

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

MISSION CREEK (ZONE 6 LINE L) RESTORATION PROJECT

Alameda County Flood Control & Water Conservation District
399 Elmhurst St.
Hayward, CA 94544

October 2013

DRAFT
MITIGATED NEGATIVE DECLARATION

ALAMEDA COUNTY

Alameda County Flood Control & Water Conservation District (Lead Agency)

1. **Project Name:** Mission Creek (Zone 6, Line L) Restoration Project

Description and Location The Alameda County Flood Control and Water Conservation District (District) is proposing to increase flood conveyance and restore and enhance aquatic habitats along the Zone 6 Line L flood control channel (Mission Creek) between Lemos Lane and the Union Pacific Railroad (UPRR) on the west side of the Fremont Park Golf Club in Alameda County, California. The project's objectives are to increase channel flood conveyance to contain the 100-year design flow, stabilize eroded slopes using biotechnical bank stabilization, improve riparian habitat function, and replace exotic plant species with native ones. The project will include widening portions of the existing creek channel, meandering portions of the channel, creating low flow channels, removing and replacing existing culverts, pedestrian bridges and paths, replacing gabion walls with low retaining walls, and constructing earthen berms and bank stabilization features.

2. **Responsible Agency:** Alameda County Flood Control & Water Conservation District
399 Elmhurst Street, Hayward, California 94544

3. **Findings:**

Based on the attached Initial Study, the Lead Agency has found that:

The project will not have significant effect on the environment.

The significant effects of the project noted in the attached Initial Study have been eliminated or mitigated by revisions to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

4. **Mitigation Measures (Biological Resources):**

(1) **California Red Legged Frog:** The relevant provisions of the Service's Programmatic Biological Opinion for California Red-legged Frog (USFWS 1999) would be implemented. These guidelines would prevent the construction-related loss of California red-legged frog.

(2) **Western Pond Turtle:** A qualified biologist shall conduct a preconstruction clearance survey for western pond turtle within 48 hours of the commencement of construction activities. The survey area shall include all onsite aquatic habitats, as well as upland areas potentially containing pond turtle nests. Any identified pond turtles shall be relocated (by a qualified biologist) to a suitable location upstream of the work area. Any identified pond turtle nests shall be avoided.

(3) **Nesting Birds:** If construction activities or tree removal would commence anytime during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region), a pre-construction survey for nesting birds would be

conducted by a qualified biologist within two weeks of the commencement of construction activities.

5. **Date of Public Notice of Negative Declaration:** October 25, 2013

6. **End of Review Period:** November 26, 2013

**ISSUANCE OF THIS
MITIGATED NEGATIVE
DECLARATION DOES NOT IMPLY
APPROVAL OF THE PROJECT**

Signature

Environmental Services Manager

Date

Environmental Checklist Form

1. Project Title: Mission Creek (Zone 6, Line L) Restoration Project

2. Lead Agency name and address:

Alameda County Flood Control and Water Conservation District
399 Elmhurst Street
Hayward, CA 94544

3. Contact person and phone number:

Kwablah Attiogbe
Phone: (510) 670-5772

4. Project location:

The proposed project is located on Zone 6, Line L, Mission Creek, between the Southern Pacific railroad right-of-way, which is approximately 160 feet east of Lake Elizabeth, and Lemos Lane in the City of Fremont, Alameda County, California (see Figure 1).

5. Project sponsor's name and address:

COUNTY OF
ALAMEDA
399 Elmhurst Street
Hayward, CA 94544

ALAMEDA COUNTY FLOOD
CONTROL & WATER CONSERVATION
DISTRICT
399 Elmhurst Street
Hayward, CA 94544

OTHER:

6. General plan designation: Park Open Space

7. Zoning: O-S Open Space District

8. Description of project:

Project Overview

The Alameda County Flood Control and Water Conservation District (District) is proposing to increase flood conveyance and restore and enhance riparian habitats along Mission Creek between Lemos Lane and the Union Pacific Railroad (UPRR) tracks on the west side of the Fremont Park Golf Club in Alameda County, California (Figure 1 – Project Vicinity Map). The primary objectives of the Mission Creek Restoration Project (proposed project) are to:

- Increase flood conveyance in the flood control channel
- Stabilize eroded slopes using biotechnical bank stabilization control methods
- Improve riparian habitat function
- Remove exotic plant species and revegetate with native species

The preliminary design of the proposed project would include widening the creek channel where feasible, meandering portions of the existing creek channel, creating low flow channels, removing and

FIGURE 1: PROJECT VICINITY
Mission Creek Restoration Project

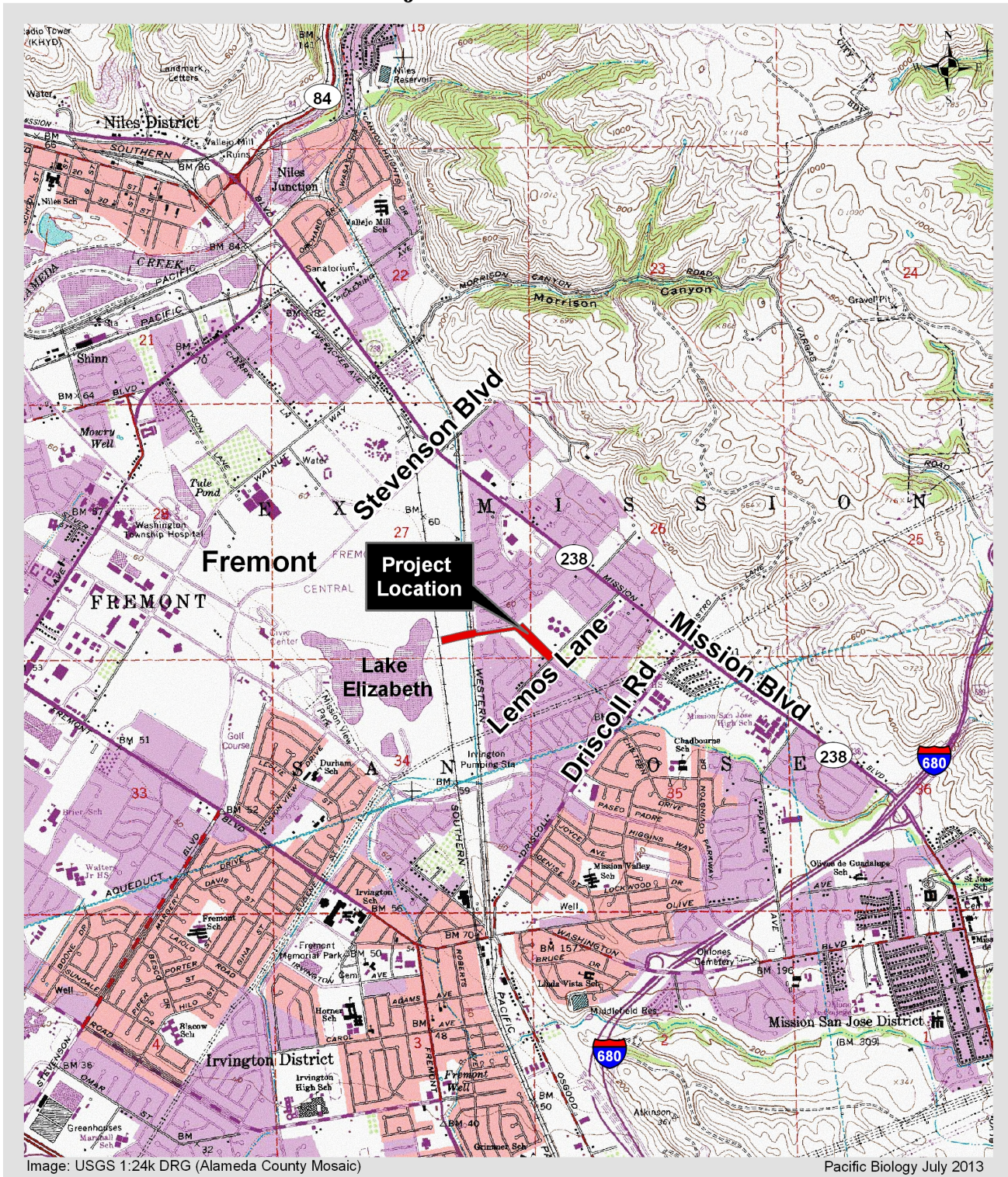


Image: USGS 1:24k DRG (Alameda County Mosaic)

Pacific Biology July 2013

 Approximate Project Boundary

0 0.5 1 Miles



replacing existing culverts, removing and replacing pedestrian bridges and paths, replacing gabion walls with low retaining walls, and constructing berms and bank stabilization infrastructure. These improvements would improve flood conveyance and contain the 100-year design flow where possible.

Project Components

Proposed restoration work would occur within three distinct reaches, as described below.

Reach 1

Reach 1 extends from the end of the UPRR easement at the west end of Mission Creek to the confined channel associated with Reach 2. This reach is located entirely within the Fremont Park Golf Club on property owned by the City of Fremont. Proposed improvements in this reach include widening and meandering the channel to provide additional flood capacity and opportunity for improved habitat function; constructing a low flow channel; removing existing rock slope protection along the bank and bed of the east end of the creek; and removing approximately 175-feet of the existing, inactive, SFPUC 44-inch diameter pipe on the east end of the reach. As under existing conditions, the golf course floodplain will remain connected to the creek channel—flows overtopping the banks will continue to be allowed to flood the golf course.

The creek will continue to follow its existing alignment, but will meander through a widened floodplain within the channel banks. Top-of-bank widths through Reach 1 will increase from approximately 50 feet (max.) to 120 feet (max.) – for an increased width of 70 feet. Other than the shift of an existing back tee to Hole 4 south approximately 20 feet, no existing golf course features such as tees, greens, or fairways will be impacted by the channel widening.

On the east end of Reach 1, two small flood control channels connect to Mission Creek from the north (i.e., Line M-1 [western channel] and Line L-2 [eastern channel]) (Figure 2). A limited amount of grading will occur at the confluences of both Lines M-1 and L-2 where they enter Mission Creek to allow for a smoother transition. Reach 1 will have approximately 8,700 CY net cut (9,200 cy cut/500 fill)]. In addition, planted rock slope protection will be placed at the downstream end of the re-routed Lines M-1 and L-2 to minimize the potential for erosion.

Public access infrastructure improvements in this reach will include removing and replacing the pedestrian bridge that spans Mission Creek and connects the north and south portions of the golf course across the creek. The new pedestrian bridge will be located in approximately the same location as the existing bridge, but will be roughly doubled in length to accommodate the widened channel. As part of the proposed project, 12-ft wide access roads will be installed along both north and south banks of Mission Creek. The northern access from the west side of the golf course, across the bridge, continuing to the east on the south bank across the abandoned UPRR right-of-way is anticipated to be open the public upon completion. An existing path is also located along the south side of Mission Creek within this reach, although it is not currently open to the public. The portion of this path on the south bank that continues west from the pedestrian bridge and dead ends at the active UPRR railroad tracks will not be open to the public.

Approximately 15 trees will be removed within this reach to support proposed construction activities.

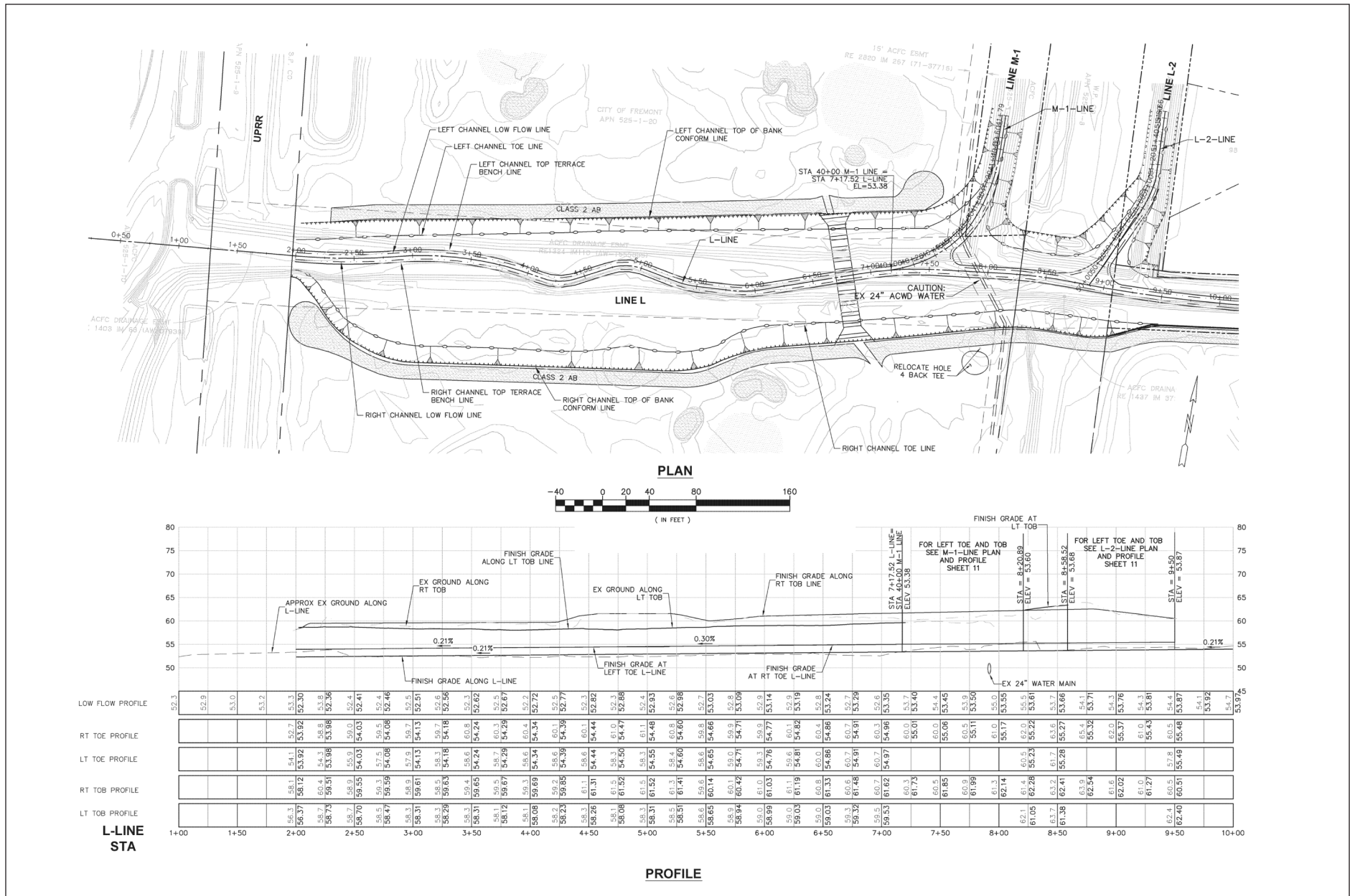


Figure 2
Reach 1 Plan and Profile

Source: County of Alameda Public Works Agency

Reach 2

Reach 2 is located within a confined gabion-lined channel that traverses the north side of Gomes Park (See Figure 3). Proposed improvements within this reach include removing the “V” shaped, gabion-lined channel banks and replacing them with a wider (40-foot) box channel constructed of concrete retaining walls and an earthen material bed; constructing a low-flow channel; installing one concrete gradient control weir at the upstream end of the reach within the retaining walls to minimize channel gradient control; and removing and replacing an existing storm drain pipe that connects to the City’s detention basin on the south side of Mission Creek, at the downstream end of Reach 2. The replaced storm drain pipe will be cut to conform to the new slopes of the channel and installed with rock energy dissipaters to minimize the potential for erosion. The channel will not be meandered in this reach due to the District’s narrow right-of-way width at this location.

Public access infrastructure improvements in this reach will include removing and replacing the existing pedestrian path on the south side of the channel with a larger, 10-12-foot wide path designed to accommodate both public access and future maintenance needs. The relocated path will be located along a new centerline approximately 5 feet south of the existing path centerline.

Up to 4 trees will be removed within this reach to support proposed construction.

Reach 3

Reach 3 extends from Lemos Lane, adjacent to Gomes Park, to the beginning of the gabion-lined channel associated with Reach 2. This reach generally separates Gomes Park on the southwest from John Gomes Elementary School on the northeast. Proposed improvements in this reach minimize impacts to the riparian corridor along this reach, including: maintaining the existing low-flow alignment of the creek channel; widening the channel only where necessary to stabilize bank erosion by setting back the south top-of-bank; installing planted rock slope protection along the west (park) side of the channel to minimize the potential for erosion; and installing two rock gradient control weirs at two locations near the downstream end of the reach. The rock gradient control weirs will be installed to slow the energy of the creek, divert flow to the center of the channel, and hold the channel grade, or longitudinal profile, to prevent channel down-cutting. Large boulders will be trenched into the channel bed and the channel banks will be graded in a general “U” shape pointing upstream. The rock weir at the centerline of the channel will also be notched to promote flow to the center. It is anticipated that a scour pool will form within the “U” downstream of the rock weir, providing pool habitat.

Two berms, graded to be “soft landforms”, will also be constructed on both sides of the creek within Gomes Park. The berms will be installed in this reach to increase flood conveyance and contain the 100-year design flow, while minimizing in-channel work and potential impacts on the riparian corridor and aquatic/riparian habitat. Both berms will connect isolated earthen “bumps” that already existing in the park landscape. The berm to the south will run south of the existing playground (i.e. not between the playground and the creek) to maintain level park open-space areas. Construction of the berms will also minimize the amount of excavated soil that will need to be hauled offsite (i.e., excavated soils from Reach 1 will be transported to Reach 3 to facilitate construction of the berms). In general, the rounded berms will be approximately 15-foot wide at the crest, 1,000 feet long, and constructed with approximately 10:1 (H:V) side slopes (2:1 maximum).

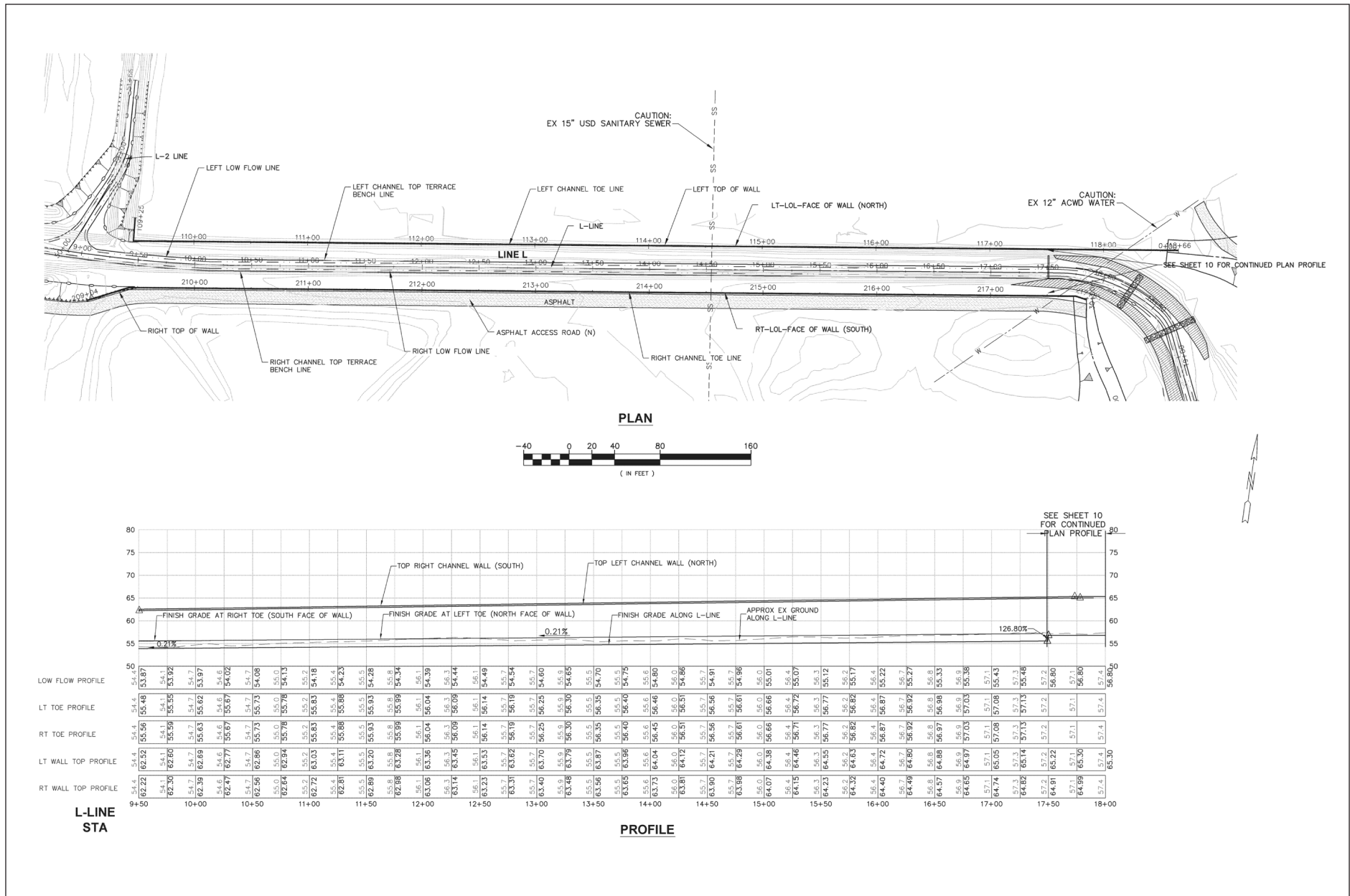


Figure 3
Reach 2 Plan and Profile

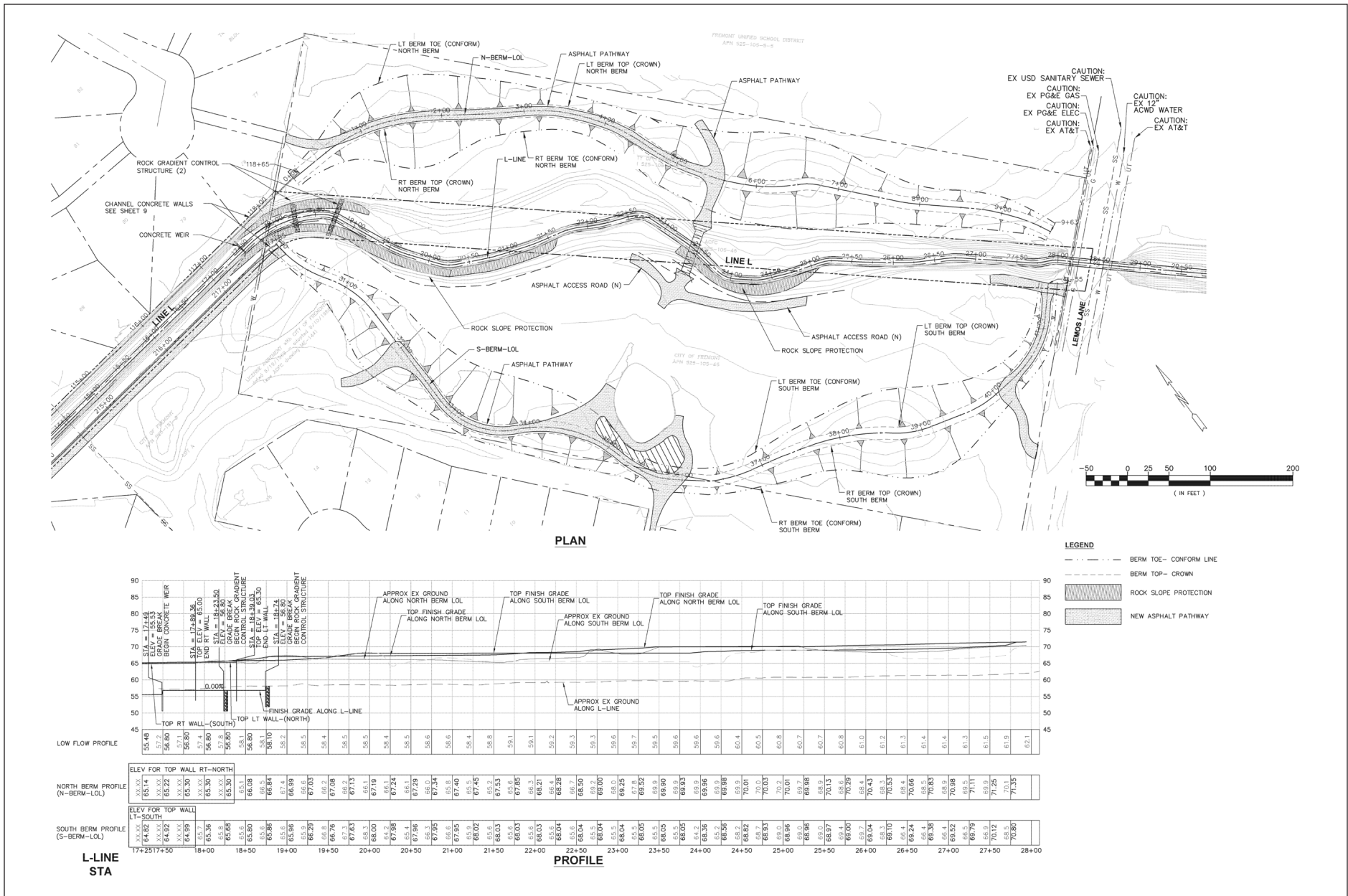


Figure 4
 Reach 3 Plan and Profile

Source: County of Alameda Public Works Agency

Public access infrastructure improvements in this reach will include removing and replacing the existing pedestrian paths on both sides of Mission Creek. Several paths will be re-routed to conform to the top of the new flood control berms. An existing footbridge that spans Mission Creek connects Gomes Park to the elementary school grounds. Due to on-going bank erosion along the south bank at the footbridge, the footbridge will be replaced at the same location with a wider crossing that will be elevated above the 100-year flood water surface elevation.

Approximately 39 trees will be removed within this reach to support proposed construction.

Tree Removal

According to draft Arborist Report dated March 7, 2013 (HortScience), a total of 58 trees are proposed to be removed because they are in the area to be graded and impacted by the proposed improvements with 9 of the 58 trees to be removed in declining health.

Earthwork Quantities

Cut and fill volumes for each reach are summarized below:

	Reach	Cut (C.Y.)	Fill (C.Y.)	C.Y.	Lineal Feet
Earthwork	1	9200	500		
Earthwork	2	3741	63		
Earthwork	3	105	4383		
Planted Rock Slope Protection				1200	1600

Construction Methodology

Construction Sequence

In general, construction within each reach will be sequenced as follows:

- Construction contractor mobilizes and prepares the staging area
- Temporary construction best management practices (BMPs) installed
- Vegetation removed, as necessary
- Dewatering infrastructure (e.g., sandbag cofferdam, sheetpile) installed
- Existing infrastructure (i.e., rock slope protection, outfall pipes, concrete lined banks, pedestrian paths) removed or demolished, as necessary
- Rough and finish earthwork completed
- Rock and concrete structure work completed
- Erosion protection infrastructure installed
- Dewatering infrastructure removed
- Pedestrian paths and bridges replaced
- Area revegetated

The specific sequencing between reaches will be left to the discretion of the contractor.

Prior to construction, the contractor will prepare a dewatering plan for the project area. It is anticipated that sandbag cofferdams or sheetpiles will be placed on the upstream and downstream ends of each reach to facilitate the dewatering process. A pump with intake netting will be used to pump water from upstream of the construction reach to below the cofferdam. Baker tanks may be used to settle the piped water before it is released downstream. Any reclaimed water not returned to Mission Creek will be used for dust control or irrigation, to the extent possible.

Public access during construction will vary between reaches. Within Reach 1, public access along the south side of Mission Creek will be closed during construction (this area is currently closed to public use). Within Reach 2, the existing path will be closed, with an alternative path around Gomes Park provided, if possible. Within Reach 3, pathways will be maintained where possible, and detours around Gomes Park will be provided as needed.

Construction Access and Staging

The proposed staging areas will be located in upland areas within Gomes Park, and/or on the top of the existing maintenance access roads between Lines M-1 and L-2, north of Mission Creek and between Reaches 1 and 2 (Figure 5). Construction access will be from two locations: along the existing flood control maintenance access road at Las Palmas at Line L-2 (between San Carlos Place and Seville Place), and from Lemos Lane at Gomes Park (Figure 5).

Construction Schedule

It is estimated that construction would take place over 160 working days. Construction of the proposed project is anticipated to occur between April 1 and December 31, 2014, with all work between creek top-of-banks completed before October 15, 2014. If required environmental regulatory permits are not obtained in time to construct the project in 2014, the project construction would be delayed until Spring/Summer 2015.

Construction Management Activities

Table 1 lists the construction-related best management practices (BMPs) that will be implemented to minimize the introduction of dirt, debris and other construction waste into Mission Creek and/or storm drains in the project area.

Table 1. Construction-Related Best Management Practices

BMP ID	Name	BMP
BMP -1	Earthwork and Erosion Control	<ol style="list-style-type: none"> 1. Excavated soils will be kept on site where they will not collect in the street. 2. Transfers to dump trucks will take place onsite and not in the street. 3. Fiber rolls, silt fences, or other erosion control measures will be used to minimize the flow of silt offsite. 4. Erosion of slopes disturbed during construction will be minimized by securing soil with erosion control fabric or seeding with fast-growing native grasses as soon as possible. Fiber rolls will be placed down-slope until the soil is secure. 5. Erosion control fabric will consist of natural fibers that will biodegrade over time. No plastic or other non-porous material will be used as part of a permanent erosion control approach. 6. Erosion control fabric will be anchored in place. Anchors can include U-shaped wire staples, metal geotextiles stake pins, or triangular wooden stakes. 7. Earth moving activities will only occur during dry weather, as approved by an Alameda County Inspector in the Field. 8. Disturbance to existing vegetation will be minimized where possible.
BMP -2	Staging and Stockpiling	<ol style="list-style-type: none"> 1. All construction equipment will be staged in upland areas, away from sensitive natural communities or habitats. 2. All construction-related items, including equipment, stockpiled material, temporary erosion control

BMP ID	Name	BMP
	of Materials	treatments, and trash will be removed within 72 hours of project completion. All residual soils and/or materials will be cleared from the project site. 3. Building materials and other construction-related materials, including chemicals, will not be stockpiled or stored where they could spill into water bodies or storm drains, or where they could cover aquatic or riparian vegetation.
BMP -3	Dewatering Operations	1. Stormwater runoff from or onto the site will be effectively managed. All runoff will be directed away from disturbed areas. 2. A dewatering plan will be prepared prior to construction. 3. Water removed from the creek will be reused for dust control, irrigation, or another onsite purpose to the greatest extent possible.
BMP -4	Non-Hazardous Materials Management	1. Sand, dirt, and similar materials will be stored at least 10 feet from catch basins. All construction material will be covered with a tarp and contained with a perimeter control during wet weather, when rain is forecast, or when they will not be actively used within 14 days. 2. Reclaimed water will be used for dust control, irrigation, or another on-site purpose as needed and to the extent possible. 3. Streets and paved areas will be swept or vacuumed daily, when construction activities occur. Water will not be used to wash streets or work areas. 4. Concrete, grout, and mortar will be stored under cover, on pallets, and away from drainage areas. Any water from washing exposed aggregate concrete will be collected and removed for disposal offsite. 5. Asphalt, concrete, and aggregate base material removed during construction will be recycled in compliance with Alameda County ordinances for recycling construction materials. 6. Dumpsters will be checked regularly for leaks and to make sure they are not overfilled. Leaking dumpsters will be repaired or replaced promptly. 7. All dumpsters will be covered with a tarp at the end of every work day or during wet weather.
BMP -5	Hazardous Materials Management	1. All hazardous materials and hazardous wastes will be labeled in accordance with city, county, state, and federal regulations. 2. Hazardous materials and wastes will be stored in water tight containers within appropriate secondary containment structures and will be covered at the end of every work day or during wet weather when rain is forecast. 3. Hazardous materials will be applied in accordance with the manufacturer's application instructions. No more than what is necessary will be used. Chemicals will not be applied outdoors when rain is forecast within 24 hours. 4. All hazardous waste will be appropriately disposed of off-site. 5. For stationary equipment that must be fueled on-site, secondary containment such as a drain pan or drop cloth shall be provided in a manner to prevent accidental spill of fuels to underlying soil, surface water, or the storm drainage system. 6. Sanitation facilities (e.g., portable toilets) will be surrounded by a berm, and a direct connection to the storm drainage system or receiving water will be avoided. 7. Sanitation facilities will be regularly cleaned and/or replaced, and inspected regularly for leaks and spills.
BMP -6	Spill Prevention and Control	A Spill Prevention and Response Plan will be developed prior to commencement of construction activities, and will summarize the measures described below. The work site will be routinely inspected to verify that the Spill Prevention and Response Plan is properly implemented and maintained. Contractors will be notified immediately if there is a noncompliance issue. 1. A stockpile of spill cleanup materials will be available at the construction site at all times. 2. Prior to entering the work site, all field personnel shall be trained in spill prevention, hazardous material control, and cleanup of accidental spills. 3. When spills or leaks occur, they will be contained immediately. The contractor will take particular precautions to prevent leaks and spills from reaching the gutter, street, or storm drain. Spilled materials will not be washed into a gutter, street, storm drain, or creek. 4. All containment and cleanup materials will be disposed of properly. 5. Hazardous material spills will be reported immediately to the Alameda County Public Works Agency at (510) 670-5500.
BMP -7	Vehicle and Equipment Maintenance	1. Vehicles and equipment will be inspected for leaks frequently. Leaks will be repaired promptly, and drip pans will be used to catch leaks until repairs are made. 2. In general, vehicles and equipment will not be washed on-site. If washing must occur on site, it will

BMP ID	Name	BMP
	& Cleaning	<p>occur in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.</p> <p>3. Only water will be used to clean equipment onsite (i.e., no soaps, solvents, degreasers, etc. will be used). For stationary equipment that must be fueled on-site, secondary containment such as a drain pan or drop cloth shall be provided to prevent accidental spills of fuels to underlying soil, surface water, or the storm drainage system.</p>
BMP - 8	Construction Entrances & Perimeter	<p>1. Perimeter controls will be established and maintained during construction. All construction entrances and exits will be stabilized sufficiently to control erosion and sediment discharges from the construction site.</p> <p>2. The construction contractor will sweep or vacuum any street tracking daily when construction activities occur and secure the sediment source to prevent further tracking.</p>
BMP - 9	Fire Prevention	<p>1. All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors.</p> <p>2. During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site.</p> <p>3. On days when the fire danger is high, flammable materials will be kept at least 10 feet away from any equipment that could produce a spark, fire, or flame.</p> <p>4. On days when the fire danger is high, portable tools powered by gasoline-fueled internal combustion engines will not be used within 25 feet of any flammable materials unless at least one round-point shovel or fire extinguisher is within immediate reach of the work crew (no more 25 feet away from the work area).</p>
BMP - 10	Cultural Resources	<p>1. If any significant cultural materials or any human skeletal remains are exposed or discovered during subsurface construction, operations within 25 feet of the find shall stop and a qualified archaeologist shall be retained to evaluate the materials and develop further recommendations.</p>
BMP - 11	Noise	<p>1. The following BMPs will be incorporated into the construction documents to be implemented by the project contractor:</p> <ul style="list-style-type: none"> • Provide noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site. • Use quietest type of construction equipment whenever possible, particularly air compressors. • Provide sound-control devices on equipment no less effective than those provided by the manufacturer. • Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors. • Prohibit unnecessary idling of internal combustion engines. • Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site. • Limit project construction activity to the weekday hours of seven a.m. to seven p.m. and the Saturday hours of nine a.m. to six p.m., with Sunday construction not allowed per City noise ordinance.

Monitoring and Maintenance

The District will be responsible for maintenance of the improved flood conveyance facilities, including monitoring for erosion. In general, maintenance activities will be performed as needed and always prior to the rainy season.

The City of Fremont will continue to maintain all public access infrastructure (i.e., bridges, pathways) after the proposed project is constructed.

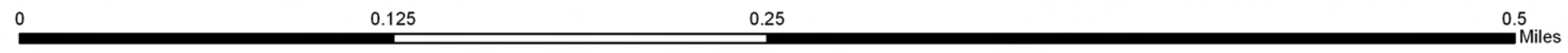
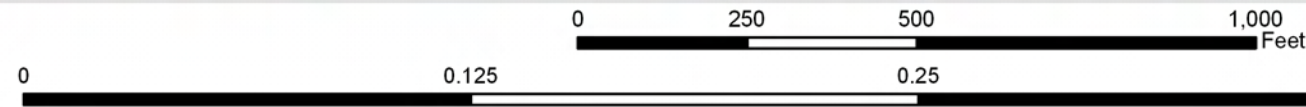
FIGURE 5: Project Site, Staging and Access
Mission Creek Restoration Project



Image: NAIP 2009, 1-Meter Resolution

Pacific Biology June 2013

-  Project Site
-  Staging Area



Scale 1:3,400

9. Surrounding land uses and setting:

The portion of Mission Creek within the project area is surrounded by a golf course, residential development, a park, and a school. The western portion of the project (Reach 1) crosses the Union Pacific Railroad (UPRR) (formerly Southern Pacific) tracks with the Fremont Park Golf Course surrounding the creek to the north and south. As the creek continues to the east it crosses abandoned UPRR tracks (formerly Western Pacific).¹ At the eastern set of UPRR tracks (Reach 2) the creek crosses from the City of Fremont's Central Planning Area to the Mission San Jose Planning Area. Reach 2 of the creek is bordered to the north by residential development and the south by Gomes Park. Residences are also located to the south and west of Gomes Park. Reach 3 begins where the creek turns to the southeast. Gomes Park is on either side of the creek, with Gomes Elementary School abutting the strip of park land along the northeastern bank of the creek. The end of Reach 3 is at Lemos Lane.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

1. California Regional Water Quality Control Board (RWQCB)
2. California Department of Fish and Wildlife (DFW)
3. US Army Corps of Engineers (ACOE)

¹ Western Pacific was acquired by Union Pacific (UP) in 1982, and the UP and Southern Pacific Transportation Company (SP) merged in 1996, unifying the ownership of rail lines in the region.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project as indicated by the checklists and responses contained on the following pages:

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forest Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Greenhouse Gas | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation & Traffic | <input type="checkbox"/> Utilities & Services Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project; nothing further is required.

Signature



Kwablah Attiogbe

Printed name

Date

10-23-2013

Environmental Services Manager

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection (CalFire) regarding the state’s inventory of forest land, including the Forest Range Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program on the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zone Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES – Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Results in a conversation of Oak Woodlands that will have a significant effect on the environment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>V. CULTURAL RESOURCES</u> – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>VI. GEOLOGY AND SOILS</u> – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS – would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. MINERAL RESOURCES – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE -- Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive ground-born vibration or ground-born noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIV. PUBLIC SERVICES:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities? The construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: | | | | |
| i) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| v) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. RECREATION:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. TRANSPORTATION AND TRAFFIC – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities; the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities; the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Does the project 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ENVIRONMENTAL EVALUATION

An explanation of the basis for the response to each item in Sections I through XVII and of ways to mitigate any identified significant impacts are provided below unless the item has been checked “NO” Impact and one or more of the references in Section 18 has been cited in the parenthesis following the item.

I. AESTHETICS

- a) **No Impact.** The project would not adversely affect a scenic vista. No scenic vistas exist within the project area, no view-affecting structures would be erected, and equipment would not be of a size that would affect views beyond the duration of construction (Alameda County 1966; Alameda County 1977).
- b) **No Impact.** There are no state designated scenic routes or highways with views of the project site (California Department of Transportation 2007).
- c) **Less Than Significant Impact.** No large structures would be erected that would permanently change the visual character of the project site. A pedestrian bridge in Reach 1 would be replaced in approximately the same location with a longer bridge to accommodate the widened channel. Reach 2 would have concrete sides rather than the earthen banks, but this would only be visible from the top of the bank next to the creek looking down into the creek. Restoration of Reach 1 and Reach 3 would improve views of the creek because of additional vegetation. A total of 58 trees are proposed to be removed because they are in the area to be graded and impacted by the proposed improvements with 9 of the 58 trees to be removed in declining health. Trees would be replaced as part of the project.
- d) **No Impact.** No new permanent structures or sources of lighting are proposed as part of this project. Construction would occur during daylight hours and would not introduce a new source of light. Construction equipment would not create any discernible glare.

II. AGRICULTURAL AND FOREST RESOURCES

- a) **No Impact.** No farmland designated Prime, Unique, or of Statewide Importance occurs within or immediately adjacent to the project site nor would be considered part of the project impact area (Alameda County Assessor 2006; California Department of Conservation 2012; City of Fremont 2011b).
- b) **No Impact.** The proposed project would not change the zoning or current land use of the project area, including agricultural lands. The project is not within Williamson Act land. No conflict with existing agricultural zoning or with a Williamson Act contract would result from project construction (Alameda County Assessor 2006).
- c) **No Impact.** The project is limited to restoration activities within existing disturbed areas and does not propose any activity that directly or indirectly would change the existing environment nor conflict with existing zoning for, or cause rezoning of, forest land, or timberland (City of Fremont 2011b).
- d) **No Impact.** The project would neither result in the loss of forest land nor convert forest land to non-forest use. The project is limited to the riparian corridor and not connected to a forest environment.

- e) **No Impact.** No part of the project is considered farmland; therefore, no farmland would be converted to non-farmland.

III. AIR QUALITY

The project site lies in the City of Fremont, in the Southwestern Alameda climatological sub-region of the Bay Area. The air pollution potential of this sub-region is relatively high in the summer and fall when regional winds can transport pollutants from other areas and where the confining terrain of the East Bay hills can concentrate them locally. This sub-region contains a variety of stationary industrial/commercial air pollution sources, most being concentrated in the vicinities of I-880, I-680 and Highway 84; traffic on these roadways is also a major source of air pollution. Strong pollutant sources are lacking in the immediate vicinity of the project site. The most noteworthy local pollutant sources are Mission Boulevard (Highway 238) and a few gasoline stations along it, all of which are greater than 1,000 feet from the project site.

The Bay Area Air Quality Management District (BAAQMD) maintains a number of air quality monitoring stations and continually measures the ambient concentrations of major air pollutants throughout the Bay Area. The closest such monitoring station is at 40733 Chapel Way in Fremont, about a mile southwest of the project site. Ozone (which is formed from precursors - reactive organic gases [ROG] and nitrogen oxides [NO_x]) and inhalable suspended particulate matter (PM₁₀ and PM_{2.5}) are monitored there. These are primary air pollutants of concern when evaluating the air quality impacts on and by development projects. Other toxic air contaminants (TACs) are also of concern regionally. In the Bay Area, the majority of the estimated carcinogenic/chronic health risk from TACs can be attributed to relatively few compounds, the most important being particulate matter from diesel-fueled engines (DPM, almost all of which is PM₁₀ or PM_{2.5}). The BAAQMD has identified DPM as being responsible for about 80 percent of the cancer risk from airborne TAC exposures.

The project site lies in the midst of a single-family residential area, with the John Gomes Elementary School adjacent to and northeast of the site, all of which would be considered sensitive receptors subject to potential air quality impacts during project construction.

The BAAQMD's *CEQA Air Quality Guidelines* (May 2011) were used to assess the regional significance of the project's construction-related emissions of criteria pollutants and the exposure of local sensitive receptors to toxic air contaminants in the construction equipment exhaust. The *Guidelines* specify that a project generating more than 54 pounds per day of ROG, NO_x or PM_{2.5}, or more than 82 pounds per day of PM₁₀, is deemed to have a significant impact on the Bay Area's regional air quality, whether these emissions are from construction equipment or operational sources (e.g., motor vehicles trips after project completion)(BAAQMD 2011).

The *Guidelines* also specify that project emissions of TACs or PM_{2.5} impacting sensitive receptors within 1,000 feet of the project site are considered significant if they exceed any of the following thresholds:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (i.e. chronic or acute) hazard index greater than 1.0; or
- An incremental increase of greater than 0.3 micrograms per cubic meter (µg/m³) annual average PM_{2.5}

- a) **Less Than Significant Impact.** The proposed project would improve local flood protection and creek habitat function and, therefore, is not a regionally significant project that would

warrant Intergovernmental Review by the Metropolitan Transportation Commission (MTC). The proposed project does not have the potential to substantially affect housing, employment, and population projections within the region, which are the basis of the BAAQMD's Clean Air Plan (CAP). Furthermore, emissions generated during construction of the proposed project would be less than BAAQMD emission thresholds (see discussion in Item c below) and, therefore, not a regionally significant air pollutant source. Thus, the proposed project would not conflict with or obstruct implementation of the CAP.

b) **Less Than Significant.** In order to limit the generation of fugitive dust with consequent exposure of local sensitive receptors to elevated PM₁₀ and PM_{2.5} levels during construction, best management practices (BMP's) would be implemented consistent with BAAQMD recommendations of basic construction mitigation measures. The following BMPs would be included in a construction dust/emission control plan with a designated contact person for on-site implementation:

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

c) **Less Than Significant Impact.** Project construction activities would produce air pollutant emissions from the following sources: 1) exhaust from diesel-powered construction equipment; 2) fugitive dust (which includes (PM₁₀ and PM_{2.5}) generated by earthmoving, excavation, grading and other construction activities; and 3) exhaust from debris-removal trucks. Such emissions from construction activities on-site and off-site would vary daily as equipment use and activity levels change over the six-month construction phase. A detailed estimate of the proposed project's emissions from construction equipment and haul trucks was produced based on project construction data provided by the lead agency, as summarized in the table below. No BAAQMD emission thresholds would be exceeded. The amount of fugitive dust produced by on-site construction activities was not quantified; this potential impact would be adequately mitigated by the application of the basic dust-suppression and pollutant-reduction measures

recommended by the BAAQMD (as discussed in Item b above) (South Coast Air Quality Management District 2011; California Air Resources Board 2007).

Table 3: Construction Emissions

Construction Period	Maximum Average Daily Construction Emissions (lbs./day)			
	ROG	NO _x	Exhaust PM ₁₀	Exhaust PM _{2.5}
April 2014	4.0	34.6	1.6	1.6
May 2014	4.5	38.7	1.8	1.8
June 2014	4.2	37.1	1.8	1.8
July 2014	4.2	37.1	1.8	1.8
August 2014	3.6	27.2	1.4	1.4
September 2014	4.8	31.2	1.7	1.7
October 2014	0.6	5.2	0.5	0.5
BAAQMD Daily Threshold	54	54	82	54
Exceeds Threshold	No	No	No	No

Source: Based on project construction phasing, equipment use, and soil/material transport provided by the lead agency, the construction equipment pollutant emission rates provided by the CARB's OFFROAD model, and motor vehicle pollutant emission rates provided by the CARB's EMFAC2007 model.

- d) **Less Than Significant Impact.** Exposures to TACs from project construction activities were evaluated for the closest off-site sensitive receptors to the site, specifically the residential uses closest to Reach 1, Reach 2 and Reach 3 of the project site, and the John Gomes Elementary School. Using the SCREEN3 air dispersion model, receptor concentrations were estimated and excess lifetime cancer risks, non-cancer hazard indexes and PM_{2.5} concentrations were calculated using the TAC emission rates associated with project construction. These risks were then compared to the significance thresholds identified in the BAAQMD *CEQA Guidelines*. Results of the health risk assessment indicate that the highest incremental cancer risks for residents closest to the Project site based on the maximum ground-level TAC concentrations for the six-month, eight-hour work-day outdoor exposure during construction are less than one per million and, therefore, less than the significance threshold of 10 per million. For non-carcinogenic effects, the hazard indices are less than one and, therefore, within acceptable limits, and the PM_{2.5} annual concentrations would be below the BAAQMD 0.3 µg/m³ significance thresholds. The results are summarized in the table below (Lakes Environmental no date; Office of Environmental Health Hazard Assessment [OEHHA] 2003).

Table 4: Potential Exposure to Toxic Air Contaminants (TACs) During Construction

Receptor	Cancer Risk	Chronic /Acute Hazard Index	PM_{2.5}
Closest Residential Reach 1	0.49E-06	0.03/0.46	0.14 ug/m ³
Closest Residential Reach 2	0.75E-06	0.04/0.69	0.21 ug/m ³
Closest Residential Reach 3	0.52E-06	0.03/0.52	0.15 ug/m ³
Closest John Gomes School	1.26E-06	0.02/0.38	0.11 ug/m ³
BAAQMD Project-Level Threshold	10.0E-06	1.0	0.30 ug/m ³
Exceeds Threshold	No	No	No

Sources: Screen View, Lakes Environmental, Version 3.5.0 of the EPA's SCREEN3 air dispersion model. BAAQMD, *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May 2011; OEHHA, *Air Toxics Hot Spots Program Risk Assessment Guidelines*. August 2003.

- e) **Less Than Significant Impact.** The project would not generate objectionable odors nor be located in an area frequently subject to objectionable odors.

IV. BIOLOGICAL RESOURCES

- a) **Less Than Significant With Mitigation.** The District commissioned the preparation of the Biological Assessment Report for the Mission Creek Restoration Project (Pacific Biology 2013). The report provides a detailed discussion of the biological resources present on the project site and evaluates potential impacts to these resources from the implementation of the proposed project. The report is included in Appendix A, and the relevant discussions are summarized and incorporated into the below analysis.

Special-Status Wildlife Species

The Biological Assessment (Pacific Biology 2013) found that the below special-status wildlife species have potential to occur on the project site. Please see the Biological Assessment (Pacific Biology 2013) for a discussion of special-status species known from the project region that are not expected to occur due to the absence of suitable habitat.

California red-legged frog (*Rana draytonii*) is a federally Threatened species. California red-legged frog has been documented at multiple locations in the undeveloped hills east of the project site and east of the Fremont city limits (see Appendix A, Figure 4). The closest of these occurrences is located approximately 2.5 miles to the northeast of the project site (CNDDDB Occurrence #568). Based on the CNDDDB, the species has not been documented in Mission Creek or other locations with a hydrologic connection to the project site.

The California Red-legged Frog Assessment (Jones & Stokes 2002) completed in support of the BART Warm Springs Extension EIR concluded that Lake Elizabeth did not provide suitable California red-legged frog habitat because it contains concrete and riprap banks and contains no suitable upland habitat. The assessment also concluded that Mission Creek (in the project area) provided potential dispersal habitat for California red-legged frog, but that breeding habitat was not present due to the absence of deep pools.

The reach of Mission Creek on the project site contains suitable dispersal habitat. However, the onsite creek reach does not provide suitable breeding habitat due to the absence of deep pools and because high winter flows occur during the breeding season. The nearby golf course ponds, which contain deep open water and emergent vegetation, provide potential California red-legged frog breeding habitat; if California red-legged frogs occur in these nearby ponds they would likely use Mission Creek as dispersal habitat.

However, the onsite portion of the creek is channelized and adjacent upland habitat is limited to park and golf course lawns. Additionally, the site is in an urban area, portions of the creek are bordered by homes, and onsite areas bordering the creek are heavily used for recreation. Given these factors, and that California red-legged frog is not known to occur in Mission Creek or in areas accessible to the project reach, the potential for California red-legged frog to occur on the site is considered to be low.

Impacts to California red-legged frog

The proposed project would be conducted during the dry season (i.e., May-October 15). It is not expected that egg masses would be present at this time because of the project timing and because suitable breeding habitat is not present (see above). However, should adult or juvenile California red-legged frog(s) be present, in the absence of avoidance measures, construction activities could result in the loss or harm of individual frogs. Therefore, the loss or disturbance of a California red-legged frog is considered to be a potentially significant impact.

The proposed project would also alter approximately 2,500 linear feet of habitat potentially used for dispersal by California red-legged frog. This alteration of habitat is not considered substantial and is not expected to adversely affect any California red-legged frogs present for the following reasons: (1) construction impacts would be temporary (i.e., channel widening and meandering, bank stabilization); (2) the proposed project would create pools in the creek through the placement of rock weirs; and (3) the habitat quality would be further improved by restoring creek meanders, widening the floodplain in portions of the site, and providing additional riparian canopy.

Mitigation Measure IV.1 The relevant provisions of the Service's *Programmatic Biological Opinion for California Red-legged Frog* (USFWS 1999) would be implemented. These guidelines, which would prevent the construction-related loss of California red-legged frog, are listed below.

- A. At least 15 days prior to the onset of activities, the applicant or project proponent shall submit the name(s) and credentials of biologists who would conduct activities specified in the following measures. No project activities shall begin until proponents have received written approval from the Service that the biologist(s) is qualified to conduct work.
- B. A Service-approved biologist shall survey the work site within two weeks before the onset of activities for California red-legged frog. If California red-legged frogs, tadpoles, or eggs are found, the approved biologist shall contact the Service to determine if moving any of these life-stages is appropriate. In making this determination the Service shall consider if an appropriate relocation site exists. If the Service approves moving the animals, the approved biologist shall be allowed sufficient time to move California red-legged frogs from the work site before activities begin.

Only Service-approved biologist shall participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.

- C. If California red-legged frogs are not found within the proposed project footprint, immediately following the site survey the applicant shall install temporary fencing around the construction footprint. The fencing shall be designed to impede red-legged frogs from entering areas where construction would occur. The fencing shall be maintained and monitored by the applicant for the duration of the grading/construction period. [NOTE: this measure would be modified to meet site specific conditions by only requiring temporary fencing in Reach 1, between the offsite golf course ponds and creek]
- D. Before any construction activities begin on the project, a Service-approved biologist shall conduct a training session for all construction personnel. At a minimum the training shall include a description of the California red-legged frog and its habitat, the measures that are being implemented to conserve the species as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any question.
- E. A Service-approved biologist shall be present at the work site until such time as all removal of California red-legged frog, instruction of workers, and initial habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor on-site compliance with all minimization measures. The Service-approved biologist shall ensure that this individual receives training outlined about in measure BIO-1D and in the identification of California red-legged frog. The monitor and the Service-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the Corps and Service during review of the proposed action. If work is stopped, the U.S. Army Corps of Engineers (Corps) and Service shall be notified immediately by the Service-approved biologist or the on-site biological monitor.
- F. During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
- G. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body or on Noel Place. All workers shall be informed of the importance of preventing spills and of the appropriated measures to take should a spill occur.
- H. The project disturbance area shall be revegetated with an appropriate assemblage of native riparian, wetland and upland plant species suitable for the area (while being consistent with the goal of minimizing the attractiveness of the sediment basin to California red-legged frog). A species list and restoration and monitoring plan shall be included with the project proposal for review and approval by the Service and the Corps. Such a plan must include, but not be limited to, location of restoration, species to be used, restoration techniques, time of year the work will be done, identification success criteria for completion, and remedial actions if the success criteria are not achieved.

- I. To control erosion during and after project implementation, the applicant shall implement best management practices as identified by the appropriate Regional Water Quality Control Board.
- J. If the work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than five millimeters (mm) to prevent California red-legged frogs from entering the pump system. A service approved biologist shall be present during initial dewatering activities.

Western pond turtle (*Actinemys marmorata*) is a California Species of Special Concern. Based on the CDNDDDB, western pond turtle has not been documented in Mission Creek or within approximately 5 miles of the project site. During the field visit, several non-native turtle species were observed including painted turtle (*Chrysemys picta*) and red-ear slider (*Trachemys scripta elegans*); in California these species are considered to be invasive species and threaten the native western pond turtle through competition for resources. The presence of these turtles indicate that suitable turtle habitat is present in the creek and in the nearby golf course ponds, and consequently, it is possible the western pond turtles may also occur. If western pond turtle are present, the proposed restoration activities could result in the harm of individual pond turtles or active nests of the species. Therefore, impacts to western pond turtle are potentially significant.

Mitigation Measure IV.2 A qualified biologist shall conduct a preconstruction clearance survey for western pond turtle within 48 hours of the commencement of construction activities. The survey area shall include all onsite aquatic habitats, as well as upland areas potentially containing pond turtle nests. Any identified pond turtles shall be relocated (by a qualified biologist) to a suitable location upstream of the work area. Any identified pond turtle nests shall be avoided.

Special-Status bird species could nest in and bordering the project site. The onsite riparian habitat provides potential nesting habitat for species such as yellow warbler (*Dendroica petechia brewsteri*), a California Species of Special Concern. The CNDDDB contains a historic record from 1966 of tricolored blackbird (*Agelaius tricolor*), a federal Bird of Conservation Concern and California Species of Special Concern, from what is now Lake Elizabeth (immediately west of the project site). According to the CNDDDB, tricolored blackbirds have probably not nested at the location since Lake Elizabeth was constructed. Limited marsh vegetation is present in the western portion of the project site and tricolored blackbird is considered to have a low potential to nest onsite. The active nests of most native bird species are protected by the Migratory Bird Treaty Act (16 U.S.C. 704) and the California Fish and Game Code (Section 3503). Common bird species likely nest within the riparian habitat on the site, and raptors such as Cooper's hawk (*Accipiter cooperii*), could also nest on the site. Given occurrences in the area and the proximity of Lake Elizabeth, it is also possible that a great blue heron could roost onsite. Depending on the timing of the proposed construction activities, it is possible that a special-status or otherwise protected bird nest could be directly removed or adversely affected by construction-related noise. Therefore, impacts to nesting birds are considered potentially significant.

Mitigation Measure IV.3 If construction activities or tree removal would commence anytime during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region), a pre-construction survey for

nesting birds would be conducted by a qualified biologist within two weeks of the commencement of construction activities.

If active nests are found in areas that could be directly affected or are within 300 feet of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone should be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them should be determined by taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activities;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

Special-Status Plant Species

The CNDDDB contains a record of Congdon's tarplant (*Hemizonia parryi* ssp. *congdonii*) from the golf course on the western end of the project site (see Appendix A, Figure 4). This subspecies has a CNPS Rare Plant Rank of 1.B.1 and is associated with alkaline valley and foothill grasslands. According to the CNDDDB, 10 individual plants were observed on the golf course in 2010. This reported occurrence is unusual given the absence of habitat conditions generally associated with Congdon's tarplant (i.e., alkaline grasslands). A field survey was conducted by Vollmar Natural Lands Consulting on September 14, 2012, in an attempt to confirm the accuracy of the reported sighting; the survey was conducted during the species' blooming period (i.e., May – November), when the species is most easily identifiable. No occurrences of Congdon's tarplant were found during the survey. However, common tarweed (*Centromadia pungens*) was observed in the vicinity of the reported Congdon's tarplant occurrence. Common tarweed is associated with wetland and riparian plant communities (a habitat type present on the golf course), while Congdon's tarplant is associated with a habitat type not present on the golf course (i.e., alkaline grassland). Given these factors, and that common tarweed was observed during 2012 survey, it is assumed that the reported occurrence of Congdon's tarplant was a misidentification of common tarweed, and that Congdon's tarplant does not occur on the project site.

Given the above, and because of the project site's location within a park and golf course, and the highly altered and/or landscaped condition of the onsite habitats, no special-status plant species are expected to occur. Therefore, impacts to special-status plant species would be less than significant.

- b) **Less Than Significant Impact.** There is 1.089 acre of riparian vegetation present that is under the jurisdiction of the California Department of Fish and Wildlife (CDFW); this riparian vegetation occurs only in Reach 3. The arborist report prepared for the project (HortScience 2013) recommends the removal of one Fremont cottonwood tree from the riparian area (due to the tree's poor health), but the riparian area would remain intact. Therefore, the existing riparian vegetation would not be substantially affected and related impacts would be less than significant. However, as required by law, the project applicant would still obtain a Streambed Alteration Agreement from the CDFW and comply with all conditions of that agreement.

- c) **Less than Significant Impact.** A wetland delineation was conducted on January 11, 2013 by Vollmar Natural Lands Consulting. A total of 0.605 acre of freshwater wetlands and 1.593 acres of “other waters” were identified; these wetlands/waters are expected to be under the jurisdiction of the Army Corps of Engineers (Corps) and the Regional Water Quality Control Board (RWQCB). The proposed project would require the temporary disturbance of 0.504 acre of wetlands from within the channel. The proposed widening and meandering of Reaches 1 and 3 would create opportunities for the establishment of approximately 0.828 acre of new wetland vegetation on the site. The District has developed the *Habitat Mitigation and Monitoring Plan, Mission Creek (Zone 6 Line E) Restoration Plan* (ACFCWCD 2013). As part of the proposed project, the measures described in that plan will be implemented, which include the restoration of all 0.504 acre of wetlands to be temporarily disturbed, as well as the creation of 0.828 acre of new wetlands on the project site. The plan describes the methods, monitoring, and success criteria required to ensure that the project results in a net gain of wetland habitat. Given that the project would result in a net gain of wetland habitat, impacts to wetlands would be less than significant.
- d) **Less Than Significant Impact.** Wildlife corridors are described as pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or manmade obstacles such as urbanization. The proposed project does not include the placement of any structures that would obstruct wildlife movement. Therefore, related impacts would be less than significant.
- e) **Less Than Significant Impact.** A total of 58 trees are proposed to be removed because they are in the area to be graded and impacted by the proposed improvements with 9 of the 58 trees to be removed in declining health (HortScience, draft Arborist Report, 3/7/13).
- The City of Fremont requires a tree removal permit if the tree has a diameter at breast height (dbh) of 18 inches or greater for any species (except commercial-type fruit or nut-bearing trees), or if the tree has a dbh of 10 inches or greater and is native to Fremont. Many of the trees to be removed meet these requirements, and therefore, the proposed tree removal may require a tree removal permit from the City of Fremont. The District would comply with the City’s tree removal requirements and would obtain a tree removal permit if required. Therefore, the proposed project would not conflict with a tree protection ordinance and related impacts would be less than significant.
- f) **No Impact.** The project site is not part of or near an existing Habitat Conservation Plan or Natural Communities Conservation Plan or any other local, regional, or state habitat conservation plan. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- g) **No Impact.** The proposed project does not include the removal or conversion of oak woodlands. Therefore, no related impacts would occur.

V. CULTURAL RESOURCES

A cultural resources records search and field review was conducted by Basin Research Associates for this project (Basin Research Associates 2011). Within the entire project area, Mission Creek is a modified and engineered flood control channel. The creek was realigned between 1940 and 1961. The

realignment of the creek reduces the potential for the presence of cultural resources. No prehistoric or historic sites have been recorded or reported in the project area or within 0.25 mile of the project, and none were observed during the field inventory conducted for this project. Ten cultural resources compliance reports on-file at the California Historical Resources Information System, Northwest Information Center, Sonoma State University, and Rohnert Park reported negative results for cultural resources within the project alignment and adjacent areas (Basin Research Associates 2011).

A detailed review of the historic aspects of the San Francisco Public Utilities Commission's (SFPUC) Niles Reservoir to Irvington Water Pipeline, which crosses Mission Creek in the project area was conducted by Basin Research Associates (Basin Research Associates 2013). That review identified the overall pipeline as a historic property that appears to be a contributor to a potential historic district - the Spring Valley Water Company's Alameda Creek System. The pipeline was integral for the conveyance of water from the Sunol Aqueduct to the Niles Reservoir to the Irvington connection with the Hetch Hetchy system. It does not appear to be individually eligible for the National Register of Historic Places but appears eligible as a component of the system because of its association with the history of urban water supply in California.

- a) **Less Than Significant Impact.** No listed California Register of Historical Resources or any other significant local, state or federal historic properties, landmarks, or other resources have been identified in or adjacent to the proposed project (Basin Research Associates 2011).

A 175-foot long portion of the SFPUC's abandoned Niles/Irvington Pipeline would be removed to construct the proposed project. As described above, the historic importance of the pipeline has been evaluated, and the overall pipeline appears to be eligible for the National Register of Historic Places as a contributing element of a Historic District. However, the proposed removal of a 175-foot long segment of the pipeline crossing Mission Creek was determined not to have the potential to adversely affect or alter, directly or indirectly, any of the characteristics that may qualify it for inclusion on the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association (Basin Research Associates 2013).

- b) **Less Than Significant Impact.** Based on the number of recorded archaeological sites in the general area near the project reported in the early 1970's and that archaeological resources are often found near flowing water sources in southern Alameda County, the proposed project is within an area of "high" sensitivity for archaeological resources. However, forty years of archaeological research has not found any prehistoric resources in the general area of the project (Basin Research Associates 2011). No subsurface testing for potential subsurface archaeological resources or construction monitoring is recommended. If any archaeological materials are uncovered during excavation, the following standard project measure shall be implemented:

If any significant cultural materials or any human skeletal remains are exposed or discovered during subsurface construction, operations within 25 feet of the find shall stop and a qualified archaeologist shall be retained to evaluate the materials and develop further recommendations.

- c) **No Impact.** There are no known paleontological resources or unique geological features on the proposed project site. See also response to V.b, above.
- d) **Less than Significant.** The proposed project site is not located near a cemetery and no prehistoric or historic cultural resources were reported in prior studies or observed during a

field inventory (Basin Research Associates 2011); therefore, it is unlikely that the site would have any buried human remains.

VI. GEOLOGY AND SOILS

- ai) **No Impact.** The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to prevent development of buildings intended for human occupation in active fault zones where there is a potential for fault rupture. The project area is not located within an Alquist-Priolo fault zone shown on the fault zone map of the area. The closest fault is approximately three-quarters of a mile to the west of the western portion of the project site (California Department of Conservation 1980). Therefore, there is no potential for rupture of an earthquake fault at the project site, and this creek restoration and flood control project would not include inhabitable structures.
- a ii-a iii) **No Impact.** The project site is within the seismically active San Francisco Bay Area and is potentially subject to strong seismic ground shaking during an earthquake on one of the major active earthquake faults in the area. The project is an area identified by the Seismic Hazards Zone map (California Department of Conservation 2004) where liquefaction has occurred or there is potential ground displacement. However, the proposed project would not result in any change that would increase the exposure of people or structures to ground shaking or liquefaction.
- a iv) **No Impact.** There are no landslides within the project area, and the closest are in the hills approximately one mile to the east (City of Fremont 2011). Implementation of the project would neither expose people nor structures to landslides.
- b) **Less Than Significant Impact.** Soil erosion could occur during grading and rock removal along the creek banks. A total of 17,200 cubic yards of fill would be cut from the entire project area and 9,800 cubic yards of soil would be used for fill. A total net 7,400 yards of fill would be cut from the three creek reaches and hauled to an off-site disposal area. In addition, trees and other vegetation would be removed, increasing the potential for erosion. Erosion occurs when soil exposed by grading activities is exposed to heavy winds or rain. While wind can move soils, surface water runoff causes most of the erosion. The site would be most susceptible to erosion during the construction stages, from the initial site grading through excavation, and during placement and compaction of fill. The creek would be dewatered during construction, which would limit the potential for erosion. In addition, with implementation of construction-related best management practices (see BMP-1 and BMP-2), as listed in the project description, no substantial soil erosion would take occur. The site would be revegetated after construction is completed.
- c) **No Impact.** The project would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (City of Fremont 2011).
- d) **No Impact.** There would be no substantial risk to life or property associated with implementing this project due to expansive soils. The project soils in Reach 1 and the western half of Reach 2 are Willows clay, drained. In the eastern half of Reach 2 and Reach 3 the soils are Clear Lake clay, 2-9 percent slopes, drained (United States Department of Agriculture 1981). No buildings would be constructed as a part of this project.

- e) **No Impact.** The project would not result in increased development in the area or a need for septic tanks or alternative water disposal systems. This project would restore the channel to the design capacity and function for existing occupancy within the watershed.

VII. GREENHOUSE GAS EMISSIONS

- a-b) **Less Than Significant Impact.** Although the BAAQMD previously adopted a greenhouse gas (GHG) operational emissions significance criterion for development projects of 1,100 metric ton/year as, there is no similar adopted threshold for project construction emissions. Construction of the proposed project would generate about 159 metric tons of GHG during its six-month construction phase. Because emissions would be short-term (occurring only during construction) and would cease upon completion of construction, GHG from construction activities would not substantially contribute to the global GHG emissions burden. Additionally, this is a routine capital improvement project that would not conflict with any County or State policy to reduce GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

A hazardous material is a substance with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly transported, handled, disposed, or otherwise managed. State agencies most involved in enforcing public health and safety laws and regulations concerning designated hazardous waste or identified contaminated sites include the Department of Toxic Substance Control, the California Occupational Safety and Health Administration, the Office of Emergency Services, State Water Resources Control Board and the Regional Water Quality Control Board, the Air Resources Boards, and the California Integrated Waste Management Board. A hazardous material is defined and regulated by the Resource Conservation and Recovery Act (RCRA) and through the California Code of Regulations Title 22. If improperly handled, hazardous materials and waste can result in public health hazards including a release into the soil or groundwater, or through an airborne release in vapors, fumes, or dust.

- a-b) **Less Than Significant Impact.** Construction materials, which could be considered hazardous, may include fuels, motor oil, grease, various lubricants, and solvents. Hazardous materials from construction equipment would be transported, used, and disposed of in accordance with existing State and Federal regulations and requirements. These regulations stipulate appropriate vehicles and containers for transport, necessary transport procedures, worker training, and disposal requirements. By complying with regulations designed to protect human health and safety and the environment, normal construction and operations activities requiring routine transport, use, or disposal of hazardous materials would not pose a significant hazard to the public. With implementation of construction-related best management practices (see BMP-5), as listed in the project description, the proposed project would have a less than significant impact on the transport, use, and disposal of hazardous materials. There would be no transport, use, storage or potential for an accidental release of hazardous materials after completion of construction.
- c) **Less Than Significant Impact.** Gomes Elementary School is adjacent to the eastern boundary of Reach 3 of the project area. There are no other schools within one-quarter mile of the project site. Hazardous substances would be used and transported during construction as described above in VIII (a-b). Implementation of construction-related best management practices (see BMP-5), as listed in the project description, would protect the students, faculty, and visitors at

the school from hazardous materials. Once the proposed flood control and restoration project is completed, there would be no use, storage, or emission of hazardous materials, substances, or waste.

- d) **No Impact.** The project site is not identified by the State of California as a Hazardous Waste and Substances Site, and no substantial safety hazard to the public or the environment related to project implementation would occur at this site (California Environmental Protection Agency 2011).
- e) **No Impact.** There are no airports or an airport land use plan area within two miles of the project site. The nearest airport is Moffett Federal Airfield in Santa Clara, located approximately 10.7 miles southwest of the site (Google Earth 2012; City of Fremont 2011).
- f) **No Impact.** The project site is not located within the vicinity of a private airstrip (City of Fremont 2011).
- g) **No Impact.** The project would not conflict with the City of Fremont emergency response and evacuation plans. Emergency access would be maintained at all times. Construction would be within the creek area, and there would be designated staging areas for storage of construction equipment, and vehicles would not block roadways. Construction access would be from Las Palmas at flood control channel Line L-2, along the existing flood control maintenance road access, and from Lemos Lane at Gomes Park (Figure 5) (City of Fremont 2011).
- h) **No Impact.** The proposed project is not located within an urban-wildland interface zone, and is three-quarters of a mile west of the nearest fire hazard severity zone (City of Fremont 2011). In addition, BMP-9, listed in Table 2, addresses fire prevention during the construction period. Therefore, there is no risk from wildland fires.

IX. HYDROLOGY AND WATER QUALITY

- a) **Less Than Significant Impact.** The proposed project is not anticipated to violate any water quality standards or waste discharge requirements. As part of Section 402 of the Clean Water Act, the U.S. EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) stormwater program to control stormwater discharges, including those associated with construction activities. The State Water Resource Control Board (SWRCB) implements the NPDES program in California.

The State NPDES stormwater permitting program regulates stormwater quality from construction sites. The State Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and the use of appropriate best management practices (BMPs) for erosion control and spill prevention during construction and permanent post-construction stormwater management measures following construction. Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the Construction General Permit (CGP) for Discharges of Stormwater Associated with Construction Activity (CGP Order 2009-0009-DWQ). This permit went into effect July 1, 2010 and replaces Order No. 99-08-DWQ.

Demolition and construction activities of the proposed project include widening and/or meandering the existing creek channel, constructing earthen berms and bank stabilization

infrastructure, and removing and replacing rock, concrete, and pavement in the creek or on the banks, typical of a creek restoration and flood control project. Development of the project would require excavation, grading, and construction within the creek and adjacent banks. Excavation and grading could result in sediment in the creek. Demolition and construction activities would include the use of gasoline and diesel-powered heavy equipment, such as bulldozers, excavators, dump trucks, backhoes, concrete trucks, pick-up trucks and a dust control water hog/tank. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, solvents, glues, and other substances could be utilized during construction. An accidental release of any of these substances could degrade the water quality of surface water runoff from the site and add pollution into local waterways. On-site portable toilets could leak or tip over and spill, releasing sanitary waste, bacteria, solids, nutrients, and pathogens.

Mission Creek is within the western portion of the Laguna Creek watershed, which has variable runoff and experiences periodic droughts (Dublin San Ramon Services District 2008). The creek starts as a natural meandering creek in the hills to the east, and then becomes channelized in the urban portion of the city, including the project area. At this point Mission Creek is a flood-control channel that flows to the southwest into the Laguna Creek and other engineered channels emptying into the San Francisco Bay about seven miles downstream from the project site. The Bay is on the list of impaired water bodies compiled by the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to the federal Clean Water Act.

Because the State is required to develop action plans and establish Total Maximum Daily Loads (TMDLs) to improve water quality within these water bodies, uncontrolled discharge of pollutants into them would be particularly detrimental. Runoff from the site would enter directly into Mission Creek. The most likely runoff pollutant that would be generated from the site would be sediment created by soil disturbance during or immediately after site grading.

Construction activity subject to the State CGP includes clearing, grading, and disturbances to the ground such as stockpiling, excavation or fill placement for projects that affect greater than one acre. The District will file a Notice of Intent with the SWRCB. Project construction activity could result in potentially significant water quality impacts. Potential release of sediment into the creek would be reduced by conducting all earth-moving activities during the summer dry months. A dewatering plan would be prepared prior to construction and flows would be re-routed around the construction zone. Implementation of the dewatering and sediment settling plans and standard erosion control techniques prior to and during project construction activities, as described in the best management practices in Table 2 would reduce the potential water quality impacts to below a level of significance.

The proposed project qualifies as a “Road and Trail Project” under this permit and would create less than 10,000 square feet of new, contiguous impervious surfaces, and would not increase pollutants or sediments after the construction period. Any additional runoff would be negligible. There are no uses proposed at the project site that would require source control. Therefore, after construction the project would have no adverse impact on water quality.

- b) **Less Than Significant Impact.** No groundwater supplies would be required for restoration purposes; however, minor amounts of groundwater may be encountered and dewatered during construction.

- c) **Less Than Significant Impact.** The proposed project would improve the conveyance of runoff from upstream areas while restoring the banks of the creek and creating meanders in portions of the creek. The meanders would remain within the existing creek floodplain and would not change the course of the creek. Existing drainage patterns would be altered with implementation of the proposed project by using rock grade structures and bed re-configuration. However, these streambed changes would not result in post-construction erosion or siltation or substantially alter the course of the creek.
- d) **Less Than Significant Impact.** The project would not alter drainage patterns or the rate at which runoff is generated. A minimal increase in additional impervious surfaces would lead to a negligible increase in surface water runoff. Therefore, the proposed project which would not cause flooding on-or off-site. Furthermore, the project is designed to increase flood conveyance in the channel, and thereby reduce flooding. Reach 2 would be widened by removing the “V” shaped channel and creating a 40-foot wide box channel, and therefore increasing the capacity of this portion of the creek.
- e-f) **No Impact.** The project would not create or contribute runoff water that would exceed the capacity of planned stormwater drainage systems, provide substantial additional sources of polluted runoff, or otherwise degrade water quality. The project would enhance hydraulic and ecosystem functions.
- g) **No Impact.** The project does not include nor facilitate construction of housing within a 100-year flood hazard area.
- h) **Less Than Significant Impact.** The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide flood insurance to communities complying with FEMA regulations that limit development in floodplains. FEMA issues flood insurance rate maps for communities participating in the NFIP. These maps delineate flood hazard zones for each project site. Executive Order 11988 (Floodplain Management) addresses floodplain issues related to public safety, conservation, and economics. It requires:
- Avoidance of incompatible floodplain development;
 - Consistency with the standards and criteria of the NFIP; and
 - Restoration and preservation of natural and beneficial floodplain values.

The FEMA Flood Insurance Rate Map (FIRM) (FEMA 2009) shows the Mission Creek channel within the project area containing the 100-year flow (labeled as “Zone A,” an area subject to the 1-percent-annual-chance-flood). The surrounding area of the park, school, and adjacent residences are in Zone X. Zone X includes areas that have 1) a 0.2 percent annual chance of flood, 2) where the 100-year flood is less than one foot depth, or 3) have a drainage area of less than one square mile. However, preliminary, site-specific modeling results of the channel show flooding outside the channel at the 100-year flood event. The purpose of the project is to increase flood conveyance in the flood control channel. The project would result in beneficial effects of containing storm flows while minimizing bank erosion. After construction of the proposed flood control and restoration project, the creek would contain the 100-year flood where possible.

- i) **No Impact.** The proposed flood control and restoration project would not expose people or structures to significant loss, injury, or death involving flooding. The inundation areas for the Calaveras, Turner, and Del Valle Dams are to the west of the project site, but the proposed

project is not located within a dam or levee failure zone, and as a creek restoration project it would not expose people or structures to associated hazards (Association of Bay Area Governments 2003).

- j) **No Impact.** A seiche is a standing-wave oscillation of the surface of water in an enclosed or semi-enclosed basin (such as a lake, bay, or harbor) that is initiated by landslides, earthquakes, or other geologic phenomena, and continues after cessation of the originating force. The western portion of the project is about 100 feet east (upstream) of Lake Elizabeth, an 83-acre man-made lake. Although there is a possibility of water from Lake Elizabeth entering the project area during a seiche, the proposed creek restoration project would probably lessen flooding and associated risks because of increased flood capacity due to the project (City of Fremont 2012).

A tsunami is a sea wave produced by any large scale, short duration disruption of the ocean floor, principally by a shallow submarine earthquake, but also by submarine earth movement, subsidence, or volcanic eruption. Tsunamis do not pose an appreciable risk at this inland location with an elevation greater than 90 feet above mean sea level, and there would be not structures or other inhabited areas that would adversely affected by the proposed project.

The terrain immediately around the project area is generally flat. Thus, there is low risk of landslide, mudflow or liquefaction at the project site. The risk of inundation by seiche, tsunami or mudflow is insignificant because the project site is a considerable distance away from any large body of water. Risks associated with inundation by seiche, tsunami, or mudflow would not occur beyond existing conditions. The risk of seiche, tsunami or mudflow at the project site is considered remote.

X. LAND USE AND PLANNING

- a) **No Impact.** The proposed project involves flood control and restoration of a stream in Fremont within the existing channel, banks and immediately adjacent area. The proposed project does not include new facilities that could divide an existing community.
- b) **No Impact.** The proposed project is within areas designated as open space in the City of Fremont General Plan and is consistent with the policies of the General Plan (City of Fremont 2011a). Adjacent areas are designated residential, low density, and the proposed flood control project would help reduce flooding in these areas. In accordance with the purposes of the O-S Open Space District under the City of Fremont’s zoning ordinance, the proposed project would “preserve and enhance the use of open space lands” and “protect the public health, safety and welfare from the dangers of seismic hazards and unstable soils,” by providing flood control and bank stabilization and maintaining or replacing pedestrian paths along the creek and providing bridges for pedestrian crossings (City of Fremont 2011b).
- c) **No Impact.** The project site is not located within an area subject to a known HCP or NCCP. Therefore, there would be no impact.

XI. MINERAL RESOURCES

- a) **No Impact.** The proposed project involves installation of flood control features and restoration of Mission Creek and as of the soil would be balanced on-site as possible. No known mineral resources are present on the project site.

- b) **No Impact.** The project site is not a locally important resource recovery site.

XII. NOISE

Noise is the term generally given to the “unwanted” aspects of intrusive sound. Many factors influence how a sound is perceived and whether it is considered disturbing to a listener, including the physical characteristics of sound (e.g., loudness, pitch, duration, etc.) and other factors relating to the situation of the listener (e.g., the acuity of a listener’s hearing, the activity of the listener during exposure: sleeping, working, etc.). Environmental noise has a number of documented undesirable effects on human health and welfare, both psychological (e.g., annoyance and speech interference) and physiological (e.g., hearing impairment and sleep disturbance). The decibel (dB) is the standard measure of loudness relative to the human threshold of perception.

The *City of Fremont General Plan Safety Element* (Noise and Vibration chapter) identifies motor vehicles, trains, industrial uses and mechanical equipment as the City’s most significant noise sources. Other areas of the City are substantially affected by noise from such large transportation and stationary sources, but the project site is in a low-density residential area and adjacent to a school site (i.e., John Gomes Elementary School to the northeast) without any significant local noise sources. Mission Boulevard (State Highway 238) is the closest major road, but it is more than 1,500 feet from the project site with many rows of houses intervening. No major arterial roads pass through the project site; all local streets are cul-de-sacs with very low traffic volumes. Traffic noise contours presented in the *Safety Element* (Diagram 10-9) show that daily average noise levels on and around the project site are presently at or below 55 dB and are expected to remain so through the year 2030 (City of Fremont 2011a).

There following policies and implementations taken from the *Safety Element* are relevant to assessing the noise impacts of the proposed project

Policy 10-8.1 (Site Development Acceptable Noise Environment) with Implementation 10-8.1.A (Noise Standards)

- The goal for maximum acceptable noise levels in residential areas is an L_{dn} ¹ of 60 dB ... [it] will be applied where outdoor use is a major consideration (e.g., backyards in single family developments and recreation areas in multifamily projects); and
- Indoor noise level shall not exceed an L_{dn} of 45 dB in new housing units; and
- Typical maximum instantaneous noise level in bedrooms at night should not exceed 50 dB; typical maximum instantaneous noise levels in other rooms and bedrooms during the daytime should not exceed 55 dB.

Policy 10-8.3 (Noise Environment Protection)

Protect existing residential neighborhoods from noise. In general, the City will require the evaluation of mitigation measures for projects under the following circumstances:

- The project would cause the L_{dn} to increase by five dB or more but would remain below 60 dB; or
- The project would cause the L_{dn} to increase by three dB or more and exceed 60 dB; or
- The project has the potential to generate significant adverse community response due to the unusual character of the noise.

¹ L_{dn} is a 24-hour average noise level where noise occurring after 10 pm and before six am has a 10 dB “penalty” added to it before the average is taken. Thus, an L_{dn} is always higher than the straight 24-hour average.

Policy 10-8.5 (Construction Noise Levels) with Implementation 10-8.5.B (Construction Noise Mitigation)

Control construction noise at its source to maintain existing noise levels, and in no case to exceed the acceptable noise levels.

- Continue to apply the construction hours ordinance to new development to limit noise exposure created by construction activity. Apply best practices to further limit noise in sensitive areas and long term projects, such as maintaining construction equipment in good condition and use of mufflers on internal combustion engines, installation of temporary noise barriers, prohibiting extended idling time of internal combustion engines, locating staging areas away from sensitive receptors and other feasible best management practices.

Vibrating objects in contact with the ground also radiate energy through the ground. If such an object is massive enough and/or close enough to an observer, the ground vibrations can be perceptible and, if the vibrations are strong enough (as measured in vibration decibels, abbreviated VdB) cause damage to existing buildings. Background ground vibration levels in most inhabited areas are usually 50 VdB or lower, well below the threshold of perception (i.e., typically about 65 VdB).

The Federal Transit Agency (FTA) has developed criteria for judging the significance of vibration produced by transportation sources and construction activity. These same standards have been adopted by the City and incorporated into the *Safety Element* (Policy 10-8.10, Implementation 10-8.10.A). Under FTA criteria, limiting vibration levels to 94 VdB or less would avoid structural damage to wood and masonry buildings (which are typical of residential uses), while limiting vibration levels to 80 VdB or less at residential locations would avoid significant annoyance to the occupants (FTA 2006).²

- a) **Less Than Significant Impact.** Project construction would occur over approximately six months. Construction activities would vary in duration and would include fencing, site preparation, excavation, placement of bridges and retaining walls, paving, and replanting. Such activities would require the use of off-road heavy trucks, excavators, backhoes, a crane, concrete mixers/trucks, and other types of mobile and stationary construction equipment.

At present, the daily average noise background levels on and around the project site are at or below 55 dB according to the noise contour map presented in the *Safety Element* (Diagram 10-9); these levels are considered optimal for residential and educational uses under City policies and standards. However, project construction activities would expose the adjacent surrounding residential uses and the John Gomes Elementary School to outdoor noise levels substantially higher than those considered ideal for these uses. The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) was used to estimate the maximum and average outdoor noise levels during the construction day (eight hours) that the closest residences would experience, as presented in Table 5 below (FHWA 2006).

Table 5: Noise Levels During Construction

Receptor	Average Distance from Construction (feet)	Maximum Construction Daytime Noise Level (dB)	Average Construction Daytime Noise Level (dB)
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² The FTA vibration annoyance threshold is sensitive the number of daily vibration events affecting a receptor. If such events are 30 or fewer, the 80 VdB limit applies, but the limit drops to 72 VdB if the number of events is 70 or more.

Receptor	Average Distance from Construction (feet)	Maximum Construction Daytime Noise Level (dB)	Average Construction Daytime Noise Level (dB)
Closest Residential Reach 2	50	81	78
Closest Residential Reach 3	350	64	62
John Gomes Elementary School	150	71	69

Source: Federal Highway Administration, Roadway Construction Noise Model (RCNM).

Consequently, daily average noise in residential and school areas adjacent to the project site would rise to less ideal levels (i.e., above 60 dB, which is defined as “conditionally acceptable” in the *Safety Element*, Table 10-4). City policy would require a noise reduction plan to reduce project construction noise impacts to the maximum feasible extent; BMP-11 (as described in Table 1) is proposed below to this purpose. Considering that the entire duration of project construction is about six months and that the purpose of the project is improved public safety (i.e., flood control), in most cases the proposed mitigation would either reduce outdoor noise levels in adjacent areas to avoid significant interference with normal activities, or temporary voluntary shifts by residents and students to less-affected outdoor or indoor spaces could be accommodated without substantial inconvenience to allow normal community activity to continue until project construction is complete.

For short periods of time during the construction window, the noise exposure of the residents adjacent to and north of Reach 2 would be higher than that of other residents in reach 3 or the school. Most of the Reach 2 homes come as close as 20-40 feet of their south property line, which is the north boundary of the project site in Reach 2. During the estimated six weeks of work of channel excavation and retaining wall construction in Reach 2, the associated equipment would be operating part of the time within 40-60 feet of these homes and there are no solid property-line walls to block noise propagation (only a chain link fence). Retaining wall construction would progress along the creek—with the locus of pier drilling noise staying on average only 2-2.5 days per parcel along Reach 2. In addition, the soldier pile retaining wall will be constructed with cast-in-place drilled holes—no vibratory hammering will occur, thereby eliminating a potential significant noise source. Similarly, work within Reach 2 for demolition and channel excavation would also progress linearly along the creek.

The point source of the noise would be variable, as the equipment would move along the reach rather than operating in a stationary position. Peak noise will be more temporal as the work proceeds down the linear reach, thus the exposure will be brief. Outdoor noise levels in their backyards would be 78 dB (workday average) and 81 dB (workday maximum) per model estimate (single family residential backyards are identified in the *Safety Element* as especially sensitive noise receptors, i.e., areas where “*outdoor use [undisrupted by noise] is a major consideration*” under Implementation 10-8.1.A).

The following BMPs would be incorporated into the construction documents to be implemented by the project contractor:

- Provide noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site.

- Use quietest type of construction equipment whenever possible, particularly air compressors.
 - Provide sound-control devices on equipment no less effective than those provided by the manufacturer.
 - Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors.
 - Prohibit unnecessary idling of internal combustion engines.
 - Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site.
 - Limit project construction activity to the weekday hours of seven a.m. to seven p.m. and the Saturday hours of nine a.m. to six p.m., with Sunday construction not allowed per City noise ordinance.
- b) **Less Than Significant Impact.** The construction equipment to be used for the proposed project with the maximum potential for causing vibration impacts are off-road trucks and dozers. According to FTA vibration screening methods, at least a 40-foot separation would be required between the locus of equipment activity and sensitive receptors to assure that the 80 VdB annoyance impact criterion would not be exceeded. As this is the case for project construction in Reach 2, significant vibration impacts would be unlikely.
- c) **No Impact.** The proposed project's only purpose is the construction of flood-control improvements. Once the proposed project is complete, it would have no permanent operational noise or vibration impacts.
- d) **Less Than Significant Impact.** In addition to the instances identified above (see Item (a) discussion) where the proposed project would exceed City absolute noise level standards without mitigation, there are cases where it could threaten City incremental standards as well. *Safety Element Policy 10-8.3* protects existing residential neighborhoods from noise and prohibits any project from causing a three dB or more increase in daily noise levels in neighborhoods where the existing daily levels are below 60 dB. Also, it defines a significant impact where any project has the potential to generate significant adverse community response due to the unusual character of the noise it generates. It is very likely that daily noise levels in the residential areas adjacent to the project site would easily exceed the three dB incremental standard, and since construction projects of a similar size and duration as the proposed project are not a "usual" occurrence in this neighborhood, the proposed project has the potential to generate significant adverse community response without the inclusion of appropriate measures for the incremental impacts. However, implementation of BMP-11 (see Table 1) would assure that the proposed project's incremental noise impacts are less than significant.
- e) **No Impact.** The project site is not located within two miles of any airport. Additionally, the project involves no changes that would result in exposure to new airport noise.
- f) **No Impact.** The proposed project is not located in the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING

a-c) **No Impact.** The proposed project involves flood control and restoration of a channel. The project would not include the development of people-attracting elements, nor would it eliminate any current barriers to the development of people-attracting elements by others. The adjacent areas are already built-out with residences, a school, golf course, and urban park. Therefore, the project would neither directly nor indirectly induce population growth. Ground disturbing activities of the project would occur within existing County right-of-ways. Displacement of people, homes, or other structures would not occur. The flood control provisions in the proposed project would increase protection from flooding of adjacent residences.

XIV. PUBLIC SERVICES

ai-av) **No Impact.** The proposed project involves upgrading existing flood control facilities and enhancing riparian function while reducing flooding. The project does not include provision of new or physically altered government facilities. The project would not induce population growth nor does it include population-attracting elements that could contribute to a need for new or altered government services necessary to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks and recreational facilities, or other government facilities.

XV. RECREATION

- a) **Less than Significant.** The proposed project is located within an urban park/open space. The proposed flood control and restoration project would neither directly nor indirectly induce population growth and does not otherwise propose activities or have facilities that could increase the use of existing recreational facilities. The project would have a less-than-significant impact on recreation.
- b) **No Impact.** The project does not include nor require expansion or construction of new recreational facilities. Therefore, no impact would occur.

XVI. TRANSPORTATION AND TRAFFIC

The rate at which traffic moves through intersections (quickly or slowly) indicates how well the circulation network is functioning for vehicular traffic. It is standard practice to measure the performance of an intersection in terms of Level of Service (LOS), which is a system by which the level of congestion can be given a letter grade based on vehicle delay. LOS “A” indicates a facility with little congestion and LOS “F” indicates a highly congested facility. The Alameda County Congestion Management Agency (CMA) has a Congestion Management Program (CMP). The CMP includes operating standards for key roads and freeways. Most cities seek to maintain a level of service of “D” or better at peak times. Intersections approaching their capacity are at LOS “E”. The City of Fremont General Plan, Mobility Element, identifies the worst intersections in the City by LOS during AM and PM peak hours (City of Fremont 2011a).

During construction, the proposed flood control and creek restoration project would require 17,200 cubic yards of soil to be cut from the bed and banks and 9,800 cubic yards of this soil to be used as fill

at the site. This would result in 7,400 cubic yards of fill that would have to be removed from the site and disposed of. The soil would be placed into trucks and delivered to a designated disposal site.³

- a) **Less Than Significant Impact.** The proposed flood control and restoration project would not generate any additional traffic after the completion of construction. During construction, traffic from construction vehicles would be minimal in relation to existing traffic. Transport of soil from the flood control channel to the landfill would require truck travel from the project site. The total off-haul would be about 7,400 cubic yards. Estimating that each truck could hold about 10 cubic yards of soil, there would be a total of 740 trucks trips to the disposal site. An excavator with a one cubic yard bucket could remove approximately 50 cubic yards per hour. At this rate approximately five standard dump trucks could be filled per hour. Based on the Institute of Transportation Engineering Handbook, each truck trip is equivalent to 2.5 passenger car trips. Five loads per hour equals 10 one-way truck trips, or 25 passenger car trips per day. Assuming a maximum seven-hour daily haul period, there would be approximately 175 passenger car trips per day. A haul period of seven hours avoids the peak traffic periods of seven to nine a.m. and four to six p.m. Because there would be no increase in traffic during peak periods, the project would not result in a substantial increase in traffic relative to the existing traffic load and capacity of the local street system. The impact would be less than significant.
- b) **Less Than Significant Impact.** The Alameda County CMA has adopted criteria for evaluating potentially significant impacts to regional roadways in the County (Alameda County CMA 2009). The criteria in the Alameda County CMP states that any project that would generate 100 additional p.m. peak-hour trips could potentially impact the regional system; therefore, a LOS analysis for roadway segments within the project study area must be prepared. Trucks hauling sediment materials to the landfill site and returning to the project area would not operate during peak traffic periods (seven to nine a.m. and four to six p.m.). The proposed project would not increase peak period traffic trips and would not exceed, either individually or cumulatively, an LOS standard established by CMA. The impact would be less than significant.
- c) **No Impact.** The project has no air traffic component and no change in air traffic patterns would occur.
- d) **No Impact.** The project has no traffic design features associated with construction of the project. There are no agricultural features associated with the area surrounding the project site where incompatible uses would be affected.
- e) **Less Than Significant Impact.** The proposed project would not block or alter emergency access. The County is aware of the mandate of first responders, and would contact area first responders to notify them of project startup prior to initiation of construction activities. The impact would be less than significant.
- f) **No Impact.** No parking would be removed under the proposed project, nor would additional parking demand be generated. Construction personnel would park either within designated access and staging areas in upland areas of Gomes Park, and/or on the top of the existing maintenance access roads between Lines M-1 and L-2, north or Mission Creek and between Reaches 1 and 2.

³ Twenty miles is the default assumption for haul truck trips in the BAAQMD CEQA Guidelines (BAAQMD 2011).

- g) **Less than Significant.** The project would not include physical elements or activities that could conflict with adopted policies, plans, or programs supporting alternative transportation. Accessibility to alternative transportation would not be altered by project haul activities during construction. During construction, portions of public pathways would be closed, and detours would be provided if possible.

XVII. UTILITIES AND SERVICE SYSTEMS

- a-e) **No Impact.** Because the project is a flood control and stream restoration project, it would have no impact on utilities and service systems. The project would not induce population growth nor does it include people-attracting elements that could contribute to a need for new or altered utilities or service systems, including, but not limited to, wastewater transport and treatment, potable water transport and treatment, stormwater transport, and solid waste disposal.
- f-g) **Less Than Significant Impact.** Approximately 7,400 cubic yards of soil would be hauled to a landfill in Livermore or closer location. These soils could be used as cover over materials that are disposed of at the landfill, and would not adversely affect landfill capacity. The proposed project would comply with federal, state, and local statutes and regulations related to solid waste. A majority of the material removed from the site would be clean soil and rock, which are not regulated as solid waste (CalRecycle 2012). Other material, such as concrete from culverts and pieces of bridges and pipes would be disposed of in compliance with applicable regulations.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Less than Significant Impact with Mitigation.** The proposed flood control and restoration project in an urban environment does not have the potential to cause fish or wildlife populations to drop below self-sustaining levels or threaten to eliminate a plant or animal community. The proposed project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, or to eliminate important examples of the major periods of California history or prehistory. As discussed in Section IV, with the implementation of avoidance measures the project would also not reduce the numbers of a rare or endangered species. Additionally, in the long term, the proposed project would have a beneficial impact on biological resources by restoring and expanding wetland and riparian habitat along the creek.
- b) **No Impact.** The proposed project would not result in impacts that are individually limited, but cumulatively considerable. Impacts from the project are temporary and would occur during construction. Cumulative impacts during construction may include air quality, biological resources, hydrology and water quality, noise, and traffic. The proposed project is designed to address flooding from 100-year flood, so that it would provide a beneficial cumulative effect for other projects proposed in the area.

The following projects are planned or anticipated by the District along Mission Creek (Line L):

- 1) **Lemos Lane Crossing Improvements.** This project involves adding a double 8'x8' box culvert at Lemos Lane and modification of upstream and downstream concrete transition structures. This is planned for summer 2014 or 2015 construction.

The only project that is proposed by the District that has the potential for cumulative impacts is the Lemos Lane Crossing Improvements. This project may be constructed during the same time period as the proposed project, while the other projects are expected to be constructed at a later

time or have not been scheduled for construction. The Lemos Lane Crossing Improvements would not result in a significant cumulative effect on air quality, biological resources, noise, and traffic because construction would be minimal.

No projects are proposed on adjacent public property that would result in cumulative impacts. There are no projects in Gomes Park or other City of Fremont parks that would result in a cumulative impact (City of Fremont 2013). The Fremont Unified School District just began to develop a Long Range Facilities Plan, and there are no projects currently proposed for Gomes Elementary that would be considered cumulatively significant (Fremont Unified School District 2013).

- c) **Less than Significant with Mitigation Incorporation.** The proposed project, including the District's BMPs listed in Table 1, would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

REFERENCES CITED:

XIX. **These references provide adequate support for the “No Impact” response. References cited are available for review at the Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, CA, unless otherwise noted.**

- Alameda County. 1966, Amended 1994. *Scenic Route Element of the General Plan*. May 1966, Amended May 5, 1994. Retrieved on July 13, 2012 from http://www.acgov.org/cda/planning/generalplans/documents/Scenic_Route_Element_General_Plan_1966.pdf.
- Alameda County Assessor. 2006. Alameda County Williamson Act Lands, 2006-2007. Retrieved on July 24, 2012 from <ftp://ftp.consrv.ca.gov/pub/dlrp/WA/Map%20and%20PDF/Alameda/ala%20county%202006-2007.pdf>
- Alameda County. 1977. *Specific Plan for Areas of Environmental Significance*. May 1977.
- Alameda County Congestion Management Agency. 2009. *2009 Congestion Management Program*. Retrieved on January 3, 2012, from http://www.accma.ca.gov/pdf/reoccurring_reports/congestion_management_program/2009_congestion_management_program/2009_CMP_Chapter_3.pdf.
- Alameda County Planning Department. April 1977. *Alameda County Airport Land Use Policy Plan and Environmental Impact Report*.
- Association of Bay Area Governments (ABAG). 2003. *Bay Area Dam Failure Inundation Maps from ABAG*. Retrieved on August 28, 2012 from <http://www.abag.ca.gov/bayarea/eqmaps/damfailure/dfpickc.html>.
- California State Department of Conservation, Geological Survey. 2010. Retrieved on August 9, 2012, from http://www.quake.ca.gov/gmaps/ap/ap_maps.htm.
- California Department of Fish and Game, California Natural Diversity Database (CNDDDB). 2012. Records of Occurrence for Alameda County.
- Basin Research Associates. 2011. *Cultural Resources Records Search and Field Review. Zone A, Line L, Mission Creek, between Lake Elizabeth and Lemos Lane, City of Fremont, Alameda County, California*. March 2011.
- Basin Research Associates. 2013. *Memo from Colin Busby, to Jim Browne, Alameda County Public Works Agency*. July 18, 2013
- Bay Area Air Quality Management District (BAAQMD). 2011. *California Environmental Quality Act Air Quality Guidelines*. May 2011.
- California Air Resources Board (CARB). 2007. *EMFAC2007 Users Guide Version 2.3*.
- California Department of Conservation. 2012. Farmland Mapping and Monitoring Program. Retrieved on July 2012 from <http://www.conservation.ca.gov/dlrp/FMMP/Pages/Index.aspx>.

- California Department of Conservation. 1980. "State of California Special Studies Zones," Niles Quadrangle, Revised Official Map, Effective January 1, 1980.
- California Department of Conservation. 2004. "State of California Seismic Hazard Zones," Niles Quadrangle, October 19, 2004.
- California Department of Transportation. 2007. California Scenic Highway System. Retrieved on July 13, 2012 from http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm.
- California Environmental Protection Agency. 2011. Cortese List: Section 65962.5. Last updated on October 6, 2011. Retrieved on August 21, 2012 from <http://www.calepa.ca.gov/sitecleanup/corteselist/SectionA.htm>.
- Cardno Entrix. 2012. 30 Percent Review Incomplete Plan, Mission Creek. June 2012.
- California Regional Water Quality Control Board, San Francisco Bay Region, 1995. *Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan)*.
- CalRecycle. 2012. Questions and Answers: Construction and Demolition and Inert Debris Transfer/Processing Regulations. Last updated on February 23, 2012. Retrieved on February 14, 2012 from <http://www.calrecycle.ca.gov/LEA/regs/Implement/CDIQA.htm>
- City of Fremont. 2009. City of Fremont, Union Pacific Railroad Corridor Trail Feasibility Study, PWC 8617. Prepared by Questa Engineering Corporation. June 2009.
- City of Fremont. 2011a. *General Plan*. December 13, 2011. Retrieved on July 5, 2012 and August 21, 2012 from <http://www.fremont.gov/DocumentCenter/Home/View/6649>.
- City of Fremont. 2011b. *Zoning Atlas*. Updated June 21, 2011, page 578-C-384. Retrieved on July 5, 2012 from <http://www.fremont.gov/DocumentCenter/Home/View/1990> and <http://www.codepublishing.com/ca/fremont/>.
- City of Fremont. 2012. Central Park, Lake Elizabeth. Retrieved on September 3, 2012 from <http://www.fremont.gov/index.aspx?NID=317>.
- City of Fremont. 2013. Park Projects. Retrieved on March 15, 2013 from <http://www.fremont.gov/index.aspx?NID=317>.
- Department of Conservation, Division of Land Resource Protection. 2000. *Alameda County Important Farmland 2000*.
- Federal Emergency Management Agency (FEMA). 2009. National Flood Insurance Program. Flood Insurance Rate Map, Alameda County, California and incorporated areas. Community-Panel Number 06001C0462G. August 3.
- Federal Highway Administration (FHWA). 2006. *Roadway Construction Noise Model User's Guide*, January 2006.
- Federal Transit Agency (FTA). 2006. Transit Noise and Vibration Impact Assessment, May 2006.
- Fremont Unified School District. 2013. Facilities Planning. Retrieved on March 25, 2013 from <http://www.fremont.k12.ca.us/Page/21859>.

- Google Earth. 2012. Google Earth search of vicinity of Mission Creek for airports. Retrieved on July 12, 2013.
- Herschy Environmental, Inc. 2008. "Results of November 2007 Quarterly Groundwater Monitoring", Alaska Gasoline Company, 6211 San Pablo Avenue, Oakland California", Case No. RO0000127. January 16.
- Jones and Stokes. 2002. Results of the California Red-Legged Frog Site Assessment and Protocol-level Surveys in the Proposed BART Warm Springs Extension Project Area in the City of Fremont.
- Jones and Stokes. 2006. BART Warm Springs Extension Final Environmental Impact Statement.
- Lakes Environmental. No Date. *CALRoads View User's Guide*.
- National Oceanic Atmospheric Association, National Geophysical Data Center. 2001. *Results of Tsunami Run-up Database Search for U.S. and Central American West Coast*.
- Office of Environmental Health Hazard Assessment (OEHHA). 2003. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*, August 2003.
- Pacific Biology. 2013. Biological Assessment, Mission Creek Restoration Project.
- Pullen, Joel Planner, City of Fremont. Personal Communication, March 15, 2013.
- South Coast Air Quality Management District (SCAQMD). 2011. *California Emissions Estimator Model (CalEEMod) User's Guide*, Appendix D, Table 3.4 - OFFROAD Equipment Emission Factors. February 2011.
- United States Department of Agriculture. 1981. *Soil Survey of Alameda County, California, Western Part*.