

SAN FRANCISCO BAY RESTORATION AUTHORITY

Staff Recommendation
December 6, 2019

COYOTE HILLS RESTORATION AND PUBLIC ACCESS PROJECT

Project No. RA-012
Project Manager: Shalini Kannan

RECOMMENDED ACTION: Authorization to disburse up to \$450,000 to the East Bay Regional Park District to prepare final designs and permit applications and conduct pre-construction land management activities and ecology studies for the expansion of Coyote Hills Regional Park on 306 acres east of the existing park in the City of Fremont, Alameda County; and adoption of findings pursuant to the California Environmental Quality Act.

LOCATION: Coyote Hills Regional Park, City of Fremont, Alameda County; Measure AA Region: East Bay

MEASURE AA PROGRAM CATEGORIES: Safe, Clean Water and Pollution Prevention Program; Vital Fish, Bird and Wildlife Habitat Program; Shoreline Public Access Program.

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
 - Exhibit 2: [30% Project Designs](#)
 - Exhibit 3: [Coyote Hills Restoration and Public Access Project Final Environmental Impact Report, July 2019](#)
 - Exhibit 4: [Project Support Letters](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the San Francisco Bay Restoration Authority adopt the following resolution pursuant to The San Francisco Bay Restoration Authority Act, Gov. Code § 66700-66706:

“The San Francisco Bay Restoration Authority hereby authorizes the disbursement of an amount not to exceed four hundred and fifty thousand dollars (\$450,000) to the East Bay Regional Park District (EBRPD) to prepare final designs and permit applications and conduct pre-construction land management activities and ecology studies for the Coyote Hills Restoration and Public Access Project, which is a 306 acre expansion of Coyote Hills Regional Park that includes restoration of wet meadow, willow thicket, mixed riparian forest, oak savanna, grasslands, and seasonal wetland habitats, as well as installation of public access facilities on the new portion of

the park, east of the existing park in the City of Fremont, Alameda County. Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Authority the following:

- a. A detailed work program, schedule, and budget.
- b. Names and qualifications of any contractors to be employed in carrying out the project.
- c. A plan for acknowledgement of Authority funding.

Staff further recommends that the Authority adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the San Francisco Bay Restoration Authority hereby finds that:

2. The proposed authorization is consistent with The San Francisco Bay Restoration Authority Act, Gov. Code § 66700-66706.
3. The proposed authorization is consistent with The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (Measure AA).
4. The San Francisco Bay Restoration Authority has independently reviewed and considered the information contained in the *Coyote Hills Restoration and Public Access Project Final Environmental Impact Report, July 2019* (Final EIR) (Exhibit 3), which was certified by East Bay Regional Park District on September 3, 2019 in accordance with the California Environmental Quality Act and is attached to the accompanying staff recommendation as Exhibit 3.
5. The Final EIR identifies potentially significant effects of the Coyote Hills Restoration and Public Access Project (Project) with respect to Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology, Noise, Utilities, and Transportation. With regard to these impacts, as modified by incorporation of the mitigation measures identified in the Final EIR, the Project has been changed to avoid, reduce or mitigate the possible significant environmental effects of the project, except for the impact identified in finding 6, below.
6. The Final EIR identifies dismantling and removal of the Patterson Ranch Labor Contractors Residence as a significant and unavoidable effect in the area of Cultural and Tribal Resources. It will be mitigated by making professional documentation of the building publicly accessible and installing interpretive signage to teach the public about this historical resource, but nevertheless will create a significant and unavoidable impact. Specific environmental and social benefits of the Project described in the accompanying staff recommendation and detailed in the Final EIR outweigh and render acceptable this unavoidable adverse effect; these benefits include restored native habitat and enhanced public access opportunities in an ecologically significant area.”

PROJECT SUMMARY:

Staff recommends that the San Francisco Bay Restoration Authority (Authority) disburse \$450,000 to the East Bay Regional Park District (EBRPD) to prepare final designs and permit applications and conduct pre-construction land management activities and ecology studies to expand Coyote Hills Regional Park (“the project”) in the City of Fremont (Exhibit 1). The project will include planning and permitting for development of a 306-acre eastward expansion which will nearly double the size of the park. The project includes completion of plans to restore rare high value habitat along the Bay margin including wet meadow, willow thicket, mixed riparian forest, oak savanna, grasslands, and seasonal wetland habitats.

The site’s unique conditions and location make it a priority for funding and development. Although altered with past creek channelization and agricultural operations, Coyote Hills Regional Park is one of the few places left around the Bay with natural transitions between open water, salt marsh, brackish, fresh and seasonal marshes, grasslands, and upland riparian, willow, and oak forests. This rare combination of habitats provides valuable wildlife habitat and unique recreational opportunities for Bay Area residents. The site is located along the margin of the San Francisco Bay and will add ecological connectivity by further enlarging the protected and diverse habitat immediately west at Coyote Hills Regional Park and further west, at the former Cargill Salt Ponds, restored to tidal marsh as parts of the South Bay Salt Ponds Restoration Project. Collectively, this wetland network provides a large number of additional ecosystem functions and benefits, including sea level rise buffering of urban areas to the east, flood water detention, and stormwater treatment. As noted in the *Baylands Ecosystem Habitat Goals Science Update* (2015), the diked baylands east of Coyote Hills support the largest remaining willow groves in the baylands ecosystem, seasonal wetlands, and grasslands, which could be restored or enhanced to allow for marsh migration inland.

Planned restoration actions will transform existing ruderal weedy lands into diverse habitats that increase plant and animal diversity, and provide enhanced areas for upland refugia, overwintering, and raptor forage. In line with the site’s historic agricultural use, the central section of the project is expected to continue to be farmed organically and integrated into the overall habitat, public access and environmental education aspects of the project. The project also includes planning to locate and properly destroy the remaining wells on the site, a remnant of the historic agricultural operations, because they present a risk for surface water to contaminate ground water.

Although currently not developed or formally open to public access, park visitors have been using a gravel area fronting Paseo Padre Parkway as an informal trailhead to access the new area of the park. Visitors who park here or who work in the adjacent expanding business parks cross Paseo Padre Parkway to access the park. The project planning will include replacing and enhancing these informal access points to improve visitor safety, convenience, visitor experience and aesthetics. The project will plan public access features as well, including a new parking lot, restrooms, picnic area, interpretive exhibits, up to 4.5 miles of trail, and wildlife overlooks. Planning will also include linkages to an existing reach of the San Francisco Bay Trail which extends along the eastern boundary of the project on Paseo Padre Parkway and continues outside of the project bounds northward on Ardenwood Boulevard, and to the adjacent Alameda Creek Trail. Public education will be prioritized through displays along the proposed trail network of up to 4.5 miles of trails, as well as educational programming in future phases of the project.

Based on EBRPD's completion of preliminary (30%) designs (Exhibit 2) and its certification of a Final EIR (Exhibit 3) in September 2019, for the proposed project consists of the following tasks:

- **Permit Applications:** Completing applications and surveys to obtain required permits, which may include consultations with U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, and the City of Fremont. EBRPD has applied for BRRIT consideration.
- **Ecology Studies/Vegetation Management:** Vegetation studies to determine appropriate plant communities for various project areas, as well as pre-construction weed abatement to prepare land for restoration.
- **Plans, Specifications, and Cost Estimates:** Producing 100% designs that are bid-ready.

The Coyote Hills Restoration and Public Access Project has broad public support (see letters in Exhibit 4). Community and public meetings and workshops were held as part of the EBRPD-developed Public Outreach and Participation Plan for Coyote Hills Restoration & Public Access Project, with activities scheduled through the end of 2019. To date, two public input workshops (with collective attendance of 70 community members) have been held to plan and formulate the park expansion, in addition to three other public meetings. As the project area contains sensitive tribal cultural resources, EBRPD held a formal consultation with the Ohlone Indian Tribe's Most Likely Descendent in April 2018. Other means for outreach included solicitations for written comments, online surveys, social media, email and US Mail updates, and posted notifications within the Park. Throughout the planning process, project contacts communicated their support for the project, in addition to particular suggestions and concerns they had. EBRPD communicates closely with its partners on the project, Alameda County Flood Control and Water Conservation District (ACFCWCD) and the City of Fremont, and will continue to engage them throughout the project's development. When completed the Coyote Hills Restoration and Public Access Project will provide community benefits including increased recreation and environmental education opportunities associated with restored habitat, as well as improved public access and safety, and reduced risk for groundwater contamination.

Created in 1934, the EBRPD has been constructing, monitoring, operating, and maintaining parks, trails, and open space in the East Bay for over 80 years. They have the expertise and track record to successfully deliver large, complex restoration and public access projects. Dotson Family (Breuner) Marsh Restoration and Public Access Project in Richmond serves as a recent example where EBRPD restored approximately 150 acres of mixed, high quality habitat and constructed public access features including a 1.5-mile extension of the San Francisco Bay Trail, a new parking lot, restroom, picnic area, and a spur trail designed to withstand projected sea-level rise through 2080. The Coyote Hills Restoration and Public Access project will be incorporated into EBRPD's well-maintained parks system comprising over 120,000 acres in 73 parks, including over 1,250 miles of trails. Long term operations and maintenance will be provided by EBRPD staff and funded from the EBRPD's General Fund.

Site Description:

Coyote Hills Regional Park is located in the northwest corner of the City of Fremont in Alameda County, east of the Don Edwards San Francisco Bay Wildlife Refuge (Refuge), and north of State Route 84. This project plans improvements throughout the new portion of the park, which will extend the park’s existing footprint eastward to Paseo Padre Parkway. Alameda Creek Flood Control Channel bounds the north end of the site, and the southern 100 acres of the site are slated for a flood control and wetlands mitigation project entirely funded by Alameda County Flood Control and Water Conservation District. To the east, the urban edge presents expanding business parks, which have increased visitor demand and usage at Coyote Hills Regional Park in recent years. EBRPD acquired the 306-acre project area as two parcels: 296 acres of the historic Patterson Ranch were donated to EBRPD in 2014, and another 10-acre undeveloped parcel was acquired in 2016. The area is owned in fee by EBRPD for preservation in perpetuity.

Land cover on the project site is predominantly open fields that were previously farmed and are now ruderal or weedy. The northern portion of the site stretching from the Alameda Creek Regional Trail in the north to Patterson Ranch Road in the south is primarily undeveloped and was historically used for agricultural production. The Patterson Slough drainage way runs through the center of this section, flowing slowly northeast through the Demonstration Urban Stormwater Treatment Marsh (created in 1983 by the Association of Bay Area Governments, EBRPD, and ACFCWCD) to eventually drain to the Alameda Creek Flood Control Channel. Lining the Slough is a sensitive habitat of willow-dominated riparian forest containing many invasive weeds. This northern area contains culturally sensitive Ohlone resources that will be protected through mitigation measures described in the CEQA compliance section below. The central portion of the project area has recently been farmed, and soils currently support the continuation of this use. Historic structures existing on this section of the land include the Labor Contractors Residence and Patterson Ranch Milk House. South of this project’s area but within the expansion of Coyote Hills Regional Park is the planned location of an ACFCWCD project that will add seasonal wetlands, emergent marsh and transition habitat, as well as an expanded riparian corridor along Ardenwood Creek.

PROJECT FINANCING

San Francisco Bay Restoration Authority	\$450,000
Applicant Funding	\$300,000
Project Total	\$750,000

EBRPD has contributed \$300,000 to the planning process thus far, allocated from the Measure WW bond program, approved by voters in Alameda and Contra Costa counties in 2008.

CONSISTENCY WITH AUTHORITY’S ENABLING LEGISLATION, THE SAN FRANCISCO BAY RESTORATION AUTHORITY ACT:

The proposal is consistent with Section 66704.5(a), (b), and (e) of the San Francisco Bay Restoration Authority Act.

Under section 66704.5(a), “[t]he Authority may award grants to public and private entities, including, but not limited to, owners and operators of shoreline parcels in the San Francisco Bay area, excluding the Delta primary zone, for eligible projects in the counties within the authority’s jurisdiction.” EBRPD is a public agency that owns and operates shoreline parcels in the East Bay region of the San Francisco Bay area.

Under section 66704.5(b), “[a]n eligible project shall do at least one of the following: (1) Restore, protect, or enhance tidal wetlands, managed ponds, or natural habitats on the shoreline in the San Francisco Bay area, excluding the Delta primary zone...(3) Provide or improve public access or recreational amenities that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats...” The proposed project will provide necessary planning for a habitat restoration and public access project. The restoration component of the project includes removal of invasive plants, revegetation, and grading to restore wet meadow, willow thicket, mixed riparian forest, oak savanna, grasslands, and seasonal wetland habitats along the shoreline of the Bay. The public access component of the project includes creating a new parking lot, restrooms, picnic area, interpretive exhibits, and up to 4.5 miles of trail and wildlife overlooks, including new linkages to the San Francisco Bay Trail and the Alameda Creek Trail.

Under section 66704.5(e), “[g]rants awarded pursuant to subdivision (a) may be used to support all phases of planning, construction, monitoring, operation, and maintenance for projects that are eligible pursuant to subdivision (b).” The proposed project is a planning project that is consistent with this section.

CONSISTENCY WITH MEASURE AA PROGRAMS AND ACTIVITIES:

The proposed project is consistent with the program(s) and activity(ies) of Measure AA, as outlined below:

The project would support the *Safe, Clean Water and Pollution Prevention Program’s* purpose of providing clean water for fish, birds, wildlife and people through planning to locate and properly destroy 3-4 historic wells that threaten to contaminate groundwater, and through restoration of seasonal wetlands adjacent to Patterson Slough that provide natural filters and remove pollution from water entering the Bay.

The project would be consistent with the *Vital Fish, Bird and Wildlife Habitat Program’s* purpose by significantly improving wildlife habitat that will support and increase vital populations of fish, birds, and other wildlife around the Bay because it would produce a plan for restoring native shoreline habitats to benefit wildlife, including shorebirds and waterfowl in a shoreline park. As the project area will be incorporated into EBRPD’s parks system through the expansion of Coyote Hills Regional Park, stewardship, maintenance and monitoring of this area will be ongoing, providing benefits to wildlife and people in perpetuity.

The project would help implement the *Shoreline Public Access Program’s* purpose of enhancing the quality of life of Bay Area residents through safer and improved public access, as part of and compatible with wildlife habitat restoration projects in and around the Bay. The project plans for a new parking lot, restrooms, picnic area, interpretive exhibits, up to 4.5 miles of trail and

wildlife overlooks that EBRPD will manage once constructed. All of the public trails within the new park area will be accessible, designed with grades of 4.5% or less to be compliant with building codes and Americans with Disabilities Act requirements. Interpretive exhibits along trails will include information on ecosystem benefits, including sea level rise buffering, flood water detention, and stormwater treatment. The planned trails and interpretative exhibits will be integrated into the many cultural and natural history educational programs for the community currently offered at Coyote Hills Regional Park.

CONSISTENCY WITH MEASURE AA PRIORITIZATION CRITERIA:

1. **Greatest positive impact.** The project will contribute to the restoration of a unique and integrated ecosystem complex. This large and extremely valuable habitat complex of Coyote Hills Regional Park is immediately adjacent to the tidal marsh and transition zone habitats at Eden Landing Ecological Preserve and the Refuge. Together these lands form one of the most important wildlife habitat complexes in the greater San Francisco Bay area, providing a large number of additional ecosystem functions and benefits, including sea level rise buffering of urban areas to the east, flood water detention and storm-water water quality treatment, as well as public education on all of these topics through educational displays along the proposed trail network of approximately 4 miles of trails.
2. **Greatest long-term impact.** This project plans for climate change and sea level rise resilience by design, according to EBRPD's regional ecosystem-based policy framework of goals and objectives, sound science and engineering, coordination with stakeholders and public input. EBRPD will implement a monitoring program to guide adaptive management decisions, ensure the establishment of target habitat, and that over the long term, the unique resources of the Coyote Hills area will continue to flourish. The public access improvements also have a great long-term impact by strengthening residents' connection and access to the bay and bay shoreline. Interpretive signs and community programs will educate visitors about the restoration and the value of bay habitats. By connecting the community with bay conservation and restoration, EBRPD will be fostering future generations of bay stewards.
3. **Leveraging resources and partnerships.** Authority funds will be leveraged by \$300,000 in EBRPD funds, which have already been appropriated to the project. Furthermore, funding this critical planning phase will position the project well for future grant applications, such as Proposition 1 and Proposition 68, future rounds of Measure AA, and other restoration and public access grant programs. The southernmost section of the park expansion will be developed by ACFCWCD, and EBRPD is working with them to ensure coordinated public access. EBRPD will also continue ongoing engagement with the City of Fremont for land use entitlements and to develop safe road and pedestrian access at the Patterson Ranch Road park entrance. Lastly, this project would evaluate establishment of certain partnerships for project implementation, such as working with a local community college to establish an on-site nursery for plant production. Other options may be engaging local groups in community-based restoration efforts as well as using Civicorps, a certified local Conservation Corps.
4. **Engage youth and young adults.** Coyote Hills Regional Park currently offers many educational programs to the community, prioritizing elementary school groups. Though targeted engagement with youth is not part of this planning phase of the project, once

constructed, the project will expand the opportunity for additional naturalist-led programs that may focus on cultural, natural, and tribal history, the restored habitat, climate smart park features, and bird/wildlife programs. Ongoing public outreach and engagement for the project will continue to use the framework outlined in EBRPD's Public Outreach and Participation Plan for Coyote Hills Restoration & Public Access Project, which emphasizes raising awareness and educating community members and stakeholders so that they may provide input and engage in decision-making.

5. **Monitoring, maintenance, and stewardship.** The project's CEQA analysis established mitigation and monitoring procedures for the project including performance standards for the restored and enhanced habitats. Regulatory permits will be secured as part of this project and will include monitoring periods and establish success criteria.

After implementation, long term maintenance and stewardship will be provided by EBRPD staff and funded from the EBRPD's General Fund. Ongoing monitoring will utilize new technologies for efficient and effective documentation of changing site conditions over time. Aerial imagery will be captured from Unmanned Aircraft Systems (UAS, or drone) prior to implementation of the project and each year thereafter. Interpretation of these images will evaluate the results of weed abatement, invasive weed threat, rate of change within the restored area, and the effectiveness of restoration and management actions. Regarding the threat of weed invasions, EBRPD will use California Invasive Plant Council's California Invasive Plant Inventory annually to inform management actions to control weeds that threaten the biodiversity of the area.

In addition, special field sensors with wireless connectivity will be installed at appropriate locations on site to track changes in soil conditions over time associated with climate change and field management practices. The soil sensors would detect and record analog indicators of carbon sequestration as well as soil moisture, pH, salinity, N, P, O₂ and CO₂ at 3 depths (6, 18, and 36 inches). This new technology wirelessly transmits data to a receiver, leading to efficient and effective documentation and analysis of changing site conditions over time. EBRPD will pilot the use of these sensors to evaluate their potential for widespread use in both wetland restoration and carbon sequestration farming (Climate Smart Farming).

6. **Coastal Conservancy's San Francisco Bay Area Conservancy Program.** The proposed project is consistent with the Conservancy's San Francisco Bay Area Conservancy Program's Criteria:
 - a. The project is supported by local and regional plans including: *East Bay Regional Park District Master Plan and the Coyote Hills LUP; Baylands Ecosystem Habitat Goals Update (2015); California State Wildlife Action Plan; City of Fremont General Plan, Climate Action Plan, and Bicycle and Pedestrian Master Plans; Alameda County Bicycle and Pedestrian Plan, and Water District Urban Water Management Plan; BCDC Bay Plan, and Adapting to Rising Tides (North of Alameda Creek); ABAG Bay Trail Plan; Don Edwards SF Bay National Wildlife Refuge Weed Management Plan and Final Comprehensive Conservation Plan; CDFW Eden Landing Ecological Reserve Restoration and Management Plan.*
 - b. The proposed project serves a regional constituency including Alameda and Contra Costa County Residents, and the Bay Area as a whole.

- c. The project can also be implemented in a timely way, with construction estimated for 2020.
 - d. The project includes matching funds from the East Bay Regional Park District.
7. **San Francisco Bay Conservation and Development Commission's Coastal Management Program.** The project is consistent with the habitat restoration, climate change resilience, and creating resource-compatible public access goals of the BCDC's Bay Plan.
8. **San Francisco Bay Joint Venture's Implementation Strategy.** The project is on the San Francisco Bay Joint Venture's 2017 Priority Project list.

COMPLIANCE WITH CEQA:

In order to comply with the California Environmental Quality Act (CEQA), in July 2019, EBRPD prepared the *Coyote Hills Restoration and Public Access Project Final Environmental Impact Report* (Final EIR), to evaluate the potential environmental impacts of the Coyote Hills Restoration and Public Access Project (Project). The Final EIR included a Mitigation, Monitoring and Reporting Program (MMRP). EBRPD certified the Final EIR, adopted the MMRP, and approved the Project (the version identified in the Final EIR as the Preferred Alternative) on September 3, 2019. EBRPD adopted findings and included a statement of overriding consideration for the one impact that could not be reduced to a less-than-significant level.

Potentially significant effects were identified in the areas of air quality, hydrology, noise, utilities, biological resources, cultural and tribal resources, geology and soils, hazards and hazardous materials, transportation.

Significant Impacts Reduced to Less Than Significant Levels by Mitigation

With grading and earthmoving comprising a significant part of the Project, implementation could significantly impact air quality by emitting construction dust, hydrology by introducing eroded sediments to waterways, and noise via construction equipment. Air quality impacts will be mitigated by following Best Management Practices (BMPs) from the Bay Area Air Quality Management District's May 2017 CEQA Guidelines. Development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and a Spill Control and Countermeasures Plan (SCCP) will include BMPs to prevent or minimize stormwater pollution during construction and will reduce hydrologic impacts. Impacts of wells and unused septic tank and leachfield systems on the Project site will be mitigated by the Project, and EBRPD will ensure they obtain the appropriate permits, facilitate monitoring of wells, and follow regulations associated with abandonment of wells and septic systems. To reduce construction noise, equipment will be selected for quietness, and practices will be adopted that reduce noise disturbance to the public. In the area of utilities, construction and demolition debris might have adverse impacts, but the Project accounts for the creation of a solid waste recovery plan in compliance with EBRPD's sustainability policy that should mitigate impacts.

With regards to Biological Resources, the Project could have adverse effects on species identified as candidate, sensitive, or Special Status either directly or through habitat

modifications and disturbance. However, EBRPD and its construction contractors will implement measures to avoid and minimize these effects. A qualified biologist will be present to observe work, stop work as necessary if permit conditions are being violated, and train the construction team and Park personnel. In addition, several BMPs will be implemented that will reduce disruptions to species of concern from construction activities, such as the installation of temporary wildlife exclusion fencing, and storage of construction materials in a way that won't entrap small animals. A Habitat Mitigation and Monitoring Plan (HMMP) will be developed and implemented to compensate for any impacts to habitat that fosters Special Status species, and sensitive natural communities including riparian habitat and federally protected wetlands. Mitigation measures will be implemented to avoid, minimize, and compensate for impacts to special status plant species and birds, involving pre-construction surveys, implementation of buffer areas to protect species, and other measures. Specific conservation measures are also laid out for specific species including the Salt Marsh Harvest Mouse, California Black Rail, Burrowing Owl, Western Pond Turtle, and Bats.

With historic buildings on the Project site, significant impacts could be made to Cultural Resources, though potential construction disturbances of the Arden Dairy Milk House are reduced to less-than-significant by EBRPD's decision to retain the building in its current location. Annual inspections will ensure maintenance of the structure, and any restoration or adaptive reuse of the building will follow guidance from the Secretary of the Interior. Significant impacts in the area of Tribal Cultural Resources arise as the project site holds two shell midden deposits of significance to local Native American tribes, that may contain human remains and cultural objects. To mitigate potential adverse impacts to Native American cultural objects discovered during construction, work shall be halted within 100 feet of the discovery until the objects have been inspected and evaluated by a qualified Archaeologist. The preferred mitigation is avoidance, but if this isn't possible, the evaluating Archeologist will make recommendations and EBRPD will mitigate impacts. If human remains are encountered, the Contra Costa county coroner will evaluate the remains; if they are determined to be Native American, Native American Heritage Commission will be contacted and EBRPD will confer with the most likely descendants regarding their recommendations. If fossil containing rock units are found, they are to be assessed by a qualified Geologist or Paleontologist to develop recommendations for mitigation. Mitigation actions would follow EBRPD's Guidelines for Protecting Parkland Archaeological Sites and would reduce impacts associated with accidental damage to unknown archaeological resources to a less-than-significant level by requiring the incorporation of professionally-accepted and legally-compliant procedures for the discovery of previously undocumented significant archaeological resources.

Significant impacts in the area of Hazards and Hazardous Materials may arise if contaminated soils cause ecological damage. To mitigate this potential risk to a less-than-significant level, EBRPD will sample and test soils in the central wetlands area of the project against Los Alamos National Laboratory standards; if needed, further measures will be taken including conducting an ecological risk assessment, creating a site specific health and safety plan and air quality monitoring plan, and soil remediation actions. In the area of Geology and Soils, impacts may arrive from soil erosion, liquefaction and expansive soils, and potential seismic ground shaking that could damage improperly designed structures and cause ground failure. Implementation of the SWPPP and compliance with applicable geotechnical and building standards for design and construction will reduce this impact to less-than-significant.

Once implemented, the Project would increase vehicle traffic as well as pedestrian and bicyclist traffic adjacent to the project area, like at the Commerce Drive/ Paseo Padre Parkway/ Patterson Ranch Road intersection. EBRPD will contribute its fair share (one percent) of the cost of intersection and signage improvements that the City of Fremont could implement.

Significant Impacts

The Final EIR found only one impact that cannot be reduced to less-than-significant for the project. Dismantling and removal of the Patterson Ranch Labor Contractors Residence will disturb this historic building. Mitigation measures include professional documentation of the building made publicly accessible, and installation of interpretive signage to teach the public about this historical resource. Even with these mitigation measures, this impact was determined by EBRPD's Board to be significant and unavoidable. See Statement of Overriding Considerations, below.

Project Benefits

The Project would provide the following benefits:

- New and expanded Regional Park facilities for more members of the public to use, including additional trails, restrooms, parking, wildlife viewing areas, environmental education opportunities.
- Protection of known tribal cultural resources, as well as interpretation of Native American culture and history.
- Protection and enhancement of sensitive biological habitats and resources in the Patterson Slough area as well as other wetland areas.
- Improved connectivity through Coyote Hills Regional Park.
- Preservation of historic agricultural uses on the site, opportunity for contemporary Climate Smart agriculture, and interpretive signs on the site's agricultural history.
- Potential rehabilitation of the Patterson Ranch Milk House building for agricultural related uses as park amenities (i.e., farm stand).
- Improvements related to flood control, storm water management, and groundwater protection.
- Implementation of sea level rise adaption strategies to ensure the Park's resiliency with anticipated climate change.

Statement of Overriding Considerations

In the event a project has unavoidable significant effects, the CEQA Guidelines require the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project (14 Cal. Code of Regulations, Section 15093). If the specific project benefits outweigh the unavoidable adverse environmental effects of the project, a Statement of Overriding Considerations may be adopted and the project approved, despite its adverse environmental effects.

The Project will have significant and unavoidable impacts on historic architectural resources due to the disassembly of the historic Patterson Ranch Labor Contractors' Residence. As required under CEQA, EBRPD analyzed several project alternatives, along with a no project alternative. The following alternatives were analyzed: 1) restoring the contractors' residence in place; 2) relocating and restoring the contractor's residence; 3) and disassembling, relocating, and restoring the contractors' residence. EBRPD found alternative 1 infeasible and less desirable than the Project because the equipment and construction traffic required to restore the contractors' residence in place would damage sub-surface cultural resources and sensitive biological habitat and would also result in worse impacts in the areas of tribal cultural resources, air quality, geology and soils, greenhouse gas emission, hazards and hazardous materials, hydrology and water quality, and noise. Similarly, EBRPD found alternative 2 less desirable because the heavy machinery required to lift the contractors' residence and relocate it in one piece would damage sub-surface cultural resources and sensitive biological habitat and would also result in worse impacts in the areas of tribal cultural resources, aesthetics, air quality, biological resources, geology and soils, greenhouse gas emission, hazards and hazardous materials, hydrology and water quality, and noise. EBRPD found that Alternative 3 would mitigate some of the negative impacts of Alternatives 1 and 2, however they found it would still result in worse impacts than the proposed Project in the areas of aesthetics, air quality, geology and soils, greenhouse gas emission, hazards and hazardous materials, hydrology and water quality, and noise. In addition Alternative 3 would not meet the Project objective of removing the contractors' residence in a way that balances resource protection with a wise use of public resources in a timely manner nor would it meet the Project objective of implementing improvements that are durable and that lower the Park District's operating costs. Therefore, Alternative 3 was found to be less desirable and infeasible.

Although the impacts to historic architectural resources could not be mitigated to a less-than-significant level, EBRPD adopted the following mitigation measure to lessen the impact:

Prior to disassembling the contractors' residence, EBRPD will document the structure. This documentation shall be performed by a Secretary of Interior-qualified professional (in history or architectural history) using professional standards such as the National Parks Service (NPS) Historic American Building Survey (HABS)/Historic American Landscape Survey (HALS) Level I report, or as required by the City of Fremont Historic Architectural Review Board. The documentation materials will be placed on file with the City of Fremont, the Washington Township Museum of Local History, and the Fremont Main Library.

For the above reasons, the staff recommend that the San Francisco Bay Restoration Authority find that the specific environmental and public access enhancement benefits of the Coyote Hills Restoration and Public Access Project, as described in the Project Benefits section above, outweigh the unmitigated or unavoidable environmental effects of the Project.

Upon San Francisco Bay Restoration Authority approval of the proposed project, staff will file a Notice of Determination.