

EAST BAY REGIONAL PARK DISTRICT

Resolution No. 2001- 2 -43

Tuesday, February 20, 2001

ADOPTION OF A NEGATIVE DECLARATION FOR THE  
BAY POINT REGIONAL SHORELINE LAND USE PLAN

WHEREAS, the East Bay Regional Park District issued a Notice of Intention to adopt a Negative Declaration on December 20, 2000 for the Bay Point Regional Shoreline Land Use Plan , and

WHEREAS, during the comment period, no individual or agency provided substantial evidence that a significant adverse impact would occur, and

WHEREAS, the Negative Declaration reflects the independent judgment of the EBRPD.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby adopts a Negative Declaration (revised as shown in Attachment A) and Mitigation Monitoring Program for the Bay Point Regional Shoreline Land Use Plan, and

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

Moved by Director Radke , seconded by Director Siri and approved this 20<sup>th</sup> day of February, 2001, by the following vote:

FOR: Directors Ted Radke, Carol Severin, Jean Siri, John Sutter,  
Ayn Wieskamp

AGAINST: None

ABSENT: Directors Beverly Lane, Douglas Siden

ABSTAIN: None

CERTIFICATION

I, Debra Fassler, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution 2001-02-43 and adopted by the Board of Directors at a regular meeting held on February 20, 2001

Debra Fassler

**ERRATA SHEET FOR THE MITIGATED NEGATIVE DECLARATION  
FOR BAY POINT REGIONAL SHORELINE**

The following substantive changes will be made to the December 2000 (draft) version of the Negative Declaration. Locations of changes are written in **bold text**. Additions are indicated with underlining, and deletions are indicated with ~~strikeout text~~.

**Various pages throughout the document, and Figures 1-7**

~~Bay Point / Pittsburg Regional Shoreline~~ will be changed to Bay Point Regional Shoreline.

**Page 23, Environmental Checklist** *The following checklist item was changed from a rating of a "No Impact" to a "Less-Than-Significant Impact": XVII. Mandatory Findings of Significance (b). This finding was changed based on comments provided by the Contra Costa Water District, and a discussion is added to page 42 (as noted below).*

**Page 42**

4.14 Mandatory Findings of Significance

The Park District has considered the potential impact of the proposed marsh restoration in conjunction with other proposed marsh restoration projects and finds that the project will have a less-than-significant impact on the water quality in on Contra Costa Water District intakes at Mallard Slough, Rock Slough, and Old River. This finding is based on the following reasoning:

a) CALFED, a state and federal initiative with 4 major objectives (including improving the ecological functioning of the Bay-Delta [including marsh restoration], improving the water supply reliability, protecting drinking water, and providing for the long-term protection and maintenance of existing levees), in its Record of Decision notes: "In considering effects from the CALFED Program together with the effects of other similar projects, the cumulative impact analysis did not identify any additional effects that individually would be minor, but [that would be] collectively significant." CALFED found the mitigations it adopted at the programmatic level to mitigate for the long-term effects of its entire, broad program were sufficient to mitigate the program's cumulative effects. No additional mitigations were required. (CALFED Bay-Delta Program, *Programmatic Record of Decision*, August 28, 2000, p. 29).

b) The Park District proposal is much smaller in scope than CALFED's program. It will affect 16 acres (in comparison with the 18,000 acres of the Suisun and Honker Bay areas), and Park District staff believes that a project of this scale will not have a considerable cumulative impact on water quality. It believes that the mitigations, as outlined in Section 4.7, are sufficient to mitigate long-term and cumulative impacts to water quality. Permitting requirements by regulatory agencies including the Regional Water Quality Control Board, the ACOE, and the California Department of Fish and Game will ensure that the Park District adheres to the required water quality standards, as required by law.

c) The CALFED Program is new, and the precise location and extent of all CALFED-sponsored proposed marsh restoration projects that will be fully funded and implemented are not reasonably foreseeable, and therefore, are speculative at this time.

**Page 5, paragraph 2 and page 38, paragraph 2**

**Mitigation:** Prior to ~~construction activities~~ 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.

**Page 27, Table B - Special-Status Wildlife**

For California clapper rail, under "Likelihood of Occurrence" replace ~~Possible but unlikely~~ with Possible.

**Page 31, paragraph 6**

- California clapper rail: This species is normally found in the tidal marsh and in the upland transitional areas within the San Francisco Bay estuary. ~~Historical and current distribution indicate that they are unlikely to occur on the site. They remain unlikely to occur after marsh restoration.~~ Due to California clapper rail occurrence in the vicinity of the project, the USFWS believes this species occurs within the proposed project area or has the ability to disperse to the site in the future. California clapper rail will benefit from the proposed increase in tidal marsh and upland areas.

EAST BAY REGIONAL PARK DISTRICT

Resolution No. 2001-2 -44

Tuesday, February 20, 2001

APPROVAL OF THE BAY POINT REGIONAL SHORELINE LAND USE PLAN

WHEREAS, the Board has adopted a Negative Declaration for the Bay Point Regional Shoreline Land Use Plan, in compliance with CEQA, and

WHEREAS, the Park Advisory Committee has reviewed and recommended approval of the Bay Point Regional Shoreline Land Use Plan, and

WHEREAS, the Executive Committee has reviewed the Bay Point Regional Shoreline Land Use Plan and recommended its consideration by the full Board.

WHEREAS, staff has recommended changes to the Draft Land Use Plan in response to comments received during the public review process.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby approves the Bay Point Regional Shoreline Land Use Plan, revised as shown in Attachment B, and

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

Moved by Director Radke, seconded by Director Siri and approved this 20<sup>th</sup> day of February, 2001, by the following vote:

FOR: Directors Ted Radke, Carol Severin, Jean Siri, John Sutter,  
Ayn Wieskamp

AGAINST: None

ABSTAIN: None

ABSENT: Directors Beverly Lane, Douglas Siden

CERTIFICATION

I, Debra Fassler, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution 2001-02-44 and adopted by the Board of Directors at a regular meeting held on February 20, 2001

Debra Fassler

**ERRATA SHEET FOR THE LAND USE PLAN  
FOR BAY POINT REGIONAL SHORELINE**

The following substantive changes will be made to the December 2000 (draft) version of the Land Use Plan. Locations of changes are written in **bold text**. Additions are indicated with underlining, and deletions are indicated with ~~strikeout text~~.

**Various Pages throughout the document, and Figures 1-5**

Replace "~~Bay Point / Pittsburg Regional Shoreline~~" with Bay Point Regional Shoreline.

**Page 29, Section B, Public Access and Circulation -- add a new subsection:**

***Public Transit Accessibility***

Tri-Delta Transit bus line 392 provides bus service between the Shore Acres neighborhood and Pittsburg, passing within 1/2 mile of Bay Point Regional Shoreline. The park would also be located about three (3) miles from the Pittsburg/Bay Point BART station. Tri-Delta Transit currently provides bus service from the BART Station into the Shore Acres neighborhood on bus line 389 (weekdays) and 392 (weekends). Line 389 travels up Port Chicago Highway to Pacifica Avenue, and would pass within 1/2 mile of the Bay Point Regional Shoreline. Park users could take advantage of these transit opportunities to get to the park by travelling via BART and bike or by the Tri-Delta Transit bus service. This would be especially useful for transit-dependent people and others who do not own a car. The Park District also has an opportunity here to encourage non-automobile modes of transportation.

*Recommendations*

- The Park District should publish the local transit and bicycle trail routes in the park brochure.
- The Park District will support efforts to improve bus service near the park and extensions of local bicycle trails and on-street bike lanes to the park.

**Page 12, paragraph 1**

Correction as follows:

"Contra Costa County has designated this property for ~~Light Industrial and Open Space Uses~~ Park and Recreation Uses (Contra Costa County General Plan). The zoning set by the County for the property ~~was formerly~~ is Heavy Industrial. However, a rezoning of the property is currently pending, which will change it to a Planned District (P-1) zone. This Land Use Plan will propose new recreation and open space uses that ~~appear to conflict~~ would be consistent with the County's land use designation and zoning. ~~This may require a conditional use permit prior to construction.~~"

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**Page 20, paragraph 2**

Correction as follows:

"As seen on Table B, ~~seven~~ nine of these species ~~were~~ have been observed on site ~~or are expected to occur on site~~ -- western pond turtle, white-tailed kite, northern harrier, loggerhead shrike, tri-colored blackbird, saltmarsh common yellowthroat, ~~and~~ Suisun song sparrow, California black rail, and California clapper rail."

**Page 22, Table B (California clapper rail)**

Correction as follows:

~~"Possible but unlikely. Dense stands of tidal cattail-bulrush marsh on site provide marginal habitat. USFWS believes they occur within the project area or have the ability to disperse to the site in the future."~~ Recorded from about 3 miles east of site."

**Page 24, Footnotes**

Add: <sup>5</sup> Source: Miller, Karen J., U.S. Fish and Wildlife Service. Letter to Maxine Turner, EBRPD. January 9, 2001.

**Page 34, paragraph 1, bullet 6**

Add this text to end of paragraph beginning "Gate the parking lot . . .":

"Provide a Knox box or similar apparatus to the gate so that Contra Costa County Fire Protection District will have the ability to enter the park in emergencies."

**Page B-2 (in Appendix B)**

Replace "kikiyu grass" with "kikuyu grass".

**Appendix E (new appendix)**

**APPENDIX E**  
**REPORT PREPARATION**

The Land Use Plan was prepared under the management of Pat O'Brien, General Manager, Thomas H. Mikkelsen, Assistant General Manager, Planning/Stewardship, Design & Construction, and Maxine Turner, Chief, Planning/Stewardship & GIS Services Department. The plan was researched and written by Daniel Sykes, Park Planner. The Initial Study was researched and written by Denise Hart, Park Planner. Illustrations were prepared by Nancy Tracy, Public Affairs Department, and Daniel Sykes. Report figures were prepared by Josephine Orozco and Phil Webster, Planning Technicians, Daniel Sykes, and Denise Hart.

Other significant contributors included: Pete Alexander, Fisheries Program Manager; Steven Bobzien, Ecological Services Coordinator; Deborah Smith, consulting biologist; Binh Nguyen, Engineer; Dexter Yee, Engineer; Joe DiDonato, Wildlife Program Manager; Ken Burger, Stewardship Manager; Brad Olson, Environmental Specialist; and Susan Williams, Grants Department. Staff support was provided by Linda Faria, Senior Office Specialist, and Gayle Still,

Secretary. The project team received substantial information, support and ideas from many other Park District staff members in the Interagency Planning, Operations, Land Acquisition, and Design Departments.

Technical studies were prepared by: Steve Granholm, Ph.D., and team, from LSA Associates; Rachel Kamman, P.E., and Greg Kamman of Kamman Hydrology and Engineering; Chuck Hanson, Ph.D., of Hanson Environmental, Inc.; and Andrew Leahy, P.E., consultant. Grateful acknowledgement is also given to the participants in the Bay Point Marsh Restoration, Technical/Public Advisory Committee, which included representatives from the Bay Point community and local, state and federal regulatory agencies.