

MINUTE ITEM CO5

W 23665

Howe

APPROVE A GENERAL PERMIT — PUBLIC AGENCY USE

Calendar Item CO5, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item CO5

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CALENDAR PAGE	_____
MINUTE PAGE	_____

CALENDAR ITEM

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02/05/92
W 23665
Howe

APPROVE A GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT:

East Bay Regional Park District
11500 Skyline Boulevard
Oakland, California 94619-2443

AREA, TYPE LAND AND LOCATION:

A 2.30-acre land bank parcel held as sovereign land at Wildcat Creek in Richmond, Contra Costa County.

LAND USE:

Construct staging area for recreational use for Wildcat Creek trail.

TERMS OF PROPOSED PERMIT:

Initial period:
Forty-nine (49) years beginning March 1, 1992.

CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. This calendar item is in follow up to an approval for use of a five-acre land bank parcel acquired in 1986. The State Lands Commission authorized the purchase on March 27, 1986, as Calendar Item No. 26. The parcel was to be used, in part, for an environmentally enhanced flood control project and, in part, for recreation and public access. Because the users'

CALENDAR PAGE	13
MINUTE PAGE	258

(Contra Costa County Flood Control and Water Conservation District and East Bay Regional Park District [EBRPD]) projects are compatible, staff requested each agency receive a permit for a specific use area. At its meeting of June 3, 1989, the Commission granted a Public Agency Permit to the County. Now EBRPD is requesting a lease for the remainder of the parcel to create a public access trail and a recreational facility.

EBRPD is in the process of acquiring a remnant parcel from the County of Contra Costa for the purpose of access to the State's parcel. Issuance of this lease will be contingent upon EBRPD's completion of the acquisition.

Through a multi-agency planning effort, a Consensus Plan was developed for an environmentally enhanced flood control project constructed jointly by Contra Costa County and the United States Army Corps of Engineers in the Wildcat-San Pablo Creeks drainage system. The State parcel was a key segment of the project's redesign to avoid damaging valuable existing riparian habitat in the floodplain. Now that completion of the flood control project is at hand, EBRPD is requesting a Commission permit to create staging areas to provide public access and recreational facilities on the remaining portion of the parcel. This integrated effort is integral to successful implementation of the Consensus Plan concept. Under CEQA, EBRPD is the lead agency and SLC is the responsible agency.

2. A Finding of No Significant Impact (FONSI) SCH 90040175, was prepared and adopted for this project by the United States Army Corps of Engineers. EBRPD acted on February 4, 1992 as the CEQA Lead Agency for the project and has adopted the USACE FONSI as a CEQA equivalent document under Section 15221 et seq. of the CEQA Guidelines. Potential impacts addressed in the FONSI which may result from this project will not occur on land under the jurisdiction of the State Lands Commission. The State Lands Commission's staff has reviewed such document.

APPROVALS OBTAINED:

The EBRPD, San Francisco Bay Conservation and Development Commission (BCDC), United States Army Corps of Engineers, and Contra Costa County Board of Supervisors have approved the Consensus Plan referenced above, including that element which describes the use of the proposed lease parcel for recreation and staging area.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Finding of No Significant Impacts.
- D. EBRPD Notice of Determination.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A FINDING OF NO SIGNIFICANT IMPACT, SCH 90040175, HAS BEEN PREPARED FOR THIS PROJECT BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND ADOPTED BY THE EBRPD AS A CEQA EQUIVALENT DOCUMENT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. AUTHORIZE ISSUANCE TO EAST BAY REGIONAL PARK DISTRICT OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING MARCH 1, 1992, OR UPON ACQUISITION BY THE DISTRICT OF ACCESS TO THE SUBJECT PARCEL, WHICHEVER IS LATER, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR RECREATIONAL USES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF. IF CONSTRUCTION OF THE PROJECT HAS NOT COMMENCED WITHIN FIVE YEARS, AUTHORIZATION WILL BE RESCINDED.

EXHIBIT "A"

A portion of that parcel of land in Contra Costa County, State of California, described in the deed to the State of California as Parcels 1 & 2, and recorded June 30, 1986 in Book 12969 of Official Records at Page 560, records of said County.

Described as follows:

Beginning at the most northwesterly corner of said State of California Parcel 1 (12969 O.R. 560): thence leaving said Point of Beginning along the northwesterly lines of said Parcels 1 & 2 N 68° 50' 00" E, 443.01 feet to the most northerly corner of said Parcel 2; thence along the northeasterly line of said Parcel 2, S 28° 40' 00" E, 257.01 feet; thence leaving said line along the arc of a non-tangent curve concave to the north the center of which bears N 27° 35' 28" W, having a radius of 570.37 feet through a central angle of 41° 38' 44", an arc distance of 414.58 feet to the point of a compound curve; thence northwesterly along the arc of a tangent curve to the northeast having a radius of 286.02 feet, through a central angle of 31° 12' 38", an arc distance of 155.80 feet to the west line of said Parcel 1 (12969 O.R. 560); thence along said line North 37.19 feet to the Point of Beginning.

END OF DESCRIPTION

REVISED MARCH 20, 1991 BY BOUNDARY DETERMINATION UNIT 4,
R. LA FORCE, SUPERVISOR.

CALENDAR PAGE	16
MINUTE PAGE	250

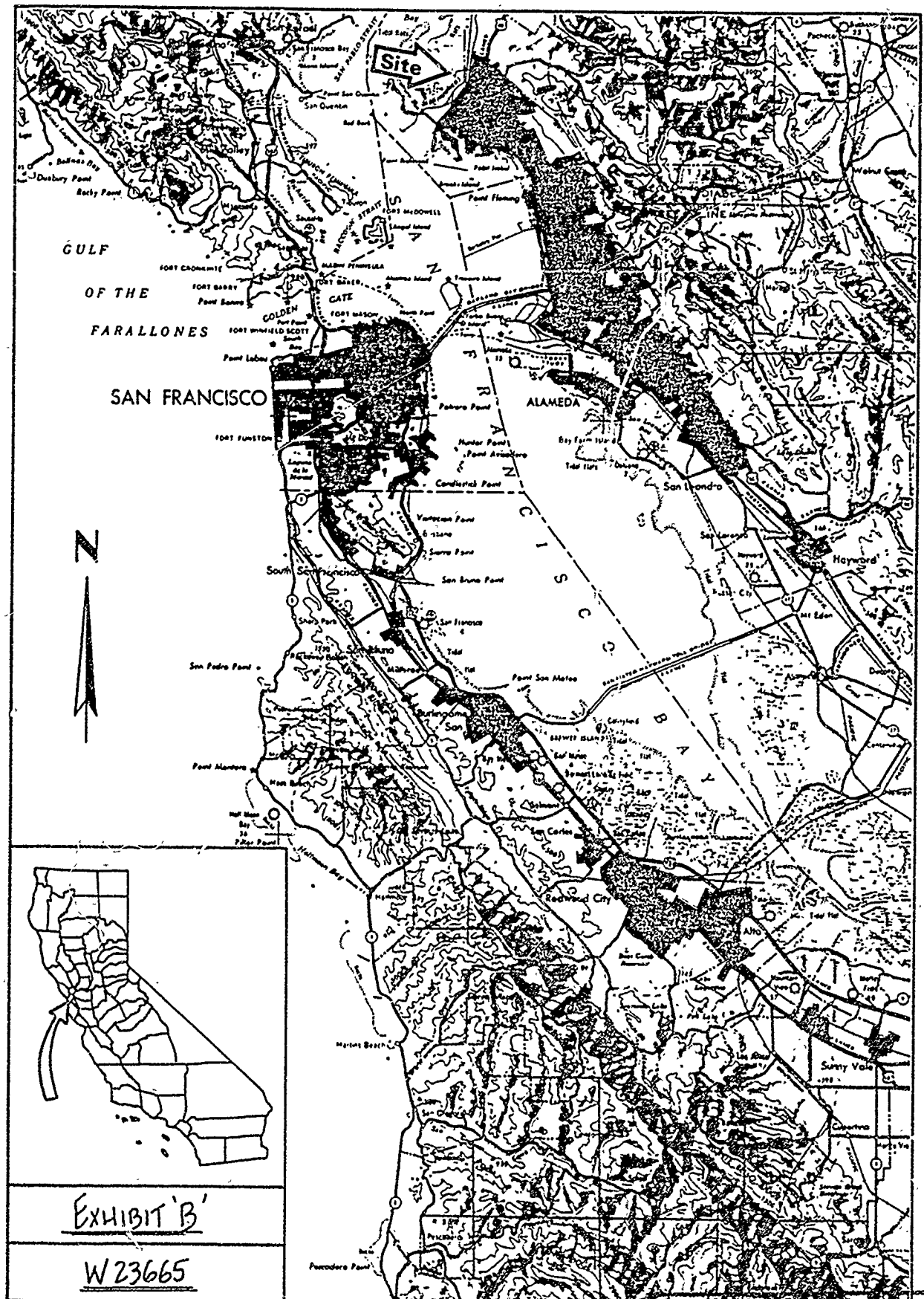


EXHIBIT 'B'

W 23665

CALENDAR PAGE _____
 MINUTE PAGE _____

REPLY TO
ATTENTION OF

Environmental Resources Branch

DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO CALIFORNIA 95814 4794

February 8, 1991

REC'D FEB 28 1991

FINDING OF NO SIGNIFICANT IMPACTS

WILDCAT AND SAN PABLO CREEKS
RECREATION FACILITIES

CONTRA COSTA COUNTY, CALIFORNIA

1. I have reviewed and evaluated information presented in the environmental assessment (EA) which describes the proposed recreation facilities along Wildcat and San Pablo Creeks in conjunction with the flood control project currently under construction. During this review and evaluation, I have carefully considered the views of other agencies, organizations, and individuals on potential environmental impacts of the project.
2. The possible consequences of conducting the work described in this EA have been studied with consideration given to environmental, social, economic, and engineering feasibility. In evaluating the impacts of the proposed action, specific attention has been given to significant environmental conditions that could potentially be affected. The impacts have been coordinated thoroughly with U.S. Fish and Wildlife Service, Bureau of Reclamation, California Department of Fish and Game, and the State Department of Water Resources.
3. Based on my review of the above referenced document, and my knowledge of the project area, I am convinced that the proposed recreation facilities for the Wildcat Creek and San Pablo Creek project is the most logical and desirable alternative. Furthermore, I have determined that there will be no significant effects on the environment caused by the construction and use of these recreation facilities. Therefore, an EA and Finding of No Significant Impacts provide adequate environmental documentation, and no further environmental document is required.

12 Feb 91
Date

Laurence R. Sadoff
LAURENCE R. SADOFF
COL, EN
Commanding

CALENDAR PAGE	18
MINUTE PAGE	210

ENVIRONMENTAL ASSESSMENT

Wildcat and San Pablo Creeks Recreation Facilities February, 1991

1.0 PURPOSE OF THIS ENVIRONMENTAL ASSESSMENT (EA)

This EA is being prepared to address the environmental impacts of the proposed recreation facilities for Reach 1, Wildcat and San Pablo Creeks, Contra Costa County, California. Comments and suggestions were solicited from concerned Federal and State resource agencies, city and county governments and offices, conservation organizations, and members of the general public who may be affected or have an interest in the proposed facilities.

This document has been amended since the draft EA was circulated in October, 1990. The changes reflect the modification or deletion of facilities from the original plan. The facilities that have been eliminated are the observation platform and its associated interpretive signs overlooking Wildcat Marsh. The staging area will consist of an access from Richmond Parkway and an unfinished gravel parking area, there will no longer be restrooms or a picnic area.

2.0 BACKGROUND AND PROJECT AUTHORIZATION

The proposed recreation facilities are included as an integral element of the approved flood control project for Wildcat and San Pablo Creeks. The U.S. Army Corps of Engineers (Corps) was authorized to investigate flood control solutions on Wildcat and San Pablo Creeks by Section 208 of the 1960 Flood Control Act in accordance with recommendations by the Secretary of the Army and the Chief Engineer; Section 201 of Public Law 89-298, 1965 Flood Control Act; Resolutions of the Committee on Public Works and Transportation, U.S. House of Representatives on June, 1976, and the Committee on Public Works, U.S. Senate, June 15, 1976.

The Corps studied alternatives for flood protection and recommended a comprehensive channel improvement plan that included recreational and environmental benefits. Flood control design work by the Corps was suspended in 1980 and then resumed in 1983 when sponsor support was finalized. The project final Supplemental Environmental Impact Statement (EIS) was filed in April, 1985.

Channel construction for Contract 1 was completed in 1988. This portion of the project consisted of channel work along Wildcat Creek from the marsh to 3rd Street and along San Pablo Creek from the marsh to Landfill Road. Contract 2 of the flood control project is from the termination of Contract 1 on both Wildcat and San Pablo Creeks to the Southern Pacific Railroad (SPRR) tracks.

Contract 2 was completed in May, 1990. Contract 3 on both creeks is from the SPRR tracks to the Atcheson, Topeka & Santa Fe (AT&SF) tracks and is scheduled for construction in the summer of 1991.

Wildlife habitat restoration is presently in progress. The plant communities that served as wildlife habitat prior to channel construction will be replanted on the new banks and along both sides of the low flow channels. The work was previously coordinated with Federal and State fish and wildlife agencies and others.

3.0 PROJECT LOCATION AND ENVIRONMENTAL SETTING

Wildcat and San Pablo Creeks drain adjoining basins within Contra Costa County, California. The basins lie north and northeast of the City of Berkeley and are separated by San Pablo Ridge. Wildcat Creek drains a long narrow basin of 11 square miles, and San Pablo drains about 42 square miles. The two creek basins combine into a common flood plain starting in the City of San Pablo in the vicinity of 23rd Street in San Pablo. Development in the basin ranges from urban and suburban in the downstream portions to park and agriculture used in the upstream reaches.

The flood plain is located near the population centers adjacent to San Francisco Bay and is readily accessible by existing and planned freeways, railroads, air service and deepwater ports. The SPRR and AT&SF tracks separate the community of North Richmond. The project is area in the center of a land use complex that includes residential, commercial, industrial, and agricultural lands.

The recreation facilities addressed in this EA extend from San Pablo Marsh to Rumrill Road along Wildcat Creek north of Richmond.

4.0 DESCRIPTION OF RECREATION WORK

The proposed recreation design calls for a recreation trail along Wildcat Creek from San Pablo Marsh to Rumrill Road. Facilities include a paved trail, landscaping, pedestrian bridge at the SPRR and AT&SF railroads, and gravel parking area. The recreation design has been cooperatively developed by the Wildcat and San Pablo Design Team consisting of Federal, State, local agencies and concerned citizens.

The economically depressed North Richmond community would directly benefit from the flood protection and integrated recreation facilities constructed along Wildcat Creek. The proposed recreational amenities for the area have elicited a positive response from neighborhood supporters who promote the connection by trail of their community with the enhanced marsh and riparian ecosystems of the project site. The eventual intersection of Wildcat Creek Trail with the Bay Trail and Ridge Trail systems would provide a recreational and circulation

segment of regional trail and other Bay Area communities.

The hiking/biking trail would eventually link the Berkeley Hills and Bayshore Trails. The project extends from the mouth of Wildcat Creek to Rumrill Road. There would be a pedestrian bridge extending 610 feet over both the SPRR and AT&SF railroads. The bridge would rise a required 24 feet above the railroad lines and have several spans of varying length. Major foundation work and an overhead power line relocation would be required.

The paved trail itself would be built on the levee tops and banks following the alignment of the flood control channel. The trail would consist of an 8-foot-wide strip of asphalt paving over an aggregate base with 2-foot-wide aggregate shoulders on either side.

The pedestrian underpass at Richmond Parkway would run parallel to Wildcat Creek with a minimum clearance of 8 feet and would have a 4 foot floodwall for a 10-year storm flow protection. Plans also call for a pump system to remove floodwater and accumulated rain water. Concrete ramps that would be accessible to disabled persons would be constructed from the trail down to the underpass. There would be at-grade crossings at Third Street and Giaramita Street. Entry structures would consist of wooden bollards, service gates and two-rail fencing at street level.

A small staging area would be located on the north side of Wildcat Creek trail between Garden Tract Road and Richmond Parkway. Access is planned from Richmond Parkway via a right turn only access and egress road designed to CalTrans standards. The asphalt road would lead to a gravel parking lot.

5.0 ENVIRONMENTAL RESOURCES AND IMPACTS

The proposed recreation facilities in and of themselves do not affect the significant environmental resources found in the project area. The most significant resource found within the project reach is Wildcat Marsh. The proposed recreational facilities are scheduled to be constructed on or along the proposed levee and do not create any additional impacts.

The existing environmental resources of the study area and of the proposed recreation facilities are discussed in this section.

5.1 FISHERIES

Neither Wildcat Creek nor San Pablo Creek supports resident or anadromous fish populations in the project area during the summer and early fall due to lack of permanent water supply.

CALENDAR PAGE	21
MINUTE PAGE	25

rainy season, however, fish from the upstream areas probably move into the lower reaches. California Department of Fish and Game has planted wild steelhead trout in Wildcat Creek. Since steelhead migrate mainly at night, they should have no problem swimming through existing culverts as long as there is sufficient flow in the channel. The proposed recreation facilities would not cause any additional potential impacts.

5.2 VEGETATION

Vegetation in the project area consists primarily of riparian species along Wildcat and San Pablo Creeks. Upland-type vegetation occurs in the fields next to the creeks in the lower reaches, while residential and commercial developments abut the streams in the reaches above the railroad tracks. Tidal salt marsh vegetation occurs along the lower reaches of both creeks in the project area.

The only proposed recreation facility that may have an additional potential impact would be the parking area to be located off Richmond Parkway. The parking area would result in the loss of 2 acres of vegetation on the north bank of Wildcat Creek downstream from Richmond Parkway. Mitigation for this staging area has been provided for in the overall project plan.

5.3 WILDLIFE

A variety of wildlife species occurs along the riparian corridors of Wildcat and San Pablo Creeks. In the areas below the railroad tracks along Wildcat Creek, wildlife is less diverse due to the lack of dense cover in some sections of the creek. However, it does provide habitat for some species of birds and small mammals. Diversity and abundance are better along San Pablo Creek and the upper reaches of Wildcat Creek. Wildcat Marsh is used by a wide variety of waterfowl, shorebirds and other water-associated birds. Several species such as the killdeer, black-necked stilt, American avocet, and snowy egrets nest in the area. Many additional species migrate through the area during the spring and fall. A number of species spend the winter feeding along the tidal sloughs and waters of the bay. The marsh is also a foraging ground for the northern harrier and the black-shouldered kite.

The construction of the recreation facilities would not result in the loss of any additional habitat, since all are located within the proposed flood control project. However, there may be some temporary impacts due to construction activity and some minimal disturbance impacts from use of the area by the public.

5.4 ENDANGERED SPECIES

In the project area two endangered species have been identified. They are the salt marsh harvest mouse and the

COASTAL RANGE CLAPPER
MINUTE PAGE 22
25
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rail. Three have been identified as candidates for the endangered species list. They are the salt marsh yellow throat, the Point Reyes birds-beak and the California black rail. These species are found predominately in the marshes at the mouth of Wildcat and San Pablo Creeks. Their populations have declined due to destruction of their habitat. Neither the construction nor the use of the recreation facilities planned as part of the flood control project would result in destruction of, or impact to, the marsh habitat, and therefore, would not harm any endangered species.

The pedestrian bridge would be built over an industrial area and the SPRR and AT&SF railroads passing through an area that has been previously impacted. Even though the bridge construction would require a significant amount of foundation work, no adverse impacts are anticipated.

The underpass would follow the alignment of Wildcat Creek under an existing roadway. The trail would follow the alignment of the proposed levee throughout its entire length and not cause any additional impacts to the area due to construction. There may be some minor impacts due to noise associated with normal use of the area.

The parking area would be located off Richmond Parkway in an area already partially owned by Contra Costa County and not considered as habitat for any of the endangered species listed.

5.5 CULTURAL RESOURCES

The area has been evaluated by a qualified archeologist and the requirements of 36 CFR 800.11 have been met. A survey and evaluation has resulted in a determination that there are three National Register sites in the flood control project area on San Pablo Creek. In the event that previously unknown cultural resources are uncovered on Wildcat Creek during construction, all work in the suspected area would be halted immediately and a qualified Corps of Engineers archeologist called in to investigate.

5.6 OTHER ENVIRONMENTAL FACTORS

Air and water quality, ambient noise levels and land use patterns would not be significantly impacted. Access from Richmond Parkway to the parking area would not cause any change in traffic flow if Richmond Parkway is upgraded as planned.

6.0 ALTERNATIVES RECREATION DESIGNS

Recreation facilities design alternatives were considered for the pedestrian bridge. One design alternative

called for two	23
CALENDAR PAGE	
MINUTE PAGE	25