leaving a seed source on the site, and/or transplanting plants.*
    - *To avoid invasion of undesirable non-native plant species after construction, native species will be planted in the upland areas where this invasion is most likely to occur, as per the landscape plan currently under development. The site will be monitored and appropriate vegetation control techniques will be implemented as required.*
    - *To avoid disturbing special-status wildlife species, including California black rail and white-tailed kites, marsh restoration will occur in the non-breeding season.*
    - *Throughout the marsh restoration and construction, habitat refuges and wildlife corridors will be left to allow salt marsh harvest mouse and other species opportunities to move into undisturbed areas. Construction will begin in the northernmost section of the marsh and will proceed south, allowing the salt marsh harvest mouse to disperse into the pickleweed area surrounding the seasonal pond.*
    - *To minimize impacts to special-status fish species, dredging and working in the open water will occur between August 15 and October 15.*
    - *Construction will be limited to daylight hours, and construction workers will not be allowed to bring pets or smoke on the site.*

The 2001 IS/MND found that project construction would create dust and potential exposure to hazardous materials (e.g., petroleum or hydraulic fluids from machinery), which could adversely impact resident plants, fish, and wildlife. The 2001 IS/MND determined that the mitigation measures discussed in Sections A.1. Air Quality, above, and A.8. Hazards and Hazardous Materials, below, would reduce impacts of dust and hazardous materials exposure on all species to a less-than-significant level.

The 2001 IS/MND found that increased recreational activity in habitat areas could adversely affect wildlife at the site, and concluded that the following mitigation measures would reduce this impact to a less-than-significant level.

- *Trees and other vegetation (as appropriate) will be planted to minimize the direct line of sight between humans and sensitive wildlife in high-use areas such as the staging area.*
- *Trees will be planted at the staging area to provide additional habitat for a variety of passerine birds, including shrikes and raptors.*
- *To reduce vandalism and help prevent free-roaming pets from accessing the site, a cyclone fence will be constructed on the south perimeter of the site. This will connect with existing fencing on the west and east perimeters of the site.*

The 2001 IS/MND concluded that prescribed burning during the breeding season could adversely affect wildlife species, and that this impact would be reduced to a less-than-significant level by the following mitigation measure.

- *To avoid disturbing wildlife, prescribed burning will be conducted during the non-breeding season.*

The 2001 IS/MND found that the 2001 Land Use Plan would have a less-than-significant impact on movement of native fish and wildlife species, wildlife corridors, and native wildlife nursery sites, and that the 2001 Land Use Plan would have no impact on local policies and ordinances protecting biological resources, and habitat conservation plans.

In addition to the above mitigation measures applicable to special status species in the 2001 IS/MND (which remain in force), the 2017 Restoration and Public Access Plan incorporates as part of the project the following avoidance and minimization measures.

Design for Avoidance of Protected Species and Sensitive Habitat

The project design includes the preservation of existing habitats within the primary grading area. These habitats will be properly surveyed prior to finalization of construction plans and will be staked in the field before construction to limit impacts to existing vegetation. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction will be identified and the area outside avoided.

To isolate construction of the tidal channel connection from the J channel, a silt curtain with floating boom will be installed across the J channel. The silt curtain will accomplish the following:

- Isolate construction activities from the open water J channel

- Contain turbidity and sediment resulting from construction activity
- Exclude fish (that may be occupying the J channel) from accessing the active construction area
- Allow water to pass between the J channel and new channel with the tides

The silt curtain will be installed both from a small watercraft and from land approximately 50 feet from the terminus of the channel and span the 100+ ft channel. The curtain will be at least 5 ft tall to maintain a barrier at high tide (MHHW=6 ft NAVD; existing bed elevations in the J channel range from 1-2 ft NAVD). The curtain will consist of permeable filter fabric supported by a line of floats (boom) on the water surface and a line of weights/anchors on the bottom to secure the curtain to the channel bed to maintain coverage (and construction area isolation) across the wetted area of the channel throughout the tidal cycle. The curtain would be secured to land with anchors at the channel banks to hold the curtain in place and to keep it extended across the channel. Once excavation is completed, the silt curtain would be removed both from a small watercraft and from land to allow for full connection with the restoration site and the J Channel.

#### Seasonal Work Restrictions

To avoid disturbing special-status wildlife species, including Ridgeway's rail, California black rail and white-tailed kites, marsh restoration will occur in the non-breeding season unless approved protocol surveys are conducted and work zone exclusion buffers established. To minimize impacts to special-status fish species, dredging and working in the open water will occur between August 15 and October 15. Pre-construction surveys for special-status species will be conducted by a qualified biologist prior to vegetation clearing or other ground disturbing activities. Surveys will focus on potential habitat that could support special-status species and be disturbed by construction activities. Methods will follow approved protocols appropriate for each species. Species that shall be surveyed for prior to construction include Ridgeway's rail, California black rail, salt marsh harvest mouse, western pond turtle, special-status plants, and nesting birds.

#### Contractor Worker Training

All on-site personnel will be trained by a qualified biologist<sup>3</sup> before construction begins, to be aware of the sensitive environment in which they will be working and to how best to protect wetlands and special-status plant and animal species.

These avoidance and minimization measures are consistent with the mitigation measures in the 2001 IS/MND. The avoidance and minimization measures above either reiterate, or are equal to or more effective than, the mitigation measures in the 2001 IS/MND.

To comply with requirements for consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as stipulated in the mitigation measures in the 2001 IS/MND, a U.S. Fish and Wildlife Service Biological Assessment (BA) and a National Marine Fisheries Service Biological Assessment and Essential Fish Habitat Assessment were prepared for the 2017 Restoration and Public Access Plan (ESA, 2017a; ESA, 2017b). The Biological

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<sup>3</sup> The term "qualified biologist" is defined as an individual who shall possess, at a minimum, a bachelor's degree in biology, ecology, wildlife biology or closely related field and has demonstrated prior field experience using accepted resource agency techniques for the survey prescribed, and who possesses all appropriate USFWS, NMFS, and CDFW permits.

Assessments evaluate potential impacts to special-status species and identify measures to avoid and minimize impacts to these species, considering current circumstances, the current status of species and the environmental baseline for the project area. These assessments are reproduced in Appendices D and E, and summarized below.

The U.S. Fish and Wildlife Service BA evaluated five special-status species that may be affected by the 2017 Restoration and Public Access Plan: salt marsh harvest mouse, Ridgway's (California clapper) Rail, soft bird's-beak, delta smelt, and longfin smelt.

For the salt marsh harvest mouse, the BA concluded that vegetation removal and construction-related effects to salt marsh harvest mice and their habitat would be minimized through implementation of avoidance and minimization measures identified in the Biological Assessment and 2017 Restoration and Public Access Plan. In the long term, restoration of tidal marsh and transitional habitats would provide additional habitat for salt marsh harvest mice and resilience to sea level rise effects. Over the long term, the proposed action would contribute to the recovery of salt marsh harvest mouse within the Bay Point Regional Shoreline.

For Ridgway's (California clapper) rail, the BA concluded that the project area does not support breeding habitat for Ridgway's rail; therefore, presence of this species within the project area is unlikely. In the unlikely event an individual Ridgway's rail moves into the action area there is minimal risk that construction activities or restoration actions would result in the harassment, harm, or death of Ridgway's rails. The restoration project could provide suitable marsh habitat and extend the range of Ridgway's rail into the action area and provide resilience to sea level rise effects in the future. The Proposed Project would contribute to the recovery of Ridgway's rail within the Bay Point Regional Shoreline ecosystem.

The BA concluded that the proposed action may affect but is not likely to adversely affect listed plant species, including soft bird's-beak. A rare plant survey in July 2016 did not identify any listed special-status plants within the action area; however, one negative survey is not conclusive. Special-status plant surveys and other mitigation measures identified in the 2001 IS/MND, and avoidance and minimization measures identified in the Biological Assessment and 2017 Restoration and Public Access Plan, would mitigate short-term construction impacts to special-status plants if found. Restoration to a tidal marsh will create habitat to aid in the recovery of listed marsh plant species.

The BA concluded that fixed scope of in-water work, the limited number of fish expected to present within the Project area during construction, and implementation of smelt-related avoidance and minimization measures identified in the 2001 IS/MND, the Biological Assessment, and the 2017 Restoration and Public Access Plan, would avoid or substantially minimize adverse effects on both delta smelt and longfin smelt. The proposed restoration project has the potential to provide both a short and long-term benefit to delta and longfin smelt within the immediate vicinity. The creation of a network of tidal channels would provide immediate access to a habitat type of short supply in this area of the Delta, and the potential for increased phytoplankton production as the result of the creation of a tidal panne in the northwest portion of the project site may provide a stimulus to the smelt food web by increasing the amount of prey available to both species. Overall, the Proposed Project is likely to result in a net benefit to the longfin and delta smelt populations of the Delta.

The National Marine Fisheries Service Biological Assessment and Essential Fish Habitat



Assessment evaluated five special-status species that may be affected by the 2017 Restoration and Public Access Plan (green sturgeon, delta smelt, longfin smelt, California Central Valley ESU (Evolutionarily Significant Unit) steelhead trout, and Sacramento Chinook salmon), and critical habitat for these species. The Biological Assessment and Essential Fish Habitat Assessment concluded that localized, short-term increases in suspended sediments/turbidity would occur during construction. The high tidal flushing and water exchange present in the waters adjacent to the project site is expected to prevent any substantial or chronic adverse effects to considered species. No permanent loss or impairment of critical habitat for any of the considered species is expected as a result of predicted water quality impairments from in-water construction activities.

The Proposed Project would create approximately 1.3 acres of tidal channel habitat, by excavating a breach to connect the tidal channel network to the rest of the site, and the Bay-Delta as whole. This breach construction would result in alterations to the existing benthic<sup>4</sup> habitat. The Biological Assessment and Essential Fish Habitat Assessment concluded that the breach would be implemented during the in-water work window and at low tide, and that connecting the site to the larger Bay-Delta would result in relatively quick recolonization of benthic habitat by invertebrates and other species that may be displaced. Additionally, the permanent loss of benthic habitat within the small footprint of the piles for the non-motorized watercraft launch would be offset by the significant increase in available habitat as a result of the creation of tidal channel network.

The Biological Assessment and Essential Fish Habitat Assessment concluded that installation of up to three one-foot-diameter piles to support the non-motorized watercraft launch would generate noise levels that may disturb species of concern (Chinook salmon, steelhead, and green sturgeon). This disturbance is expected to result in short-term and temporary altered swimming and foraging behavior as well as temporary exclusion from some foraging areas immediately adjacent to the surrounding pile installation. However, the natural avoidance behavior of fish from the noise and disturbance caused by the placement of piles on the seafloor can be expected to limit the presence of any species of special concern. Additional in-water construction activities including the breach construction and coffer dam installation may generate noise levels that result in fish displacement; however, these levels are expected to be well below any threshold of concern.

Finally, the Biological Assessment and Essential Fish Habitat Assessment concluded that, over the long-term, the project would benefit all of the aquatic species discussed above, through the creation of tidal channels and associated marsh plain habitat.

In summary, the two Biological Assessments discussed above concluded that the mitigation measures identified in the 2001 IS/MND, along with avoidance and minimization measures identified in the Biological Assessments and 2017 Restoration and Public Access Plan and incorporated as part of the project, would reduce the impacts of the Proposed Project on special-status species to a less-than-significant level. The avoidance and minimization measures identified in the Biological Assessments and 2017 Restoration and Public Access Plan are consistent with, and in some cases more detailed than, the biological resources mitigation measures in the 2001 IS/MND. The avoidance and minimization measures identified in the

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<sup>4</sup> The benthic zone is the ecological region at the lowest level of a body of water, including the sediment surface and some sub-surface layers.

Biological Assessments and 2017 Restoration and Public Access Plan are equal to or more effective than the mitigation measures in the 2001 IS/MND, and, in themselves, would not cause any significant environmental effects. No new impacts to special-status species, other than those described in the 2001 IS/MND, were identified.

Similar to the 2001 Land Use Plan, the Proposed Project would not result in any other significant impacts to biological resources, including interference with the movement of migratory fish or wildlife species or native wildlife nursery sites, conflict with local policies or ordinances protecting biological resources, conflict with approved habitat conservation plans, and conversion of oak woodlands.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 5. Cultural Resources

Section 4.4 of the 2001 IS/MND evaluated impacts to cultural resources associated with implementation of the 2001 Land Use Plan. The 2001 IS/MND concluded that the likelihood of finding archaeological resources in the project area was low, but that the following mitigation measures will be implemented, which would reduce this impact to a less-than-significant level.

- *If unanticipated cultural resources should be encountered during construction, all ground-disturbing activities shall be halted within at least 50 feet until evaluated by an archaeologist, in accordance with state and federal law. This is standard Park District protocol for protecting parkland archaeological sites (EBRPD Board Resolution 1989-4-124). Furthermore, if human remains were to be encountered, the Park District policy requires consultation with the county coroner and Native American "most likely descendants," to determine the appropriate treatment of the remains, in accordance with state and federal law.*
- *Standard EBRPD contract specifications regarding the protection of historic resources and human remains shall be implemented (Article 22).*

The 2001 IS/MND concluded that the 2001 Land Use Plan would have no impact on historical resources. The location of the pre-1850s shoreline, south of the project site, means that the site is unlikely to contain unique paleontological resources, and the site contains no unique geological features. Therefore, the 2001 IS/MND determined that impacts on paleontological resources and geological features would be less than significant.

The impact of the Proposed Project on cultural resources was evaluated by a cultural resources consultant (Koenig, 2017). This report is reproduced in Appendix F. Similar to the 2001 IS/MND, the 2017 evaluation concluded that the Proposed Project, which is located on the same site as the 2001 Land Use Plan, would not impact historical resources. The 2017 evaluation also concluded that the potential for affecting undiscovered subsurface archaeological resources is low, and the impact on archaeological resources would be reduced to a less-than-significant level by implementation of the mitigation measures identified in the 2001 IS/MND (reproduced above). As with the 2001 Land Use Plan, the site is unlikely to contain unique paleontological

resources, and contains no unique geological features.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 6. Geology and Soils

Section 4.5 of the 2001 IS/MND analyzed the geological, seismic, and soil conditions within the project area, and identified erosion as a potential impact. The 2001 IS/MND stipulates the following mitigation measure to control erosion:

- *To contain and prevent sediments from entering the aquatic system, erosion fabric shall be placed at the toe of north-facing slopes with a gradient of 5:1 or steeper on the islands and uplands within the marsh restoration area.*

The 2001 IS/MND found that impacts of known earthquake faults, seismic ground shaking, ground failure including liquefaction, landslides, unstable geologic units, and expansive soils would be less than significant, and that there would be no impact of septic tanks and alternative waste disposal systems. The 2001 IS/MND determined that the 2001 Land Use Plan, with implementation of the above Mitigation Measure, would have a less-than-significant effect on geology and soils.

Construction of the Proposed Project would occur within the same study area evaluated in the 2001 IS/MND and would be subject to similar geological, seismic and soil conditions. The 2017 Restoration and Public Access Plan incorporates as part of the project the following avoidance and minimization measure:

### Erosion and Sediment Control

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared by a Qualified SWPPP Developer, and a Qualified SWPPP Practitioner will oversee its implementation. The SWPPP will include site-specific measures to reduce or eliminate sediment or pollutants generated during construction from entering wetlands or waters. Measures may include, for example, installing sediment barriers like silt fencing and fiber rolls, maintaining equipment and vehicles used for construction, and other Best Management Practices [BMPs].

This avoidance and minimization measure, along with the Mitigation Measure in the 2001 IS/MND requiring erosion fabric on steep slopes (which remains in force for the Proposed Project), would reduce erosion impacts of the Proposed Project to a less than significant level. The avoidance and minimization measure identified in the 2017 Restoration and Public Access Plan is equal to or more effective than the mitigation measure in the 2001 IS/MND, and, in itself, would not cause any significant environmental effects. Impacts of the Proposed Project on known earthquake faults, seismic ground shaking, ground failure including liquefaction, landslides, unstable geologic units, expansive soils, septic tanks, and alternative waste disposal systems would, like the 2001 Land Use Plan, be less than significant. The evaluation of geology and soils impacts, and required mitigation measures, for the 2001 Land Use Plan would also apply to the Proposed Project.

*No new or substantially more severe significant effects would occur and no additional mitigation*

*measures are required.*

## 7. Greenhouse Gases

The 2001 IS/MND did not evaluate greenhouse gas emissions of the 2001 Land Use Plan.

After the 2001 IS/MND was prepared, the following questions relating to greenhouse gases were added to the Initial Study checklist:

*GREENHOUSE GAS EMISSIONS – Would the project:*

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The Proposed Project's impact on greenhouse gas emissions, in terms of the above questions, was evaluated by an air quality consultant (RCH Group, 2017b). This evaluation is reproduced in Appendix B, and summarized below.

The following state and local laws and regulations apply to the project site:

**Assembly Bill 32 (California Global Warming Solutions Act of 2006):** AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020.

**Climate Change Scoping Plan:** To implement the emissions reductions mandated in AB 32, the California Air Resources Board approved the First Update to the Scoping Plan on May 22, 2014. The First Update to the Climate Change Scoping Plan identifies strategies and recommendations for key focus areas (energy, transportation, agriculture, water, waste management, and natural and working lands), along with short-lived climate pollutants, green buildings, and the cap-and-trade program.

**Executive Order No. B-30-15:** On April 29, 2015, Executive Order No. B-30-15 was issued to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. Executive Order No. B-30-15 sets a new, interim, 2030 reduction goal intended to provide a smooth transition to the existing ultimate 2050 reduction goal set by Executive Order No. S-3-05 (signed by Governor Schwarzenegger in June 2005).

**Contra Costa County Climate Action Plan:** Contra Costa County adopted a Climate Action (CAP) on December 15, 2015. The CAP identifies how the County will achieve the AB 32 emissions reduction target of 15 percent below baseline levels by the year 2020, in addition to supporting other public health, energy efficiency, water conservation, and air quality goals identified in the County's General Plan and other policy documents. The CAP also lays the groundwork for achieving long-term state GHG reduction goals for 2035.

**Bay Area Air Quality Management District CEQA Air Quality Guidelines:** The BAAQMD CEQA Air Quality Guidelines provide CEQA thresholds of significance for operational GHG emissions from land use projects. The BAAQMD has not defined GHG thresholds from

construction activities, but recommends that significance be determined in relation to meeting AB 32 GHG reduction targets. The BAAQMD CEQA Air Quality Guidelines state that if a project is found to be consistent with a Qualified Climate Action Plan then the project would have a less than significant impact on global climate change.

### **Proposed Project Impacts**

The estimated construction GHG emissions of the Proposed Project are 128 metric tons of CO<sub>2</sub>e (see Appendix C for detailed emission data). Thirty-year amortized annual construction-related GHG emissions would be approximately 4.3 metric tons of CO<sub>2</sub>e per year. As noted above, there is no quantitative BAAQMD significance threshold for construction-related GHG emissions. Construction GHG emissions are a one-time release and are, therefore, not expected to generate a significant contribution to global climate change in the long-term. Due to the short duration of the Proposed Project construction and small amount of GHG emissions generated, the Proposed Project's estimated construction-related GHG contribution to global climate change would be considered negligible on the overall global emissions scale. Thus, the construction emissions from the Proposed Project would have a less-than-significant impact on climate change.

Operational emissions sources would include motor vehicle trips from visitors and EBRPD maintenance staff. The Proposed Project could generate new motor vehicle trips from increased use of trails and public access improvements. The EBRPD would also conduct maintenance of the Project site through trash collection, security, trails inspections and maintenance as needed. However, operational emissions are expected to be minimal. Thus, the operational GHG emissions from the Proposed Project would have a less-than-significant impact on climate change.

Contra Costa County has adopted a Climate Action Plan (CAP). The Proposed Project has been reviewed relative to AB 32 requirements and the CAP, and it has been determined that the Proposed Project would not conflict with the goals of AB 32 and the Contra Costa County CAP. Thus, the Proposed Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions and would have a less-than-significant impact on climate change.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

### **8. Hazards and Hazardous Materials**

Section 4.6 of the 2001 IS/MND analyzed impacts of the 2001 Land Use Plan associated with hazards and hazardous materials, and found that hazardous materials may occur on the project site where debris remains and where machinery was used near an existing concrete slab and patch of asphalt. The former settling ponds in the marsh contains materials dredged from the Honker Bay. There were also three large piles in the uplands (totaling approximately 1,000 cubic yards) from dredging to create the J-shaped channel. Sampling of two of the dredge piles and of one former settling ponds found an elevated level of lead in one dredge pile. It contained 200 mg/kg, which exceeds the Regional Water Quality Control Board (RWQCB) standards for allowable lead concentration for dredge spoils used in wetlands. No elevated levels of other metals were found in the samples. These results suggest that other dredge spoils within the former settling ponds may contain contaminants. The 2001 IS/MND



determined that the 2001 Land Use Plan, with implementation of the following four Mitigation Measures, would have a less than significant impact associated with hazards and hazardous materials.

- *Prior to finalizing the design of the marsh restoration project, a materials characterization report shall be prepared and submitted to the appropriate regulatory agencies. Testing will be conducted on both the materials to be moved and on materials that will be exposed after excavation has been completed. If required, a water quality plan shall be prepared and submitted to the RWQCB.*
- *If contaminants are found on the site, a health and safety plan may be required to protect workers from short-term exposure to contaminants and shall be implemented in accordance with regulatory agency requirements.*
- *If contaminants are found on the site, the contaminated soil will need to be capped with clean fill, treated on-site, or disposed of off-site in the appropriate disposal site. The most cost-effective treatment, in compliance with regulatory requirements, shall be implemented as required.*
- *Standard EBRPD contract specifications regarding hazardous materials shall be implemented (Article 23).*

The 2001 IS/MND found that the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, is not located near public or private airports, would not interfere with emergency response and evacuation plans, and is not in a wildland fire hazard area, and therefore would have no impact.

The Proposed Project would be constructed in the same project area as the 2001 Land Use Plan, using similar construction equipment, materials, and techniques. Therefore, no new impacts associated with hazardous materials during construction would result from the Proposed Project, and the mitigation measures identified for the 2001 Land Use Plan would also reduce the impacts of the Proposed Project associated with hazardous materials during construction to a less-than-significant level.

At the time this Addendum was prepared, the project site still was not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 California Department of Toxic Substances Control, 2017). Like the 2001 Land Use Plan, the Proposed Project would not affect safety at public or private airports, or affect emergency response plans and emergency evacuation plans, and would have a less than significant impact on the risk of loss involving wildland fires.

In a letter commenting on the 2001 IS/MND, the California Department of Toxic Substances Control (DTSC) identified the possibility of sediment contamination at the site. In response to an inquiry by the District at the time this Addendum was prepared, DTSC reviewed documentation on this topic, and concluded that there does not appear to be sediment contamination, and that the risk to ecological receptors appears to be negligible (Tu, 2017).

*No new or substantially more severe significant effects would occur and no additional mitigation*

*measures are required.*

## 9. Hydrology and Water Quality

Section 4.7 of the 2001 IS/MND analyzed impacts of the 2001 Land Use Plan associated with hydrology and water quality, and found that the project could result in short-term degradation of water quality from contaminants contained in dredge spoils materials or contamination resulting from mobilization of existing contaminants on the project site that are currently undetected. These potential impacts could occur during marsh restoration, when soil is being excavated from the existing seasonal ponds and the fill material is being placed and graded on-site. The 2001 IS/MND determined that the 2001 Land Use Plan, with implementation of the four Mitigation Measures reproduced in A.8. Hazards and Hazardous Materials, above, would have a less than significant impact on water quality.

Because the levee would not be breached until the construction activities of the 2001 Land Use Plan are complete, turbidity and sedimentation of the aquatic environment would not increase during construction, nor would it be increased above its current level after construction.

As discussed in more detail in the 2001 IS/MND, the 2001 Land Use Plan would be constructed in accordance with the Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (ACOE), and California Department of Fish and Wildlife (CDFW) requirements, and applicable state and federal laws protecting water quality.

The 2001 IS/MND also determined that earthmoving and construction equipment on-site may lead to accidental release of pollutants (including petroleum or other fluids), and that the 2001 Land Use Plan, with implementation of the following two Mitigation Measures, would have a less than significant effect on water quality.

- *Petroleum pollution shall be controlled by proper maintenance of equipment. Containment booms and absorbent mats shall be used to contain and clean up any petroleum products inadvertently discharged during construction.*
- *Standard EBRPD contract specifications regarding water quality shall be implemented (Article 21 a).*

The 2001 IS/MND determined that impacts on groundwater use would be less than significant because groundwater use would be limited to supplying water to park visitors. Typically, the amount of water used by park visitors is minimal compared to more intensive land uses such as residential or commercial development.

The 2001 IS/MND determined that the project would substantially alter the drainage pattern of the site, but would not result in a substantial increase in erosion on- or off-site. The site is relatively flat, and no long-term impacts on erosion are expected to occur. Short-term erosion impacts may result during construction while the site revegetates, but the mitigation measure for erosion control reproduced in A.6. Geology and Soils, above, would reduce this impact to a less-than-significant level.

The 2001 IS/MND determined that there would be a substantial increase in on-site flooding of the existing seasonal ponds, which would be inundated daily by the saltwater from Honker Bay; this

is one of the project's objectives. This tidal influence would encourage species suitable to this type of marsh, and is considered a beneficial impact of the project on these species. Since more tidal water would be on the site after marsh restoration, flooding could potentially occur in the upland areas during winter storms when tides are high. However, fill material placed on the site would raise the elevations of upland areas, reducing the risk of flooding to a less-than-significant level.

The 2001 IS/MND found that the project would have no impact on stormwater drainage systems, housing or other structures within 100-year flood hazard areas, flooding as a result of levee or dam failure, or inundation by seiche, tsunami, or mudflow.

The Proposed Project would be constructed in the same project area as the 2001 Land Use Plan, and would have a similar potential for short-term degradation of water quality from existing contaminants at the site. The Proposed Project would use similar construction equipment, materials, and techniques as the 2001 Land Use Plan, which, like the 2001 Land Use Plan, would be reduced to a less-than-significant level with implementation of the four Mitigation Measures reproduced in A.8. Hazards and Hazardous Materials, above, on water quality.

Similar to the 2100 Land Use Plan, under the Proposed Project the levee would not be breached until grading within the marsh restoration area is complete. Therefore, turbidity and sedimentation of the aquatic environment would not increase during construction of the Proposed Project, nor would it be increased above its current level after construction.

Also similar to the 2001 Land Use Plan, the Proposed Project would be constructed in accordance with the Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (ACOE), and California Department of Fish and Wildlife (CDFW) requirements, and applicable state and federal laws protecting water quality.

The Proposed Project includes a groundwater well at the staging area that would supply drinking water to park visitors and the new flush toilets that would be installed in the existing restrooms. Similar to the conclusion of the 2001 IS/MND, the amount of water used by park visitors would be minimal under the Proposed Project compared to more intensive land uses such as residential or commercial development, and, similar to the 2001 Land Use Plan, impacts on groundwater use of the Proposed Project would be less than significant.

Like the 2001 Land Use Plan, the Proposed Project would substantially alter the drainage pattern of the site, but would not result in a substantial increase in erosion on- or off-site. The site is relatively flat, and no long-term impacts on erosion are expected to occur. Short-term erosion impacts may result during construction, but the mitigation measure for erosion control reproduced in A.6. Geology and Soils, above, would reduce the impact of the Proposed Project to a less-than-significant level.

Like the 2001 Land Use Plan, the Proposed Project would create a substantial increase in on-site flooding of the existing seasonal ponds; this is one of the Proposed Project's objectives and is considered a beneficial impact on habitat. Since more tidal water would be on the site after marsh restoration, flooding could potentially occur in the upland areas during winter storms when tides are high. Also similar to the 2001 Land Use Plan, the Proposed Project would raise the elevations of upland areas, including the Harrier Trail, reducing the risk of flooding to a less-than-significant level.

Like the 2001 Land Use Plan, the Proposed Project would not affect stormwater drainage systems, housing or other structures within 100-year flood hazard areas, flooding as a result of levee or dam failure, or inundation by seiche, tsunami, or mudflow.

In summary, no new impacts on hydrology and water quality would result from the Proposed Project, and the mitigation measures identified for the 2001 Land Use Plan would also reduce the water quality impacts of the Proposed Project during construction to a less-than-significant level.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 10. Land Use and Planning

Section 4.8 of the 2001 IS/MND analyzed impacts of the 2001 Land Use Plan on land use and planning, and concluded that impacts of the 2001 Land Use Plan would not physically divide an established community or conflict with applicable conservation plans.

The 2001 IS/MND found that project site falls within the City of Pittsburg's sphere of influence and is designated by the City as parkland. The City's policy objectives include improving waterfront access, increasing recreational and educational programs for local youth, preserving wildlife habitat in parks, promoting trail access to regional open spaces, and protecting the shoreline environment. The 2001 Land Use Plan was determined to be consistent with these policies.

At the time the 2001 IS/MND was prepared, the project site was designated Light Industrial and Open Space in the County's General Plan, and the zoning classification was Heavy Industrial. This was identified in the 2001 IS/MND as a conflict with existing Contra Costa County General Plan and zoning bylaws.

Like the 2001 Land Use Plan, the Proposed Project would not physically divide an established community, conflict with applicable conservation plans, or conflict with Pittsburg plans and policies. Since the 2001 IS/MND was prepared, the Contra Costa County General Plan Land Use designation of the site was changed to PR (Parks and Recreation), and the Zoning was changed to P-1, in which "Park, Recreation Areas, trails" are a permitted use. Therefore, the Proposed Project is consistent with the current County General Plan Land Use designation and zoning.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 11. Mineral Resources

The 2001 IS/MND determined that the 2001 Land Use Plan would have no impact on mineral resources. The Proposed Project would be located on the same project site. Therefore, the Proposed Project also would have no impact on mineral resources.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 12. Noise

Section 4.9 of the 2001 IS/MND analyzed noise impacts, and found that Contra Costa County does not have an adopted noise ordinance, but does set standards for acceptable noise levels for different types of land uses. Up to 70 dB CNEL is considered acceptable for playgrounds and neighborhood parks (the land use most closely resembling the Proposed Project). The activities that would result from the 2001 Land Use Plan (e.g. hiking, birdwatching, non-motorized boating) are generally quieter than children in a playground or neighborhood park and do not have the potential for creating significant amounts of noise in the vicinity of any sensitive receptors (such as homes). In addition, the ambient noise level in the area is already high due to traffic from the nearby Port Chicago Highway and frequent trains on the adjacent railroad tracks. Therefore, the 2001 IS/MND determined that any noise resulting from the 2001 Land Use Plan would be within the daily range of existing ambient noise levels.

The 2001 IS/MND found that construction activities would create a temporary, short-term impact on ambient noise levels in the project vicinity. Although the impact of construction noise was determined to be less-than-significant, the following mitigation measure was identified:

- *Standard EBRPD contract specifications regarding noise abatement shall be implemented (Article 42). Construction activities will be limited to workdays between 7 a.m. and 7 p.m.*

The 2001 IS/MND found that the 2001 Land Use Plan would not result in impacts related to public or private airports.

Like the 2001 Land Use Plan, the Proposed Project would not generate noise exceeding existing ambient levels, or noise impacts related to airports. The Proposed Project would use construction equipment similar to that evaluated for the 2001 Land Use Plan, which would have a similar temporary construction noise effect. With implementation of the construction noise mitigation measure above, construction noise impacts of the Proposed Project would be reduced to a less-than-significant level. The Proposed Project also would not result in impacts related to public or private airports.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 13. Population and Housing

The 2001 IS/MND found that the 2001 Land Use Plan would have no impact on population growth, and would not displace existing housing or existing residents. Like the 2001 Land Use Plan, the Proposed Project would not change the types of activities on the project site, accommodate any employees at the site, construct new residences, businesses, or roads, or displace any housing units or residents. Therefore, the Proposed Project also would have no impact on population and housing.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

#### 14. Public Services

Section 4.10 of the 2001 IS/MND analyzed impacts of the 2001 Land Use Plan on public services, and concluded that existing police and fire services would provide adequate police and fire protection for the project site, and that impacts on schools, parks, and other public facilities would be less than significant. EBRPD maintains a staff of fully equipped and professionally trained police officers and fire fighters, in addition to its park ranger staff. EBRPD also participates in countywide and state, fire and mutual aid systems. No new police or fire facilities would need to be built in order to serve the facilities created by the 2001 Land Use Plan. Therefore, the 2001 IS/MND determined that the impact on public services would be a less than significant.

The Proposed Project would result in similar activities at the project site that would have similar impacts on police and fire protection, and schools, parks, and other public facilities. No unusual conditions would be created by project construction. Therefore, impacts of the Proposed Project on public services would be similar, and less than significant.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

#### 15. Recreation

Section 4.11 of the 2001 IS/MND analyzed impacts of the 2001 Land Use Plan on recreation, and concluded that the 2001 Land Use Plan would have no impact on existing recreational facilities, but that the project would construct recreational facilities that would attract recreationists to the site, which may have a potentially significant impact on biological resources. The 2001 IS/MND determined that the mitigation measures listed in the biological resources section would mitigate the impact of recreationists on biological resources to a less-than-significant level.

Like the 2001 Land Use Plan, the Proposed Project would not affect other existing recreational facilities, but could attract additional users to the site. As discussed in 4. Biological Resources, above, mitigation measures identified in the 2001 IS/MND, along with avoidance and minimization measures identified in the Biological Assessments and 2017 Restoration and Public Access Plan, would reduce the impacts of the Proposed Project to a less-than-significant level, similar to the 2001 Land Use Plan.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

#### 16. Transportation

Section 4.12 of the 2001 IS/MND analyzed impacts of the 2001 Land Use Plan on transportation, and concluded that the Recreation/Staging Unit would provide parking for 40 vehicles, and generate 225 vehicle trips per summer weekend day. Use is expected to be lower on weekdays, because recreational traffic tends to be highest on weekends. The most common visitors to the staging area would be trail users, who arrive sporadically and in small groups of vehicles, distributed throughout the day. Trail users and other park users generally do not drive at peak commuting times. In contrast, traffic volumes decrease on the larger routes on the weekend,

including the Port Chicago highway, Willow Pass, and State Route 4 routes. For these reasons, the impact from the estimated 225 vehicle trips per day would not be of a sufficient volume or duration to cause local roadways to exceed their capacity or cause a noticeable deterioration in traffic flow. Since the project will not cause a significant increase in traffic volumes on local roads, a perceptible change in intersection level-of-service would also not occur. The traffic generated by the 2001 Land Use Plan would therefore have a less-than-significant impact.

The 2001 Land Use Plan determined that the 2001 Land Use Plan would have no impact on air traffic patterns, transportation hazards, emergency access, parking, and policies, plans, and programs supporting alternative transportation.

The Proposed Project would enhance visitor amenities at the site but would not change the number of parking spaces, the capacity of the facility, or the maximum number of expected visitors. Therefore, the traffic generated by the Proposed Project also would have a less-than-significant impact on traffic and level of service, similar to the 2001 Land Use Plan. Also similar to the 2001 Land Use Plan, the Proposed Project would have no impact on air traffic patterns, transportation hazards, emergency access, parking, and policies, plans, and programs supporting alternative transportation.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 17. Tribal Cultural Resources

The 2001 IS/MND did not evaluate Tribal Cultural Resources as a separate environmental topic.

Assembly Bill 52 (AB 52), which was enacted after the 2001 IS/MND was prepared, declares that a substantial adverse change to a tribal cultural resource, as defined, is a significant effect on the environment. The bill requires lead agencies to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a Proposed Project, if the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. The preceding provisions are applicable to projects that have a notice of preparation or a notice of negative declaration filed on or after July 1, 2015. Subsequent to enactment of AB 52, the CEQA Guidelines were revised to add topic XVII. Tribal Cultural Resources to the Initial Study checklist.

Because the Notice of Intent to Adopt a Mitigated Negative Declaration for the 2001 Land Use Plan was filed before July 1, 2015, AB 52 does not apply to this project. In any case, as documented in the cultural resources evaluation for the Proposed Project (Koenig, 2017; see Appendix F), no Native American cultural resources are known at the project site, and the potential for undiscovered subsurface archaeological resources is low.

While this Addendum was being prepared, the District sent notifications of the proposed project to potentially affected Native American Tribes. One response was received, from the Wilton Rancheria of Wilton, California (see Appendix G). The Wilton Rancheria requested information on cultural resource studies performed for the project site, but did not identify any cultural resources at the site. In response to their request, a copy of the site's Cultural Resources Memorandum (see Appendix F) was sent to the Wilton Rancheria.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 18. Utilities and Service Systems

Section 4.13 of the 2001 IS/MND analyzed impacts of the 2001 Land Use Plan on utilities and service systems, and concluded that the 2001 Land Use Plan would have no impacts on water supply facilities, wastewater treatment facilities, and storm drainage facilities. The 2001 Land Use Plan would have a less than significant impact on water supplies and landfill capacity.

The Proposed Project would include a well to serve a drinking fountain and the existing restrooms, but the resulting water use would be small and would have a less-than-significant impact on water supplies. The Proposed Project would generate wastewater from the new flush toilets, but the additional volume would be very small relative to wastewater treatment capacity, and the domestic wastewater from the flush toilets would not exceed wastewater treatment requirements of the Regional Water Quality Control Board. (As mentioned in II.B. Summary of Proposed Project, above, the Proposed Project would include annexation to Delta Diablo Sanitation District of a small area in the southeast of the project site, roughly corresponding to the existing staging area. The project's flush toilets would be located in this area.) Like the 2001 Land Use Plan, the Proposed Project would have no impact on stormwater drainage facilities. Solid waste generated by the Proposed Project would be similar to the 2001 Land Use Plan, would not conflict with laws and regulations pertaining to solid waste, and would be very small relative to existing landfill capacity. Therefore, the impact of the Proposed Project on landfill capacity would be less than significant.

In summary, impacts of the Proposed Project on utilities and service systems would be similar to those of the 2001 Land Use Plan, and less than significant.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## 19. Mandatory Findings of Significance

Section 4.14 of the 2001 IS/MND addressed mandatory findings of significance associated with the 2001 Land Use Plan. The 2001 IS/MND concluded that the 2001 Land Use Plan did not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

The 2001 IS/MND concluded that the 2001 Land Use Plan would not make a considerable contribution to cumulative impacts, including water quality in Contra Costa Water District intakes at Mallard Slough, Rock Slough, and Old River, due to the project's size, and the mitigation measures identified in the 2001 IS/MND.

The 2001 IS/MND concluded that the 2001 Land Use Plan would not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.



The Proposed Project would be located on the same site as the 2001 Land Use Plan, would be subject to similar environmental conditions, would involve similar changes to the environment, and would be subject to mitigation measures that would reduce all project impacts to a less than significant level, as discussed above. No new resources would be impacted and no substantial increase in effects would occur. For these reasons, the Proposed Project, like the 2001 Land Use Plan, would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

For similar reasons, the Proposed Project also would not make a considerable contribution to cumulative impacts, including the water quality in Contra Costa Water District intakes at Mallard Slough, Rock Slough, and Old River, or cause substantial adverse effects on human beings, either directly or indirectly.

## B. MITIGATION MEASURES

The 2001 IS/MND identified mitigation measures that would reduce or eliminate potential environmental effects of the 2001 Land Use Plan. All of the mitigation measures approved for the 2001 Land Use Plan would also apply to the Proposed Project, and no additional mitigation measures are necessary for the Proposed Project.

## IV. CONCLUSION

On the basis of the evaluation presented in Section III, the modifications and refinements of the Proposed Project would not trigger any of the conditions listed in Section I.D of this Addendum, requiring preparation of a subsequent or supplemental environmental impact report or negative declaration. Thus, this Addendum satisfies the requirements of CEQA Guidelines sections 15162 and 15164. The Proposed Project does not introduce new significant environmental effects, substantially increase the severity of previously identified significant environmental effects, or show that mitigation measures or alternatives previously found not to be feasible would in fact be feasible.

Overall, the components of the Proposed Project would be similar to those of the 2001 Land Use Plan, and would result in environmental effects similar to those of the 2001 Land Use Plan. The Proposed Project would not result in new significant effects or effects that would be substantially more severe than those identified in the 2001 IS/MND. The mitigation measures included in the 2001 IS/MND would remain applicable.

The analyses and conclusions in the 2001 IS/MND remain current and valid. The proposed revisions of the Proposed Project would not cause new or substantially more severe significant effects than identified in the 2001 IS/MND, and thus no new mitigation measures would be required. No change has occurred with respect to circumstances surrounding the Proposed Project that would cause new or substantially more severe significant environmental effects than identified in the 2001 IS/MND, and no new information has become available that shows that the project would cause significant environmental effects not already analyzed in the 2001 IS/MND.

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Therefore, no further environmental review is required beyond this Addendum to the 2001 IS/MND.

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