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NILES CANYON TRAIL PROJECT RESPONSE TO COMMENTS AND FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2021060647

ALAMEDA COUNTY, CALIFORNIA

LSA

November 2024

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STATE CLEARINGHOUSE NO. 2021060647

ALAMEDA COUNTY, CALIFORNIA

Submitted to:

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Project No. STU2001

November 2024

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1.0 INTRODUCTION

1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (EIR) prepared for the proposed Niles Canyon Trail Project (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, resulting from those comments or to clarify material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On June 28, 2021, the County of Alameda (County) circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. The NOP was mailed to public agencies, organizations, and individuals likely to be interested in the potential impacts of the proposed project. A scoping session was held on July 27, 2021, to solicit feedback regarding the scope and content of the EIR. Comments received by the County on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on April 5, 2024, and was distributed to local and State responsible and trustee agencies. The Draft EIR and an announcement of its availability were posted electronically on the County's website at https://www.acpwa.org/projects/2021/Niles-Canyon/NilesCanyon.page. The Notice of Availability for the Draft EIR was provided to all individuals and organizations who made a written request for notice, filed with the Alameda County Clerk, and posted at the project site.

The CEQA mandated 45-day public comment period ended on May 20, 2024. The County held a public meeting on the Draft EIR with the Sunol Citizens Advisory Council on April 17, 2024. The County received a total of 19 comment letters from State and local agencies, organizations, and individuals. Copies of all written comments received during the comment period and a transcript of the verbal comments received at the public meeting are included in Chapter 3.0, Comments and Responses, of this document.

1.3 DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- **Chapter 1.0: Introduction.** This chapter discusses the purpose and organization of this RTC Document, and the Final EIR, and summarizes the environmental review process for the project.

- **Chapter 2.0: List of Commenters.** This chapter contains a list of agencies, organizations, and individuals who submitted written comments during the public review period and who submitted verbal comments during the public meeting on the Draft EIR.

- **Chapter 3.0: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR, and a summary of the verbal comments provided at the public meeting. A written response for each CEQA related comment received during the public review period is provided. Each response is keyed to the corresponding comment.

- **Chapter 4.0: Draft EIR Text Revisions.** This chapter contains corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR. Double underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR.

2.0 LIST OF COMMENTERS

This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments that are provided in Chapter 3.0, Comments and Responses, of this document.

2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter 3.0 includes a reproduction of each comment letter received on the Draft EIR. The written comments are grouped by the affiliation of the commenter, as follows: State and local agencies (A); organizations (B); individuals (C); and public meeting comments (D).

The comment letters are numbered consecutively following the A, B, C, and D designations and follow the format below:

State and Local Agencies ..... A-#-#
Organizations ..... B-#-#
Individuals ..... C-#-#
Public Hearing Comments ..... D-#-#

The letters are numbered and comments within each letter are numbered consecutively after the hyphen. For example, Letter A-1 represents the first State agency letter, and comment A-1-1 represents the first enumerated comment within that letter.

2.2 LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

The following State and local agencies submitted comments to the County during the public review period:

A-1: Alameda County Water District, Laura J. Hidas, Manager of Water Resources, May 20, 2024
A-2: State of California, California Department of Fish and Wildlife, Erin Chappell, Regional Manager, Bay Delta Region, May 17, 2024
A-3: State of California, California Department of Transportation, Yunsheng Luo, Branch Chief, Local Development Review, Office of Regional and Community Planning, May 20, 2024
A-4: San Francisco Bay Regional Water Quality Control Board, Brian K. Wines, Water Resource Control Engineer, South and East Bay Watershed Section, May 16, 2024
A-5: San Francisco Public Utilities Commission, Tim Ramirez, Division Manager, May 20, 2024

2.3 LIST OF ORGANIZATIONS COMMENTING ON THE DRAFT EIR

The following organizations submitted comments to the County during the public review period:

B-1: Bike East Bay, Robert Prinz, Advocacy Director, May 20, 2024
B-2: Fremont Freewheelers Bicycle Club, Glenn Kirby, President, May 6, 2024

B-3: Sierra Club, Glenn Kirby, Chair, Southern Alameda County Group, SF Bay Chapter, April 26, 2024

B-4: Tri-City Ecology Center, Caroline Harris, Chairperson and Liz Ames, Vice Chairperson, May 20, 2024

2.4 LIST OF INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following individuals submitted comments to the County during the public review period:

C-1: Cabanne, Bernard, May 18, 2024
C-2: D'Entremont, Alan, May 14, 2024
C-3: Milanese, Don and Linda, May 8, 2024
C-4: Nagata, Jamie, May 15, 2024
C-5: Nagata, Jamie, May 17, 2024
C-6: Navarro, Hannah, April 24, 2024
C-7: Nelson, Todd, April 27, 2024
C-8: Owsley, Lina, April 30, 2024
C-9: Owsley, Lina, May 17, 2024
C-10: Vandeman, Mike, April 8, 2024
C-11: Vandeman, Mike, April 15, 2024
C-12: Vandeman, Mike, April 15, 2024

2.5 LIST OF PUBLIC MEETING COMMENTS ON THE DRAFT EIR

Verbal comments on the Draft EIR were provided during the public meeting by the following:

D-1: Steven Barkkarie
D-2: Lina Owsley
D-3: Kelly Abreu
D-4: Andrew Turnbull
D-5: Guy DeValle
D-6: Ken Horton

3.0 COMMENTS AND RESPONSES

Pursuant to Public Resources Code Section 21091(d) and the State of California Environmental Quality Act (CEQA) Guidelines Section 15088, a lead agency is required to evaluate comments received during the noticed comment period and prepare a written response for each comment relating to any significant environmental issues raised on the Draft Environmental Impact Report (EIR). This chapter provides written responses to the comment letters received on the Draft EIR during the public review and comment period. All letters received during the public review period on the Draft EIR and a summary of verbal comments received at the public meeting held on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State and local agencies (A); organizations (B); individuals (C); public meeting comments (D).

The written responses presented in this chapter describe the nature of any significant environmental issues raised and provide a good-faith, reasoned analysis in response. The range of responses includes providing clarification on the Draft EIR, making factual corrections, explaining why certain comments may not warrant further response, or simply acknowledging the comment for consideration by the decision-making bodies. In addition, this chapter begins with Master Responses to address common themes or issues that were raised throughout the comment letters received during public review of the Draft EIR. These Master Responses are commonly referred to throughout the responses to comments received by agencies, organizations, individuals, and at the public meeting.

As described in Chapter 1.0, Introduction, this Response to Comments (RTC) Document, together with the Draft EIR, constitutes the Final EIR. At least 10 days prior to certifying an environmental impact report, the County must provide a written response to a public agency on comments made by that agency which conform with the requirements of this division. Responses shall conform with the legal standards established for responses to comments on draft environmental impacts.

Where comments on the Draft EIR concern issues requiring technical expertise, the responses to comments, like the analysis in the Draft EIR, rely on the knowledge and professional analysis of qualified experts.

Where revisions to the Draft EIR text are called for, the page is set forth followed by the appropriate revision. Added text is indicated with double underlined text, and deleted text is shown in ~~strikeout~~. Text revisions to the Draft EIR are summarized in Chapter 4.0 of this RTC Document.

3.1 MASTER RESPONSES

Many of the comments received on the Draft EIR involve variations of the same key issues. To consolidate responses to questions and comments related to these topics, and to address concerns comprehensively, the following Master Responses have been prepared. Master Responses are included below for the following topics and are referenced in certain responses, as appropriate.

1. Project Merits
2. Scope of Alternatives
3. Speculation without Substantial Evidence

3.1.1 Master Response 1: Project Merits

In accordance with Sections 15088 and 15132 of the *State CEQA Guidelines*, a Final EIR must include a response to comments on the Draft EIR pertaining to significant environmental issues analyzed under CEQA. Several of the comments provided in response to the Draft EIR express an opinion for- or against the project, but these opinions do not pertain to the adequacy or completeness of the Draft EIR, do not raise environmental issues and do not request the incorporation of additional information relevant to environmental issues. Rather, these opinions relate to the merits of the project. Comments related to the merits or expressing support or opposition to the proposed project do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*.

Section 15204 of the *State CEQA Guidelines* provides direction for parties reviewing and providing comment on a Draft EIR:

> In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

Section 15204 continues in relation to the role of lead agencies responding to comments:

> When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Consideration of project merits is important, and the decision-makers will consider all comments regarding the project merits as part of deliberations on the project, and when making any necessary Findings or choosing to prescribe project-specific conditions of approval. The Lead Agency will hold publicly noticed hearings to consider action on the project, which will include consideration of the project merits outlined in the comment letters received. Actions related to the approval or denial of the project will take place separately from, and after consideration of the Final EIR. The Final EIR must be certified as adequate and Findings must be made prior to consideration of the project approvals.

3.1.2 Master Response 2: Scope of Alternatives

Some commenters requested consideration of additional alternatives to the proposed project, beyond those evaluated in the Draft EIR. This response broadly addresses these comments; where specific alternatives are suggested in the comments, those are also more specifically addressed in the corresponding response as necessary. For a detailed discussion of the alternatives analysis in the Draft EIR, please refer to Draft EIR Chapter 5.0, Alternatives. Public Resources Code Section 21100(b)(4) states that an EIR shall include a detailed statement setting forth alternatives to the project. Under Section 15126.6 of the *State CEQA Guidelines*, the range of alternatives to the proposed project should include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more significant effects. The Draft EIR discusses five alternatives to the proposed project, including the “no project” alternative. The Draft EIR compared the potential environmental effects of the proposed project to the potential effects of

each alternative, in relation to the environmental baseline and existing physical environmental setting.

Under Section 15126.6 of the *State CEQA Guidelines*, the lead agency must consider a reasonable range of alternatives that would feasibly attain all or most of the project objectives but would avoid or substantially lessen any of the significant impacts of the proposed project. An EIR need not consider *all* potential alternatives to the project. Rather, CEQA requires that the EIR discuss only a "reasonable range" of alternatives.

CEQA does not require that the EIR study specific alternative proposed by the public or other agencies. The leady agency must make a good faith effort to identify and study a reasonable range of appropriate alternative to the proposed project.

To summarize, the Draft EIR must include alternatives that are:

1. potentially feasible,
2. attain most of the basic objectives of the projects, and
3. avoid or substantially lessen any of the significant effects of the project.

Under CEQA, a lead agency may structure its alternatives analysis around a reasonable definition of a fundamental underlying purpose, and need not study alternatives that cannot achieve that basic purpose. An EIR need not consider alternatives that are infeasible (*State CEQA Guidelines* Section 15126.6).

CEQA establishes no legal imperative as to the scope of alternatives to be analyzed in an EIR, there is no set number of alternatives that must be analyzed to fulfill the requirements of CEQA. Rather, as stated in the Section 15126.6 of the *State CEQA Guidelines* and supported by abundant CEQA case law, the range of alternatives required in an EIR is governed by the "rule of reason", which requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.

In summary, the Draft EIR followed the requirements of CEQA in identifying a range of reasonable alternatives to the project, or to the location of the project that feasibly attain the project's basic objectives, while avoiding or lessening significant adverse environmental effects of the project for consideration by County decision makers.

3.1.3 Master Response 3: Speculation Without Substantial Evidence

Some comments assert that the proposed project would result in environmental impacts based on opinion without providing substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (*State CEQA Guidelines* Section 15064[b]). Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence (*State CEQA Guidelines* Section 15064[a]). Attempting to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is inappropriate for an evaluation of environmental impacts in an EIR.

Under *State CEQA Guidelines* Section 15145, if, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation; the agency should note its conclusion and terminate discussion of the impact.

Determining whether a project may have a significant effect on the environment is "based on substantial evidence in light of the whole record" (Public Resources Code Section 21082.2[a]). As noted above, *State CEQA Guidelines* Section 15064 defines substantial evidence as facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence. Where a commenter provides no facts or other substantial evidence to support an assertion that the physical environment could ultimately be significantly impacted as a result of the proposed project, the Final EIR is not required to analyze or mitigate for the asserted but unsubstantiated impact. Section 15204(c) of the *State CEQA Guidelines* further advises reviewers that comments should be accompanied by factual support.

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064 of the *State CEQA Guidelines*, an effect shall not be considered significant in the absence of substantial evidence.

However, in the interest of working cooperatively through issues that reflect the interests of the public and important planning partners and stakeholders, the County, as lead agency under CEQA, has thoroughly responded to all comments received during the public comment period and provided additional information and analysis to clarify the conclusions of the Draft EIR, whether or not the legal standard of substantial evidence has been met in the comments.

The Draft EIR, with the minor changes identified in this RTC Document, provides an adequate level of information to allow County decision-makers to consider the significant impacts associated with the project and make a determination regarding project approvals. The changes and clarifying information do not preclude meaningful public review and comment.

3.2 STATE AND REGIONAL AGENCY RESPONSES

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ALAMEDA COUNTY WATER DISTRICT

BOARD MEMBERS

AZIZ AKBARI
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May 20, 2024

VIA ELECTRONIC MAIL
Amber Lo (amberl@acpwa.org)
Principal Civil Engineer
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94554

Dear Ms. Lo:

Subject: Niles Canyon Trail Project Draft EIR

The Alameda County Water District (ACWD) has reviewed the Draft Environmental Impact Report (EIR) for the Niles Canyon Trail Project ("Project").

ACWD supplies water to a population of over 344,000 primarily in the cities of Fremont, Newark, and Union City (the Tri-Cities). ACWD was formed in 1914 by an act of the California Legislature for the purpose of protecting water in the Niles Cone Groundwater Basin and conserving the water of the Alameda Creek. Local runoff along with imported water from the State Water Project is percolated into the Niles Cone Groundwater Basin through recharge in Alameda Creek itself and through recharge ponds within and adjacent to the Quarry Lakes Regional Recreational Area. This water is subsequently recovered through groundwater production wells and provided as potable supply to ACWD's customers. Drinking water from three drinking water production facilities is delivered to customers via a network consisting of over 900 miles of transmission and distribution mains. ACWD has strong interests in protecting and preserving the water quality and supply in Alameda Creek and its tributaries, ensuring the protection of the groundwater basin, and maintaining reliable, safe drinking water to customers in the Tri-Cities. In addition, as a longstanding member of the Alameda Creek Fisheries Restoration Workgroup, ACWD has also been working with multiple local and regional stakeholders on a program to restore a steelhead fishery to the Alameda Creek watershed. ACWD is supportive of this Project as it provides greater public access to the Alameda Creek watershed which will help promote a greater understanding and appreciation of the natural environment and water supply.

A-1

ACWD would appreciate your consideration of the following comments in finalizing the EIR and undertaking the project:

1. Alameda Creek and Watershed Protection: The Project area includes a critical portion of Alameda Creek. ACWD is particularly concerned with potential impacts that the Project may have on water quality, water supply, and fisheries restoration in Alameda Creek. ACWD supports the inclusion of interpretive signage to inform trail users about the important roles the Niles Canyon serves in the watershed for water supply, species migration, and habitat. Additionally, ACWD has a need to maintain suitable quality of the water in Alameda Creek for groundwater recharge and its subsequent use as a drinking water supply. ACWD requests that the following potentially significant impacts to the protection of Alameda Creek and its watershed be fully considered in the EIR and during the final Project design and planning efforts: A-1-1

   a. Pollution Prevention: ACWD would like to emphasize the importance of selecting Best Management Practices (BMPs) which minimize adverse impacts to the quality of water in Alameda Creek. ACWD has a strong interest in ensuring the highest level of water quality possible in Alameda Creek and its watershed during and after construction and encourages any permanent pollution prevention improvements accomplished by construction and long-term use of the Project. A-1-2

   b. Surface Water Protection from Runoff: The Project is located along Niles Canyon, an important segment of the Alameda Creek watershed which provides local water supplies and conveyance for ACWD's water supply operations to recharge the Niles Cone Groundwater Basin, a critical water supply for the cities of Fremont, Newark, and Union City. Future improvements contemplated under the Project, such as construction and increased vehicular parking within the Niles Canyon or adjacent to Alameda Creek, pose increased risks for the direct release of fuel or other contaminating chemicals into the adjacent and underlying waterway due to accidental spills or vehicular accidents. Appropriate safeguards and controls should be incorporated as mitigations into the EIR to help prevent the direct release of contaminated runoff to the environment. These design measures will help reduce the threat of contamination to the water used for recharging the groundwater basin which constitutes a significant portion of ACWD's drinking water supply. A-1-3

   c. Protect Water Quality, Habitat, and Threatened Species from Trail Users: ACWD, in a joint effort with the Alameda County Flood Control and Water Conservation District (ACFCD), is currently operating fish ladders to provide fish passage across the migratory barriers presented by ACWD's Rubber Dam No. 1 and the ACFCD drop structure in Lower Alameda Creek. The upper Alameda Creek Watershed is accessible to migrating *O. mykiss,* a Federally-listed threatened species, and other anadromous fish such as A-1-4

salmon. The Project's EIR should confirm the Project incorporates appropriate measures in the Project final design and operation to protect these species during long-term operation of the trail. The Draft EIR Impact BIO-3 currently only addresses impacts during construction. If constructed, the Project would increase public access to the Niles Canyon and Alameda Creek, which could lead to the introduction of litter, waste, and other potential contaminants that could degrade water quality for a critical habitat for threatened fish species. The Project should be designed to prevent the public from illegally entering Alameda Creek, causing harm to habitat, delaying migration of salmonids and Pacific lamprey, poaching (from shore or bridges), and to prevent litter and other wastes generated by trail users from polluting Alameda Creek. The EIR should include mitigations and controls, including enforcement, to protect water quality, habitat, and threatened species from potential impacts due to use of the proposed trail. A-1-4 Cont

d. Notification: In the event of a hazardous material spill or other pollution event in the Alameda Creek watershed, ACWD would like Project proponents to set-up a 24-hour rapid notification system (e.g., phone numbers, contact names) to immediately alert ACWD of water quality incidents upstream of our facilities so actions can be taken immediately to prevent pollution of potable groundwater supply. This plan can be coordinated with the Water Supply Supervisor, Leonard Ash, who can be reached at (510) 668-6539 and Leonard.Ash@acwd.com. A-1-5

2. Water Conveyance Infrastructure: ACWD relies on Alameda Creek, including within the Project area, for raw water conveyance of water supplies from the State Water Project, in addition to local water supplies. This source water conveyance always needs to remain in service to maintain ACWD's ability to provide adequate water supplies. ACWD requests that Project proponents closely coordinate with ACWD regarding all design, construction and scheduling activities that may impact channel flow or access to Alameda Creek during the construction and operation of the Project. A-1-6

3. Water Supply: The DEIR states that construction of the proposed project would temporarily require small amounts of water for cleanup activities and that it would be provided via a water truck. However, the DEIR doesn't explain where the water filling the water trucks will come from. Should the water come from ACWD's distribution system, a hydrant meter is required and can be obtained by completing a Hydrant Meter Request Form located at www.acwd.org. A-1-7

4. Groundwater:

a. Groundwater Well Protection/Destruction: In order to protect the groundwater basin, if a well is discovered to be located within or immediately adjacent to the Project area within the cities of Fremont A-1-8

A-1

or Union City, ACWD must be notified and the well protected from construction activities. A-1-8 Cont

b. Dewatering: Page 4.7-32 of the Draft EIR states, "Construction of the proposed project would require excavation for utility lines, storm drains, fence footings, shade structures, playground equipment footings, and stormwater swales. Therefore, dewatering of groundwater may be required during construction activities involving excavation." The amount of water which may be extracted by dewatering must be evaluated and documented in the EIR. Alternative designs should be considered that would minimize the amount of dewatering required during and after construction. Measurement of groundwater losses due to dewatering may be required and may be subject to an ACWD Replenishment Assessment fee. A-1-9

c. Existing Hazardous Material Contamination:

i. ***Section 4.6.1.6 Regulatory Context***:

1. ACWD requests that the EIR be modified under Regional Regulations to acknowledge that as part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and the cities of Fremont and Union City, which allows ACWD to provide technical oversight for the investigation and remediation of Leaking Underground Fuel Tank (LUFT) sites and sites where the pollution is attributed to spills or leaks from structures other than underground fuel tanks now referred to as Site Cleanup Program sites or SCP (formerly known as Spills, Leaks, Investigation, and Cleanup sites or SLIC sites). ACWD also coordinates cleanup site activities overseen by the Department of Toxic Substances Control or DTSC. As a result of the above information, the EIR should require Project proponents to coordinate with appropriate regulatory agencies, such as the Regional Board, Department of Toxic Substances Control, and ACWD, prior to any proposed work at known or suspected cleanup sites. A-1-10

2. This section only acknowledges the Alameda County Department of Environmental Health as the Certified Unified Program Agency (CUPA) for the project site; however, the City of Fremont is also a Certified Unified Program Agency. ACWD requests that the City of Fremont's CUPA program also be acknowledged in the EIR. A-1-11

A-1

ii. Mitigation Measure HAZ-1a states, "It is anticipated that 4 to 8 discrete samples, from the locations nearest the railroad tracks (Phase 2 and 3), would be sufficient to determine if contaminants from the railroad tracks have migrated and affected shallow soils within the project corridor." HAZ-1a should be modified to include soil sampling in the Phase 1 area as it also has portions near the railroad tracks. In addition, ACWD should be provided a copy of the Phase II ESA report once it is completed. A-1-12

iii. Mitigation Measure HAZ-1b states, "The SMP shall characterize the soil, delineate areas of known soil contamination, and identify soil (and groundwater, if encountered) management options for excavated soil and dewatered groundwater (if applicable), in compliance with local, state, and federal statutes and regulations." The SMP (or applicable plan covering dewatering activities) should also provide mitigation and corrective actions with respect to plume migration, treatment, and disposal if the groundwater to be dewatered is contaminated. Coordination with the applicable regulatory agencies, including ACWD, should also be included in the plan. A-1-13

Please also share the Draft SMP with ACWD staff for review prior to finalization.

iv. The former Mission Clay Products facility is associated with two Site Cleanup Site Program cases (GeoTracker ID T10000011370 and T10000012663) and one Leaking Underground Storage Tank case (T0600165351). The San Francisco Regional Water Quality Control Board (Regional Board) is the lead regulatory agency for these cases. Prior to doing work in the vicinity of the former Mission Clay Products facility the, Regional Board must be contacted to ensure that the proposed work will not impact any on-going investigation or remediation work. A-1-14

v. Mitigation Measure GEO-1b states, "Prior to issuance of a grading permit, detailed retaining wall design drawings and a site-specific grading plan for the project site shall be prepared by a licensed professional and submitted to Alameda County for review and approval. The retaining wall design drawings shall be reviewed by a qualified engineering geologist and show the heights of the walls, the backfill material type, drainage details, and the earth pressure used in design." It is unclear in the Draft EIR what sampling and analytical specifications are required of the backfill material. ACWD requests that the EIR include additional information regarding what characterization will be performed to ensure contaminated soil is not brought onto the A-1-15

A-1

Project site. ACWD recommends that, at a minimum, all backfill material comply with recommendations set forth in the Department of Toxic Substances Control's (DTSC) Information Advisory, Clean Imported Fill Material (October 2001)[1] and the Alameda County Department of Environmental Health (ACDEH) Soil Import/Export Characterization Requirements (August 2018)[2]. A-1-15 Cont

5. Utilities and Service Systems: ACWD has existing visible and buried facilities within Old Canyon Road, Niles Boulevard, Niles Canyon Road, and along Alameda Creek. The Project must avoid disturbing utilities, or relocate them in coordination with ACWD, at Project's expense, if they must be relocated. ACWD has no intention of modifying or curtailing its facilities or activities in any way due to the development of the Project site. The Project proponent should design their Project to minimize any light or sound impacts to ACWD's operations. ACWD performs water supply operations along Alameda Creek 24/7, 365 days per year. A-1-16

6. Parcel Ownership: Figure 3-9a shows several parcels along the Alameda Creek Flood Control Channel that are incorrectly attributed to ACWD ownership. Please coordinate with ACWD to correct this map prior to finalization of the EIR. A-1-17

7. Sunol Aqueduct: ACWD appreciates that the Draft EIR acknowledges the presence and importance of the existing Sunol Aqueduct (also referred to as the Niles Canyon Aqueduct) between Fremont and Sunol. ACWD's comments on the NOP for this Project requested that the EIR confirm that the Project will pose no impacts to the Sunol Aqueduct facility and that the aqueduct will remain and be protected and unaffected by the proposed Project, including proposed earthwork, bridges, retaining walls, embankment slopes, hillside anchor cables, and new trail. ACWD is currently engaged in long-term water supply planning, and a concept that has been discussed in the past includes repurposing the Sunol Aqueduct to move regional water supplies through this corridor. The Draft EIR Section 3.4.2.1 notes that the Project proposes to demolish portions of the existing Sunol Aqueduct, and that additional phases of work are still being refined. We understand that alternatives must be evaluated and that some sections of the Sunol Aqueduct can't be preserved in order to ensure the safety and structural integrity of the proposed trail. However, we request that for sections of the Sunol Aqueduct that cannot be preserved, at a minimum the new trail design not preclude the ability to install a pipe in the future along the trail alignment for regional water conveyance. We respectfully request that the Project proponents engage with ACWD to discuss this concept. A-1-18

[1] DTSC, 2001. Information Advisory, Clean Imported Fill Material. Available online: https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf. October.
[2] ACDEH, 2018 (rev. August 2019). Soil Import/Export Characterization Requirements. Available online: https://deh.acgov.org/landwater-assets/docs/LOP_Soil_Characterization_Requirements.pdf. August.

A-1

8. ACWD Contacts: The following ACWD contacts are provided so that the Alameda County Public Works Agency can coordinate with ACWD as needed during the CEQA process:

   - Michelle Walden, Groundwater Resources Manager at (510) 668-4454, or by email at michelle.walden@acwd.com, for coordination regarding ACWD's groundwater resources.

   - Kit Soo, Well Ordinance Program Coordinator, at (510) 668-4455, or by email at kit.soo@acwd.com for coordination regarding groundwater wells and drilling permits. A-1-19

   - Sean O'Reilly, Development Services Manager, at (510) 668-4472, or by email at sean.oreilly@acwd.com, for coordination regarding parcel ownership, public water systems and water services.

   - Leonard Ash, Water Supply Supervisor, at (510) 668-6539, or by email at leonard.ash@acwd.com, for coordination regarding Alameda Creek Watershed, steelhead migration, and water supply.

   - Girum Awoke, Director of Engineer & Technology Services, at (510) 668-4401, or by email at girum.awoke@acwd.com, for coordination related to the Sunol Aqueduct.

Thank you for the opportunity to comment on the Niles Canyon Trail Project at this time.

Sincerely,

Laura J. Hidas

Laura J. Hidas
Manager of Water Resources

ko/rg
By Email

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3.2.1.1 Responses to Letter A-1

Alameda County Water District
Laura J. Hidas, Manager of Water Resources
May 20, 2024

Response A-1-1. This introductory comment describes the Alameda County Water District's (ACWD) responsibility to maintain suitable quality of water in Alameda Creek for groundwater recharge and water supply and introduces the more detailed comments related to water quality, water supply, and fisheries restoration, which are responded to in Responses A-1-2 through A-1-5, below.

Response A-1-2. The comment, which emphasizes the importance of selecting best management practices (BMPs), which minimize adverse impacts to water quality, is noted. As described in Section 4.7, Hydrology and Water Quality of the Draft EIR, and in accordance with the Construction General Permit,[1] preparation and implementation of a Stormwater Pollution Prevention Plan would be required that includes identification of BMPs to prevent or control the discharge of pollutants in stormwater runoff during project construction. In addition, the National Pollutant Discharge System (NPDES) permit will require the identification of post-construction BMPs to be incorporated into the project-specific Water Quality Management Plan to control the post-construction entry of contaminants into storm flows. The implementation of NPDES permits ensures the State's mandatory standards for the maintenance of clean water and the federal minimum standards are met.

Response A-1-3. The comment expresses concerns regarding the potential increased risks for the direct release of fuel or other contaminating chemicals into the adjacent and underlying waters due to accidental spills or vehicular accidents associated with proposed vehicular parking with Niles Canyon or adjacent to Alameda Creek. This comment states that mitigation measures should be incorporated into the Draft EIR to address these impacts but does not state what those mitigation measures should be or identify any deficiencies in the Draft EIR's analysis or conclusions related to this topic. As outlined in Section 4.7, Hydrology and Water Quality of the Draft EIR, implementation of the proposed project would increase impervious surfaces in the project, including the addition of parking stalls at the existing Alameda Creek Staging Area and at the Palomares Road connection. If not properly controlled, these pollutants could accumulate on impervious surfaces, come into contact with stormwater runoff, and be discharged into Alameda Creek, thereby increasing the pollutant loading compared to the existing condition. The proposed project would be subject to the requirements of Provision C.3 of the Municipal Regional Permit, which requires preparation and implementation of a design-level Stormwater Control Plan (SCP) that complies with existing NPDES regulations. The SCP would be prepared in accordance with the requirements and guidelines set forth in the Alameda Clean Water Program C3 Technical Guidance Manual. Provision C.3 requires the incorporation of site design, source control, and stormwater treatment measures into development projects to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharges and to prevent increases in runoff flows. Low-impact development (LID) methods are required to be the primary mechanism for implementing such controls. Specific LID

[1] NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002).

design may include, but is not limited to, using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site. Additionally, the County would be required to comply with Article IV, Section 13.08.250 of the Alameda County Municipal Code, which requires the implementation of the required stormwater quality controls in accordance with the regulations of the NPDES permit and as determined by the Director of Public Works. The Draft EIR also identifies Mitigation Measure HYD-1, which requires equipment and materials storage and maintenance operations outside of riparian areas and floodplains. The Draft EIR determined that compliance with regulatory requirements and implementation of Mitigation Measure HYD-1 would ensure that water quality impacts associated with operation of the proposed project would be less than significant.

Response A-1-4. The comment requests that appropriate measures to protect special-status fish species during long-term operation of the trail be incorporated into the Draft EIR and the proposed project. Please see Response A-2-9, which addresses potential impacts associated with trail use on wildlife corridors, including Alameda Creek.

Response A-1-5. The comment requests that a 24-hour rapid notification system be put in place to immediately alert ACWD of water quality incidents. This comment does not relate to the adequacy of the information or analysis in the Draft EIR. The County will continue to coordinate with ACWD as the trail design and construction progresses and as part of trail operations.

Response A-1-6. The comment requests that project proponents closely coordinate with ACWD regarding all design, construction and scheduling activities that may impact channel flow or access to Alameda Creek during the construction and operation of the proposed project. This comment does not relate to the adequacy of the information or analysis in the Draft EIR. The County will continue to coordinate with ACWD as the trail design and construction progresses and as part of trail operations.

Response A-1-7. The comment, which states that a hydrant meter is required if water for construction activities comes from ACWD's distribution system, is noted. As described in Section 4.14, Utilities and Service Systems, of the Draft EIR, construction of the proposed project would temporarily require small amounts of water for cleanup activities. During trail construction, water would be provided via a water truck, as no utility lines exist along the proposed trail alignment. The project contractor would be required to supply water in accordance with regulatory requirements, which could include obtaining water from the ACWD through its Hydrant Meter Request Form. Post-construction, the operator of the trail may need to bring water to the site for cleanup or maintenance activities. Again, this water would be procured in accordance with regulatory requirements, including ACWD rules and regulations.

Response A-1-8. The comment, which states that if a well is identified within or immediately adjacent to the project area, then ACWD must be notified and the well protected from construction activities, is noted. This comment does not relate to the adequacy of the information or analysis in the Draft EIR. The County will comply with the ACWD's notification request.

Response A-1-9. The comment relates to potential dewatering required during project construction and states that the Draft EIR must evaluate the amount of water that might be extracted during

project construction and that measurement of groundwater losses due to dewatering may be subject to an ACWD Replenishment Assessment fee. As described on page 4.7-33 of the Draft EIR, the depth to groundwater along the project alignment varies from 5 feet to 15 feet below ground surface. Project construction would require excavation to a depth of approximately 2 feet for the proposed trail and up to 20 feet for the proposed bridge foundations. The proposed project would not require utility improvements or trenching. In the event that groundwater is encountered during construction and groundwater dewatering is necessary, any groundwater dewatering during excavation would be conducted in accordance with the requirements of the Construction General Permit, which allows the discharge of dewatering effluent if the source of the water is uncontaminated groundwater and is properly filtered or treated, using appropriate technology. The amount of water that may be extracted during project construction is unknown at this time. The County would coordinate with ACWD and if needed, quantify the amount of groundwater extracted and pay any required fees, in accordance with ACWD requirements.

Response A-1-10. The comment requests that Section 4.6.1.6 of the Draft EIR be revised to acknowledge that, as part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with the Regional Water Quality Control Board (RWQCB), and the cities of Fremont and Union City to provide technical oversight for the investigation and remediation of leaking underground storage tank (LUST) sites and other Site Cleanup Program sites. The comment further states that the Draft EIR should require project proponents to coordinate with appropriate regulatory agencies prior to any proposed work at known or suspected cleanup sites.

In response to this comment, page 4.6-10 following the second full paragraph of the Draft EIR, is revised as follows:

> ***Alameda County Water District Groundwater Protection Program.*** The Alameda County Water District (ACWD) entered into Cooperative Agreements with the Regional Water Quality Control Board and the cities of Fremont, Newark, Union City and Hayward to further strengthen the interagency coordination and cost-effective implementation of groundwater protection within the cities. Under these agreements, ACWD provides technical oversight for the investigation and remediation of Leaking Underground Storage Tank (LUST) sites and other Site Cleanup Program sites in accordance with State and Regional Water Board policies, procedures, and standards and in cooperation with the RWQCB and these cities.

These revisions represent a minor change to the Draft EIR to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response A-1-11. This comment requests that the City of Fremont's Certified Unified Program Agency (CUPA) program be acknowledged in the Draft EIR. In response to this comment, page 4.6-14 following the first partial paragraph of the Draft EIR is revised as follows:

> ***City of Fremont, Certified Unified Program Agency.*** The Fremont Fire Department is the CUPA for the City of Fremont and for the portion of the proposed trail within the City limits. The Fremont Fire Department is responsible for implementing the following programs at the local level: hazardous materials management plan,

Hazardous Materials Business Plan, risk management program, underground storage tank program, spill prevention, control and countermeasure plan (SPCC) for aboveground petroleum product storage, hazardous waste generators, and on-site hazardous waste treatment. These programs include inspections of businesses and review of permit conditions and procedures for the handling, storage, use and disposal of hazardous materials.

These revisions represent a minor change to the Draft EIR to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response A-1-12. The comment requests that Mitigation Measure HAZ-1a be revised to require soil sampling in the Phase 1 area in locations near the railroad tracks. The comment also requests that ACWD be provided a copy of the Phase II Environmental Site Assessment (ESA) once it is completed. As specified in Mitigation Measure HAZ-1a, the Phase II ESA will be prepared prior to construction. As requested, Alameda County will provide the Phase II ESA to ACWD prior to project implementation. In response to this comment, pages 4.6-16 and 4.6-17 of the Draft EIR are revised as follows:

Mitigation Measure HAZ-1a Prior to construction, a Phase II Environmental Site Assessment (Phase II ESA) shall be performed to address potential contamination associated with the adjacent railroads. The Phase II ESA shall be conducted by a California Professional Geologist and/or a California Professional Civil Engineer with experience in contaminated site investigation. Soil samples shall be collected from proposed construction areas in proximity to the railroad tracks. Representative samples of shallow soils shall be collected from locations within the project corridor nearest the railroad tracks and analyzed for Title 22 metals, lead, TPH, PNAs, and chlorinated herbicides. It is anticipated that 4 to 8 discrete samples, from the locations nearest the railroad tracks ~~(Phases 2 and 3)~~, would be sufficient to determine if contaminants from the railroad tracks have migrated and affected shallow soils within the project corridor.

Soil analytical results should be screened against the Regional Water Quality Control Board's Environmental Screening Levels (ESLs) to determine appropriate actions to ensure the protection of construction workers and shall also be screened against hazardous waste thresholds to determine soil management options.

Based on the findings of the Phase II ESA, site-specific soil and groundwater management and disposal procedures for hazardous materials may need to be implemented, as well as construction worker health and safety measures during construction. Recommendations for any site-specific management and disposal procedures should be included in the Phase II ESA.

These revisions represent a minor change to the Draft EIR to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response A-1-13. The comment requests that the Soil Management Plan identified in Mitigation Measure HAZ-1b include additional measures and coordination with applicable regulatory agencies. In response to this comment, page 4.6-19 of the Draft EIR is revised as follows:

Mitigation Measure HAZ-1b Prior to construction, a project-specific Soil Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to address contaminants known to occur on within the project site. The SMP must establish remedial measures and/or soil and groundwater management practices to protect construction workers, the general public, and the environment from subsurface hazardous materials during construction. The SMP shall characterize the soil, delineate areas of known soil contamination, and identify soil (and groundwater, if encountered) management options for excavated soil and dewatered groundwater (if applicable), in compliance with local, state, and federal statutes and regulations. The SMP shall: 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation activities; 2) require the preparation of a project-specific Health and Safety Plan that identifies hazardous materials present, if any, describes required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations, and designates the personnel responsible for Health and Safety Plan implementation; <u>3) identify corrective actions with respect to plume migration, treatment and disposal if contaminated groundwater is encountered; and 4) require coordination with</u>

applicable regulatory agencies (e.g., Alameda County Department of Environmental Health, Alameda County Water District, City of Fremont). The SMP shall be submitted to Alameda County for review and approval prior to construction activities. Alameda County shall share the SMP with applicable regulatory agencies prior to finalization. Once approved the SMP shall be implemented during construction of the proposed project.

These revisions represent a minor change to the Draft EIR to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response A-1-14. The comment, which states that coordination with the Regional Water Quality Control Board is required prior to any work in the vicinity of the former Mission Clay Products facility is conducted, is noted. The Alameda County Public Works Agency will coordinate with the RWQCB prior to any ground-disturbing activities near the Mission Clay property, in accordance with applicable regulations.

Response A-1-15. The comment expresses concern regarding the potential for contaminated backfill material to be brought onto the site. To address this comment, page 4.5-20 of the Draft EIR is revised as follows:

Mitigation Measure GEO-1b Alameda County Department of Public Works shall prepare grading, drainage, and structural drawings for the project's construction**.** The design of all elements shall be completed by personnel licensed by the State of California to perform this work. ~~Prior to issuance of a grading permit, detailed retaining wall design drawings and a site-specific grading plan for the project site shall be prepared by a licensed professional and submitted to Alameda County for review and approval.~~ The retaining wall design drawings shall be reviewed by a qualified engineering geologist and show the heights of the walls, the backfill material type, drainage details, and the earth pressure used in design. At minimum, all backfill material shall comply with recommendations set forth in the Department of Toxic Substances Control's Information Advisory, Clean Imported Fill Material[117] (Footnote 117: Department of Toxic Substances Control. 2001. Information Advisory, Clean Imported Fill Material. Website: https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf. (accessed July 2024) and the Alameda County Department of

Environmental Health's Soil Import/Export Characterization Requirements[118] (Footnote 118: Alameda County Department of Environmental Health. 2018 (revised August 2019). *Soil Import/Export Characterization Requirements.* Website: https://deh.acgov.org/landwater-asserts/docs/LOP_Soil_Characterization_Requirements.pdf (accessed July 2024). All cut slopes shall be observed by a qualified engineering geologist at the time of grading to assess the applicability of the recommendations and to make supplemental recommendations, if necessary. Supplemental recommendations may include slope flattening, installation of drainage, slope reconstruction in areas where weak rock, adverse bedding, or other local anomalies are encountered, or construction of retaining walls. Retaining wall installation and testing shall be observed by a qualified engineering geologist.

These revisions represent a minor change to the Draft EIR to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

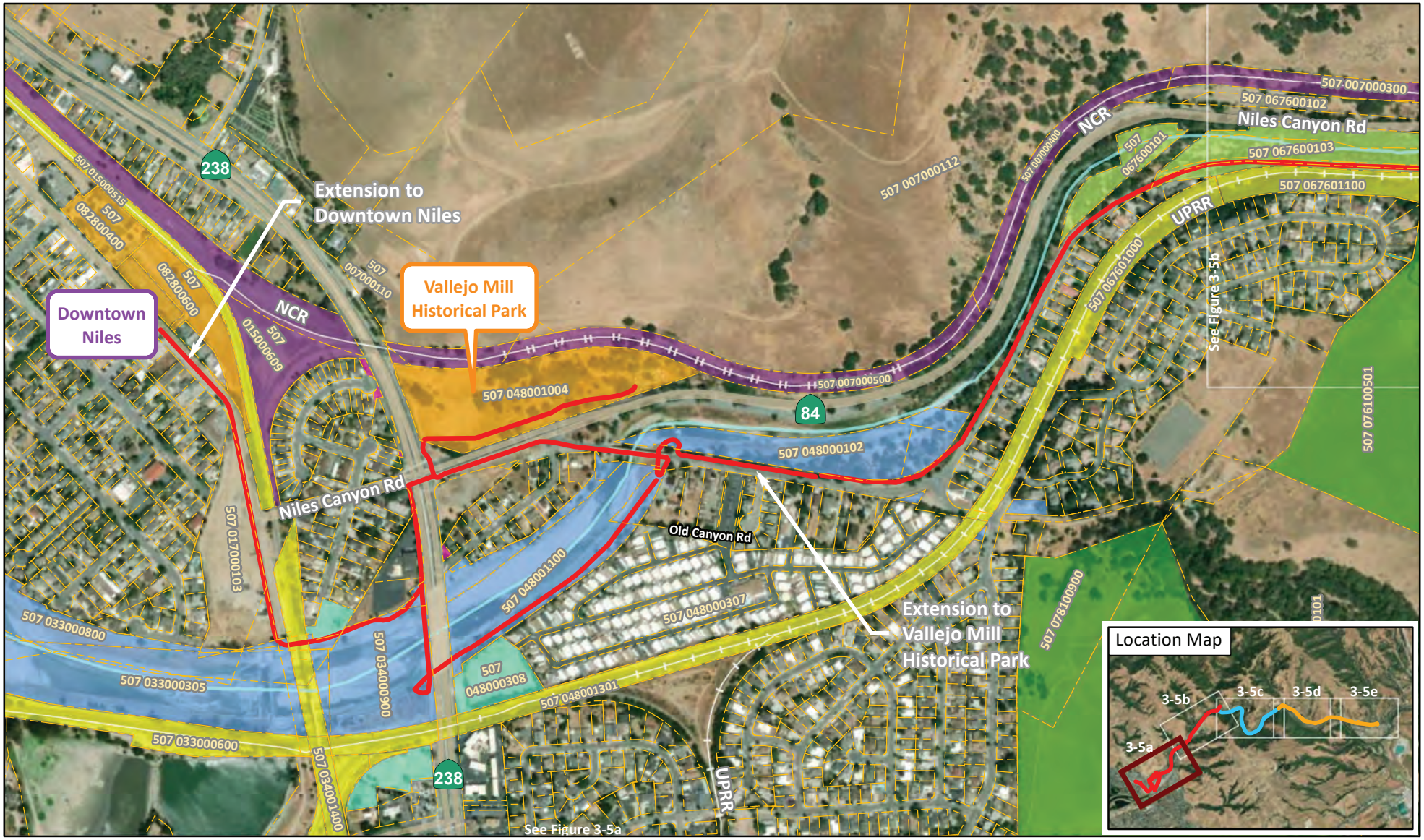
Response A-1-16. The comment, which expresses concerns related to potential disturbance and/or relocation of existing ACWD utilities, is noted. As described in Section 4.14, Utilities and Service Systems in the Draft EIR, implementation of the proposed project would not require the extension of water supply or wastewater conveyance infrastructure into the project site, nor would it increase demand for water, wastewater treatment, or solid waste disposal. The proposed project has been designed to avoid impacts to existing utilities, to the extent feasible. At this time, no utility relocations are anticipated; however, if any utilities may be affected by project construction or operation, the Alameda County Public Works Agency would coordinate with the relevant utility provider. As a public improvement project, the costs associated with any utility relocation would be paid by the utility purveyor and in accordance with California law.

Response A-1-17. The comment requests revisions to Draft EIR Figure 3-9a showing parcel ownership. In response to this comment, Figure 3-9a on page 3-39 of the Draft EIR is revised to correctly depict ACWD's parcel ownership, as shown on the following page. These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response A-1-18. This comment, which requests that, for sections of the Sunol Aqueduct that cannot be preserved, the trail design not preclude the ability to install a pipe in the future along the trail alignment and that the Alameda County Public Works Agency coordinate with ACWD regarding the design along the Sunol Aqueduct. This comment relates to the design of the proposed trail alignment and not the adequacy of the information and analysis provided in the Draft EIR (see Master Response 1). As described above, the Alameda County Public Works Agency will coordinate

with ACWD during the final design and construction process. This comment will be taken into consideration as part of the overall review of the project by County staff and decision makers.

Response A-1-19. This comment providing the ACWD contacts with whom the Alameda County Public Works Agency should coordinate as needed during the CEQA process is noted. As described above, the Alameda County Public Works Agency will coordinate with ACWD during the final design and construction process. This comment will be taken into consideration as part of the overall review of the project by County staff and decision makers.



LSA

FIGURE 3-9a

LEGEND

- Phase 1
- Phase 2
- Phase 3
- Property Line
- Alameda Creek

Parcel Ownership

- Alameda County Flood Control
- Alameda County Water District
- City of Fremont
- County of Alameda
- East Bay Regional Park District
- San Francisco Watershed Lands
- State of California
- Union Pacific Railroad

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FEET

SOURCE: CSW|ST2 (06/2022); Esri World Imagery (2023).

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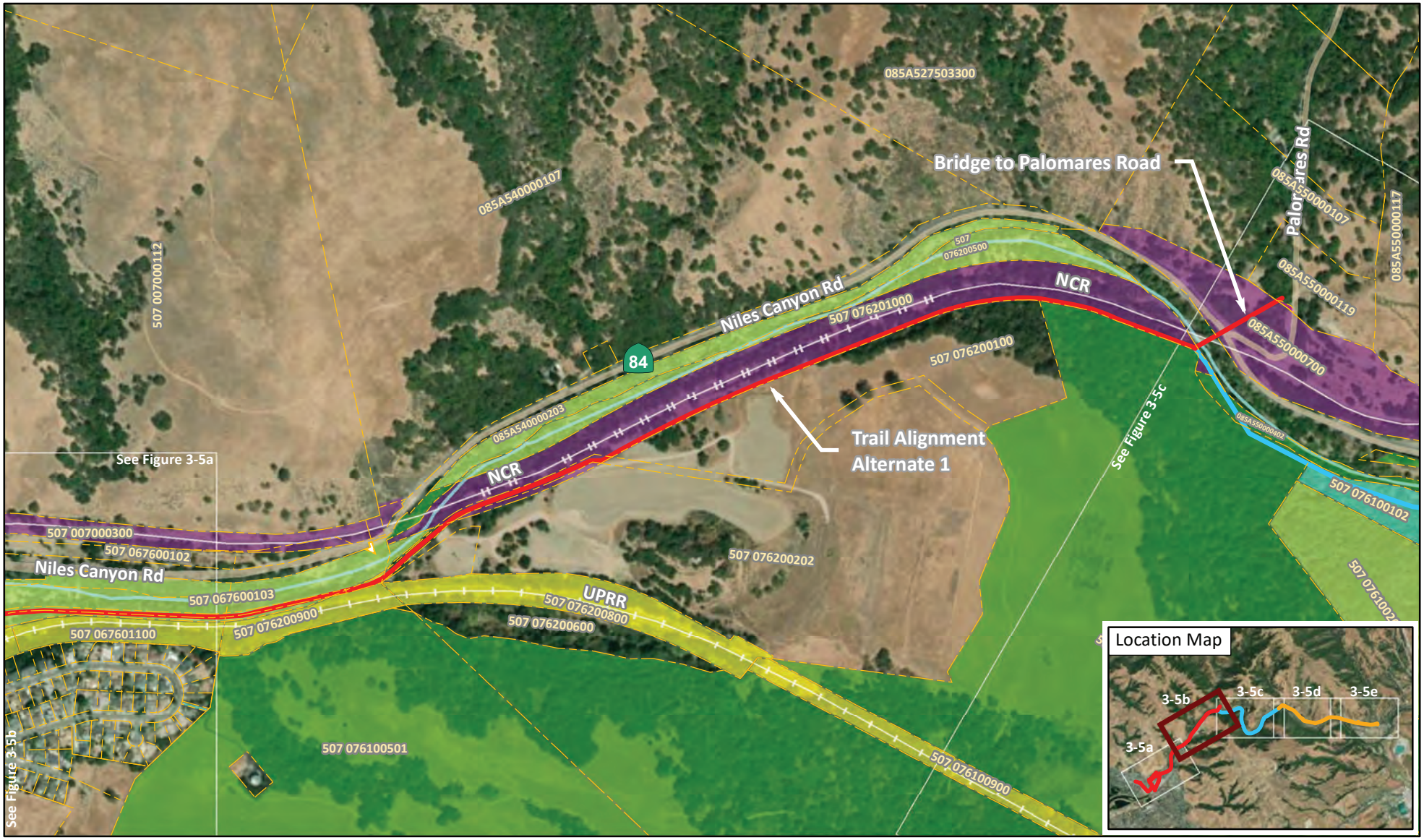
Niles Canyon Trail Project
Environmental Impact Report

Parcel Ownership



LSA

FIGURE 3-9b

LEGEND

- Phase 1
- Phase 2
- Phase 3
- Property Line
- Alameda Creek

Parcel Ownership

- Alameda County Water District
- County of Alameda
- East Bay Regional Park District
- San Francisco Watershed Lands
- State of California
- Union Pacific Railroad

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FEET

SOURCE: CSW|ST2 (06/2022); Esri World Imagery (2023).

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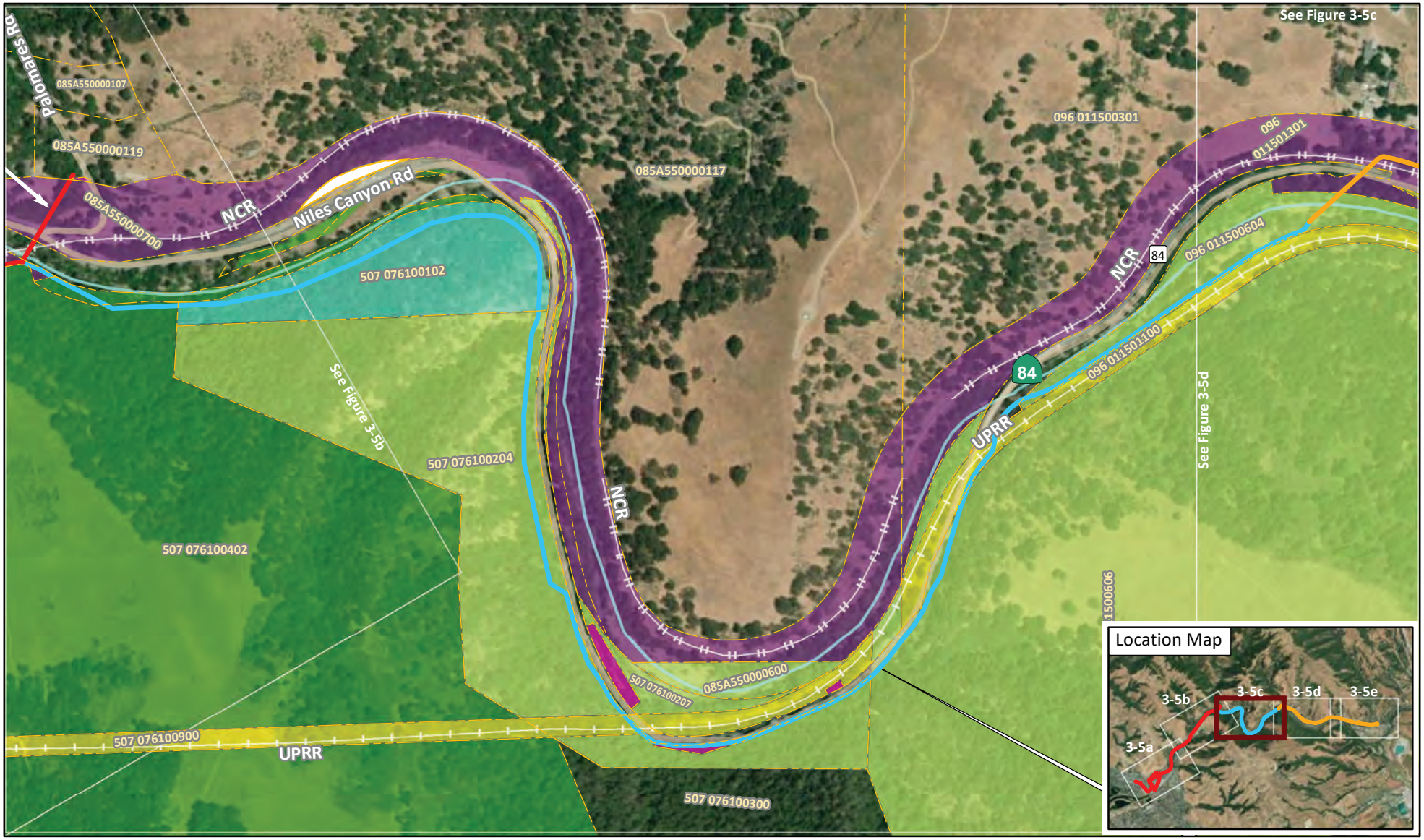
Niles Canyon Trail Project
Environmental Impact Report

Parcel Ownership



LSA

FIGURE 3-9c

LEGEND

- Phase 1
- Phase 2
- Phase 3
- Property Line
- Alameda Creek

Parcel Ownership

- Alameda County Water District
- County of Alameda
- East Bay Regional Park District
- San Francisco Watershed Lands
- State of California
- Union Pacific Railroad

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SOURCE: CSW|ST2 (06/2022); Esri World Imagery (2023).

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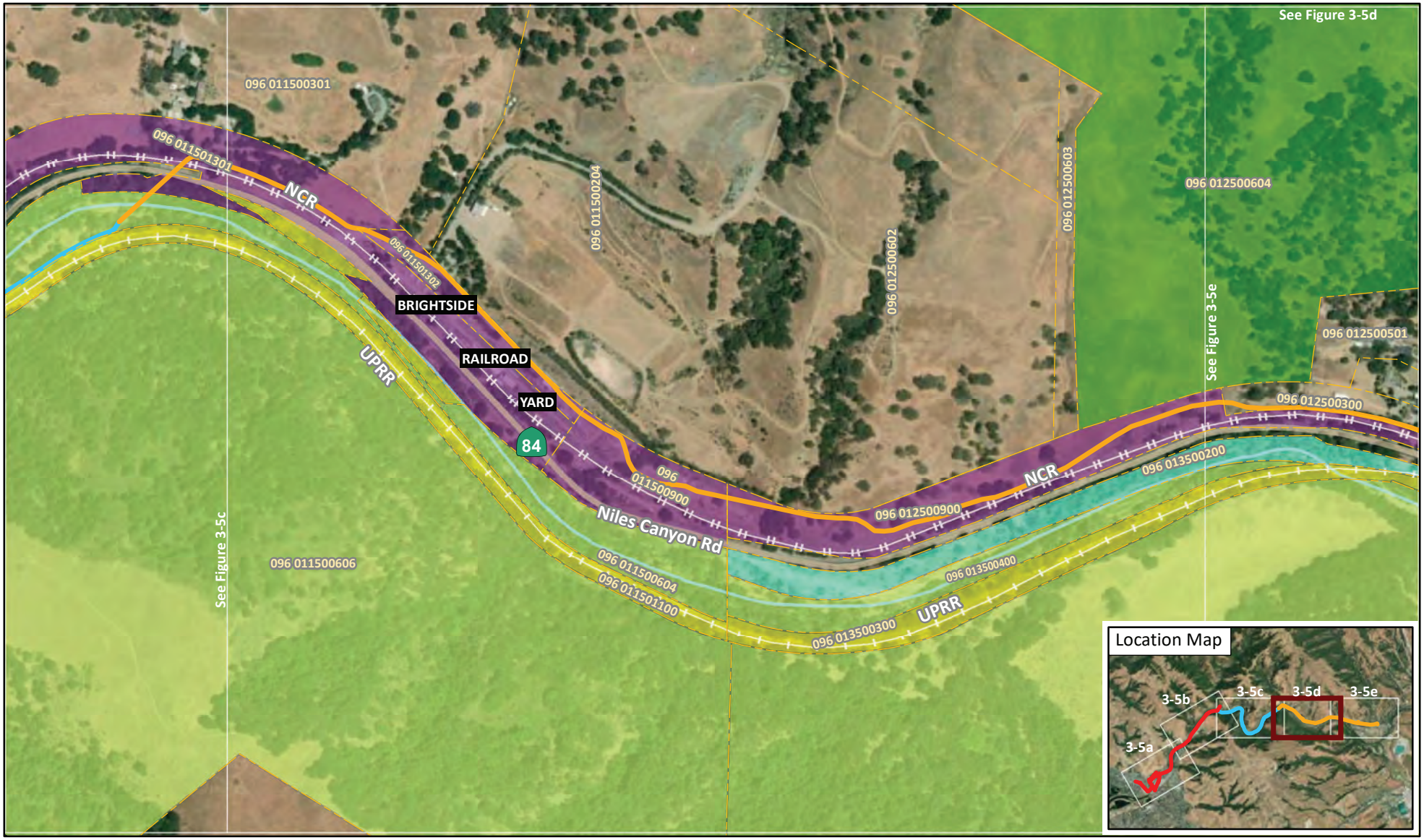
Niles Canyon Trail Project
Environmental Impact Report

Parcel Ownership



LSA

LEGEND

- Phase 1
- Phase 2
- Phase 3
- Property Line
- Alameda Creek

Parcel Ownership

- Alameda County Water District
- County of Alameda
- East Bay Regional Park District
- San Francisco Watershed Lands
- Union Pacific Railroad

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FIGURE 3-9d

Niles Canyon Trail Project
Environmental Impact Report

Parcel Ownership

SOURCE: CSW|ST2 (06/2022); Esri World Imagery (2023).

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LSA

LEGEND

- Phase 1
- Phase 2
- Phase 3
- Property Line
- Alameda Creek

Parcel Ownership

- Alameda County Water District
- County of Alameda
- East Bay Regional Park District
- San Francisco Watershed Lands
- Union Pacific Railroad

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FIGURE 3-9e

Niles Canyon Trail Project
Environmental Impact Report

Parcel Ownership

SOURCE: CSW|ST2 (06/2022); Esri World Imagery (2023).

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A-2

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 17, 2024

Amber Lo, Principal Civil Engineer
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94554
Amberl@acpwa.org

Subject: Niles Canyon Trail Project, Draft Environmental Impact Report, SCH No. 2021060647, Alameda County

Dear Ms. Lo:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from Alameda County Public Works Agency for the Niles Canyon Trail Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE A-2-1

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by state law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: County of Alameda

Objective: The objective of the Project is to construct an approximately six-mile trail alignment through Niles Canyon between the Niles District in the City of Fremont and the unincorporated Community of Sunol in Alameda County. The Project would construct a six-mile, Class I, multi-use trail for pedestrians and bicyclists through Niles Canyon in order to achieve the following objectives:

1. Establish a safe and functional Class I trail to provide recreation and multimodal transportation opportunities for pedestrians, bicyclists, and equestrians;

2. Provide a connection to Palomares Road that allows off-State Route (SR)-84 travel for pedestrians and bicyclists;

3. Minimize impacts to environmental resources;

4. Enhance or maintain stakeholder access to infrastructure;

5. Develop a proposed trail alignment with a realistic cost that can be implemented in a reasonable timeframe; and

6. Serve nonmotorized commuters and remain open 24 hours each day.

A-2-1 Cont

Primary Project activities include:

• Phase 1—Vallejo Mill to Palomares Road. The first phase would complete the connection from Vallejo Mill to Palomares Road. To provide independent utility, the Project would create a new crossing of SR-84 parallel to the Farwell Bridge.

• Phase 2—Palomares Road to Old Highway 84/Union Pacific Railroad (UPRR) Access Road. The second phase would begin at Palomares Road and end at Old Highway 84/UPRR Access Road on the south side of SR-84.

• Phase 3—Old Highway 84/UPRR Access Road to Sunol. The final phase would complete the trail between Niles and Sunol, extending from the UPRR Access Road to the Community of Sunol, along the north side of SR-84 through the Brightside Rail Yard.

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Location: The Project is located in Niles Canyon between the Niles District in the City of Fremont and the unincorporated Community of Sunol in Alameda County.

Timeframe: The trail is proposed to be developed in three phases. Phase 1 is anticipated to begin in 2025, with completion in 2027. Phases 2 and 3 would be developed as funding becomes available (however, likely no sooner than 2030).

A-2-1 Cont

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Alameda County Public Works Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources CDFW concludes that an EIR is appropriate for the Project.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Incomplete Project Description

A-2-2

Issue: The Phase 1 trail section was not fully surveyed and analyzed due to steep slopes. The Phase 2 and Phase 3 trail sections are conceptual and only analyzed at a programmatic level, therefore; CDFW is unable to fully assess the accuracy of the impacts of the design of the trails on Alameda Creek, its tributaries and fish and wildlife resources. Also, CDFW strongly recommends that the draft EIR include a procedure or checklist for subsequent projects in an appendix to ensure subsequent project impacts to fish and wildlife resources are appropriately evaluated in compliance with CEQA and impacts are mitigated to less-than-significant.

II. Would the Project 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 CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT #2: Potentially Significant Impact to Special-Status Plant Species

Section Impact BIO-1, Page 4.3-43

A-2-3

Issue: The draft EIR proposes to reduce impacts to special-status plants by requiring pre-construction protocol level surveys prior to construction of each trail segment. If special-status plants are found then a Rare Plant Mitigation Plan would be prepared for CDFW approval. It is unclear how the timing of protocol level surveys will meet a construction schedule. According to CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and*

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Sensitive Natural Communities the protocol botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting. Space botanical field survey visits throughout the growing season to accurately determine what plants exist in the Project area. This usually involves multiple visits to the Project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special-status plants are present. The timing and number of visits necessary to determine if special-status plants are present is determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which botanical field surveys are conducted. A-2-3 Cont

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant or to minimize significant impacts: Mitigation Measures BIO-1 should be revised to require protocol surveys be conducted over multiple years prior to construction to ensure surveys are able to be conducted during the bloom period. Also, if seed collection is required, the seeds will need to be collected when they are ripe and dry which could vary depending on the species.

COMMENT #3 Special-Status Reptile, Alameda whipsnake.

Section Impact BIO-4 Construction of the proposed Project could directly and indirectly result in potentially significant impacts to Alameda whipsnake, if this species is present in the Project area during construction.

Issue: The Project could permanently impact habitat of Alameda whipsnake (*Masticophis lateralis euryxanthus*), a state and federally threatened species. The draft EIR assumes Alameda whipsnake would have low presence based on ack of scrub habitats and associated rock outcrops through the Project alignment. Alameda whipsnake has been documented using the following habitats: annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features. The draft EIR does not provide information from multiple intensive and focused surveys (i.e. use of cover boards, trapping, multi-line transect visual surveys) for Alameda whipsnake during the peak of the season in which detection probabilities are highest. Therefore, CDFW recommends that the draft EIR presuppose that the species is present and utilizes the Project site. A-2-4

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant or to minimize significant impacts:

CDFW recommends Mitigation Measure 4b be revised to include mapping of the above listed habitat types within the Project site and the Project impacts, such as, permanent destruction of habitat and permanent ongoing impacts from the trail be identified in the draft EIR. The draft EIR should also address cumulative impacts to

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the Alameda whipsnake from fragmentation of habitat, permanent loss of habitat and impacts from bicycle traffic on the trail. CDFW recommends that the Project mitigate for these impacts to Alameda whipsnake and their habitats to a less-than-significant level by requiring compensatory mitigation in the form of conserved lands at 10:1 (mitigation to impact) ratio for the trail, a 3:1 ratio for all other permanent impacts and a 1:1 ratio for temporary impacts. Conserved lands should be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager. CDFW recommends that priority for conserved lands be given to on-site locations. CDFW recommends that the Project applicant consult with CDFW on the necessity to obtain an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b) prior to Project implementation. A-2-4 Cont

COMMENT #4 Special-Status Animals, San Francisco Dusky-footed Woodrat

Section Impact BIO-8: Proposed construction of the trail could result in a potentially significant impact to San Francisco dusky-footed woodrat.

Issue: San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) houses on the ground and in trees could be destroyed by tree removal and trail construction, leading to direct and indirect mortality of San Francisco dusky-footed woodrat. The draft EIR proposes preconstruction surveys within 14 days prior to tree removal or ground-disturbing activities. If a woodrat nest is found and cannot be avoided the biologist will prepare a relocation plan for CDFW approval.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant or to minimize significant impacts: CDFW recommends a phased removal dusky-footed woodrat nests where disturbance to nests is unavoidable. Mitigation Measure BIO-8b should be revised to include the following measures: A-2-5

- A qualified biologists should monitor and direct all activities associated with the removal of dusky-footed woodrat nests (structures);

- Only as necessary and to the minimal extant possible, Project site vegetation should be removed to provide access to the dusky-footed woodrat nest(s);

- Vegetation should be removed to access dusky-footed wood rat structures using hand tools. Small amounts of vegetation may be removed as needed by a qualified biologist. If significant amounts of vegetation must be removed to access a house such as dense poison oak or scrub, contractors with hand-tools should remove vegetation with a qualified biologist monitoring the activity. Gas-powered tools should be used as little as possible to reduce disturbance to occupied dusky-footed woodrat structures;

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• Over a two-week period and prior to any construction activities, dusky-footed woodrat structures or nest(s) should slowly and progressively be dismantled to allow individuals of an occupied nest(s) to allow for gradual movement away from the exposed section of the nest;

• The dismantling of the nest should occur during daylight hours and mostly in the early morning (between 0700 and 1000 hours) to reduce the likelihood of a predation event and minimize sunlight exposure;

• To enhance adjacent habitat a portion of the woody vegetation that was removed from the Project site should be placed in adjacent habitat to provide cover for dispersing dusky-footed wood rats;

• Dusky-footed woodrat nest material and other woody vegetation should be relocated at least 200 feet from the Project site to ensure that the area is not re-colonized and potentially impacted by the construction activities; A-2-5 Cont

• Where feasible, nest material, food caches and woody debris should be salvaged from the dismantled woodrat nest(s) and used to create cover and provide supplemental shelter for dispersing individual(s). Noting that food from the dismantled nest should be placed under the created cover;

• If a dusky-footed woodrat young are located, the removal of vegetation and/or dismantling of nest should immediately be suspended for a period of two to four weeks in order for the young eyesight to develop and become mobile. Noting that the removed material should be placed back on to the nest to re-cover the exposed litter and young. After two-to-four-week period, based on the development of the young, and in agreement with CDFW, the above phased-removal procedure of the dusky-footed wood rat nest may resume; and

• Within 24 hours of vegetation removal and completion of the nest dismantling, an additional visual survey of the work area should be conducted to ensure that no new dusky-footed woodrat nests have been constructed.

COMMENT #5 Special-Status Animals/Invertebrate, Crotch's Bumble Bee

Issue: The draft EIR does not analyze potential impacts to Crotch's bumble bee (*Bombus crotchii*) which is currently a Candidate Endangered species under CESA. The Project will result in permanent impacts to grassland and oak woodland habitats, which may be suitable to support Crotch's bumble bee. The draft EIR does not address whether the proposed Project could result in impacts to Crotch's bumble bee. Absence of or lack of specificity in occurrence locations should not be interpreted as absence of the species at or near a given site. The Project location is within the Crotch's bumble bee range (https://wildlife.ca.gov/Conservation/CESA) A-2-6

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and grassland within and adjacent to the Project site may contain potential habitat for Crotch's bumble bee.

Why impact would occur: The proposed Project includes construction that will occur within ruderal grass and herbaceous vegetation that may be potential Crotch's bumble bee nesting and foraging habitat.

Specific impact: Direct mortality through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, loss of native vegetation that may support essential foraging habitat.

Evidence impact would be significant: Bumble bees are critically important because they pollinate a wide range of plants over the lifecycles of their colonies, which typically live longer than most native solitary bee species. As a candidate species, unauthorized take of this species pursuant to CESA is a violation of California Fish and Game Code section 2080 et seq.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant or to minimize significant impacts: A-2-6 Cont

CDFW recommends including mitigation measures for Crotch's bumble bee:

Mitigation Measure #1: Habitat Assessment

A habitat assessment should be conducted prior to Project construction.

The habitat assessment should be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumblebee. The habitat assessment should include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other Bombus species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other Bombus species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment should be conducted during peak bloom period for floral resources on which Crotch's bumble bee feed. Further guidance on habitat surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (https://wildlife.ca.gov/Conservation/CESA).

Mitigation Measure #2: Survey Plan

If Crotch's bumble bee habitat is present within the Project area, the Project should include a pre-construction survey plan as a mitigation measure. The survey plan

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should be submitted to CDFW for review. Surveys should be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bees will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding (MOU) from CDFW.

Surveys should be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (https://wildlife.ca.gov/Conservation/CESA). A-2-6 Cont

Mitigation Measure #3: Crotch's Bumble Bee Avoidance or Take Authorization

If Crotch's bumble bee are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan should be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal.

If full take avoidance is not feasible, CDFW strongly recommends that the draft EIR state that the Project proponent will apply to CDFW for take authorization under an ITP.

III. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT #6 Riparian Habitat and Sensitive Natural Communities

Section Impact BIO-10: Construction of the proposed overcrossings would result in permanent and temporary impacts to riparian habitat associated with Alameda Creek. Riparian herbaceous vegetation permanently impacted by the proposed Project shall be mitigated by planting riparian trees and/or shrubs along Alameda Creek and/or the tributary at a minimum 1:1 ratio (square footage of trees/shrubs planted: square footage of herbaceous vegetation removed and additional square footage of shading of Alameda Creek and the tributary). All replacement trees and shrubs shall be from nursery stock grown from seeds or cuttings collected in the same genetic provenance as the Project site. A Riparian Revegetation Plan shall be prepared with specific success criteria and contingency measures to be implemented if success criteria are not met. The plantings shall be monitored and maintained for five years or until the success criteria are met. A-2-7

Issue: Impact BIO-10 implies that the only impacts to riparian habitat will be from the bridge crossings. The draft EIR does not delineate the areas where the trail is

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proposed to be constructed within the riparian corridor and one section was not surveyed due to steep terrain. The draft EIR also does not provide sufficient detailed designs for such as cross sections, grading, or dimensions/shape of the pedestrian crossing. Based on the lack of details on the location and design of the trail for Phase 2 and 3, but also for Phase 1, CDFW is unable to fully assess the accuracy of the impacts of the design on Alameda Creek and its tributaries.

Mitigation Measure BIO-10 only requires riparian herbaceous vegetation permanently impacted by the proposed Project shall be mitigated by planting riparian trees and/or shrubs along Alameda Creek and/or the tributary at a minimum 1:1 ratio (square footage of trees/shrubs planted: square footage of herbaceous vegetation removed and additional square footage of shading of Alameda Creek and the tributary).

Mitigation Measure BIO_13b only requires trees to be mitigated at a 1:1 ratio (tree planted: tree removed).

Specific impact: The majority of the Project corridor runs along Alameda Creek and in Phase 1 the Project proposes to remove at least 240 trees as well as grade and excavate slopes along the riparian area. Impacts from grading, excavation, and tree removal in the riparian area are a significant impact. Riparian zones vary widely in their physical characteristics and these areas are among the environment's most complex ecological systems and also among the most important for maintaining the vigor of the landscape and its rivers (Naiman and Décamps 1990, 1997). A-2-7 Cont

Removal of riparian vegetation, including grass and shrubs, can cause destabilization of stream morphology, alteration of hydrology, degraded water quality, and reductions in many types of fish and wildlife. (Davis, Mitchell, Wakeley, Fischenich, Craft, 1996).

Riparian areas that are subject to activities such as trail or road building, terracing, and vegetation removal can experience increased erosion and delivery of sediment to streams, particularly fine particles. Increased inputs of sediment to streams can have numerous environmental effects and can be particularly damaging to certain freshwater organisms.

Streams are linear systems that move mass and energy along the channel primarily in upstream/downstream directions and through the floodplain in all directions. It is critical that these connections are well understood and analyzed before any work in the stream takes place.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant or to minimize significant impacts: To reduce impacts to stream and riparian habitat, and sensitive natural communities, to less-than-

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significant, CDFW recommends relocating the trail segments within the riparian area to outside of the riparian zone to reduce loss of riparian habitat. CDFW also recommends clarifying the acreage of impacts to stream and riparian habitat and sensitive natural communities, and revising Mitigation Measures BIO-10 and 13 to include the following mitigation measures:

Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs and grasses. Permanently impacted areas within the riparian zone or other sensitive natural community, such as from channel crossings, should be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration should occur on-site to the extent feasible. If off-site restoration is necessary, it should be as close to the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration should occur in the same year of the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW: A-2-7 Cont

Oak (Quercus sp.) trees:

• 4:1 replacement for trees up to 7 inches diameter at breast height (DBH)

• 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH

• 10:1 replacement for trees greater than 15 inches DBH, which are considered

old-growth oaks

Non-oak trees:

• 1:1 replacement of non-native trees with native trees.

IV. Would the Project interfere substantially with movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede use of native wildlife nursery sites?

COMMENT #7: Wildlife Corridors and Habitat Connectivity

Section Impact: Wildlife Corridors and Native Wildlife Nursery Sites

Issue 1: The proposed Project includes components such as retaining walls (2-26 feet high), barrier walls between the proposed trail and railroad and Highway 84, and parking. As shown in Figure 3-4, the trail design will incorporate several different barrier options to separate trail users from railroad and highway traffic. A-2-8

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As noted in Table 4.A: Cumulative Projects in the Vicinity of the Project Site, the Niles Canyon Safety Improvements Project includes additional guard rails, K-rail replacement, shoulder widening, widening and barrier rail replacements on Alameda Creek Bridge which could cumulatively add to the connectivity impacts of the Project. CEQA Guidelines §15355 defines a cumulative impact as the condition under which two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the Project when added to other closely related past, present, and reasonably foreseeable probable future projects.

Implementation of the proposed Project could prevent, result in a decline, or otherwise alter use of existing wildlife movement corridors for State candidate mountain lion (*Felis concolor*), black tailed deer (*Odocoileus hemionus columbianus*), bobcat (*Lynx rufus*) state and federally threatened California tiger salamander (*Ambystoma californiense*), federally threatened and State Species of Special Concern (SSC) California red-legged frog (*Rana draytonii*), Alameda whipsnake, State SSC western pond turtle (*Actinemys marmorata*), and other species. The Project could result in direct and indirect mortality, reduced reproductive success, reduced frequency of care for young resulting in reduced health or vigor of young, forcing wildlife into movement paths and areas that could increase their vulnerability to vehicle strikes and predation, and reduction in genetic exchange affecting intra-species diversity. Isolation of subpopulations limits the genetic exchange of populations and increases the risk of local extirpation. **A-2-8 Cont**

The draft EIR includes mitigation measures for impacts of the Project on wildlife movement. CDFW does not have sufficient detail to determine if the proposed mitigation measures will be sufficient to offset wildlife movement and connectivity impacts. CDFW has ascertained that there is potential to reduce impacts of the Project on wildlife movement through Project infrastructure and component redesign, as well as compensatory mitigation measures for impacts that cannot be completely avoided that were not identified within the draft EIR.

CDFW therefore recommends that the draft EIR include feasible mitigation measures to reduce significant impacts of the Project on wildlife connectivity for species, including, but not limited to, California tiger salamander, Alameda whipsnake, the mountain lion, meso-carnivores and herbivores, and California red-legged frog and western pond.

Evidence impact would be significant: The Project is located alongside Highway 84 which has been identified as a priority wildlife barrier by CDFW in 2020 and 2022 (Wildlife Movement Barrier Priorities - CDFW - 2022 [ds3025], CDFW 2024) based on wildlife movement and presence data for mountain lions, black-tailed deer, California

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tiger salamander, California red-legged frog, and Alameda whipsnake. Addressing the barrier would create a contiguous linkage of conserved patches and core areas for wildlife movement. The Alameda County Resource Conservation District is currently funded by the Wildlife Conservation Board to develop wildlife crossing designs within the Interstate (I)-580/I-680/Highway 84 corridor, which includes the Project area.

The location of the Project includes modeled core habitat for mountain lions on both sides of the Niles Canyon. Habitat suitability for mountain lion in the Project area ranges from medium to high along the Project corridor, with high suitability areas found east of Farwell and Brightside (Mountain Lion Predicted Habitat - CWHR M165 [ds2616] - California Wildlife Habitat Relationships). The Project also straddles core modeled habitat for Alameda Whipsnake Modeled Habitat [ds3138] (CDFW 2024) developed to support the Pacific Gas & Electric Bay Area Operations and Maintenance Habitat Conservation Plan. Multiple occurrences of western pond turtle along the Project corridor indicate connectivity is important for this species in the area.

A-2-8 Cont

The Project may severely limit and reduce opportunities to enhance permeability across Highway 84 in this area, including transportation infrastructure enhancements and protection of adjacent habitat. Project construction and operation could cause dispersing animals to become trapped along the trail barriers or retaining walls if crossing Highway 84. Construction would also result in removal of riparian habitat along Alameda Creek, which provides cover for dispersing wildlife. Riparian corridors are important to maintain connectivity for daily movement and migration, foraging, genetic interchange, and population movement in response to environmental change or natural disaster.

Recommended Potentially Feasible Mitigation Measures to minimize significant impacts or to potentially reduce impacts of the Project on wildlife movement corridors to less-than-significant levels include the following:

CDFW recommends including the following mitigation measures for wildlife corridors:

Mitigation Measure #4: Wildlife Corridors and Connectivity

CDFW recommends consultation with experts in wildlife passage design, including CDFW and Alameda County Resource Conservation District, and to conduct in-depth studies on existing use of wildlife corridors within the Project area and surrounding areas in order to evaluate extent of future impacts of the Project on wildlife connectivity, and to provide a basis for infrastructure and Project component redesign (see Mitigation Measure #2). Data collection methods should enable

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detection of species that have been found to utilize the existing movement corridors, including species mentioned in the comment above.

Pre-construction study results should be used to develop biologically feasible movement corridor improvements. The cumulative impacts of adjacent projects on wildlife corridors should be considered. Post-construction monitoring should assess use of wildlife movement corridors.

CDFW recommends that monitoring data be analyzed, summarized, and results discussed in reports that may be posted to the Project webpage and be submitted to CDFW and other agencies or organizations that have a duty or interest in the effectiveness of wildlife movement corridors.

Mitigation Measure #5: Infrastructure and Project Component Redesign

CDFW recommends the draft EIR analyze feasible re-designs or relocations of Project infrastructure that would improve wildlife movement opportunities and avoid or reduce the Project's significant impacts to wildlife connectivity. Additionally, CDFW recommends a scientifically defensible wildlife corridor width be required. The functional width of usable linkages should be described and maintained outside of the zone of influence of edge effect (Beier 2018). The effective corridor width is the minimum spatial dimension needed to mitigate human influence on animal movement through the corridor (Ford *et al*., 2020). The effectiveness of a corridor is further affected by the type and extent of human activities and land use practices within and adjacent to the corridor (Harrison 1992). **A-2-8 Cont**

CDFW recommends coordination with regional CDFW and Conservation Engineering staff on the design and location of walls, fences, and barriers to minimize their impacts on wildlife connectivity. The proposed design of the retaining walls and barriers between the trail and Highway 84 or the railroad will impact the ability of wildlife to cross the canyon. The recommended movement studies should be used to determine locations for design modifications that support the maximum movement and connectivity for impacted species. In locations where connectivity is important, but barriers are still required, the following approaches should be considered:

- Use of a three-beam type barrier along the road instead of the proposed scuppers or gaps; and
- Retaining walls should be textured and sloped to support use by wildlife, and where possible ramps/benches be utilized to allow for movement through the retaining walls.

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Mitigation Measure #6: Compensatory Mitigation – Local Area Wildlife Movement Corridor

Off-site compensatory mitigation should be implemented to completely offset unavoidable impacts if Project infrastructure redesigns, and other measures to avoid significant impacts to existing wildlife corridors within the Project area do not fully avoid impacts to wildlife corridors. The EIR should include an analysis of beneficial and feasible wildlife movement corridors and/or crossings at off-site locations that could be improved or constructed, to improve wildlife connectivity.

Crossing and connectivity enhancements could include terracing for dry passage, directional fencing to prevent animals from crossing roads to reduce wildlife-vehicle strikes, removal of accumulated sediment that may block undercrossings, removal of vegetation debris, and control of invasive plant species. Enhancement of riparian habitat on both Alameda Creek, which likely serve as important movement corridors for wildlife, should also be evaluated for enhancement.

Issue 2: The draft EIR does not include measures to assess and/or reduce impacts of trail users on wildlife connectivity. As noted in the draft EIR, the proposed trail is expected to accommodate between 800 and 1,000 peak daily users, with average daily use estimated to be approximately 300 trail users. The trail will be open to users 24-hours per day, and no gates are proposed as part of the Project. A-2-9

Evidence impact would be significant: Substantial evidence exists that trails may act as barriers to the movement of animals due to behavioral avoidance, the presence of a physical barrier, or development of a home range along the physical barrier (Burgin and Hardiman 2012). Recreation can degrade or fragment habitat, resulting in habitat that is otherwise of high quality being used less frequently or not at all. Behavioral reactions such as flight, flushing, or vigilance are commonly observed and studied wildlife responses to recreationists (Larson et al. 2016). Trail density is a main factor influencing how wildlife responds to trail users and the ability of wildlife to disperse or reach seasonally important habitats such as breeding grounds (D'Acunto *et al*. 2018). Recreation is associated with declines in occupancy of five-to-ten-fold, habitat use, and relative activity of reptile and mammal species (Reed and Merenlender, 2008; Reed *et al*., 2019), including mountain lion, bobcat (*Lynx rufus*), and deer. Movement rates of mountain lions have also been shown to increase with increasing human density, leading to increased energy expenditures (Buderman *et. al*, 2017; Wang *et. al*, 2017). Fear of humans causes mountain lions to increase their energy expenditures as they move through the landscape, and this can ultimately limit the size of the home ranges they are able to maintain (Nickel *et al*., 2021).

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Recommended Potentially Feasible Mitigation Measures to minimize significant impacts or to potentially reduce impacts of the Project on wildlife movement corridors to less-than-significant levels include the following:

Mitigation Measure #7: Monitor and Enforce Restrictions to Public Access A-2-9 Cont

CDFW recommends the Project include the development and implementation of a Trail Use Enforcement Plan to reduce potential impacts of trails to wildlife connectivity. The plan should include strategies for enforcing and remediating off trail use, monitoring trail use, providing education on wildlife-human conflict, and seasonal trail closures during sensitive periods, such as breeding periods as appropriate.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp. A-2-10

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (See: Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). A-2-11

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist Alameda County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Marcia Grefsrud, Environmental Scientist at (707) 644-2812 or Marcia.Grefsrud@wildlife.ca.gov.

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Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

Beier, P. 2018. A rule of thumb for widths of conservation corridors. Conservation Biology. (0) 0:1-3. DOI: 10.1111/cobl.13256.

Buderman, F. E., M. Hooten, M. Alldredge, E. Hanks, and J. Ivan. 2018. Time-varying predatory behavior is primary predictor of fine-scale movement of wildland-urban cougars. Movement Ecology, 6, 22.

Burgin, S. and N. Hardiman. 2012. Is the evolving sport of mountain biking compatible with fauna conservation in national parks? Australian Zoologist 36:201–208.

California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed April 25, 2024.

D'Acunto, L. E., R. J. Spaul, J. A. Heath, and P. A. Zollner. 2018. Simulating the success of trail closure strategies on reducing human disturbance to nesting Golden Eagles. The Condor 120:703–718.

Davis, M., Mitchell, W., Wakeley, J., Fischenich, J., Craft, M. 1996 Environmental Value of Riparian Vegetation. US Army Corps of Engineers. Retrieved from https://apps.dtic.mil/sti/pdfs/ADA316934.pdf

Ford, A. T., E. J. Sunter, C. Fauvelle, C. Bradshaw, B. L. Ford, B. Hutchen, J. Phillipow, N. and Teichman, K. J.. Noise. 2020. Effective corridor width: linking the spatial ecology of wildlife with land use policy. European Journal of Wildlife Research 69: 1-10.

Harrison, R. 1992. Toward a Theory of Inter-Refuge Corridor Design. Available from: https://www.jstor.org/stable/2386251#metadata_info_tab_contents

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Larson, C. L., S. E. Reed, A. M. Merenlender, and K. R. Crooks. 2016. Effects of recreation on animals revealed as widespread through a global systematic review. PLoS ONE 11: e0167259

Naiman RJ, Décamps H, eds. 1990. Ecology and Management of Aquatic Terrestrial Ecotones. Paris, Carnforth (UK): UNESCO, Parthenon Publishing Group.
_____. 1997. The ecology of interfaces—riparian zones. Annual Review of

Nickel, B. A., Suraci, J. P., Nisi, A. C., and Wilmers, C. C. 2021. Energetics and fear of humans constrain the spatial ecology of pumas. Proceedings of the National Academy of Sciences of the United States of America, 118(5), e2004592118.

Reed, S. E., and A. M. Merenlender. 2008. Quiet, nonconsumptive recreation reduces protected area effectiveness. Conservation Letters 1:146–154.

Reed, S. E., C. L. Larson, and K. R. Crooks. 2019. Effects of Human Use of NCCP Reserves on Reptile and Mammal Species in San Diego. Wildlife Conservation Society Agreement No/LAG #: P1582100

Wang, Y., J. Smith, and C. Wilmers. 2017. Residential development alters behavior, movement, and energetics in an apex predator, the puma. PLoS ONE, 12.Ecology and Systematics 28: 621–658.

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ATTACHMENT 1. Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	**Description**	**Timing**	**Responsible Party**
Subsequent Project review	The Lead Agency shall create a procedure or checklist for evaluating subsequent Project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist shall be included as an attachment to the EIR. Future analysis shall include all special-status species and sensitive habitat including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380. The checklist shall be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis shall be prepared by a Qualified Biologist to provide the necessary supporting information. In addition, the checklist shall cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR.	Prior to EIR Certification	Lead Agency
Biological resources evaluation	The EIR shall evaluate potential Project impacts to special-status species and include specific mitigation measures for foreseeable potentially significant impacts. Where future site-specific impacts may not be presently foreseeable based on Project's broad scope, the checklist discussed in Comment 1 above (Subsequent Project review) shall be used to determine if a future CEQA environmental document is required.	Prior to EIR Certification	Lead Agency
Mitigation Measure BIO-1	*Special Status Plants.* Revise Mitigation Measure BIO-1 to include: Protocol surveys for special status plants shall be conducted over multiple years prior to construction. Protocol botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. If seed collection is required, the seeds shall be collected when they are ripe and dry which could vary depending on the species. Botanical surveys shall be conducted according to	Prior to Ground Disturbance	Project Applicant

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	CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.*		
Mitigation Measure BIO-4b	*Alameda whipsnake.* Revise Mitigation Measure 4b to include: Habitat Types such as annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features should be mapped prior to construction. Cumulative impacts to the Alameda whipsnake from fragmentation of habitat, permanent loss of habitat and impacts from bicycle traffic on the trail should be analyzed. Mitigate for these impacts to Alameda whipsnake and the habitat to a less-than-significant level by requiring compensatory mitigation in the form of conserved lands at 10:1 (mitigation to impact) ratio for the trail, a 3:1 ratio for all other permanent impacts and a 1:1 ratio for temporary impacts. Conserved lands should be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager.	Prior to Ground Disturbance	Project Applicant
Mitigation Measure BIO-8	San Fransico dusky footed woodrat. Revise Mitigation measure BIO8 to include: Preconstruction surveys for San Francisco dusky-footed woodrat shall be conducted at least 14 days prior to ground-disturbing or tree removal activities. If a dusky-footed woodrat nest is found in the Project Area a qualified biologists shall monitor and direct all activities associated with the removal of dusky-footed woodrat nests (structures). • Only as necessary and to the minimal extant possible, Project site vegetation should be removed to provide access to the dusky-footed woodrat nest(s). •Vegetation shall be removed to access dusky-footed wood rat structures using hand tools. Small amounts of vegetation may be removed as needed by a qualified biologist. If significant amounts of vegetation must be removed to access a house, such as dense poison oak or scrub, contractors with hand-tools should remove vegetation with a qualified biologist monitoring the activity. Gas-powered tools should be used as little as possible to reduce disturbance to occupied dusky-footed	Prior to Ground Disturbance	Project Applicant

	woodrat structures. • Over a two-week period and prior to any construction activities, dusky-footed woodrat structures or nest(s) should slowly and progressively be dismantled to allow individuals of an occupied nest(s) to allow for gradual movement away from the exposed section of the nest. • The dismantling of the nest should occur during daylight hours and mostly in the early morning (between 0700 and 1000 hours) to reduce the likelihood of a predation event and minimize sunlight exposure. • To enhance adjacent habitat a portion of the woody vegetation that was removed from the Project site should be placed in adjacent habitat to provide cover for dispersing dusky-footed wood rats. • Dusky-footed woodrat nest material and other woody vegetation should be relocated at least 200 feet from the project site to ensure that the area is not re-colonized and potentially impacted by the construction activities. • Where feasible, nest material, food caches and woody debris shall be salvaged from the dismantled woodrat nest(s) and used to create cover and provide supplemental shelter for dispersing individual(s). Noting that food from the dismantled nest should be placed under the created cover. • If a dusky-footed woodrat young are located, the removal of vegetation and/or dismantling of nest should immediately be suspended for a period of two to four weeks in order for the young eyesight to develop and become mobile. Noting that theremoved material should be placed back on to the nest to re-cover the exposed litter and young. After two-to-four-week period, based on the development of the young, and in agreement with CDFW, the above phased-removal procedure of the dusky-footed wood rat nest may resume. • Within 24 hours of vegetation removal and completion of the nest dismantling, an additional visual survey of the work area should be conducted to ensure that no new dusky-footed woodrat nests have been constructed.		
Mitigation Measure	*Crotch's bumble bee* **Mitigation Measure #1 Habitat Assessment**	Prior to Ground Disturbance	Project Applicant

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Special Animals	A habitat assessment should be conducted prior to project construction. The habitat assessment should be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumblebee. The habitat assessment should include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other Bombus species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other Bombus species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment should be conducted during peak bloom period for floral resources on which Crotch's bumble bee feed. Further guidance on habitat surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (https://wildlife.ca.gov/Conservation/CESA). **Mitigation Measure #2: Survey Plan** If Crotch's bumble bee habitat is present within the Project area, the Project should include a pre-construction survey plan as a mitigation measure. The survey plan should be submitted to CDFW for review. Surveys should be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bees will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding from CDFW. Surveys should be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (https://wildlife.ca.gov/Conservation/CESA). **Mitigation Measure #3: Crotch's Bumble Bee Avoidance or Take Authorization** If Crotch's bumble bee are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan should be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal.		

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	If full take avoidance is not feasible, CDFW strongly recommends that the draft EIR state that the Project proponent will apply to CDFW for take authorization under an Incidental Take Permit.		
Mitigation Measures BIO 10 and 13	CDFW recommends relocating the trail segments within the riparian area to outside of the riparian zone to reduce loss of riparian habitat. CDFW also recommends clarifying the acreage of impacts to stream and riparian habitat and sensitive natural communities, and revising Mitigation Measures BIO-10 and 13 to include the following mitigation measures: Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs and grasses. Permanently impacted areas within the riparian zone or other sensitive natural community, such as from channel crossings, should be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration should occur on-site to the extent feasible. If off-site restoration is necessary, it should be as close to the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration should occur in the same year of the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW: Oak (Quercus sp.) trees: • 4:1 replacement for trees up to 7 inches diameter at breast height (DBH) • 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH • 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks Non-oak trees: • 1:1 replacement for non-native trees.	Prior to Ground Disturbance	Project Applicant
Mitigation Measures Wildlife Corridors	***Mitigation Measure #4: Wildlife Corridors and Connectivity*** CDFW recommends consultation with experts in wildlife passage design, including CDFW and Alameda County Resource Conservation District, and to conduct in-depth studies on existing use of wildlife corridors within the Project area and surrounding areas in order to evaluate extent of future impacts of the Project on wildlife connectivity, and to provide a basis for infrastructure	Prior to Ground Disturbance During Construction	Project Applicant

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	and Project component redesign (see Mitigation Measure #2). Data collection methods should enable detection of species that have been found to utilize the existing movement corridors, including species mentioned in the comment above. Pre-construction study results should be used to develop biologically feasible movement corridor improvements. The cumulative impacts of adjacent projects on wildlife corridors should be considered. Post-construction monitoring should assess use of wildlife movement corridors. CDFW recommends that monitoring data be analyzed, summarized, and results discussed in reports that may be posted to the Project webpage and be submitted to CDFW and other agencies or organizations that have a duty or interest in the effectiveness of wildlife movement corridors. ***Mitigation Measure #5: Infrastructure and Project Component Redesign*** CDFW recommends the draft EIR analyze feasible re-designs or relocations of Project infrastructure that would improve wildlife movement opportunities and avoid or reduce the Project's significant impacts to wildlife connectivity. Additionally, CDFW recommends a scientifically defensible wildlife corridor width be required. The functional width of usable linkages should be described and maintained outside of the zone of influence of edge effect (Beier 2018). The effective corridor width is the minimum spatial dimension needed to mitigate human influence on animal movement through the corridor (Ford et al., 2020). The effectiveness of a corridor is further affected by the type and extent of human activities and land use practices within and adjacent to the corridor (Harrison 1992). CDFW recommends coordination with regional CDFW and Conservation Engineering staff on the design and location of walls, fences, and barriers to minimize their impacts on wildlife connectivity. The proposed design of the retaining walls and barriers between the trail and Highway 84 or the railroad will impact the ability of wildlife to cross the canyon. The recommended movement studies should be used to determine locations for design modifications that support the maximum movement and connectivity for impacted species. In locations where connectivity is important, but barriers are still required, the following approaches should be considered. • Use of a three-beam type barrier along the road		

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	instead of the proposed scuppers or gaps. • Retaining walls should be textured and sloped to support use by wildlife, and where possible ramps/benches be utilized to allow for movement through the retaining walls.] ***Mitigation Measure #6: Compensatory Mitigation – Local Area Wildlife Movement Corridor*** Off-site compensatory mitigation should be implemented to completely offset unavoidable impacts if Project infrastructure redesigns, and other measures to avoid significant impacts to existing wildlife corridors within the Project area do not fully avoid impacts to wildlife corridors. The draft EIR should include an analysis of beneficial and feasible wildlife movement corridors and/or crossings at off-site locations that could be improved or constructed, to improve wildlife connectivity. Crossing and connectivity enhancements could include terracing for dry passage, directional fencing to prevent animals from crossing roads to reduce wildlife-vehicle strikes, removal of accumulated sediment that may block undercrossings, removal of vegetation debris, and control of invasive plant species. Enhancement of riparian habitat on both Alameda Creek, which likely serve as important movement corridors for wildlife, should also be evaluated for enhancement. **Mitigation Measure #7: Monitor and Enforce Restrictions to Public Access** CDFW recommends the Project include the development and implementation of a Trail Use Enforcement Plan to reduce potential impacts of trails to wildlife connectivity. The plan should include strategies for enforcing and remediating off trail use, monitoring trail use, providing education on wildlife-human conflict, and seasonal trail closures during sensitive periods, such as breeding periods as appropriate.		

3.2.2.1 Responses to Letter A-2

State of California, California Department of Fish and Wildlife
Erin Chappell, Regional Manager, Bay Delta Region
May 17, 2024

Response A-2-1. This introductory comment acknowledges receipt of the Draft EIR, describes the California Department of Fish and Wildlife's (CDFW) role under CEQA, summarizes the proposed project as detailed in the Draft EIR, concludes that an EIR is the appropriate CEQA document for the proposed project, and introduces the comments on the Draft EIR and the proposed mitigation measures provided as an attachment to the CDFW comment letter, which are responded to in Responses A-2-2 through A-2-11, below.

Response A-2-2. This comment, which states that CDFW is unable to fully assess the accuracy of the impacts of the design and recommends that the Draft EIR include a procedure or checklist for subsequent projects to ensure subsequent project impacts to fish and wildlife resources are appropriately evaluated and mitigated, is noted.

As described in the Draft EIR, the EIR analyzes the environmental impacts of all three phases of the proposed project, with Phase 1 evaluated at the project level and Phases 2 and 3 evaluated at a programmatic level. The analysis provided in the Draft EIR is based on background research, review of available literature, field surveys of the Phase 1 project site and site specific analysis, including Phase I Environmental Site Assessment, geotechnical analysis, and air quality modeling. Field surveys were conducted for the Phase 1 portion of the project area to map vegetation communities, inventory trees, survey for rare plants, delineate the extent of jurisdictional waters, identify any archaeological resources along the project alignment, and to document the condition of the four previously recorded historic resources and their setting. In areas where survey was not feasible due to accessibility constraints, the number of trees in this area was estimated based on examination with binoculars. The Draft EIR includes sufficient information to evaluate the environmental impacts of all three phases of the proposed project, with Phase 1 evaluated at the project level and Phases 2 and 3 evaluated at a programmatic level. As demonstrated by the specific responses to comments in this chapter, information added to the Draft EIR or in this RTC Document clarifies or modifies slightly statements and mitigation measures to further clarify or explain the information, analysis, and conclusions in the Draft EIR and further ensure all impacts are less than significant. The Draft EIR, with the minor changes identified in this RTC Document, provides an adequate level of information to allow County decision-makers to consider the significant impacts associated with the project and make a determination regarding project approvals.

Consistent with Section 15097 of the *State CEQA Guidelines*, the County will prepare a Mitigation Monitoring and Reporting Program (MMRP). The purpose of the MMRP is to ensure that the adopted mitigation measures are implemented according to the procedures, timing, and responsibilities identified in the mitigation measures outlined in the Final EIR. The MMRP is required to be adopted and implemented if the project is approved and identifies (1) the timing for implementation (e.g., prior to issuance of permits, certain phases of construction,), including the applicable project development phase; (2) the responsibility for implementation; and (3) the entity responsible for providing implementation oversight, whether it be the County or another public

agency, and how that measure would be monitored and enforced. The MMRP ensures that the mitigation measures identified in the Final EIR are implemented and fully enforced by the applicable oversight agencies through County-issued permit conditions. Other responsible agencies such as the CDFW, Bay Area Air Quality Management District, and the RWQCB are authorized to enforce compliance with their applicable regulations. It should also be noted that, as part of normal construction practices, a construction manager or construction supervisor is typically responsible for ensuring that a project site is in full compliance with federal, State, and local laws and regulations, as well as implementing all project-associated mitigation measures. These requirements are outlined specifically in a bid package and construction contract prior to the start of the project and are addressed during daily project activities.

Response A-2-3. This comment addresses impacts to special-status plant species and recommends revisions to Mitigation Measure BIO-1 to address timing for protocol-level surveys for special-status plant species.

In response to this comment, pages 4.3-43 through 4.3-45 of the Draft EIR are revised as follows:

Mitigation Measure BIO-1a Prior to the initiation of construction of each trail segment within undeveloped areas, protocol-level surveys shall be conducted by a qualified biologist for the presence of special-status plants. The surveys shall be conducted in accordance with the California Department of Fish and Wildlife *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.* If special-status species are found during the surveys, impacts to such plant species shall be avoided or minimized with implementation of Mitigation Measures BIO-1b.

Mitigation Measure BIO-1b If annual special-status plants are found along the trail alignment and if avoidance of special-status populations is not possible, then a Rare Plant Mitigation Plan shall be designed and implemented. CDFW approval of the Rare Plant Mitigation Plan is required before implementation of an activity that could directly or indirectly impact a federally or state listed or CNPS Rare Plant Rank 1A, 1B, 2A, or 2B species, and under no circumstances shall state or federally listed plants be impacted without additional consultation with appropriate regulatory agencies. At a minimum, the plan shall include the following elements:

- For annual species, seed shall be collected from plants that will be impacted, seed stored in an

appropriate seed banking facility, and a portion of the seeds shall be redistributed in the project vicinity, as directed by the qualified botanist. Individual plants may also be transplanted. For perennial species, seed collection and seed banking may be augmented by transplanting entire plants or cuttings, as directed by the qualified botanist. If seed collection is required, the seeds shall be collected when they are ripe and dry, which could vary depending on the species.

- Suitable sites shall be identified in Niles Canyon (or other nearby suitable location) and prepared for redistribution of seeds (or transplants) at mitigation ratios that are appropriate for the species lifeform (e.g., annual or perennial) and success based on performance standards calibrated by established reference populations. The plan shall outline the site preparation activities.

- Monitoring surveys of the seeded or transplanted areas shall be conducted for a minimum of 3 years. The project proponent shall prepare monitoring reports that document the monitoring results and the success of the rare plant mitigation program.

- Mitigation shall be deemed successful when the mitigation population provides the same ecological functions as the impacted population, after considering natural fluctuations in population size, health, etc. This shall include each of the relocated species establishes at least one stable population of approximately the same size of the impacted population, defined as species presence and population size over a 3-year period, considering fluctuations in local reference populations. If this goal is not achieved in 4 years, then contingency measures shall be implemented. Such measures shall include evaluating the environmental or other characteristics affecting plant survival and implementing corrective measures, which may include additional seeding and planting; altering or implementing a weed control regime; or introducing or altering other management activities. Efforts shall continue until the mitigation

site meets the success criteria for two consecutive years.

These revisions represent a minor change to the Draft EIR to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response A-2-4. This comment addresses impacts to Alameda whipsnake and recommends revisions to the Draft EIR and Mitigation Measure BIO-4 to address compensatory mitigation for habitat loss for this species. The comment also recommends that Alameda County consult with CDFW on the necessity to obtain an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b) prior to project implementation. In accordance with regulatory requirements, Alameda County will consult with CDFW and obtain any necessary permits prior to project implementation.

In response to this comment, the first full paragraph on page 4.3-51 of the Draft EIR is revised as follows:

> Alameda Whipsnake. Because whipsnakes occur in low densities and spend most of their time in chaparral communities and around rock outcrops that are not present along the trail alignment, it is unlikely any would be encountered during trail construction. However, Alameda whipsnake has been documented using annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features. These habitat types are present in the vicinity of the proposed trail alignment; therefore, this species could be present in the project site. Potential direct effects on Alameda whipsnake may result from the crushing of individuals by construction equipment, vehicles, or crews while working within suitable habitat. The proposed project would also result in indirect effects associated with loss of suitable Alameda whipsnake habitat. This is a **potentially significant** impact.
>
> **Mitigation Measure BIO-4c** Prior to commencement of ground-disturbing activities associated with project construction, habitat types that could support Alameda whipsnake (e.g., annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian, and areas with rock outcroppings) shall be mapped and the extent of habitat loss associated with these habitat types shall be identified. Compensatory mitigation, in the form of conserved lands, shall be provided at a ratio of 10:1 (mitigation to impact) for the proposed trail, at a ratio of 3:1 for other permanent impacts and a 1:1 ratio for temporary impacts. Conserved lands shall be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager.

The addition of Mitigation Measure BIO-4c does not change the significance of the environmental issue conclusions within the Draft EIR and does not represent significant new information such that recirculation of the Draft EIR is required.

Response A-2-5. This comment addresses impacts to San Francisco dusky-footed woodrat and recommends revisions to Mitigation Measure BIO-8 to include a phased removal of woodrat nests where disturbance to nests is unavoidable.

To address this comment, the second full paragraph on page 4.3-57 of the Draft EIR is revised as follows:

Mitigation Measure BIO-8b A qualified biologist shall conduct a preconstruction survey for San Francisco dusky-footed woodrat houses in suitable habitat for this species within 14 days prior to any tree removal or ground-disturbing activities. ~~Any woodrat houses shall be identified, and their locations mapped and flagged to be avoided during construction activities. If a woodrat house is within a 25-foot buffer of the project area, to prevent encroachment, the buffer shall be clearly marked for avoidance. The established buffer shall remain in effect until work has been completed along the section of trail near the nest. If it is not possible to avoid a woodrat house, a qualified biologist shall develop a relocation plan. The relocation plan shall be submitted to CDFW for approval and then implemented as necessary. Copies of the relocation plan shall be provided to the County.~~ If a dusky-footed woodrat nest is found in the project area, a qualified biologist shall monitor and direct all activities associated with the removal of dusky-footed woodrat nests (structures).

- Only as necessary and to the minimum extent feasible, project site vegetation shall be removed to provide access to the dusky-footed woodrat nest(s).

- Vegetation shall be removed to access dusky-footed wood rat structures using hand tools. Small amounts of vegetation may be removed as needed by a qualified biologist. If significant amounts of vegetation must be removed to access a house, such as dense poison oak or scrub, contractors with hand tools shall remove vegetation with a qualified biologist monitoring

the activity. Gas-powered tools shall be used as little as feasible to reduce disturbance to occupied dusky-footed woodrat structures.

- Over a two-week period and prior to any construction activities, dusky-footed woodrat structures or nest(s) shall slowly and progressively be dismantled to allow individuals of an occupied nest(s) to allow for gradual movement away from the exposed section of the nest.

- The dismantling of the nest shall occur during daylight hours and mostly in the early morning (between 7:00 a.m. and 10:00 a.m.) to reduce the likelihood of a predation event and minimize sunlight exposure.

- To enhance adjacent habitat, a portion of the woody vegetation that was removed from the project site shall be placed in adjacent habitat to provide cover for dispersing dusky-footed woodrats.

- Dusky-footed woodrat nest material and other woody vegetation shall be relocated at least 200 feet from the project site to ensure that the area is not recolonized and potentially impacted by construction activities.

- Where feasible, nest materials, food caches and woody debris shall be salvaged from the dismantled woodrat nest(s) and used to create cover and provide supplemental shelter for dispersing individuals(s). Food from the dismantled nest shall be placed under the created cover.

- If dusky-footed woodrat young are located, the removal of vegetation and/or dismantling of nest shall immediately be suspended for a period of two to four weeks in order for the young eyesight to develop and become mobile. Removed vegetation shall be placed back on to the nest to re-cover the exposed litter and young. After a 2- to 4-week period, based on

the development of the young, and in agreement with CDFW, the above phased removal procedure of the dusky-footed woodrat nest may resume.

- Within 24 hours of vegetation removal and completion of the nest dismantling, an additional visual survey of the work area shall be conducted to ensure that no new dusky-footed woodrat nests have been constructed.

These modifications to Mitigation Measure BIO-8c do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-2-6. This comment addresses potential impacts to Crotch's bumble bee (*Bombus crotchii*) and recommends mitigation measures to address potential impacts to this species.

To address this comment, Table 4.3.C on page 4.3-25 of the Draft EIR is revised as shown on the following page. In addition, the following text has been inserted following the fourth full paragraph on page 4.3-58 of the Draft EIR:

> **Crotch's bumble bee.** As noted in Table 4.3.C, while there have been no documented observations of Crotch's bumble bee within the project area and there are only historical records of western bumble bee in the area, the project area is within the current known range the Crotch's bumble bee, and open sunny areas within wild oats grassland/ruderal or California sycamore woodland habitats with small mammal burrows adjacent to the trail alignment provide potentially suitable underground nesting habitat. In addition, the open sunny areas along the trail alignment could provide floral resources/foraging habitat for Crotch bumble bee. Should Crotch's bumble bee colonies or overwintering queens be present in underground nests on future construction sites within the trail alignment, construction activities could adversely affect this species and its habitat. This is considered a **potentially significant** impact.
>
> **Impact BIO-10: Construction of the proposed project could result in a potentially significant impact to Crotch's bumble bee.**
>
> Implementation of the following mitigation measure, in addition to Mitigation Measures BIO-2a and BIO-2b, would reduce potential direct impacts to Crotch's bumble bee to a less than significant level, by requiring environmental awareness training, habitat assessment, and development and implementation of pre-construction survey plan and an avoidance plan.

Table 4.3.C: Special-Status Animal Species Potentially Occurring in the Vicinity of the Project Area

Species	Status* (Federal/State)	Habitat Requirements	Potential for Occurrence
Invertebrates			
Western bumble bee *Bombus occidentalis* Crotch's bumble bee *Bombus crotchii*	/SC/–	Feeds upon nectar and pollen from a variety of plant species but is most adapted to native plant species. Nests in abandoned rodent burrows and bird nests. The flight period in California is from early February to late November, peaking from June to September. Little is known about sites where queens overwinter. The species is currently restricted to high elevation sites in the Sierra Nevada and scattered coastal areas such as the Bay Area.	**Low Potential**: There are two CNDDB records of western bumblebee within 3 miles of the project area; however, these occurrences are based on collections in 1919, 1932, 1946, and 1969. ~~This~~ The Bay Area is considered within the historical range of this bee but it may not currently occur here (CDFW).[8] There are no CNDDB records of Crotch's bumble within 3 miles of the project area, but the project area is within the current range of this species (CDFW).[8] Crotch's bumble bee would not be expected to occur along much of the alignment that traverses deeply shaded understory of coast live oak woodland with few if any food plants for this species; however, if suitable food plants are present in open sunny ~~habitat~~ areas within wild oats grassland/ruderal or California sycamore woodland habitats adjacent to the alignment, this species could occur.

Sources: Compiled by LSA (2023).

[1] California Department of Fish & Wildlife (CDFW). 2022. California Natural Diversity Database. Sacramento. April 7.

[2] Vertnet. n.d. Vertnet database. Website: http://vertnet.org/ (accessed October 3, 2022).

[3] California Department of Fish & Wildlife (CDFW). 2019. A Status Review of the of the Foothill Yellow-legged Frog (*Rana boylii*) in Sacramento, CA.

[4] United States Fish and Wildlife Service. 2023. Endangered and Threatened Wildlife and Plants; Foothill Yellow-Legged Frog; Threatened Status With Section 4(d) Rule for Two Distinct Population Segments and Endangered Status for Two Distinct Population Segments. 88 FR 59698: 59698-59727.

[5] Some workers place this species in the genius *Emys*: Thomson, R.C., A.N. Wright, and H.B. Schaffer. 2016. California Amphibian and Reptile Species of Special Concern. Sacramento, CDFW; and Berkeley and Los Angeles: University of California Press.

[6] East Bay Regional Park District. Doug Bell. Wildlife Program Manager Personal Communication. September 28, 2023.

[7] Central Valley Bird Club. 2015. Bulletin: Special Issue on the Status, Ecology, and Conservation of the Tricolored Blackbird. Vol. 17 No. 2-4.

[8] California Department of Fish & Wildlife (CDFW). 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. June 6, 2023.

CFP = California Fully Protected Species
CSC = California Species of Special Concern
DPS = distinct population segment
FE = Federally listed as endangered
FT = Federally listed as threatened
FC = Federal candidate species
SE = State listed as endangered
ST = State listed as threatened
SC = State candidate for listing as endangered or threatened

Mitigation Measure BIO-10a Prior to construction, a qualified entomologist that is knowledgeable with the life history and ecological requirements of Crotch's bumble bee, shall conduct a habitat assessment. The habitat assessment shall include all suitable nesting, overwintering ,and foraging habitats within the project area and surrounding areas. Potential nest habitat (February through October) could include that of other *Bombus* species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other *Bombus* species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak blooming period for floral resources on which Crotch's bumblebee feed.

Mitigation Measure BIO-10b If Crotch's bumble bee habitat is present within the project area, a pre-construction survey plan shall be prepared and submitted to CDFW for review. Surveys shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bees will be captured or handled, surveyors shall obtain a 2081(a) Memorandum of Understanding from CDFW. Surveys shall be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys shall be conducted each year that construction activities associated with proposed project would occur.

Mitigation Measure BIO-10c If Crotch's bumble bees are detected during preconstruction surveys, a Crotch's bumble bee avoidance plan shall be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal. If full take avoidance is not feasible, the County shall apply to CDFW for take authorization under an Incidental Take Permit.

With implementation of Mitigation Measures BIO-10, BIO-2a, and BIO-2b, impacts to Crotch's bumble bee would be reduced to **less than significant with mitigation**,

by ensuring that direct and indirect effects to this species are avoided during project construction.

With implementation of Mitigation Measures BIO-1 through BIO-~~9~~10, impacts to special-status plants and wildlife, including steelhead, Pacific lamprey, western pond turtle, San Francisco dusky-footed wood rat, nesting golden eagle/bald eagle, special-status birds and other nesting birds, ~~and~~ roosting bats, and Crotch's bumble bee would be reduced to **less than significant with mitigation.**

These modifications to the Draft EIR do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-2-7. This comment addresses potential impacts to riparian habitat and recommends revisions to Mitigation Measures BIO-10 and BIO-13 to address potential impacts to riparian habitat.

As described on page 4.3-58 of the Draft EIR, the proposed project has been designed to avoid impacts to riparian habitat where feasible and impacts to riparian trees or woody vegetation would be minimized, but some riparian habitat, including trees, herbaceous vegetation, such as annual grasses and ruderal plants, could be impacted during construction of the proposed bridge crossings over Alameda Creek. In addition, California sycamore woodland is also present along portions of Alameda Creek adjacent to the Phase 1 project area, as shown on Figure 4.3-1 in the Draft EIR. Based on the mapping done for the Phase 1 project area, approximately 1.7 acres of California sycamore woodlands and approximately 0.099 acre of Alameda Creek/creek bed occur within the project study area and could be impacted by project construction. As identified in the Draft EIR, this is a potentially significant impact.

To address this comment, page 4.3-59 of the Draft EIR is revised as follows:

Mitigation Measure BIO-1~~0~~1 Prior to any vegetation removal or other work within the riparian corridor along Alameda Creek, the County shall apply for a Lake or Streambed Alteration Agreement (LSAA) from CDFW. The LSAA shall include measures to protect aquatic and wildlife resources during construction. All conditions of the LSAA would be implemented. However, as the LSAA has not yet been issued, at a minimum, the following measures shall be implemented:

- Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the trail improvement work.
- Protective fencing shall be placed along the drip line of riparian trees to prevent compaction of

the root zone and to avoid damage to riparian vegetation by people or equipment.

- Branches and/or limbs overhanging the work areas that may be impacted shall be properly pruned prior to mobilization of equipment under the supervision of a certified arborist.

- Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs, and grasses. Permanently impacts areas within the riparian zone or other sensitive natural community, such as from channel crossings, shall be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the project site as feasible and within the same watershed, unless otherwise approved in writing by the CDFW. Restoration shall occur in the same year of the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

  Oak (*Quercus* sp.) trees:

  - 4:1 replacement for trees up to 7 inches diameter at breast height (DBH)

  - 5:1 replacement for trees greater than 7 inches DBH and up to 15 inches DBH

  - 10: 1 replacement for trees greater than 15 inches DBH which are considered old growth oaks.

  Non-oak trees:

  - 1: 1 replacement for non-native trees.

- ~~Riparian herbaceous vegetation permanently impacted by the proposed project shall be mitigated by planting riparian trees and/or shrubs along Alameda Creek~~

~~and/or the tributary at a minimum 1:1 ratio (square footage of trees/shrubs planted: square footage of herbaceous vegetation removed and additional square footage of shading of Alameda Creek and the tributary). All replacement trees and shrubs shall be from nursery stock grown from seeds or cuttings collected in the same genetic provenance as the project site. A Riparian Revegetation Plan shall be prepared with specific success criteria and contingency measures to be implemented if success criteria are not met. The plantings shall be monitored and maintained for five years or until the success criteria are met.~~

- ~~Temporarily disturbed areas along the banks of Alameda Creek shall be seeded with a riparian native seed mix. A Riparian Revegetation Plan shall be prepared with a specific seed mix and success criteria for the seeded areas and include contingency measures to be implemented if success criteria are not met. Seeded areas shall be monitored for 5 years or until the success criteria are met.~~

With implementation of Mitigation Measure BIO-1~~0~~1, impacts to riparian habitat would be reduced to **less than significant with mitigation,** by ensuring that impacts to riparian habitat are minimized and any impacted areas are revegetated.

In addition, Mitigation Measure BIO-13 on page 4.3-67 of the Draft EIR is also revised as follows:

Mitigation Measure BIO-1~~3~~4c Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs, and grasses. Permanently impacted areas within the riparian zone or other sensitive natural community, such as from channel crossings, shall be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the project site as feasible and within the same watershed, unless otherwise approved in writing by the CDFW. Restoration shall occur in the same year of the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

Oak (*Quercus* sp.) trees:

- 4:1 replacement for trees up to 7 inches diameter at breast height (DBH)
- 5:1 replacement for trees greater than 7 inches DBH and up to 15 inches DBH
- 10: 1 replacement for trees greater than 15 inches DBH which are considered old growth oaks.

Non-oak trees:

- 1: 1 replacement for non-native trees.

The revisions to Mitigation Measures BIO-10 and BIO-13 do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-2-8. This comment addresses potential impacts to wildlife corridors and recommends additional mitigation measures to address potential impacts to wildlife corridors.

Alameda Creek and its riparian corridor provide movement and shelter habitat for a variety of terrestrial and aquatic wildlife. As noted above, the proposed bridge crossings, New Bridge 1 at the Palomares connection in the Phase 1 project area and New Bridge 2 in the Phase 3 project area (3 proposed alternatives), would require the placement of bridge bents in the creekbed, but these bents would impact only a small area of creekbed that would not impede the movement of wildlife along the creek corridor. The placement of bridge bents in the stream would not result in a significant impact to fish or other aquatic wildlife movement.

To correct the text in the Draft EIR, page 4.3-63 of the Draft EIR is revised as follows:

> **Threshold 4.3.4: Wildlife Corridors and Native Wildlife Nursery Sites.** ~~Niles~~ Alameda Creek and its riparian corridor provide movement and shelter habitat for a variety of terrestrial and aquatic wildlife.To address this comment, Mitigation Measure BIO-12 on page 4.3-65 of the Draft EIR is revised as follows:
>
> **Mitigation Measure BIO-13a** Prior to project construction, Alameda County shall consult with experts in wildlife passage design, including CDFW and Alameda County Resource Conservation District, to conduct in-depth studies on existing use of wildlife corridors within the project area and surrounding areas to evaluate the extent of future impacts of the project on wildlife connectivity and to provide a basis for the final trail

design. Data collection methods shall enable detection of species that have been found to utilize the existing movement corridors, including mountain lions, black-tailed deer, California tiger salamander, California red-legged frog, and Alameda whipsnake. Preconstruction study results shall be used to develop biologically feasible movement corridor improvements and to establish a scientifically defensible wildlife corridor width.

Following project construction, Alameda County shall conduct post-construction monitoring to assess the use of wildlife corridors. Monitoring data shall be analyzed, summarized, and the results published to the County's website and submitted to CDFW and other agencies or organizations that have a duty or interest in the effectiveness of wildlife movement corridors. Post-construction monitoring shall inform development of strategies for enforcing rules related to trail use (e.g., restricting off-trail activity, littering, etc.), monitoring trail use to assess potential number of trail users and hours of use, providing education on wildlife-human conflict, and establishing protocols for seasonal trail closures during sensitive wildlife periods, such as breeding periods, as appropriate.

Mitigation Measure BIO-1~~2~~3b Retaining walls shall be minimized to the greatest extent feasible and used only in trail areas where they are essential for geotechnical/engineering reasons. Prior to project construction, Alameda County shall coordinate with regional CDFW and Conservation Engineering staff on the design and location of walls, fences, and barriers to minimize their impacts on wildlife connectivity. The movement studies prepared as part of Mitigation Measure BIO-13a shall be used to determine locations for design modifications that support the maximum movement and connectivity for impacted species. In locations where connectivity is important, but barriers are still required, the following approaches shall be considered:

- Use of a three-beam type barrier along the road instead of the proposed scuppers or gaps; and

- Retaining walls shall be textured and sloped to support use by wildlife, and where possible ramps/benches be utilized to allow for movement through the retaining walls.

~~Where fences are required along the trail, they shall be constructed to allow wildlife to move freely over the trail. A minimum 6-inch gap along the bottom of trail fences will allow smaller wildlife such as native rodents, turtles, and snakes to move freely. Periodic (e.g., 20-foot interval) 12-inch gaps 3 feet wide would allow mid-sized mammals to move freely through fence barriers. The fences should also be designed to allow easy movement of large mammals such as deer; fences should be no taller than 3–4 feet.~~

Mitigation Measure BIO-13c Off-site compensatory mitigation shall be implemented to completely offset unavoidable impacts if project infrastructure redesigns and other measures to avoid significant impacts to existing wildlife corridors within the project area do not fully avoid impacts to wildlife corridors, based on the post-construction monitoring conducted as part of Mitigation Measure BIO-13a. Crossing and connectivity enhancements could include terracing for dry passage, directional fencing to prevent animals from crossing roads to reduce wildlife-vehicle strikes, removal of accumulated sediment that may block undercrossings, removal of vegetation debris, control of invasive plant species, and enhancement of riparian habitat along Alameda Creek.

The revisions to Mitigation Measure BIO-12 do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-2-9. This comment addresses potential impacts related to use of the proposed trail on wildlife corridors and recommends additional mitigation measures to address these potential impacts.

In response to this comment, pages 4.3-64 and 4.3-65, starting with the first full paragraph of page 4.3-64, of the Draft EIR is revised as follows:

Proposed trail retaining walls (Figure 3-4a and Figure 3-4b) in portions of the trail that traverse steep slopes could restrict some upslope and downslope wildlife movement. However, mid-sized and larger wildlife likely move primarily along the canyon (parallel to the slope contours) in areas where the slopes are steep, as supported by field observations that deer trails in these steep areas were oriented mainly along the slope contours and not perpendicular to the slope. Based on observations during the field surveys, deer trails approached the upper canyon edge mainly in low slope areas where retaining walls would not be required. This suggests that mid-sized to larger mammals that tend to move over longer distances would not be significantly impacted by these retaining walls. Nevertheless, proposed retaining walls may impede the movement of smaller mammals that traverse these slopes, resulting in a **potentially significant** impact.

In addition, although the project area has supported both past and current human uses and influences (such as rail, highway, development) that negatively affect wildlife species either directly or through degradation of wildlife habitats, with formalized access, the trail would bring additional human activity to the area for walking/hiking and bicycle riding along the new trail alignment. The overall increase in human traffic could deter some use by wildlife species; however, other species may habituate to the trail and/or use the trail to move up and down the trail corridor. This is a **potentially significant** impact.

Impact BIO-1~~2~~3: The placement of retaining walls and trail fencing associated with the proposed project and the increase in human activity associated with trail operation could adversely impact wildlife movement.

As described above in Response A-2-8, Mitigation Measure BIO-12 has been modified to include pre- and post-construction monitoring of wildlife movement within the project area, development of strategies to address trail use, and to develop movement corridor improvements, as well as compensatory mitigation for loss of wildlife movement as a result of trail implementation. In addition, as described in Section 3.4.6 of the Draft EIR, although the trail would be open to users 24-hours per day, it is anticipated that parking lots providing access to the trail would also be closed at night, from 10:00 p.m. to 5:00 a.m., or consistent with the City of Fremont and East Bay Regional Park District requirements. The proposed trail and new staging area would be operated and maintained by the County of Alameda or by a consortium of local public agencies. The County would work with law enforcement partners to supervise the trail's use, including off-trail use and illegal activity along the trail alignment.

The revisions to the Draft EIR do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-2-10. The comment, which requests that information regarding special-status species and natural communities be submitted to the California Natural Diversity Database (CNDDB), is noted. Consistent with CDFW requirements, any information related to special-status species and natural communities detected during project surveys would be reported to the CNDDB.

Response A-2-11. The comment, which describes the requirements for the payment of environmental filing fees, is noted. Consistent with State requirements, the Alameda County Public Works Agency will pay the required fees when the Notice of Determination is filed for the proposed project.

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CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

May 20, 2024

SCH #: 2021060647
GTS #: 04-ALA-2021-00808
GTS ID: 23552
Co/Rt/Pm: ALA/84/11.5

Amber Lo, Principal Civil Engineer
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94554

Re: Niles Canyon Trail Project – Draft Environmental Impact Report (DEIR)

Dear Amber Lo:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Niles Canyon Trail Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the April 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only. A-3-1

Project Understanding
The County of Alameda proposes to construct a six-mile, Class 1, multi-use trail for pedestrians, bicyclists, and equestrians between the unincorporated community of Sunol and the Niles District in the City of Fremont, along State Route (SR)-84.

Travel Demand Analysis
With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide (*link*). A-3-2

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per

A-3-2 Cont

the DEIR, this project is found to have a less than significant VMT impact, therefore working towards meeting the State's VMT reduction goals.

Cultural Resources

A-3-3

The project area contains State-owned archaeological and built resources. Completed cultural studies should be reviewed by the Caltrans District 4 Office of Cultural Resource Studies prior to the issuance of an encroachment permit. The cultural resource technical studies should comply with CEQA, Public Resources Code 5024, and the Caltrans 5024 Memorandum of Understanding (MOU).

A-3-4

Cultural resource mitigation measure CUL-1 notes the possibility of "reducing trail width". Caltrans strongly recommends that the Class I Multi-use trail design be compliant with the Highway Design Manual (Chapter 1000) in regard to determining path width among other standards. Additionally, please be aware that the most direct alternatives will enable more people to use the path for transportation in addition to recreational use.

Construction-Related Impacts

A-3-5

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Equitable Access

A-3-6

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

A-3-7

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW) requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The checklist TR-0416 (*link*) is used to determine the appropriate Caltrans review process for encroachment projects. The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits (*link*). Your application package may be emailed to D4Permits@dot.ca.gov. A-3-7 Cont

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

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3.2.3.1 Responses to Letter A-3

State of California, California Department of Transportation
Yunsheng Luo, Branch Chief, Local Development Review, Office of Regional and Community Planning
May 20, 2024

Response A-3-1. This introductory comment acknowledges receipt of the Draft EIR, describes the role of the California Department of Transportation (Caltrans) Local Development Review Program, summarizes the proposed project as detailed in the Draft EIR, and introduces the comments on the Draft EIR, which are responded to in Responses A-3-2 through A-3-7 below.

Response A-3-2. The comment, which confirms that vehicle miles traveled (VMT) analysis conducted as part of the Draft EIR is consistent with the Office of Planning and Research's Technical Advisory and concludes that the project would have a less than significant VMT impact, is noted. As stated, the proposed project would work towards meeting the State's VMT reduction goals.

Response A-3-3. The comment, which states that the cultural studies conducted for the proposed project should be reviewed by the Caltrans District 4 Office of Cultural Resources Studies prior to the issuance of an encroachment permit, is noted. The Alameda County Public Works Agency will provide the necessary environmental documentation to Caltrans for review as part of the encroachment permit process.

Response A-3-4. The comment, which recommends that the proposed project be designed in accordance with the Highway Design Manual (Chapter 1000) with respect to the path width, is noted. This comment primarily relates to the merits of the proposed project and not to the adequacy of the analysis provided in the Draft EIR (please refer to Master Response 1).

Response A-3-5. The comment, which states that construction work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit from Caltrans, is noted. This comment does not relate to the adequacy of the analysis provided in the Draft EIR. Prior to conducting any work requiring the movement of oversized or excessive load vehicles on State Route 84, Alameda County will request a transportation permit from Caltrans consistent with Caltrans' requirements.

Response A-3-6. The comment, which states that any Caltrans facilities impacted by the proposed project must meet Americans with Disabilities Act (ADA) Standards after project completion and that bicycle and pedestrian access must be maintained during project construction, is noted. This comment does not relate to the adequacy of the analysis provided in the Draft EIR. As stated on page 3-11 of the Draft EIR, the proposed trail would be designed to meet ADA guidelines, meaning that the grade in the direction of travel would be less than 5 percent and the cross-slope would be no more than 2 percent. Bicycle and pedestrian access, where it exists at the time of construction, would be maintained throughout the construction period.

Response A-3-7. The comment, which indicates that a Caltrans-issued encroachment permit would be required for any permanent work or temporary traffic control that encroaches into Caltrans' right-of-way (ROW), is noted. This comment does not relate to the adequacy of the analysis

provided in the Draft EIR. If the proposed project extends into Caltrans ROW, Alameda County will request an encroachment permit from Caltrans for any proposed work within Caltrans ROW. The encroachment permit would cover trail and bridge improvements as well as any temporary traffic control within Caltrans ROW.

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

May 16, 2024

Sent via electronic mail: No hardcopy to follow

Alameda County Public Works Agency
ATTN: Amber Lo, Principal Civil Engineer (amberl@acpwa.org)
399 Elmhurst Street
Hayward, CA 94544

Subject: San Francisco Bay Regional Water Quality Control Board Comments on the *Draft Environmental Impact Report for the Niles Canyon Trail Project*, *Alameda County, California*
SCH No. 2021060647

Dear Ms. Lo:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Environmental Impact Report for the Niles Canyon Trail Project* (DEIR). The DEIR analyzes the potential environmental impacts associated with constructing a six-mile long, Class 1, multi-use trail for pedestrians, bicyclists, and equestrians between the unincorporated community of Sunol and the Niles District in the City of Fremont (Project). In addition, the Project would provide a critical link to Palomares Road bypassing State Route 84 (SR-84) and would expand the Alameda Creek Trail, which provides a direct connection to the 500-mile San Francisco Bay Trail. The proposed trail would consist of a 10-foot wide, all-weather surface with 2-foot shoulders on either side composed of decomposed granite. The trail would meet accessibility guidelines, and include different barrier options to separate trail users from railroad and highway traffic. In addition, retaining walls would need to be installed in some locations to accommodate slope cuts. These walls would be sculpted concrete with soil nail tiebacks. The project would include provisions of staging areas with sufficient parking to avoid impacts to surrounding neighborhoods from visitors' vehicles. Staging areas would be created at both Niles and Sunol, as well as Palomares Road. In addition, existing staging areas associated with the Alameda Creek Trail could support the need for parking. We have the following comments on the DEIR.

Summary. The Project will support the beneficial use of non-contact water recreation, which is one of the beneficial uses designated for Alameda Creek in the *San Francisco Bay Basin Water Quality Control Plan* (Basin Plan). We would like additional information on the removal of trees for the segment of the trail east of the intersection of Old

Canyon Road and Clarke Drive and additional information on the treatment of post-construction stormwater runoff from the extension to Downtown Niles, the extension to Vallejo Mill Historic Park, the bridge to Palomares Road, and the staging areas. Riparian tree removal and stormwater runoff from new or recreated impervious surfaces may impair some of the designated beneficial uses of Alameda Creek.

Comment 1. The DEIR does not provide sufficient detail on the proximity of removed trees to Alameda Creek or propose sufficient mitigation for impacted trees.

Many of the segments of the proposed trail are uphill from existing roads and railroad tracks. Trees removed along the right-of-way of the new trail in these segments of the trail are not likely to provide a significant amount of shade to aquatic habitat in Alameda Creek. However, the proposed trail segment east of the intersection of Old Canyon Road and Clarke Drive runs between Old Canyon Road and Alameda Creek. Some of the trees proposed to be removed along the right-of-way of this trail segment appear to be close enough to Alameda Creek to provide shade and allochthonous input to the Creek. In Section 4.3, Biological Resources, trees 28 through 48 and 80 through 112 in Figure 4.3-2, Sheet 1 of 3, and trees 105 through 200 in Figure 4.3-2, Sheet 2 of 3, may be close enough to the Creek to negatively impact aquatic habitat quality if they are removed. Please clarify if any of these trees are close enough to the Creek to contribute to aquatic habitat quality by providing shade and allochthonous input. A-4-1

Mitigation for the trees listed in the prior paragraph should be provided by planting mitigation trees at a minimum ratio of 3:1. A 3:1 ratio is necessary to provide full mitigation for the removed trees when natural levels of mortality among the mitigation trees are considered. Mitigation trees for the impacted trees in the prior paragraph should be planted between the new trail and the toe of bank so that they contribute shade and allochthonous input to aquatic habitat in the Creek. Mitigation trees must be monitored for at least ten years to ensure that they have become successfully established, with a root system that reaches the local groundwater level.

Mitigation Measure BIO-10 must be revised to require the planting of mitigation trees at a 3:1 ratio of mitigation trees to removed trees and to require at least 10 years of monitoring of mitigation trees. The beneficial uses of Alameda Creek in the Basin Plan include cold freshwater habitat, fish migration, preservation of rare and endangered species, fish spawning, and wildlife habitat. The requested revisions to Mitigation Measure BIO-10 are necessary to sustain these beneficial uses.

Comment 2. The discussion of impacts to water quality in Section 4.7, Hydrology and Water Quality, should be expanded to discuss post-construction treatment of runoff from the Project's new and replaced impervious surfaces.

In Section 4.7, Hydrology and Water Quality, text in Section 4.7.1.7, Regulatory Context, correctly notes that, pursuant to Section 402 of the CWA and the Porter-Cologne Water Quality Control Act, municipal stormwater discharges in the City of A-4-2

Fremont and County of Alameda are regulated under the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008, adopted July 1, 2022 (MRP). The MRP is enforced by the Water Board. MRP Provision C.3 addresses post-construction stormwater management requirements for new development and redevelopment projects that add and/or replace 5,000 square feet or more of impervious area. Provision C.3 requires the incorporation of site design, source control, and stormwater treatment measures into development projects in order to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharges and to prevent increases in runoff flows. Low Impact Development (LID) methods are required to be the primary mechanism for implementing such controls.

Compliance with the MRP is discussed on page 4.7-37 of the DEIR:

> **Threshold 4.7.3(iii): Stormwater.** The proposed project would not change the course of a stream or change the general direction of flow of stormwater. As previously discussed, the increase in impervious surfaces would not substantially increase runoff rates or volumes due to the gentle slope and narrow width of the proposed trail. Additionally, the proposed project would be required to implement LID design techniques that would emphasize the use of infiltration to mimic the site's pre-development hydrology, which includes directing stormwater runoff to the pervious areas on either side of the proposed trail. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sized such that drainage facility capacity would not be exceeded during a design storm. Therefore, this impact would be **less than significant**.

A-4-2 Cont

Much of the length of the trail itself will not require post-construction stormwater treatment measures, because runoff from the trail surface will flow over a significant amount of vegetated soil surfaces before reaching Alameda Creek. However, four components of Phase 1 of the Project will create or recreate significant amounts of impervious surfaces: the extension to Downtown Niles, the extension to Vallejo Mill Historic Park, the bridge to Palomares Road, and staging areas. The Project will need to provide stormwater treatment for runoff from these areas in properly sized bioretention areas. The DEIR should specify the surface area at each of these Project areas that must be dedicated to bioretention areas and confirm that the required surface area is available at each of these locations. Providing MRP-compliant stormwater runoff treatment from these components of the Project is necessary to improve water quality in stormwater runoff. Properly treated stormwater runoff supports the designated beneficial uses of cold freshwater habitat, fish migration, preservation of rare and endangered species, fish spawning, and wildlife habitat in Alameda Creek.

If you have any questions about these comments, please contact me at (510) 622-5680, or via e-mail at brian.wines@waterboards.ca.gov.

Sincerely,

Brian K. Wines

Brian Wines
Water Resource Control Engineer
South and East Bay Watershed Section

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)
CDFW, Marcia Grefsrud (marcia.grefsrud@wildlife.ca.gov)

3.2.4.1 Responses to Letter A-4

San Francisco Bay Regional Water Quality Control Board
Brian K. Wines, Water Resource Control Engineer, South and East Bay Watershed Section
May 16, 2024

Response A-4-1. This comment addresses potential impacts to water quality and aquatic habitat in Alameda Creek associated with tree removal and recommends revisions to Mitigation Measure BIO-10 to address these potential impacts. As described on page 4.3-58 of the Draft EIR, the proposed project is designed to avoid impacts to riparian habitat where feasible and impacts to riparian trees or woody vegetation would be minimized, but some riparian habitat, including trees and herbaceous vegetation such as annual grasses and ruderal plants, could be impacted during construction of the proposed bridge crossings over Alameda Creek. In addition, California sycamore woodland is also present along portions of Alameda Creek adjacent to the Phase 1 project area, as shown on Figure 4.3-1 in the Draft EIR. Based on the mapping done for the Phase 1 project area, 1.7 acres of California sycamore woodlands and 0.099 acre of Alameda Creek/creek bed occur within the project study area and could be impacted by project construction. As identified in the Draft EIR, this is a potentially significant impact. Mitigation Measures BIO-10 and BIO-13 have been revised to increase the mitigation ratios required for impacts to riparian habitat. Please see Response A-2-7.

Response A-4-2. The comment, which requires additional detail related to the change in impervious surfaces associated with the proposed project and proposed stormwater treatment is noted. As described on page 4.7-34 of the Draft EIR, Phase 1 of the proposed project would increase the impervious area in the project area by 3.7 acres compared to the existing condition, which is unpaved and vegetated. Future development of Phases 2 and 3 would also result in an increase in impervious surfaces within the project area; however, the exact increase has not yet been determined, as these phases have not been fully designed. As described on page 4.7-35 of the Draft EIR, the proposed project would include a design-level Stormwater Control Plan (SCP) that complies with existing NPDES regulations, which requires compliance with the applicable requirements of Provision C.3 of the Municipal Regional Stormwater Permit (No. R2-2022-0018). The SCP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. The SCP would be prepared in accordance with the requirements and guidelines set forth in the Alameda Clean Water Program C3 Technical Guidance Manual. In locations where the project constructs new impervious surfaces, stormwater treatment strategies would be implemented consistent with the Municipal Regional Permit (MRP), which could include bioretention areas, pervious pavements, and/or directing runoff to vegetated areas. No change to the Draft EIR is required.

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San Francisco Water Power Sewer
Operator of the Hetch Hetchy Regional Water System

525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
T 415.554.3265
F 415.934.5770
TTY 415.554.3488

Natural Resources and Lands Management Division

May 20, 2024

Amber Lo, Principal Civil Engineer
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94554

Sent Via Email: amberl@acpwa.org

Re: Niles Canyon Trail Project Draft EIR

Dear Ms. Lo:

Thank you for this opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed Niles Canyon Trail Project (Project). Congratulations on achieving this significant milestone. We appreciate the efforts made by the Project sponsor to include SFPUC staff in the preliminary planning for the Project.

On behalf of the San Francisco Public Utilities Commission (SFPUC), I am providing the following general comments, as well as specific comments in the attached table and PowerPoint slides.

Background

The City and County of San Francisco owns the approximately 38,000-acre Alameda Watershed that is managed by the San Francisco Public Utilities Commission (SFPUC). These watershed lands (or SFPUC property) are part of the Hetch Hetchy Regional Water System providing drinking water to approximately 2.7 million customers. The SFPUC provides water directly to customers in San Francisco and wholesale through 26 water agencies in Alameda, Santa Clara, and San Mateo counties. The SFPUC operates active water transmission pipelines within the project site. Phase III of the Project would likely cross the SFPUC's 3- or 4-inch diameter treated water pipe at multiple locations. **A-5-1**

As stated in the DEIR project description, the Project would be located, in part, on the Alameda Watershed between Fremont and the Town of Sunol in Niles Canyon. As a public agency with some discretionary authority over the project (located in part on SFPUC property), the SFPUC should be identified as a "Responsible Agency" (State CEQA Guidelines Section 15381).

London N. Breed
Mayor

Tim Paulson
President

Anthony Rivera
Vice President

Newsha K. Ajami
Commissioner

Kate H. Stacy
Commissioner

Dennis J. Herrera
General Manager

Biological Resources

To protect biological resources on its watershed lands, the SFPUC has developed standard operating procedures to avoid or minimize the spread of harmful invasive species, pests, and pathogens (please see attached documents). These procedures should be incorporated into the mitigation measures for biological resources. A-5-2

Land Use

Land use and planning analyses under the California Environmental Quality Act (CEQA) generally consider the compatibility of a project with neighboring areas, change to or displacement of existing uses, and consistency of a project with relevant local land use policies. The magnitude of land use conflicts or compatibility issues depends on the extent to which a project physically divides an established community or conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect such that an adverse impact on the environmental occurs (see Appendix G of the CEQA Guidelines).

The following SFPUC policies should be included in the Land Use and Planning Section of the DEIR. The relevant land use policies should be described, and any potential conflicts should be analyzed: A-5-3

- *The Alameda Watershed Management Plan*, San Francisco Public Utilities Commission, April 2001 (See SFPUC website at https://sfpuc.org/sites/default/files/about-us/policies-reports/AlamedaWatershed-MP_2001.pdf)
- SFPUC Stewardship Policy (copy attached)

Regarding the displacement of existing uses, there are several areas of the Project site occurring on SFPUC property that could potentially conflict with existing SFPUC-issued agreements to third parties (including permits, leases, licenses, and easements). The attached table includes specific comments regarding these SFPUC-issued agreements and the attached PowerPoint slides provide details and their locations. Some of these locations may be determined to be compatible with the Project, such as sites under permit to Alameda County for various uses. Other sites may not be available for the trail and an alternative trail alignment should be analyzed for potentially significant environmental effects in the final environmental impact report for the Project,

SFPUC Project Review Process

The SFPUC monitors and protects its lands by reviewing proposed projects and activities that may affect SFPUC lands and infrastructure for consistency with SFPUC policies and plans. Proposed projects and other activities on any SFPUC property must undergo the Project Review Process if the project includes: construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and ROW resources; or the issuance of new or revised leases, licenses and permits. This review is done by the SFPUC's Project Review Committee (Committee). A-5-4

The Project Review Committee is a multidisciplinary team with expertise in natural resources management, environmental regulatory compliance, engineering, water quality and real estate. Projects and activities are reviewed by the Committee for:

1. Conformity with the Alameda and Peninsula Watershed Management Plans;
2. Consistency with our Environmental Stewardship Policy, Real Estate Guidelines, Interim ROW Use Policy and other policies and best management practices; and
3. Compliance with the California Environmental Quality Act (CEQA) and environmental regulations including mitigation, monitoring and reporting plans.

A-5-4 Cont

In reviewing a proposed project, the Project Review Committee may conclude that modifications or avoidance and minimization measures are necessary. Large and/or complex projects may require several project review sessions to review the project at significant planning and design stages.

If you have any questions or need further information, please contact me or my staff, Joanne Wilson, Senior Land and Resources Planner, at jwilson@sfwater.org .

Sincerely,

Tim Ramirez, Division Manager

Attachments: Table
PowerPoint Slides
SFPUC Decontamination Procedures
SFPUC Stewardship Policy

C: Ellen Natesan, Carla Schultheis, Casey Rando, Eltron Wu, Mia Ingolia, Jonathan Mendoza, Marisol Wauters, Stacie Feng

SFPUC Comments
Niles Canyon Trail Project
Draft Environmental Impact Report (DEIR)
Prepared by County of Alameda, Public Works Agency

Section No.	Page No.	Niles Canyon Trail DEIR Text	SFPUC Comment	
Table 2.A: Summary of Impacts and Mitigation Measures	2-16	BIO-10: Construction of the proposed overcrossings would result in permanent and temporary impacts to riparian habitat associated with Alameda Creek.	I don't see anything in the mitigation measures that says they will irrigate riparian plants that are adjacent to dewatered creek beds. In the past we have witnessed significant impacts to riparian vegetation that is adjacent to dewatered creeks (especially if de-watering occurs in the summer)	**A-5-5**
Table 2.A: Summary of Impacts and Mitigation Measures	2-16	All replacement trees and shrubs shall be from nursery stock grown from seeds or cuttings collected in the same genetic provenance as the project site.	SFPUC will not allow the installation of nursery stock on our property unless it is grown in accordance with the Phytophthoras in Native Habitats Work Group's Guidelines to Minimize Phytophthora Pathogens in Restoration Nurseries. https://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/resources/	**A-5-6**
Table 2.A: Summary of Impacts and Mitigation Measures	2-20	*Replaced trees shall be planted within the Alameda Creek watershed, in areas within or adjacent to the project area (Phases 1–3).*	SFPUC will not allow the installation of nursery stock on our property unless it is grown in accordance with the Phytophthoras in Native Habitats Work Group's Guidelines to Minimize Phytophthora Pathogens in Restoration Nurseries. https://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/resources/	**A-5-7**
Overall Comment			The EIR makes references to many other policies from other agencies related to related to biological resource protections but makes no reference to the SFPUC Stewardship Policy	**A-5-8**

Overall Comment	The EIR makes references to many other policies from other agencies related to related to biological resource protections but makes no reference to the SFPUC NRLMD – Non-Aquatic Decontamination to mitigate the spread of invasive plants, pests and pathogens	A-5-9
Overall Comment	The EIR makes references to many other policies from other agencies related to related to biological resource protections but makes no reference to the SFPUC NRLMD – Aquatic Decontamination to mitigate the spread of invasive species in waterways	A-5-10
Overall Comment	Per the SFPUC Land Use Framework approved by the SFPUC's Commission via Resolution No. 12-0042, the primary use of SFPUC land is for the delivery, operation, maintenance and protection of its water, power, and sewer systems. Secondary uses of lands devoted to these purposes may be permitted if those uses do not in any way interfere with, endanger or damage existing or future operations or the security of those systems, and there is a benefit to the SFPUC in permitting that use. Each of the SFPUC parcels subject to the proposed trail must be evaluated to see if the trail will interfere or potentially interfere with the SFPUC's access and use of its land for utility operations. Thus, Alameda County should not assume that the SFPUC parcels are available for a trail, particularly since the SFPUC has existing surface facilities and appurtenances, until after the SFPUC vets the proposal for conformance with its policies. For this reason, Alameda County should prominently state in any publication of the trail proposal or meeting regarding the trail proposal that the placement of the trail on SFPUC lands is subject to the SFPUC's approval, if any, for conformance with SFPUC policies.	A-5-11
Overall Comment	There are third-party encroachments on SFPUC parcels that will conflict with the proposal trail use.	A-5-12

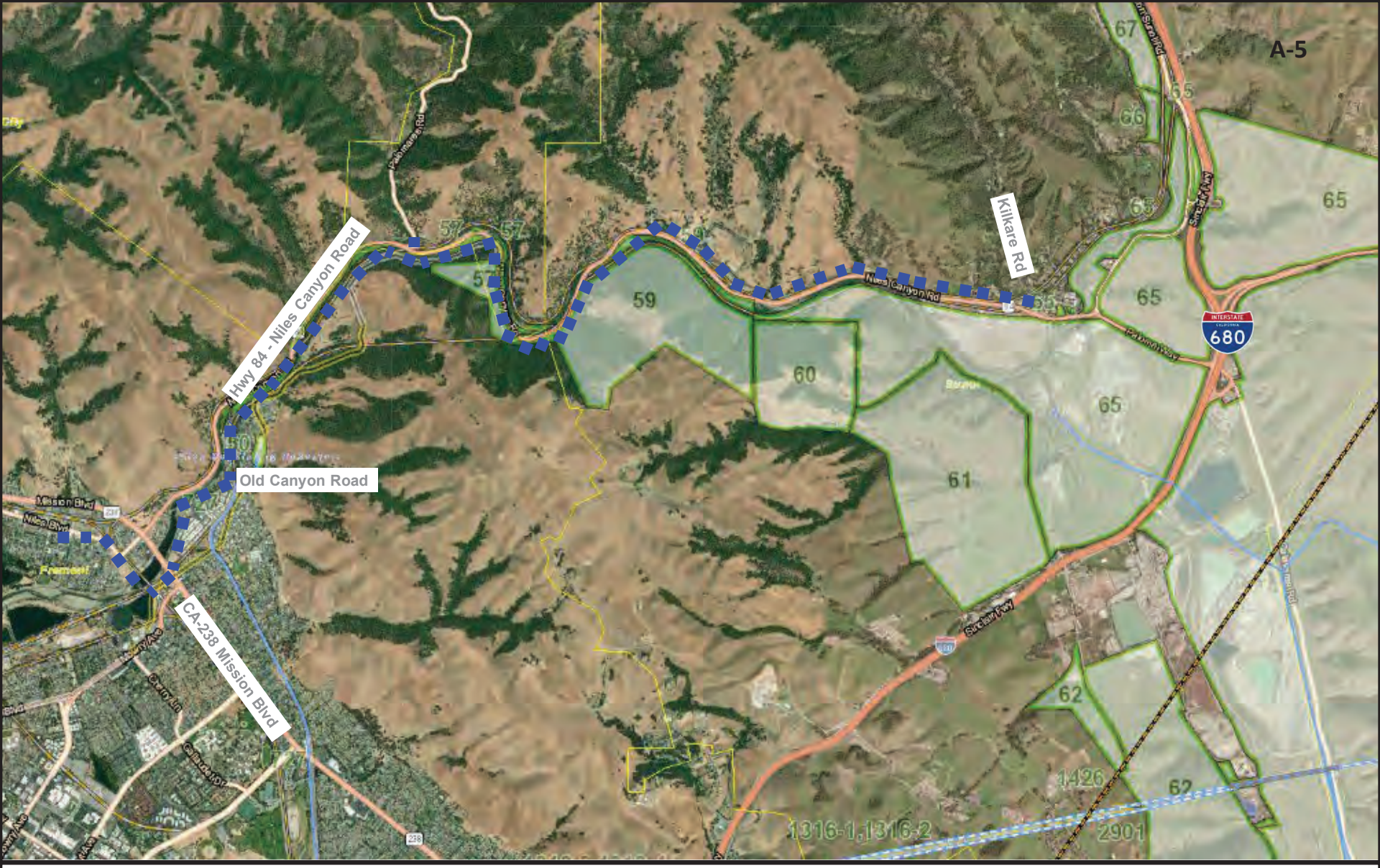
Overall Comment	The SFPUC will only consider a recreational trail proposal on SFPUC lands. This is because the SFPUC Real Estate Guidelines do not allow SFPUC right of way lands to be used as a dedicated transit corridor in order to preserve the SFPUC's access to and use of its lands for utility purposes.	A-5-13
Overall Comment	The SFPUC anticipates using its land in the City of Fremont and unincorporated Alameda County for future capital projects. Revocable licenses issued by the SFPUC contain standard language requiring any lessee or licensee of SFPUC lands to mitigate the effects for the disruption of its recreational use on SFPUC lands, even if the SFPUC is causing the disruption of the recreational use. This includes required mitigation under CEQA.	A-5-14
Overall Comment	Numerous SFPUC parcels in Alameda County are subject to existing long-term leases and licenses with third parties. Moreover, other SFPUC parcels are subject to easements held by adjoining landowners which may present conflicts with the trail. Thus, certain SFPUC parcels will not be available for trail use.	A-5-15
Overall Comment	Any trail use of the SFPUC lands would occur through a fee-based revocable license. The City, through the SFPUC, will not sell any easements to use its pipeline right of way lands.	A-5-16
Overall Comment	Per California State Proposition 218, the City and County of San Francisco Administrative Code and the SFPUC Real Estate Guidelines approved by the SFPUC's Commission in 2015 via Resolution No. 15-0013, as amended, the SFPUC is required to charge fair market value for the use of its land. Alameda County will be required to pay rent for its use of any SFPUC lands.	A-5-17

SFPUC Parcels/ROW Intersected by Proposed Trail #2 Niles Canyon

Total Length of SFPUC ROW Utilized in Proposed Trail (Miles): 1.51[1]

SFPUC Parcel/ROW Number	Ownership Type	Transmission Line ROW	Length Covered By SFPUC Parcel/ROW (Feet)
2470	Fee	None	1,822 ft
Mystery Parcel 57		None	1,183 ft
57	Fee	None	3,383 ft
59	Fee	None	1,325 ft
59	Fee	None	277 ft
Total			**7,990 ft**[1] **1.51 miles**[1]

[1] Does not include 2,084 ft of Trail #2, subject to confirmation, located on NRD access road that may or may not be on SFPUC property.



SFPUC Parcels/ROW Intersected By Trail #2 Niles Canyon

Overview Map

7/3/2024

SFPUC Parcels

Proposed Trail #2 Niles Canyon

San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

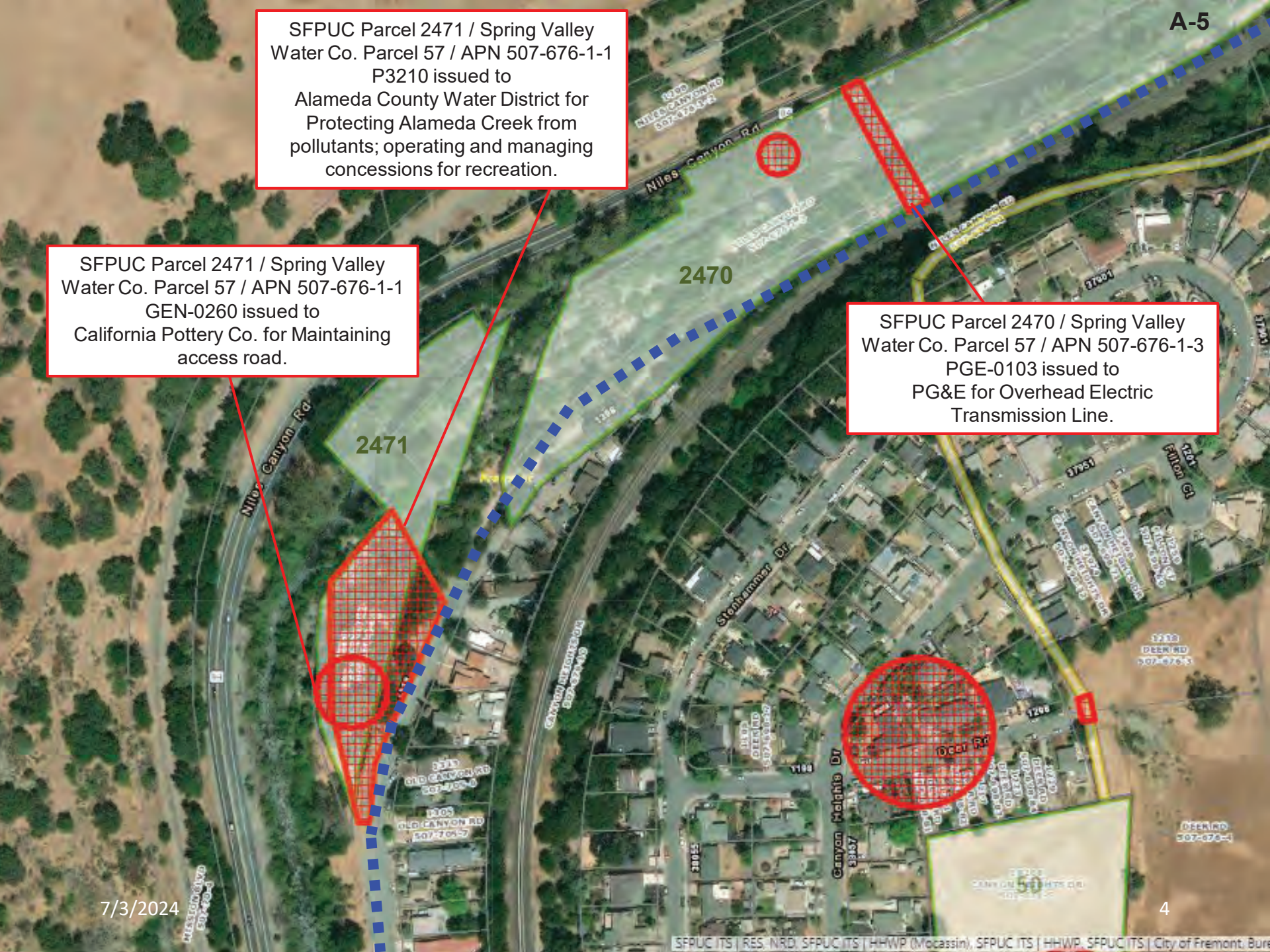
Note: Subject to verification of Trail #2 alignment. Used Map from 6/28/2021 NOP of EIR

Spring Valley Water Co. Parcel 57/
APN 507-480-1-2
GEN-0695 issued to
Bankhead Enterprises for picnic area
Hwy 84 - Niles Canyon Road
Old Canyon Road
Niles Canyon Rd
Mission Blvd
Niles Blvd
Essanay Ave
Sycamore St
Paradise Dr
Oleander
Garden Dr
Niles-Irvington Pipeline
Tinpanner Ct
Wasatch Dr
Moab Dr
Nebo Dr
Canyon Height Dr
Orangewood Dr
Anita Ct
Union Pacific
SFPUC ITS | RES, NRD, SFPUC ITS | HHWP (Mocassin), SFPUC ITS | HHWP, SFPUC ITS | City of Fremont, Bureau of Land Manageme

SFPUC Parcel 2471 / Spring Valley Water Co. Parcel 57 / APN 507-676-1-1
P3210 issued to
Alameda County Water District for Protecting Alameda Creek from pollutants; operating and managing concessions for recreation.

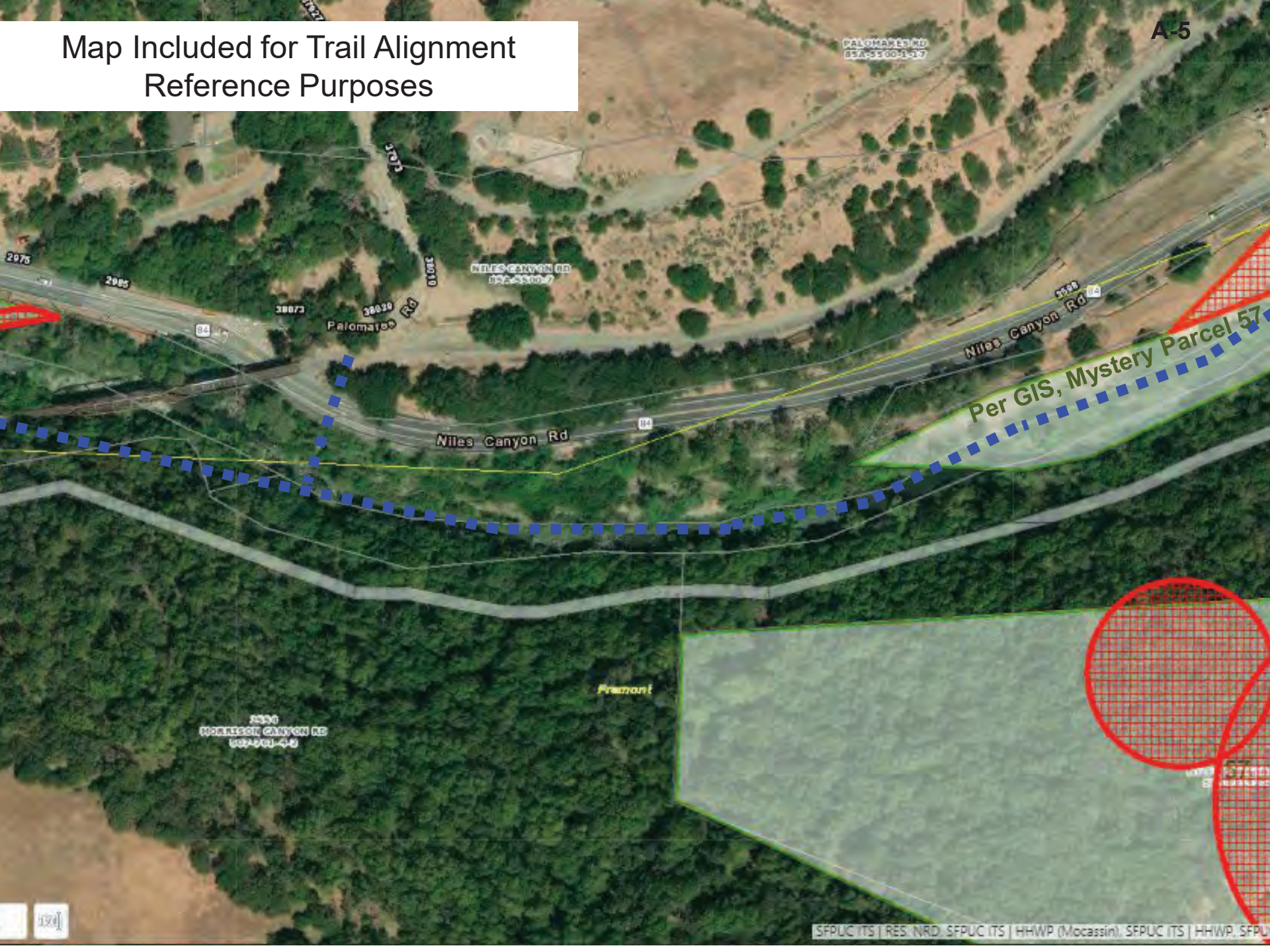
SFPUC Parcel 2471 / Spring Valley Water Co. Parcel 57 / APN 507-676-1-1
GEN-0260 issued to
California Pottery Co. for Maintaining access road.

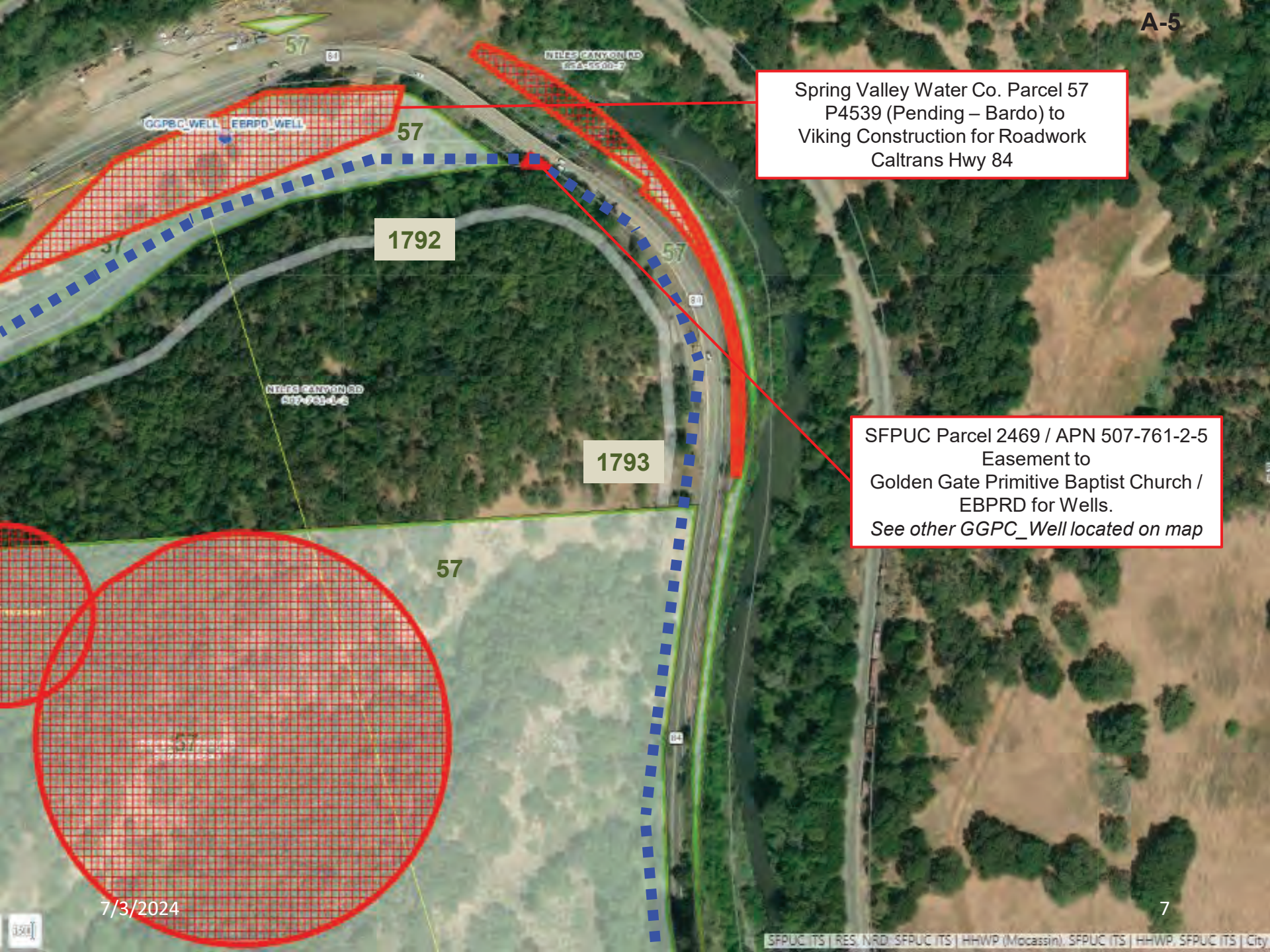
SFPUC Parcel 2470 / Spring Valley Water Co. Parcel 57 / APN 507-676-1-3
PGE-0103 issued to
PG&E for Overhead Electric Transmission Line.

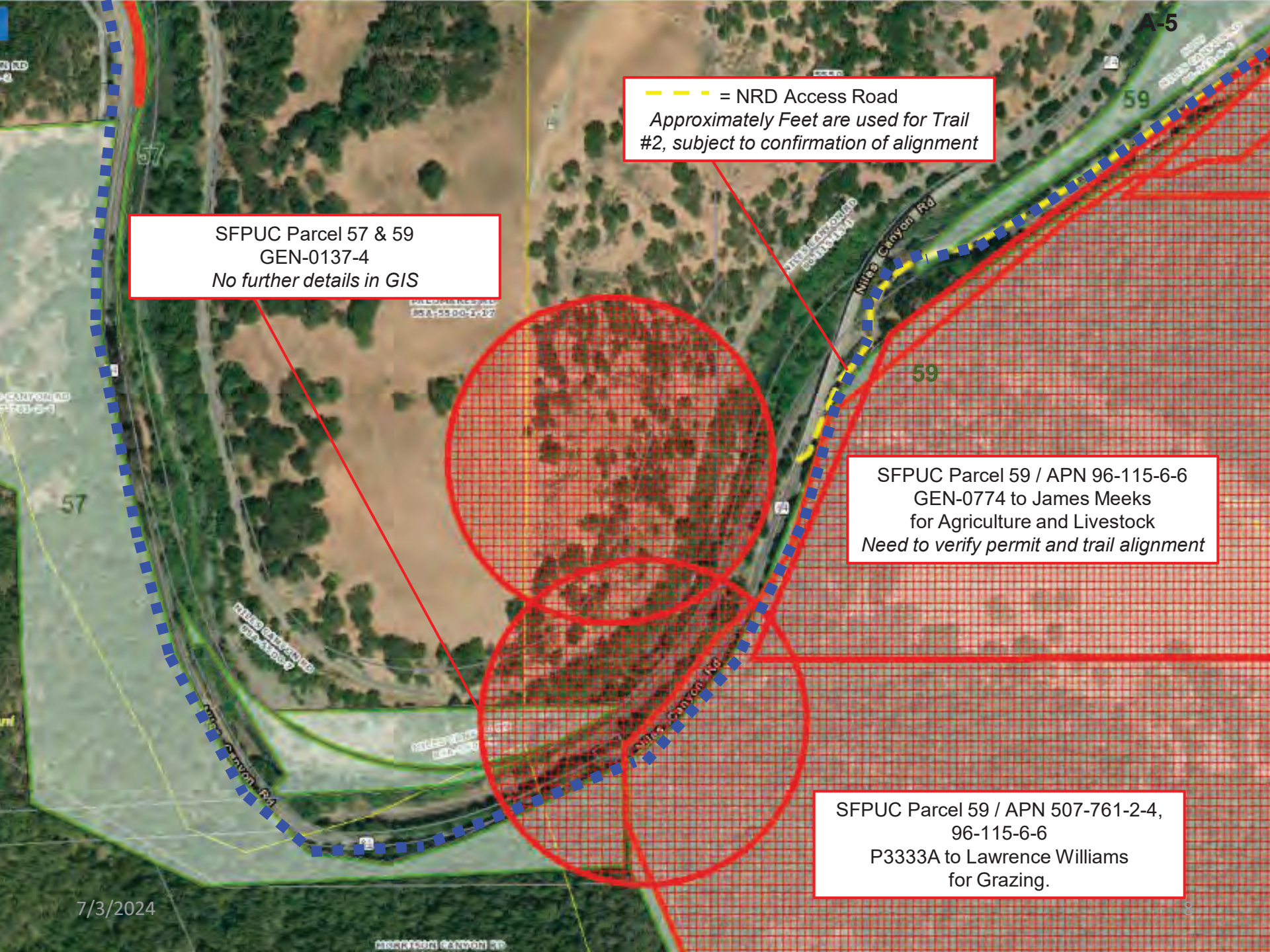


Map Included for Trail Alignment Reference Purposes

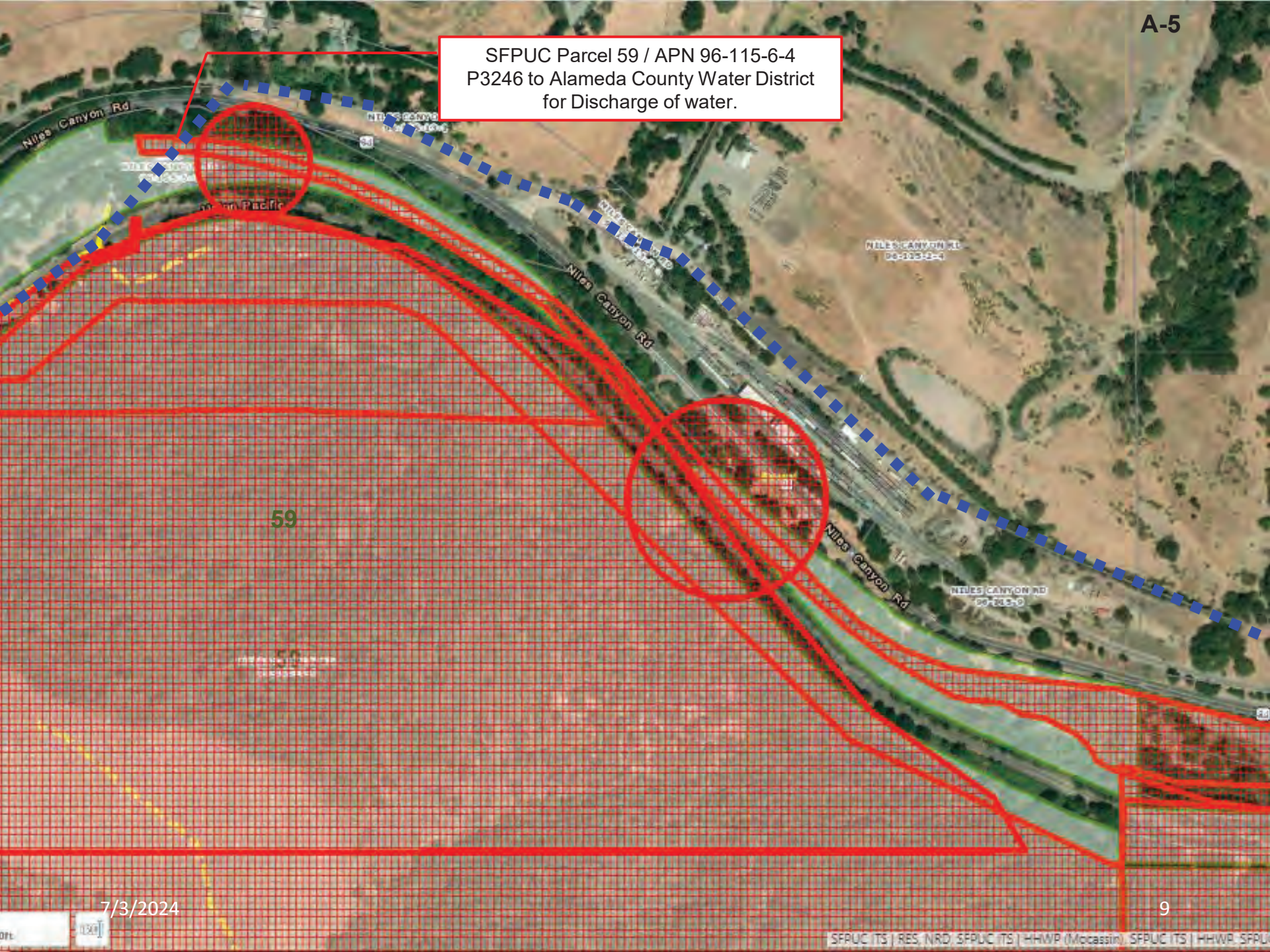
Map Included for Trail Alignment Reference Purposes

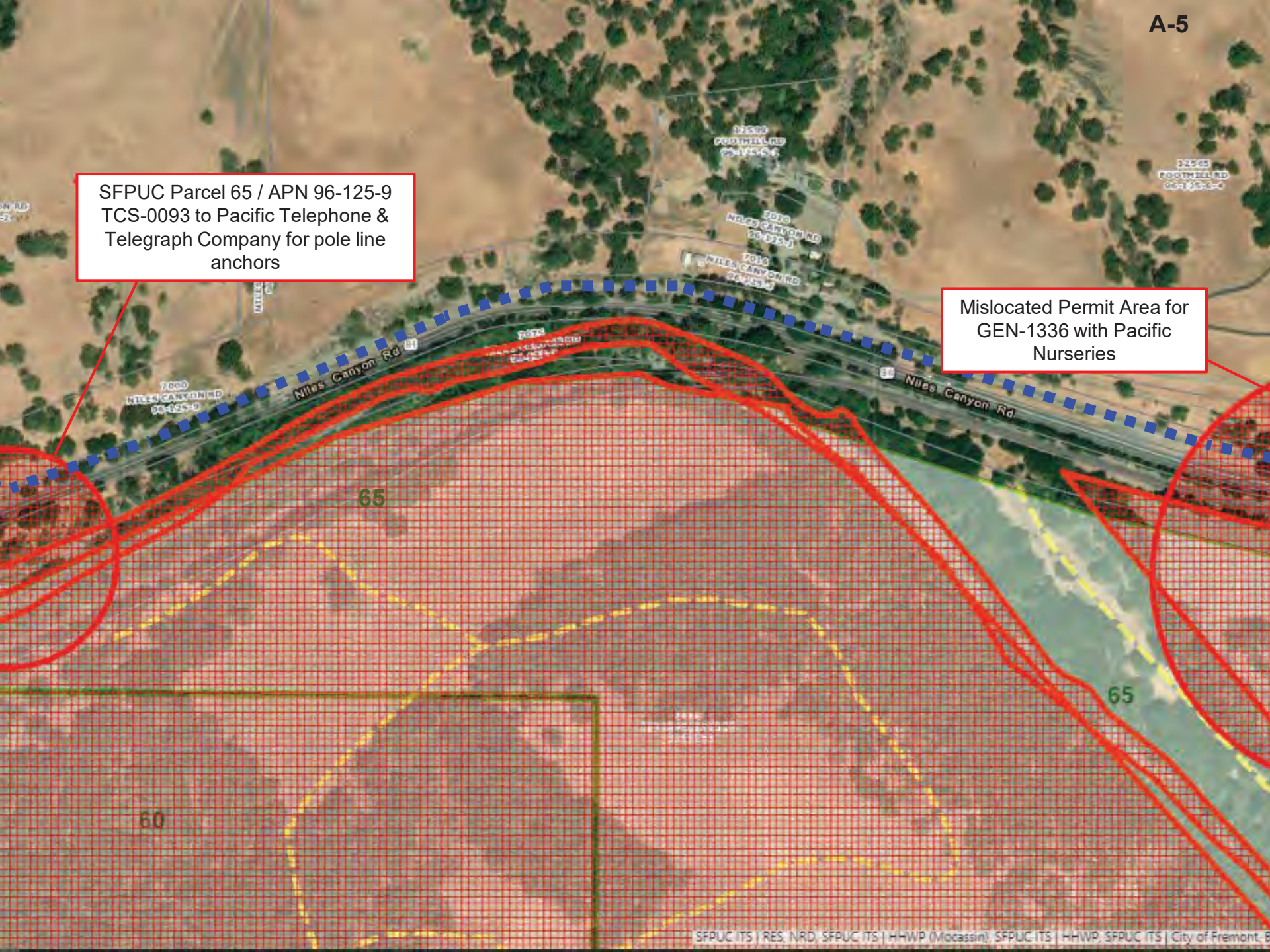



Spring Valley Water Co. Parcel 57
P4539 (Pending – Bardo) to
Viking Construction for Roadwork
Caltrans Hwy 84
SFPUC Parcel 2469 / APN 507-761-2-5
Easement to
Golden Gate Primitive Baptist Church /
EBPRD for Wells.
See other GGPC_Well located on map
GGPBC_WELL
EBRPD_WELL
NILES CANYON RD
57
1792
1793
84


= NRD Access Road
Approximately Feet are used for Trail #2, subject to confirmation of alignment
SFPUC Parcel 57 & 59
GEN-0137-4
No further details in GIS
SFPUC Parcel 59 / APN 96-115-6-6
GEN-0774 to James Meeks
for Agriculture and Livestock
Need to verify permit and trail alignment
SFPUC Parcel 59 / APN 507-761-2-4,
96-115-6-6
P3333A to Lawrence Williams
for Grazing.
57
59
Niles Canyon Rd

SFPUC Parcel 59 / APN 96-115-6-4
P3246 to Alameda County Water District
for Discharge of water.




SFPUC Parcel 65 / APN 96-125-9
TCS-0093 to Pacific Telephone & Telegraph Company for pole line anchors
Mislocated Permit Area for GEN-1336 with Pacific Nurseries
Niles Canyon Rd
Niles Canyon Rd
65
65
60
SFPUC ITS | RES, NRD, SFPUC ITS | HHWP (Mocassin), SFPUC ITS | HHWP, SFPUC ITS | City of Fremont, E

Natural Resources and Lands Management Division

Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

FIELD STANDARD OPERATING PROCEDURES
BIOLOGICAL RESOURCES GROUP

DECONTAMINATION FOR AQUATIC SURVEYS

1 Scope and Application

2 Procedures

3 Resources

Reviewed by Supervising Biologist: _____

Date: 10-31-19

1 Scope and Application

The inadvertent and sometimes illegal introduction of new species into a body of water can have devastating effects on aquatic ecosystems and the infrastructure that utilities rely on to provide service to their customers. One of the most recently discovered aquatic nuisance species (ANS) to threaten waters of the Western United States, the quagga mussel (*Dreissena bugensis*), can alter aquatic food webs and foul water intake structures. Another ANS, the New Zealand mudsnail (*Potamopyrgus antipodarum*), has been documented on City and County of San Francisco property in portions of Alameda Creek in Alameda County and in San Mateo Creek and Polhemus Creek in San Mateo County. The New Zealand mudsnail has also been documented in Pilarcitos Creek downstream of City property in San Mateo County. This particular species can compete with native invertebrates that are a food source to fishes residing in the creek.

Other species that could threaten our aquatic ecosystems include: chytrid fungus (*Batrachochytrium dendrobatidis*), whirling disease (*Myxobolus cerebralis*), didymo or rock-snot (*Didymosphenia geminate*), zebra mussels (*Dreissena polymorpha*), Eurasian watermilfoil (*Myriophyllum spicatum*), water hyacinth (*Eichhornia crassipes*), and Brazilian waterweed (*Egeria densa*). While this is by no means a comprehensive list, it serves to illustrate that aquatic nuisance species may be as small as a microscopic fungi spore that can cling to wading equipment or hiking sticks, or to large aquatic plants which may attach to boats and trailers. Some species capable of living in moist environments near the edges of aquatic habitats (including muddy areas) can also be distributed by people as they are picked up in boot crevices.

The purpose of this procedure is to provide methods to prevent the introduction or spread of organisms that might negatively impact aquatic resources. These procedures apply to all gear that can potentially come into contact with bodies of water or wetted and muddy areas that drain to water bodies. Equipment includes: boats, trailers, motors, anchors, ropes, pumps, nets (dip, seine, block, gill, trawl, etc.), fish handling and measuring equipment, sampling and monitoring equipment, waders, boots, dive equipment, and life-jackets. The methods described provide a broad range of protection against the most commonly known ANS presently considered a threat. However, before undertaking any survey, the most up-to-date species-specific decontamination protocols should be consulted.

2 Procedures

Before conducting any field surveys, consider how the survey can be designed to reduce the spread of ANS. Surveys that are designed to work from upstream sites to downstream sites are less likely to promote the spread of ANS. Likewise, surveys that move between watersheds, or sub-watersheds, should be designed to allow enough time for adequate disinfection between sites. Alternatively, a second set of equipment might be provided to accommodate moves between watersheds. However, any equipment that is not thoroughly disinfected before leaving a site must be isolated to prevent the spread of ANS to the interior of vehicles or other non-contaminated equipment.

To ensure that the proper procedures are followed when conducting decontaminations, the *Decontamination Checklist* (attached) must be filled out each time a boat or other equipment is decontaminated. A copy of the completed checklist must be submitted to the section supervisor following each boat or equipment decontamination.

2.1 Physical Barriers

Physical methods used alone will not provide adequate protection for all ANS. However, removing gross amounts of mud and organic matter from equipment prior to leaving a site will increase the effectiveness of other decontamination methods. It will also speed up the desiccation process during the drying phase of treatments. Physical removal of plant fragments is also the most effective method to reduce the chance of spreading macrophytes such as Eurasian watermilfoil.

2.2 Disinfecting

Boats, trailers, trap boxes and other large equipment:

- After removing from the water, perform a thorough visible inspection paying attention to axels, bunks, frame-rails and tail-lights. Consider areas that may trap water and drain as much as possible before leaving site.
- Transport equipment to the nearest wash facility, preferably one with a high pressure or steam wash. Thoroughly spray all water contact surfaces (including anchors and ropes) to ensure proper cleaning. Where possible, direct the spray into frame rails and tubing to flush any hidden debris.
- Spray all water contact surfaces with an approved disinfectant and allow the surfaces to remain wetted for the recommended period (Table 1).
- Rinse all surfaces with clean water to remove remaining disinfectant.
- Allow equipment to dry thoroughly following the desiccation / drying guidelines (Table 1) before using.

Waders, boots, small equipment, nets, tools and other submersible items:

- If equipment must be used between multiple sites on the same day, prepare a solution of disinfectant in a covered, spill-proof container large enough to allow submersion of the equipment. Alternatively, a spray bottle may be employed as long as the equipment can remain wetted for the recommended time.
- After using equipment, rinse away all visible debris with the cleanest water available at the work site.
- Immerse or spray all equipment with disinfectant and allow sufficient contact time.
- Before entering another body of water, rinse equipment with tap water if available, or with water from the next location. In either case, avoid rinsing where there is a possibility of a disinfectant reaching a body of water.
- If equipment will not be reused on the same day, it may be isolated in an appropriately sized container and stored for later treatment.

2.3 Choosing a Disinfectant

When choosing a disinfectant for a particular survey, consideration must be given to factors other than just the efficacy of the disinfectant to kill a particular target organism. Some disinfectants, such as hypochlorite, can seriously degrade fabrics used to make waders. Additionally, commercially available products such as bleach (active ingredient hypochlorite) can have percentages of active ingredient that vary from 5.25% to 12.5%. The same can be said for Formula 409® which comes in various

formulations. Most studies done with Formula 409® only considered the effectiveness of the active quaternary ammonia compound. However, some recent work suggests that the Formula 409® product that also includes a degreasing agent is more effective in getting New Zealand mudsnails to open their operculum. Additional consideration should be given to the availability of the product, health concerns during use and mixing, cost, degree of protection needed, and time required to disinfect. If a survey were going to be jumping from pond to pond in a relatively short period of time, it would make more sense to use a stronger solution and reduce the contact time required to effectively kill the target organism. As with all chemicals, no mixing of products should be attempted and all personnel should be familiar with any applicable material safety data sheets (MSDS).

The information provided in Table 1 can be used to select an appropriate method of decontamination. Where hypochlorite (NaClO) is specified, it is based on commercial hypochlorite (12% NaClO by weight) readily available at San Francisco Public Utilities Commission (SFPUC) water treatment facilities. If household bleach is used, double the amount of NaClO specified in Table 1.

Table 1. Control Methods for Common Aquatic Nuisance Species

	Control Method				
Disinfectant	**Chytrid**	**Didymo**	**New Zealand Mudsnail**	**Quagga Zebra Mussel**	**Whirling Disease**
Sodium Hypochlorite (NaClO) 12%. Available at SFPUC water treatment facilities. If using household bleach, double oz/gallon.	11 oz/gallon (30 second) 5 oz / gallon (10 minute)	1 oz/gallon (1 minute)	Not recommended	1 oz/gallon (10 minute)	1 oz/gallon (10 minute)
Quaternary ammonia compound ≈7.5% quaternary compounds. Quat 128® Buckeye International	0.02 oz/gal (30 second)	unknown*	6.4 oz/gallon (10 minute)	unknown*	6 oz/gallon (10 minute)
Quaternary ammonia compound ≈15% quaternary compounds. Sparquat 256® Spartan Chemical	No data	unknown*	4 oz/gallon (10 minute)	unknown*	4 oz/gallon (10 minute)
Desiccation / Drying **	3 hours	48 hours	48 hours	minimum of 5 days	24 hours

* Published test results using commercial quaternary compounds are not available, but the compounds are believed to be effective.

** All results recommend drying in sunlight.

3 Resources

Aquatic Nuisance Species Task Force by the New Zealand Mudsnail Management and Control Plan Working Group. 2007. National Management and Control Plan for the New Zealand Mudsnail

(*Potamopyrgus antipodarum*).
http://www.anstaskforce.gov/Documents/NZMS_MgmtControl_Final.pdf

Cope, W. G., Newton, T. J., and C.M. Gatenby. 2003. *Review of techniques to prevent introduction of zebra mussels (Dreissena polymorpha) during native mussel (Unionoidea) conservation activities*. Journal of Shellfish Research 22(1): 177–184.

Elwell, L. 2006. (Draft*) Increase in nuisance blooms and geographic expansion of the freshwater diatom Didymosphenia geminata: Recommendations for response*, International Didymosphenia Symposium, Western Division American Fisheries Society Meeting, Bozeman, Montana.

Hosea, R. C. and B. Finlayson. 2005. *Controlling the spread of New Zealand mud snails on wading gear*, California Fish and Game, Office of Spill Prevention and Response Administrative Report 2005-02, Rancho Cordova, CA.

Johnson, M. L., Berger, L., Philips, L., and R. Speare. 2003. *Fungicidal effects of chemical disinfectants, UV light, desiccation and heat on the amphibian chytrid Batrachochytrium dendrobatidis.* Diseases of Aquatic Organisms 57: 255–260.

Madsen, J. D., and D. H. Smith. 1997. *Vegetative spread of Eurasian watermilfoil colonies*. J. Aquat. Plant Management 35: 63-68.

Oregon State University. 2010. How to Prevent the Spread of New Zealand Mudsnails through Field Gear. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=22574

Richards, D., O'Connell, P., and D. C. Shinn. 2004. *Simple control method to limit the spread of the New Zealand mudsnail Potamopyrgus antipodarum*. North American Journal of Fisheries Management 24:114-117.

Schisler, G. J., Walker, P. G., and R. Knox. *Efficacy of Formula 409® and Sparquat 256® for control of New Zealand Mud Snails*, Colorado Division of Wildlife, Aquatic Research Section, Fort Collins, CO

U.S. Fish and Wildlife Service. 2005. California and Nevada Region. *CNO Survey Protocols. California red-legged frog*. http://www.fws.gov/cno//es/surveypro.html

U.S. Fish and Wildlife Service. 2003. California and Nevada Region. *CNO Survey Protocols. California tiger salamander.*
http://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/CalTigerSalamander.2003.protocol.pdf

Wagner, E.J., 2002. *Whirling disease prevention, control, and management: a review.* Pages 217–225 in J.L. Bartholomew and J.C. Wilson, editors. *Whirling disease: reviews and current topics*. American Fisheries Society, Symposium 29, Bethesda, Maryland.

San Francisco Water Power Sewer
Services of the San Francisco Public Utilities Commission

NATURAL RESOURCES AND LANDS MANAGEMENT DIVISION

BOAT AND EQUIPMENT DECONTAMINATION INSPECTION CHECKLIST

Boat Identification (name, CF number, lic. Plate, etc.):

Boat Type:

Boat Description:

Last Body of Water Boat was In: When:

Equipment Identification (serial number, etc.):

Equipment Type:

Equipment Description:

Last Body of Water Equipment Used In: When:

DECONTAMINATION ACTIVITY/CONDITION	DATE (mm/dd/yy)	CHECKLIST Yes	CHECKLIST No	INSPECTOR NAME	COMMENTS
PRIOR TO ENTERING WATERSHED (inspection location:)					
Cleaning (physical removal, brushing, etc.)		☐	☐		
Pressure/Steam Wash (155° at nozzle)		☐	☐		
Disinfection (list disinfectant, conc., and contact time)		☐	☐		
Disinfection Rinse		☐	☐		
Water Draining		☐	☐		
Water/Disinfectant Drained to Sewer		☐	☐		
Drying		☐	☐		
Attached Trailer Strap (for trailered boats only)		☐	☐		
Dry Dock/Dry Storage Location:					
PRIOR TO ENTERING WATER (inspection location:)					
Plants or Animals Present		☐	☐		
Mud Present		☐	☐		
Standing Water Present		☐	☐		
Wet Surfaces Present		☐	☐		
Trailer Strap Attached (for trailered boats only)		☐	☐		
Date Expected To Go Into Water					
Total Number of Days Dry Docked/Dry Stored:					

Use back side of form for additional notes.

Notes:

CITY AND COUNTY OF SAN FRANCISCO
PUBLIC UTILITIES COMMISSION

NATURAL RESOURCES AND LANDS MANAGEMENT DIVISION

STANDARD OPERATING PROCEDURE (SOP) FOR NON-AQUATIC VEHICLE, TOOL, AND PERSONAL PROTECTIVE EQUIPMENT (PPE) DECONTAMINATION FOR INVASIVE PLANTS, PESTS AND PATHOGENS FOR ALL WORK ON SFPUC PENINSULA AND ALAMEDA WATERSHED LANDS

1. Scope and Application

2. Best Management Practices

3. Decontamination Procedures

4. Vehicle and Equipment Inspections

5. Sanitization Chemicals

6. Literature Cited

Appendix A: Decontamination Checklist

Appendix B: Flowchart of Decontamination Procedures

Appendix C: Decontamination for Aquatic Surveys

Approved by Division Manager: _____

Date: _____

SOP Definitions:

Clean: to remove visible dirt, debris, or other material using mechanical action, such as scrubbing or brushing, high pressure air, or any other method that removes material from an item without the use of water.

Decontaminate: the entire process of cleaning, washing, and sanitizing an item in order to remove pests and pathogens.

Equipment: items needed to conduct outdoor work which includes all items that come in contact with soil and/or vegetation.

Equipment yard: parking areas and storage facilities for field vehicles and equipment.

Inspector: personnel trained to inspect vehicles, equipment, tools, and personnel for SOP compliance.

Landscaped area: outdoor areas where the natural vegetation has been modified. These areas are generally in urban settings and are often composed of non-native species.

Invasive plant: any plant, native or non-native, that has negative impacts to an ecosystem upon introduction or after establishment.

Nursery: a facility where plants are grown.

Plant pests: any organism that injures plants, including but not limited to insects, mites, pathogens, mollusks, and nematodes.

Plant pathogens: microorganisms (fungi, bacteria, viruses) that injure plants.

Requestor: the person who is entering the watershed that needs to be inspected for SOP compliance prior to entry.

Restoration site: an area where the habitat is being actively managed through plantings or resource enhancement.

Sanitize: to render bacterial, fungal, and other microscopic organisms inert using a chemical agent or exposure to high temperatures.

Sanitizer: a chemical agent that kills or irreversibly inactivates bacterial, fungal, and other microscopic organisms.

Vehicle: Any motorized piece of equipment including but not limited to: trucks, cars, all-terrain vehicles (ATV), utility task vehicles (UTV), vans, mowers, trenchers, cranes, excavators, skid loaders, and tractors.

Wash: to clean, specifically with water.

Watershed: either the Alameda watershed or the Peninsula watershed.

1. Introduction

The Natural Resources and Lands Management Division (NRLMD) developed this *Standard Operating Procedure (SOP) For Non-Aquatic Vehicle, Tool, And Personal Protective Equipment (PPE) Decontamination For Invasive Plants, Pests And Pathogens For All Work On SFPUC Peninsula and Alameda Watershed Lands*. This document is to be used by personnel who enter SFPUC watershed lands, including SFPUC personnel, contractors, consultants, tenants, access permit recipients and easement holders (e.g. PG&E, US Geological Survey, Alameda County Water District).

Although it is impossible to eliminate all the risks of introduction and spread of invasive plants, plant pests, terrestrial invasive animals and pathogens, these decontamination procedures are intended to help reduce these risks. Vectors for the introduction and spread of these organisms include vehicles, ground and vegetation disturbing activities, tools, equipment, PPE, personnel, animals, water, and wind. Vectors may spread or introduce pests and pathogens when entering SFPUC owned watershed lands or when moving between areas where these harmful organisms are present.

Flowcharts describing when to follow decontamination procedures are provided in Appendix A.

Invasive plants - Many invasive plant species are present on SFPUC watershed lands. Invasive species of particular concern include yellow and purple starthistle (*Centaurea solstitialis* and *C. calcitrapa*), medusahead (*Taeniatherum caput-medusae*), Bermuda grass (*Cynodon dactylon*), and stinkwort (*Dittrichia graveolens*). SFPUC published a guide for the identification of a variety of priority invasive plant species known to occur on its watershed lands. This guide, *Invasive Species Pocket Guide for Plant Species along the Hetch Hetchy Regional Water System* (SFPUC 2014), is available from the SFPUC Bureau of Environmental Management and NRLMD. A more comprehensive reference detailing the invasive plants in California, the California Invasive Plant Council's *California Invasive Plant Inventory* (Cal-IPC 2006) provides an impact severity ranking, which considers the rarity, invasiveness, and economic and ecological impacts each species.

Non-native invasive insects - Insects, such as bark beetles (Family Curculionidae), gypsy moth (*Lymantria dispar*), and Argentine ants (*Linepithema humile*) may also be introduced onto watershed lands via plants and wood products. These pests can have a significant detrimental effect on the quality and health of SFPUC watershed ecosystems. Severe infestations have the potential to reduce biological diversity, displace native species, vector plant pathogens, and hamper restoration efforts.

Plant pathogens - Plant pathogens, including pine pitch canker (*Fusarium circinatum*), sycamore anthracnose (*Gnomonia leptostyla*), and sudden oak death (*Phytophthora ramorum*), are known to occur throughout northern California. These pathogens have a variety of detrimental impacts to the leaves, branches, trunk and roots of trees and have caused significant mortality and impacted plant health on watershed lands.

In addition to *P. ramorum,* many other *Phytophthora* species are have been found within California, and occur in the Peninsula and Alameda watersheds. These pathogens belong to the Class Oomycetes, or water molds, and thrive in wet conditions. Water molds are known for their ability to reproduce asexually via sporangium during favorable wet conditions, and sexually through thick-walled oospores which are easily transferred in soil and water. These durable reproductive structures can persist for years in dry soil and can become active with the return of

wet conditions (Heffer et al. 2002). As such, not only is their spread in water a threat to uninfected areas, but the movement of spores during dry periods is also a containment concern.

Aquatic invasive species- Aquatic invasive species concerns and associated procedures are detailed under a separate SOP *Decontamination for Aquatic Surveys* (Appendix C, SFPUC 2014). This document covers measures that reduce and prevent the spread or introduction of pests and pathogens in an aquatic setting.

2. Best Management Practices

General

1. Remove all plant material and soil from boots and clothing when moving between watersheds and between discrete areas within a watershed.
2. Be aware and report signs of *Phytophthora* infection in plants to the NRLMD Planning and Compliance Section. Common symptoms include stunted growth, nutrient deficiency-like symptoms, smaller than normal leaves, wilting, and dead roots.
3. Learn to identify the invasive plants of concern and convey this information to IPM Specialists.
4. Prevent the introduction of non-native species by power washing and inspecting construction equipment and vehicles prior to arrival onsite according to the guidelines in this SOP to ensure that it is free of plant material.
5. All mulch, soil imports, imported organic material, and erosion control measures must be heat treated and other construction materials must be certified "weed free". Exemptions may be made by SFPUC Natural Resources and Lands Management (NRLMD) staff on a case by case basis.
6. All mineral material (rip rap, gravel, aggregate base, etc.) imports should be from virgin (non-recycled) sources, free of soil, and free of weed seeds. Imports should be inspected and rejected if they don't meet these criteria.
7. Power washing and steam cleaning should be done systematically to ensure that all surfaces are decontaminated.
8. Nursery stock is generally prohibited. Following consecutive years of negative testing and demonstrated good performance, nursery stock may be brought in following the guidelines for holding stock outlined in Guidelines to Minimize Phytophthora Pathogens for Holding (non-production) Nurseries at Restoration Sites.
9. Follow the Guidelines to Minimize Phytophthora Contamination in Restoration Projects for all planting projects (Working Group for Phytophthoras in Native Habitats 2018).Visit *Phytophthora*-free areas before contaminated areas. If lands are untested for contamination, assume that they are contaminated and take appropriate precautions.
10. Work from upstream areas to downstream areas in high risk areas based on pathogen risk analysis maps.
11. Whenever possible, schedule activities when invasive species are not in seed when working in an area with invasive plants.

Vehicles and Tools

12. Unless there is an overriding reason for off-road activity, vehicles should stay on established roads, especially during wet periods. Overriding reasons include: emergencies to protect human life and property, allowing for two way traffic on narrow roads, etc.
13. Avoid driving on muddy unpaved roads when feasible. Consider a different work schedule or alternate mode of transportation if the soil is wet enough to stick to vehicle tires and undercarriage.
14. If driving on wet unpaved roads is necessary, then plan your routes to minimize distances travelled.
15. Driving off-road into areas known to be infected by plant pathogens is prohibited.
16. Dust and dry soil should be brushed or washed off of vehicles and personnel routinely.
17. Any activities performed off road should be conducted during dry conditions whenever possible to minimize soil disturbance.
18. Limit the number of vehicles at a work site. Establish contained staging areas to park unused vehicles.
19. Tools should be clean or new before beginning work. Store tools in a clean and dry location.
20. If exposed to a known contaminated area, decontaminate upon departure.
21. Strategically plan movement between discrete drainages, grazing parcels, or properties before entering a site.
22. Keep vehicles as clean of soil as possible. Do not move soil between watersheds with vehicle travel.

People

23. Avoid travel from pathogen-infected areas to non-infected areas, especially during wet periods and plan your travel route based on the information in the attached pathogen risk analysis
24. Consider wearing easy to clean boots that have limited holding places for invasive plant seeds and soil (i.e. no mesh, laces, Velcro, etc.).
25. Clean invasive plant seeds and soil off gaiters, boots, and clothing between watershed areas and decontaminate footwear with alcohol after removing soil.
26. If possible, avoid passing through invasive plants in while flower or seed.
27. Clean and decontaminate footwear between sites.

3. Decontamination Procedures

Decontamination is the end result of procedures designed to significantly reduce or eliminate the possibility of transferring invasive plants, insects, pests, or plant pathogens from one place to another. Items must be cleaned, washed, and sanitized in order to be considered decontaminated.

Removing seeds, plant parts, organic matter, and debris may prevent the introduction and spread of some invasive plants and other pests. However, the threat of plant pathogens cannot be eliminated without a more thorough effort. In order to effectively decontaminate vehicles, equipment, tools, and other items, they must be washed, and sanitized as well.

The Decontamination Procedures Flowchart (Appendix B) should be consulted in order to determine the appropriate decontamination procedure. Section 2.1 contains specific instructions for decontaminating vehicles and other large equipment and Section 2.2 contains specific instructions for decontaminating gear, tools, and personal protective equipment.

3.1 Procedure for Vehicles and Other Large Equipment

Plant pathogens and invasive plant species can be introduced and distributed on SFPUC lands via vehicles and equipment, by harboring contaminated soil, water, seeds, plant parts, and other organic material. For example, vehicles coming from agricultural lands, urban landscapes, construction sites or plant nurseries have the potential to introduce both plant pathogens and invasive species via soil, seeds, or water on tires, mud flaps, and wheel wells. Similarly, vehicles travelling from a contaminated area of a watershed, such as one of the BHR sites with known pathogens, to a clean area have the potential to spread harmful organisms.

The risk of spreading soil-borne pathogens is significantly higher in wet conditions. Dust and light soil accumulations during summer months are less likely to harbor harmful organisms than when there are significant accumulations of mud. As such, particular attention should be paid to decontamination procedures when soils and vegetation are wet. However, good hygiene practices and adherence to the tenets of this SOP must be followed at all times.

The following procedures should be used for vehicles and other large equipment when prescribed by the Decontamination Procedures Flowchart (Appendix B). Decontamination should be performed on all vehicles and equipment when entering an area for the first time or moving between watersheds as defined by SFPUC NRLMD staff.

3.1.1 Cleaning and Washing

Equipment mobilized to a job site for the first time should be inspected prior to use at any project site. Equipment owners and operators should be aware that vehicles that do not pass inspection will not be allowed into the project area until they are deemed decontaminated.

1. The exterior and interior of vehicles must be cleaned and washed such that all debris, organic matter, and soil are removed. High pressure water is the most effective way to remove potential contaminants from the exterior of vehicles. Water pressure at the nozzle should be at least 90 psi. Pressure washing must be performed on a mud-free, hardscaped surface with good drainage such as a commercial car wash (Suslow 2014). Wash water must be directed to sanitary sewer or contained for treatment. High pressure air may be used to aid in the removal of material in areas where pressure washing is inadvisable such as inside engine compartments and around sensitive electronics. Follow applicable precautions to prevent exposure to naturally occurring asbestos during cleaning, especially when using pressurized air.
2. Care must be exercised to remove dirt, debris, and plant parts from all parts of the vehicle. Check that debris is removed from the inside of hollow bumpers; the space between bedliners and the vehicle body; tires and rims; track plates and drive assemblies; door handles; floor

mats; the grill; and the chassis of the vehicle. Soil and organic material may also deposit inside wheel wells, on top of transmission and suspension components, and inside under-vehicle mounted spare tires.

3. Washing is permitted on-site in an approved portable wash rack only with permission from the NRLMD.
4. Routinely maintaining a clean interior of a vehicle reduces the potential for accidental introductions. Cleaning the interior of a vehicle should include physically removing potential contaminants. Seeds, fragments of vegetation, and soil must be removed using a vacuum, adhesive roller, stiff bristle brush, or other method effective for the material being cleaned. For example, an adhesive roller may be more suitable than brushing for dense, tightly woven fabrics.
5. Inspect vehicles prior to sanitizing to ensure that they are visibly free of dirt, debris and plant parts (follow the *Vehicle and Equipment Inspection Procedure* in Section 4).

3.1.2 Sanitizing

1. In some instances (as designated by NRLMD staff), cleaning and washing must be followed by sanitizing to eliminate pathogens. All surfaces that may have contacted soil or vegetation must be sanitized using high temperature water exceeding 140˚F, steam, or approved chemicals. A discussion of chemical agents can be found in Section 5. Wheels, tires, mud flaps, and other areas that directly contact the soil surface are of particular concern.
2. Chemical sanitizing materials must be applied at the proper concentrations as defined in Section 5. These chemicals may be applied with a spray bottle, back pack sprayer, or other method that ensures soaking coverage of the area being sanitized. Smaller items may be soaked.
3. Pressure washing may be combined with high temperature cleaning, where facilities exist, to satisfy the sanitization requirement. A surface temperature exceeding 140˚F for 30 minutes must be verified using a hand-held infrared temperature sensor. Use caution when working with hot liquids and high pressure fluids.
4. The application of an approved chemical agent as described in Section 5 can substitute for steam or high temperature cleaning.

3.2 Procedure for Gear, Tools, and Personal Protective Equipment

Any personal protective equipment, gear, tools, clothing, or footwear entering SFPUC watershed property that may have been contaminated with pathogens, pests, or invasive plants, must be cleaned so that they are visibly free of dirt and debris. Cleaned items must then be treated with an approved chemical sanitizer. Decontamination within the same site is not required when moving in a downstream direction for features that are hydrologically connected. Always work from upstream to downstream in riparian areas and when moving between ponds that are within a single drainage. Decontaminate boots, gear, PPE, and tools, before moving to new upstream locations or when changing sites.

3.2.1 Cleaning and Washing

1. Cleaning and washing must occur either outside of SFPUC lands or in approved areas on SFPUC lands such as designated staging areas, wash racks, or designated cleaning areas in equipment yards. It is not acceptable to wash or decontaminate in parking areas, on roadways, or along foot trails prior to entering sensitive areas. Soiled items should not be cleaned after entrance to the watershed.
2. Clean gear with a brush or scraper to remove as much visible mud and debris as possible. Take care to check crevices and hard to see areas for soil and debris. Thoroughly clean and wash all parts of tools and equipment, including handles, grips, wheels, and frames. For larger equipment and digging tools, use a power washer, compressed air, or water jet to remove soil, seeds, plant material, and debris.
3. Verifiably new and unused equipment may be exempt from decontamination but subject to inspection.

3.2.2 Sanitizing

1. Refer to Section 5 for a discussion of appropriate sanitizing materials.
2. If items are rinsed with water first, they should be allowed to dry to the point that the sanitizing material is not further diluted.
3. Items visibly free of soil, organic matter, and debris should be sprayed with an approved sanitizing material such that the surface of the item is saturated.
4. Ensure that the sanitization material contacts the entire item.
5. Items with textured surface or hard to reach assemblies (such as the hinge on clippers), should be soaked in an approved sanitizing material. For footwear and hand tools used for moving soil or cutting vegetation, soaking the equipment in a footbath with sanitizer can be used as an alternative to a spray bottle
6. Items susceptible to corrosion or damage may be rinsed with clean, fresh water following the application of sanitizing materials. Some of these materials can cause permanent damage to plastics, synthetic fabrics, and metals. Use caution and consult the manufacturers labeling or Material Safety Data Sheet (MSDS).
7. Ensure that items requiring post-application rinse are saturated with sanitizing material for the appropriate duration according to Section 5.
8. On-site water from creeks, ponds, or other waterways is never an acceptable water source for rinsing, dilution, or any other part of the decontamination process.
9. All application and rinsing of sanitizing materials should occur in upland areas away from water sources or wetlands. Excess sanitizer and rinse water must be contained and disposed of properly.

4. Vehicle and Equipment Inspections

All SFPUC staff, tenants, and others who regularly access SFPUC lands may not be subject to formal inspection, but these parties should maintain high standards of vehicle, equipment, and

personal item hygiene as outlined in the Decontamination Checklist (Appendix B) and self-inspections should be performed on a regular basis. All other vehicles and equipment must have a completed Decontamination Checklist in order to be inspected by SFPUC staff. One form is required for each vehicle and/or piece of equipment unless everything being inspected has identical work and transportation histories. The Decontamination Checklist provides the owner or operator a chance to document the usage history of each item and detail how it was decontaminated. The checklist also serves as a record of non-compliance for items that do not meet the standards described below. Items that do not meet the decontamination criteria described in this SOP will not be allowed entry onto SFPUC watershed lands. Items that fail inspection are eligible for re-inspection after remedial decontamination has occurred and outstanding inspection issues are addressed. Inspections should be thorough and systematic. The following procedure and detailed inspection areas found in Appendix B must be considered to ensure compliance.

1. Inspections must be completed by an SFPUC staff person during the initial mobilization of materials and equipment for any project. After good practices have been established, contractors and vendors will be allowed to use previously inspected vehicles and equipment without further inspections. Any vehicles, equipment, or materials new to the site that have not previously been inspected are expected to be decontaminated prior to arrival at the site and may be subject to inspection at the discretion of SFPUC staff. Self-inspection of items new to the site may be conducted by contractors or vendors if the items provenance can be verified and does not include any high risk areas such as a nursery or BHR site. Checklists from self-inspection should be provided to the SFPUC within two weeks of the inspection date as noted on the checklist form. Check for vegetation and dirt that is stuck to external surfaces of the vehicle and equipment. If present, re-wash and/or decontaminate the vehicle or equipment.
2. Inspect vehicle chassis and partially enclosed portions of the body, and partially enclosed parts of equipment, which may have been missed during power washing, or where plant material and dirt may become lodged or have settled during the washing process. If present, re-wash and/or decontaminate the vehicle or equipment.
3. If the equipment does not pass inspection during initial mobilization, it cannot enter SFPUC lands until decontamination has been verified by SFPUC staff

5. Sanitizing Materials

A number of sanitizing materials can be used to reduce the risk of pathogen contamination on footwear, clothing, equipment, tools, and vehicles. Table 1 outlines chemical sanitizers, application concentrations, contact times, and important notes. Table 2 contains information specific to properly preparing bleach solutions. Use caution when handling any sanitization material and consult the manufacturer's guidelines and Safety Data Sheet.

Table 1. Sanitizers commonly used for personal items, equipment, tools, and vehicles.

Sanitizer	Concentration	Required Contact Time	Notes
Ethyl or isopropyl alcohol	≥70%	Until dry	Thoroughly wet surface and allow to air dry. Dilution not needed. Flammable.
Bleach (sodium hypochlorite)	0.525%	1 minute	Dilute with water as described in Table 2. Do not use on materials that will corrode, such as steel. Can cause irritation to eyes, mouth, lungs, and skin. May damage clothing.
Quaternary ammonium compounds (QAC) or Quat.	3.1% (4oz per gallon or 1:31 for Quat-128. Ratios should be halved for Quat-256.)	10 minutes	Odorless, colorless, and non-corrosive. Many commercial products available; check product labels for dilution instructions. Dilution in hard water up to 200 ppm solute concentration is acceptable.

Prepare the Sanitizer

1. Read and follow all product labels and manufacturers guidelines for use, dilution, handling, and disposal.
2. Follow dilution guidance in Table 2 for the preparation of bleach solutions. Concentrations of bleach vary in commercially available products. The concentration in any given product should be checked and the dilution rate adjusted as necessary before preparing sanitizing solutions.
3. QACs and bleach solutions should be less than 30 days old to ensure target concentrations. Record dilution date on the bottle. Alcohols should be kept in sealed, air-tight containers and used within one year of purchase.
4. Use only clean, fresh water free of organic debris or rust for dilutions; high solute concentrations and organic matter can reduce the efficacy of sanitizing chemicals.
5. All sanitizers in Table 1 become ineffective with use and over time. Fresh solutions used for soaking should be mixed following heavy use; all solutions should be replaced following 30 days without use.
6. Dispose of diluted sanitizers as they become ineffective. Follow label instructions for proper disposal.

Table 2. Bleach dilution guidelines.

Percent sodium hypochlorite in bleach	Parts bleach	Parts water	Diluted bleach percent sodium hypochlorite
5.25%	1	9	0.525%
6.0%	1	10.4	0.526%
8.25%	1	14.6	0.529%
8.3%	1	14.8	0.525%

For example, adding 100 ml of 5.25% bleach to 900 ml of water will make 1000 ml of 0.525% sodium hypochlorite solution. If using 8.3% bleach, add 100 ml of bleach to 1480 ml of water to make 1490 ml of 0.525%.

6. Literature Cited

Brasier, C.M., P.B. Hamm, and E.M. Hansen. 1993. Cultural characters, protein patterns and unusual mating behavior of *Phytophthora gonapodyides* isolates from Britain and North America. Mycological Research, v. 91 (11), pp. 1287 – 1298

California Invasive Plant Council, www.cal-ipc.org. Accessed November 2015.

Department of Plant Pathology, North Carolina State University, http://www.cals.ncsu.edu/course/pp728/cactorum/Pcactorum.html accessed 2015

Harbaoui, Kalthoum, et al. "Increased difficulties to control late blight in Tunisia are caused by a genetically diverse Phytophthora infestans population next to the clonal lineage NA-01." Plant Disease 98.7 (2014): 898-908.

Heffer, V., M. L. Powelson, and K. B. Johnson. Oomycetes. The Plant Health Instructor. doi: 10.1094. PHI-I-2002-0225-01.© 2002 The American Phytopathological Society. http://www. apsnet. org/education/LabExercises/Oomycetes/Top. html Last accessed: January 28, 2005.

Swiecki, T. Phytosanitary Procedures for BMPs for Producing Clean Nursery Stock http://phytosphere.com/BMPsnursery/phytosanShell.htm

San Francisco Public Utilities Commission, Bureau of Environmental Management. 2014. Invasive Species Pocket Guide for Plant Species along the Hetch Hetchy

Suslow, K. 2014. Nursery Industry Best Management Practices for Phytophthora ramorum – to prevent the introduction or establishment in California nursery operations. Presented at the Sudden Oak Death, Third Science Symposium.

Wang, T. and W. Zhao. 2014. First Report of *Phytopthora tentaculata* Causing Stem and Root Rot on Celery in China. The American Phytopathological Society. V. 93 (3) p. 421.1

Working Group for Phytophthoras in Native Habitats. 2016. Guidelines to Minimize Phytophthora Contamination in Restoration Projects. Available online at http://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/#restoration. Accessed January 2018.

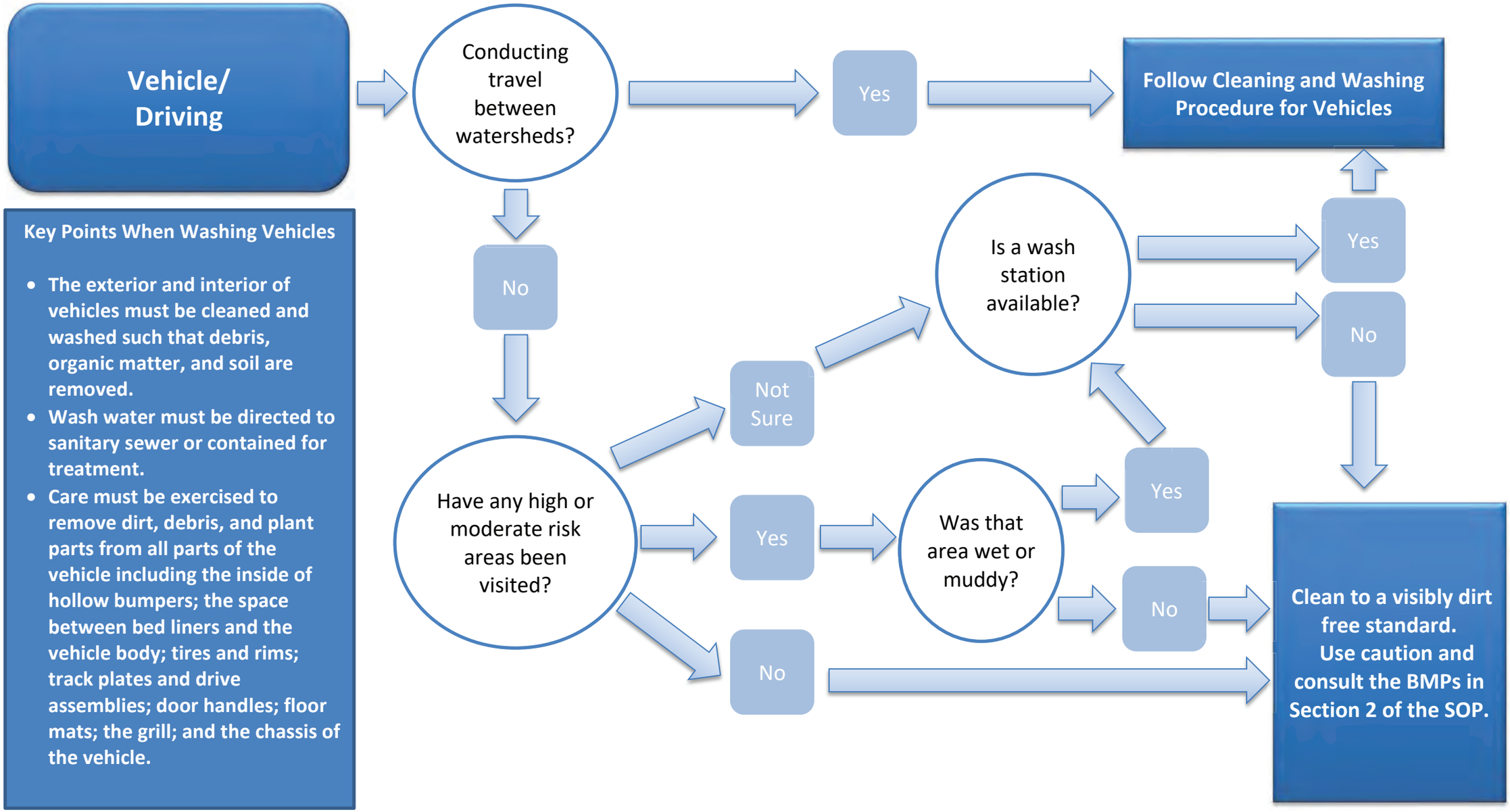
Appendix A: Flowchart of Decontamination Procedures

This guidance is intended to identify decontamination requirements based on the risk of spreading a pest or pathogen prior to starting work or when moving across the watershed. The guidance is divided into three risk-based categories that give examples of the associated risk of spreading pests and pathogens through the watershed. For vehicles, the vehicle flow chart should be consulted to determine whether vehicle decontamination is necessary. For all other situations, decontamination must always be performed prior to leaving a high-risk area and/or following a high-risk activity. All equipment, vehicles, tools, and other items must be inspected prior to entering a low risk area. If decontamination is required for any reason, it must take place prior to exiting the site. Table 1 provides guidance for example activities and locations for in each risk category and their corresponding required decontamination action. Consult the Risk Assessment Map and Vehicle Flowchart of Decontamination Procedures for Non-Aquatic Areas for guidance on decontamination requirements when moving throughout and between the watershed(s).

Table 1. Decontamination Guidance

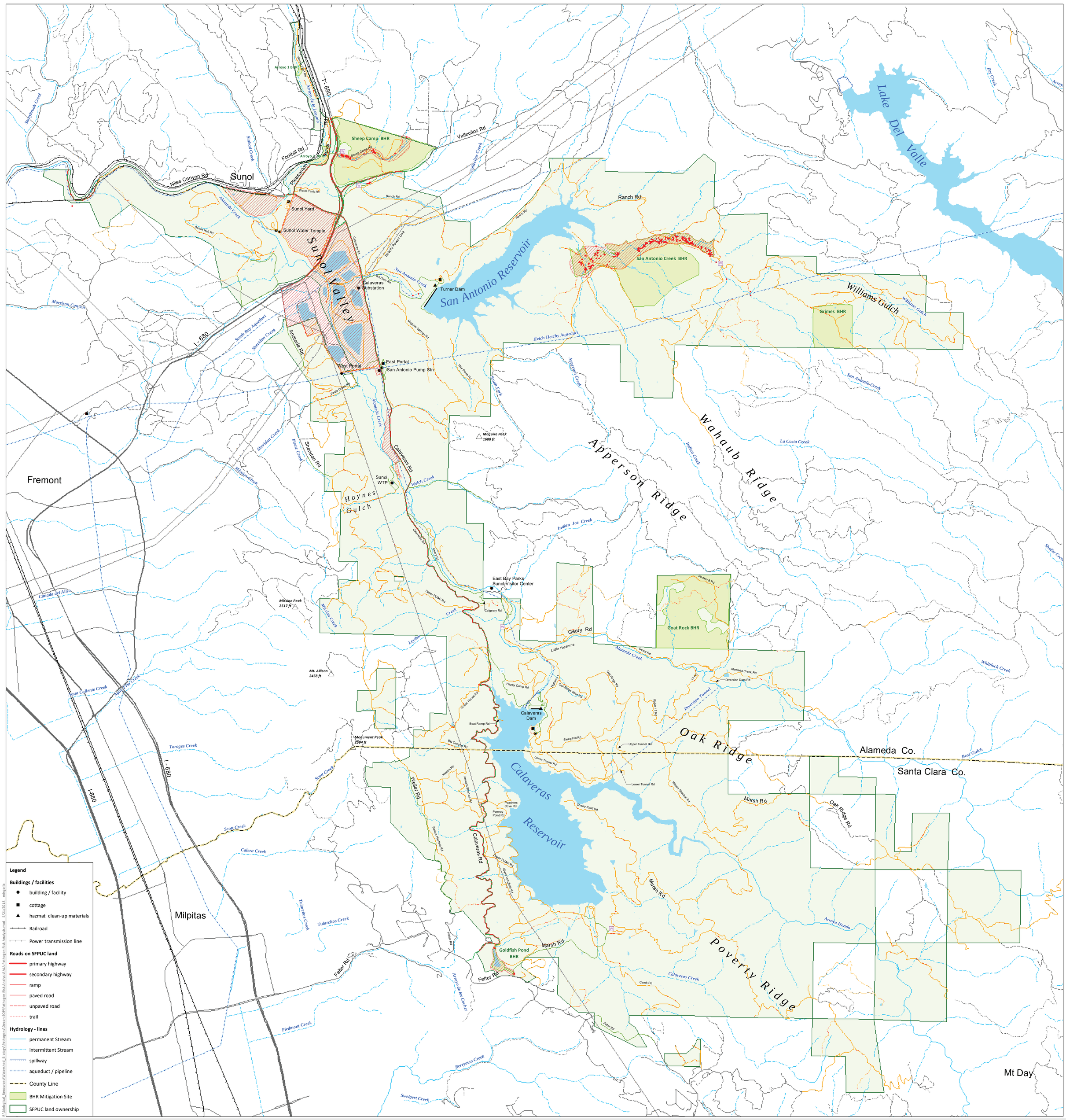
Risk Categories and Example Activities			Decontamination Action Required
Locations (See Risk Assessment Map)	High Risk	Suspected or known pest/pathogen areas (e.g. restoration sites; nurseries; heavy equipment storage areas or urban/landscaped areas, areas with dieback) and/or muddy areas	Follow full decontamination procedure. If necessary, present completed and approved decontamination checklist to monitor/SFPUC staff prior to entry.
	Moderate Risk	Dry dirt areas not suspected or known to have pathogens	Clean to a visibly dirt free standard. Use caution and consult the BMPs in Section 2 of the SOP.
	Low Risk	Paved areas	Clean to a visibly dirt free standard. Use caution and consult the BMPs in Section 2 of the SOP.
Activities	High Risk	Digging and earth moving; Weed management; Trimming/cutting/pulling vegetation; Driving off-road; Working in wet soil	Follow full decontamination procedure. If necessary, present completed and approved decontamination checklist to monitor/SFPUC staff prior to entry.
	Moderate Risk	Foot survey in dry conditions; Driving on dirt roads between high risk areas	Clean to a visibly dirt free standard. Use caution and consult the BMPs in Section 2 of the SOP.
	Low Risk	Using tools for dedicated use at a single site; Driving on paved roads	Clean to a visibly dirt free standard. Use caution and consult the BMPs in Section 2 of the SOP.

Vehicle Flowchart - Decontamination Procedures for Non-Aquatic Areas



Key Points When Washing Vehicles

- The exterior and interior of vehicles must be cleaned and washed such that debris, organic matter, and soil are removed.
- Wash water must be directed to sanitary sewer or contained for treatment.
- Care must be exercised to remove dirt, debris, and plant parts from all parts of the vehicle including the inside of hollow bumpers; the space between bed liners and the vehicle body; tires and rims; track plates and drive assemblies; door handles; floor mats; the grill; and the chassis of the vehicle.



Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission
Natural Resources and Lands Management Division

The alpha-numeric grid (e.g. "G9") is the 1000 meter SFPUC grid based on USGS UTM (NAD27) grid.
Labeled coordinates are UTM NAD27 in meters.

Author: J.Lukins Date: 6-30-16

N

0 1 2 Miles

Scale 1:24,000

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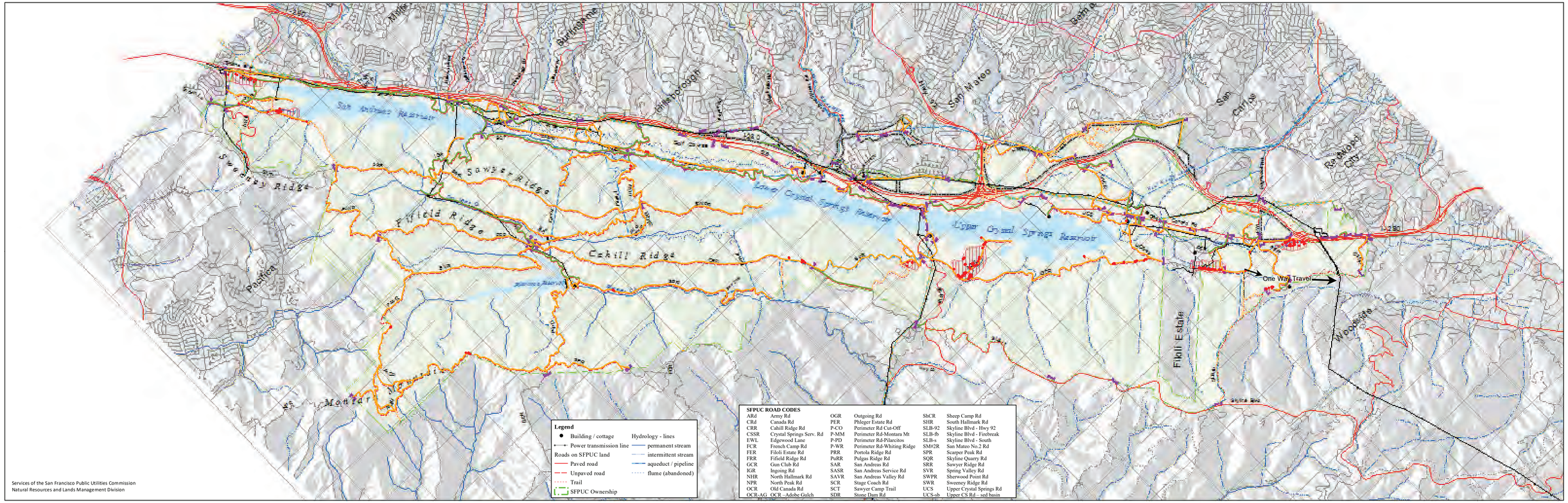
Do not copy or distribute without permission from the SFPUC.

Positive Sample
High Area Risk
Low Risk Paved Road
Trail
High Risk Unpaved Road When Wet

Alameda Watershed

Pathogen Risk Analysis



Hetch Hetchy Regional Water System

Source: USGS Digital Line Graphics (DLG) and SFPUC GIS.
USGS Quads: Montara Mountain 1993 (NW), San Mateo 1993 (NE), Woodside 1991 (SE) and Half Moon Bay 1991 (SW)

0 2000 4000 6000 Feet

Scale 1 : 31,680 (2 inches = 1 mile)

N

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Positive Sample
High Area Risk
Low Risk Paved Road
Trail
High Risk Unpaved Road When Wet

Peninsula Watershed Orientation Map with Pathogen Risk Analysis

R:\Biological_Resources\Watershed_Biology\Pathogens\Decon SOP\Pathogen Risk Analysis\PEN Pathogen Risk Analysis.mxd 5/21/2018 mlagolia

3.2.5.1 Responses to Letter A-5

San Francisco Public Utilities Commission
Tim Ramirez, Division Manager
May 20, 2024

Response A-5-1. This introductory comment describes the San Francisco Public Utilities Commission (SFPUC) and its facilities and operations in the project area. Further, the comment notes that the SFPUC should be identified as a "Responsible Agency." Table 3.A on page 3-50 of the Draft EIR, which identifies the entities with permitting approval over the proposed project, lists the SFPUC as a responsible agency.

Response A-5-2. The comment indicates that SFPUC has developed standard operating procedures to avoid or minimize the spread of invasive species, pests and pathogens and requests that these procedures be incorporated into the mitigation measures for biological resources.

In response to this comment, page 4.3-47 of the Draft EIR has been revised as follows:

Mitigation Measure BIO-2b During project construction, the contractor shall implement the following best management practices (BMPs):

- During construction of the trail, no pets or firearms shall be allowed at the project area, except for authorized law enforcement personnel.
- All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from any wetlands or waterbodies. Secondary containment shall be used during refueling.
- All vehicles and equipment shall be maintained in good working condition and free of leaks.
- During construction, all necessary BMPs shall be implemented to ensure that no soil or other materials are discharged into Alameda Creek. BMPs shall include the use of wattles and silt fences along access roads and around staging and equipment storage areas. Construction mats, gravel, or other methods to reduce erosion shall be incorporated into the design of any temporary roads in the streambed work area and on hillslopes.

- To prevent the entanglement of wildlife, no erosion control devices containing plastic monofilament netting shall be used or stored in the project area.
- Construction personnel shall not feed or otherwise attract wildlife in the project area. All food-related trash and garbage shall be placed in animal-proof containers which shall be emptied or removed from the construction area on a regular basis.
- Construction activities shall be restricted to the daytime hours, from 30 minutes after sunrise to 30 minutes before sunset.
- To reduce the potential for vehicle strikes, all construction-related traffic shall not exceed 5 miles per hour on unpaved roads.
- All small mammal burrows shall be avoided to the maximum extent possible. If a burrow must be impacted, a qualified biologist shall use hand tools to excavate the burrow to inspect it for special-status species. If any special-status species are seen, work shall stop in the immediate area and the animal shall not be further disturbed.
- In the unlikely event a special-status species is inadvertently killed or injured or if a special-status species is observed to be injured, dead, or entrapped, the construction crew shall stop work and notify the USFWS and CDFW.
- Upon completion of trail construction, temporarily impacted areas shall be restored to pre-project grades and contours and stabilized to prevent erosion. A seed mix of native grass and forb species shall be applied to all the grassland areas the project disturbed. The seed shall be from sources that are regionally appropriate for the project area.

In addition, for portions of the trail alignment on SFPUC lands, the County will implement the

procedures as outlined in the *Natural Resources and Lands Management Division Standard Operating Procedure (SOP) for Non-Aquatic Decontamination for Invasive Plants, Pests, and Pathogens for All Work on SFPUC Peninsula and Watershed Lands* and the *Natural Resources and Lands Management Division Field Standard Operating Procedures Decontamination for Aquatic Surveys* as required by the San Francisco Public Utilities Commission.

The revisions to Mitigation Measure BIO-2b do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-5-3. The comment requests that SFPUC policies from the *Alameda Watershed Plan* and the SFPUC Stewardship Policy be included in the Land Use and Planning section of the Draft EIR. Further, the comment indicates that some segments of the proposed trail, occurring on SFPUC property, may conflict with existing SFPUC issued agreements to third parties. The comment indicates that some of these locations may be compatible with the proposed project, whereas others may not. However, it is unclear from the information provided which portions of the trail alignment require identification and evaluation of an alternative alignment. The County of Alameda will continue to work with SFPUC as the trail design is refined and implemented to address and avoid any potential conflicts between the proposed trail and existing SFPUC-issued agreements.

In response to this comment, page 4.8-2 of the Draft EIR, starting with the fourth full paragraph is revised as follows:

> **Regional and Local Regulations.**The main guiding documents regulating land use within and around the project site are the Alameda Watershed Plan,[177] (Footnote 177: EDAW, Inc., 2001. *Alameda Watershed Management Plan*. Prepared for the San Francisco Public Utilities Commission. April.), the San Francisco Public Utilities Commission Environmental Stewardship Policy,[178] (Footnote 178: San Francisco Public Utilities Commission. 2006. *Water Enterprise Environmental Stewardship Policy*. June 27.), Alameda County General Plan,[17~~7~~9] the Alameda County Zoning Ordinance, [17~~8~~80] the East County Area Plan, [17~~9~~81] the Alameda County Active Transportation Plan, [18~~0~~2] the Alameda County Bicycle and Pedestrian Master Plan for Unincorporated Areas, [18~~1~~3] the City of Fremont General Plan, [18~~2~~4] the City of Fremont Zoning Ordinance, [185~~3~~4] the City of Fremont Bicycle Master Plan, [184~~6~~] and the City of Fremont Pedestrian Master Plan. [185~~7~~]
>
> ***Alameda Watershed Management Plan.*** The Alameda Watershed Management Plan provides a policy framework for the San Francisco Public Utilities Commission (SFPUC) to make decisions about the activities, practices, and procedures that are appropriate on SFPUC watershed lands. The Alameda Watershed Plan provides a comprehensive set of goals, policies, and management actions which integrate all watershed resources and reflect the unique qualities of the Alameda Watershed.

The Alameda Watershed Management Plan includes goals and policies related to Water Quality, Water Supply, Vegetation, Wildlife, Aquatic Resources, Cultural Resources, Fire, Safety and Security, Watershed Activities, Administration and Finance, and Public Awareness and Agency Participation.

The Southern Alameda Creek Watershed encompasses 175 square miles of rolling grassland and native oak woodlands in the East Bay, of which 36,000 acres, or approximately one-third, are owned by the SFPUC. SFPUC's Alameda Watershed land holdings are split between Alameda (23,000 acres) and Santa Clara (13,000 acres) counties and contain two reservoirs - the San Antonio Reservoir to the north and Calaveras Reservoir to the south.

The SFPUC Alameda Watershed lands include 30,000 acres of primary watershed lands which tributary to San Antonio and Calaveras reservoirs as well as lands which drain into Alameda Creek above the proposed Fish Release and Recapture Facility. SFPUC Alameda Watershed land includes 6,000 acres of secondary watershed. The latter are lands where runoff enters Alameda Creek below the Fish Release and Recapture Facility and does not enter SFPUC reservoirs or get recaptured at the Fish Release and Recapture Facility. The primary watershed lands are the most sensitive lands in terms of water quality protection. The proposed trail alignment is within the secondary watershed lands as identified in the SFPUC's Alameda Watershed Management Plan.

The SFPUC's Alameda Watershed Management Plan includes the following goals and policies that are applicable to the proposed project:

- **Water Quality (WQ) Primary Goal:** Maintain and Improve Source Water Quality to Protect Public Health and Safety.
    - *Policy WQ1.* Prevent the introduction of pesticides and chemicals into the water supply by minimizing and controlling the use of these constituents; implementing alternative methods for pest control, where feasible; and by controlling chemical use and requiring that non-toxic, non-persistent alternatives are used where practical.
    - *Policy WQ1.1.* Avoid disturbance to and location of activities on lands within the High Water Quality Vulnerability Zone to reduce the possibility of negative water quality impacts. At a minimum maintain a 300-foot disturbance- free buffer around all waterbodies and streams.
    - *Policy WQ7.* Prevent the potential for hazardous materials spills into the water supply by controlling their use and transport within the watershed.
    - *Policy WQ8.* Minimize the introduction of pathogens to the water supply.

- *Policy WQ10.* Minimize, and where possible prohibit, the construction of new roads and trails.
- *Policy WQ11.* Where new roads or trails are required, locate and design them to follow natural topography, minimize steep slopes and stream crossings, avoid large cut and fill road designs, minimize excavation, and avoid highly erodible areas.
- *Policy WQ16.* Where suitable, use sedimentation basins to control the effects of erosion and sediment transport.
- *Policy WQ17.* Minimize and where possible prohibit the creation of impervious surfaces in primary watershed lands. Restrict the creation in secondary watershed lands to areas of low vulnerability.
- *Policy WQ18.* Minimize vehicle-related contaminants in runoff from road, parking lots, maintenance facilities, and other sources.
- *Policy WQ26.* Prohibit unauthorized fill or excavation activities on wetlands, riparian zones, etc. Achieve regulatory compliance for maintenance activities within wetland and riparian areas.
- *Policy WQ28.* Strictly control public access to minimize adverse effects to water quality.

- **Water Supply Secondary Goal:** Maximize Water Supply
  - *Policy WS3.* Require conservation practices, where appropriate, to minimize water use within the watershed.
  - *Policy WS5.* Prevent a reduction in the water supply by reducing risks to water quality.
  - *Policy WS7.* Enhance the water yield of the watershed, where compatible with other natural resource management policies, while prohibiting activities that could adversely affect water quality.
- **Vegetation (V) Secondary Goal:** Preserve and Enhance the Ecological and Cultural Resources of the Watershed.
  - *Policy V3.* Prohibit the planting of exotic plant species.
  - *Policy V5.* Protect, preserve, and enhance significant botanical resources, including populations of rare, threatened, endangered, and sensitive plant species and their habitat.

- *Policy V7.* Preserve *the biodiversity and genetic integrity of the watershed plant communities, where possible.*
- *Policy V8.* Protect, conserve, and enhance wetlands and riparian communities.
- *Policy V9.* Protect and restore unique, local, and/or indigenous plant species to maintain biodiversity and specialized habitat values.
- *Policy V15.* Require a site-specific analysis prior to proposed facility and infrastructure projects, operations and maintenance activities, and proposed construction projects to determine the presence of sensitive vegetation resources and the potential effects of the activity on the resource. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.

- **Wildlife (W) Secondary Goal:** Preserve and Enhance the Ecological and Cultural Resources of the Watershed.
  - *Policy W1.* Protect high Ecological Sensitivity Zones (ESZs), including host plant communities supporting populations of State and Federally listed animals, using sound scientific methods.
  - *Policy W2.* Protect, conserve, and enhance existing native wildlife populations and their habitat.
  - *Policy W3.* Preserve the biodiversity and genetic integrity of local wildlife populations, where possible.
  - *Policy W4.* Protect, conserve, and enhance ecosystems that provide important wildlife habitat values.
  - *Policy W5.* Protect, preserve, and monitor important habitat features such as mature trees with cavities, downed trees, snags, rock outcrops, cliff ledges, and caves for wildlife use, where they do not conflict with health and safety issues.
  - *Policy W6.* Maintain the integrity of the watershed creeks to retain their value as riparian ecosystems and wildlife corridors.
  - *Policy W8.* Restrict public and control staff access to high ESZs to minimize human disturbance to sensitive wildlife and their habitat.
  - *Policy W9.* Require a site-specific analysis prior to proposed facility and infrastructure projects, operations and maintenance activities, and proposed construction projects to determine the presence of sensitive

wildlife resources and the potential effects of the activity on the resource. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.

- *Policy W10.* Protect the integrity of wildlife movement corridors by properly siting infrastructure, facilities, and public access features to maintain landscape connectivity, and minimize fragmentation and degradation of wildlife habitat.

- **Aquatic Resources (AR) Secondary Goal:** Preserve and Enhance the Ecological and Cultural Resources of the Watershed.
  - *Policy AR1*. Conserve, protect, and enhance the biodiversity, genetic integrity, and habitat of the watershed's aquatic resources.
  - *Policy AR2*. Protect special status species and adhere to applicable State and Federal management regulations.
  - *Policy AR4.* Promote healthy, diverse riparian and wetland vegetation to provide shade and cover necessary for fish spawning, rearing, and feeding areas.
  - *Policy AR5.* Minimize and where possible eliminate the introduction of chemicals (e.g., copper sulphate, chlorine, etc.) into reservoirs and streams to protect aquatic resources.
  - *Policy AR7*. Require a site-specific analysis prior to proposed facility and infrastructure projects and proposed construction projects to determine the presence of sensitive aquatic resources and the potential effects of the project on aquatic resources. Analyses will be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.
  - *Policy AR10.* Prohibit selected classes of activities, or limit land use type, duration, and intensity within the high water quality vulnerability zones, consistent with other management elements in this Plan.

- **Cultural Resources (CR) Secondary Goal:** Preserve and Enhance the Ecological and Cultural Resources of the Watershed.
  - *Policy CR1*. Preserve where possible historic structures and features and protect them from deterioration, removal, demolition, vandalism, or severe alterations.
  - *Policy CR2.* Provide the highest level of priority to the protection and preservation of cultural resources eligible for or listed on the National Register of Historic Places or the California Register of Historic Places.

- *Policy CR3.* Provide appropriate and adequate protection for cultural resource sites subject to public access.
- *Policy CR5.* Consult and coordinate with appropriate Native American organizations regarding cultural resource preservation and protection, where applicable.
- *Policy CR9.* Require a site-specific analysis prior to, as well as ongoing monitoring of, all facility and infrastructure projects, operations and maintenance activities, and proposed construction projects which involve disturbance to or the movement of soils to determine the presence of sensitive cultural resources and the potential effects of the activity on known and potentially occurring cultural resources. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines and conducted by a certified and trained archeological specialist.

- **Fire Secondary (F) Goal:** Protect the Watersheds, Adjacent Urban Areas, and the Public From Fire and Other Safety Hazards.
  - *Policy F3*. Require all lessees and permittees to conduct fire hazard reduction activities.
  - *Policy F7.* Prohibit unsupervised access to the watershed to reduce the risk of fire.
  - *Policy F8.* Restrict access to the watershed, implement strict fire hazard reduction practices, and initiate the public notification process during periods of extreme fire hazard.

- **Safety and Security (S) Secondary Goal:** Protect the Watersheds, Adjacent Urban Areas, and the Public From Fire and Other Safety Hazards.
  - *Policy S1.* Require that new or expanded recreation activities address and accommodate public safety issues.
  - *Policy S2.* Maintain and enforce a safety and security program for the watershed.
  - *Policy S3.* Reduce the likelihood of dangerous condition liability on the watershed, through periodic safety inspections of improvements and facilities used by the public.
  - *Policy S4.* Minimize damage from future seismic hazards by avoiding construction of facilities in active fault zones and traces, where feasible.

- *Policy S5.* Minimize damage from potential mass movement hazards by avoiding construction or other disturbances in known dormant landslides and on slopes greater than 30 percent, without proper engineering.

- *Policy S6*. Conduct (for SFPUC-owned) and require (for easements) inspection of facilities and utilities near active landslide areas and fault traces following earthquakes and slope failures to assess their stability and integrity, and complete repairs or further monitoring as needed to prevent geohazards.

- *Policy S7*. Require adequate seismic and static geohazards engineering studies for proposed facilities, infrastructure, and utilities easements within the watershed.

- *Policy S12.* Require that the types and appropriate levels of insurance coverage held by lessees and permittees be commensurate with the amount of risk and potential liability with which the SFPUC is faced.

- *Policy S13*. Liability associated with public access on lands leased/managed by EBRPD shall be the responsibility of EBRPD. This provision shall be incorporated into all existing and future lease/management agreements.

- **Watershed Activities (WA)Secondary Goal:** Continue Existing Compatible Uses and Provide Opportunities for Potential Compatible uses on Watershed Lands, Including Educational, Recreational, and Scientific Uses.

  - *Policy WA2.* Prohibit the construction of new trails and unsupervised access to existing roads and trails not addressed in this Plan.

  - *Policy WA13.* Proposed recreation activities shall be compatible with their landscape setting, shall not adversely affect watershed resources, and shall comply with the goals and policies in this Plan.

  - *Policy WA14.* New recreation and public access activities in the primary watershed shall be resource-based, outdoor recreation or educational activities only. Resource-based recreation includes uses that are integrally dependent upon the inherent natural, scenic, and/or cultural resources present, but do not adversely affect those resources upon which they depend. For the Alameda Watershed, this is limited to hiking, nature study, wildlife viewing, sightseeing, and visiting education centers.

  - *Policy WA15.* Limit open public access to recreational trails on the periphery of the watershed to minimize disturbance to sensitive wildlife and vegetation communities, reduce chance of fire ignition, minimize spread of weeds, and cause the least disruption to wildlife movement resulting from trailside fencing.

- *Policy WA15.2.* The addition of new trails in zones of lesser vulnerability and risk will be considered where consistent with the goals and policies of this plan.

- *Policy WA15.3.* Retain existing public trails, defined as public trails as of January 2000, and the activities allowed upon them. Encourage the most active trail use upon these trails.

- *Policy WA15.4.* Support new trail connections that link to adjacent communities and to the trail facilities of other agencies, where the new trail connection is in a zone of lesser vulnerability and risk.

- *Policy WA16.* Inform all individuals allowed entry into the watershed, either by permit or open access, of the watershed's primary purpose and the rules and regulations governing watershed activities.

- *Policy WA19.* To ensure that all future land management decisions and uses remain consistent with the goals and policies set forth in this Plan, all proposed plans and projects on the watershed shall be reviewed according to the process illustrated in Figure 4-1, Review Process for Proposed Plans and Projects. All proposed plans and projects on the watershed shall be analyzed for compliance with the goals and polices set forth in the Watershed Management Plan and must undergo this review process prior to being approved or denied. The SFPUC is responsible for making final determination as to whether a particular plan or project is compatible with the goals and policies of the watershed management plan and should proceed through the environmental review process. LRMS staff are responsible for making recommendations to aid the SFPUC decision-making process.

- *Policy WA20.* Should the SFPUC determine that the proposed plan/project would not comply with the watershed goals and policies then LRMS staff shall make appropriate comments so that the applicant may bring the proposed plan/project into compliance with the Watershed Management Plan.

- *Policy WA21.* All costs associated with reviewing, analyzing, and making decisions related to future plans and projects proposed on the watershed shall be borne by the plan/project applicant.

- *Policy WA22.* Proposals for new facilities, structures, roads, trails, projects and leases, or improvements to existing facilities shall be:

  - Limited to essential public services and not attractions unto themselves, but incidental to the primary purposes of the watershed (water quality protection and water supply), or to its enjoyment and conservation in

its natural condition, or to the education/interpretation of watershed values.

- Limited to zones of low vulnerability and risk.
- Designed, sited, constructed, and maintained to blend with the natural landscape and conform with the goals and policies set forth in this Plan.
- Reviewed by appropriate SFPUC personnel to ensure compliance with all applicable Federal, State, and local laws, as well as SFPUC rules and regulations.
- Non-water related projects shall be approved only if potential impacts on the quality and quantity of the water supply and natural environment would be insignificant or mitigate to a level of insignificance. Water related projects may be subject to a finding of overriding considerations on a case-by-case basis.
- Monitored by appropriate SFPUC personnel to evaluate the potential occurrence of impacts and to prescribe specific mitigation prescriptions to protect watershed values.
- Design and site overpasses, safety, and directional signs and other road and highway structures to be unobtrusive to the surrounding landscape.
- Design and site new facilities, structures, roads, and trails to minimize, wherever possible, grading and the visibility of cut banks and fill slopes.

- *Policy WA23.* Require that all development, except for water-dependent structures, be excluded from the high water quality vulnerability zone and be set back from the ordinary high water mark of reservoirs and from the centerline of all watershed tributaries.
- *Policy WA24.* Require that all proposed development involving any grading of land include the submittal of a grading plan to SFPUC to retain the existing topography where feasible, minimize grading, minimize the impacts on scenic, ecological, and cultural resources, and minimize off-site soil loss from erosion.
- *Policy WA26.* All maintenance, operation, and construction activities shall incorporate Best Management Practices (BMPs), as applicable.
- *Policy WA27.* Enforce strict design and siting standards for all signage on the watershed.

- *Policy WA28.* All proposed plans and projects shall be subject to review under CEQA and/or NEPA, where applicable. SFPUC staff are responsible for overseeing the CEQA compliance process.

- *Policy WA31.* Provide universal access in the design of all new and modified facilities, structures, trails, and programs to the maximum extent practicable. At a minimum, all applicable trails, facilities and programs shall meet legally mandated accessibility standards (per the Americans with Disabilities Act of 1990 [ADA], and the 1991 ADA Accessibility Guidelines; Section 504 of the Rehabilitation Act of 1973, as amended in 1978; and Title 24 of the California Building Code).

- **Public Awareness and Agency Participation (PA) Secondary Goal:** Provide a Fiscal Framework that Balances Financial Resources, Revenue-generating Activities, and Overall Benefits, and an Administrative Framework that Allows Implementation of the Watershed Management Plan.

  - *Policy PA3.* Foster individual public awareness programs for: (a) visitors to the watershed; (b) lessees, landowners, and others within the hydrologic region that may have direct impacts upon the watershed; (c) outreach education efforts (e.g., schools, conferences, seminars); and (d) the general public.

SFPUC Water Enterprise Environmental Stewardship Policy. The SFPUC's Water Enterprise Stewardship Policy (Stewardship Policy) establishes long-term management direction for SFPUC-owned lands and natural resources affected by operation of the water system within the Tuolumne River, Alameda Creek, and Peninsula watersheds. The Stewardship Policy establishes the broad environmental stewardship policies that guide SFPUC's mission, including proactive management of watershed lands that maintains the integrity of natural resources, restores habitats and enhances ecosystem function; active monitoring of terrestrial and aquatic habitats under SFPUC ownership and affected by SFPUC operations; public engagement; and incorporation of the Stewardship Policy into SFPUC planning and decision-making processes.

In addition, Table 4.8.A, page 4.8-28 of the Draft EIR has been revised as follows:

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Alameda Watershed Management Plan		
Policy WQ1	Prevent the introduction of pesticides and chemicals into the water supply by minimizing and controlling the use of these constituents; implementing alternative methods for pest control, where feasible; and by controlling chemical use and requiring that non-toxic, non-persistent alternatives are used where practical.	**Consistent.** The proposed project would not include the use of pesticides or chemicals. Limited use of hazardous materials may be required during trail construction, but such use would be in accordance with applicable local, State and federal regulations.
Policy WQ1.1	Avoid disturbance to and location of activities on lands within the High Water Quality Vulnerability Zone to reduce the possibility of negative water quality impacts. At a minimum maintain a 300-foot disturbance- free buffer around all waterbodies and streams.	**Inconsistent.** Although the majority of the proposed trail alignment would be located outside of the High Water Quality Vulnerability Zone, the proposed trail would be located in proximity to Alameda Creek and would require at least one overcrossing of Alameda Creek.
Policy WQ7	Prevent the potential for hazardous materials spills into the water supply by controlling their use and transport within the watershed.	**Consistent.** The proposed project would not include the use of pesticides or chemicals. Limited use of hazardous materials may be required during trail construction, but such use would be in accordance with applicable local, State and federal regulations.
Policy WQ8	Minimize the introduction of pathogens to the water supply.	**Consistent.** The proposed project would be required to implement best management practices (BMPs) to minimize the potential for project construction to affect surface waters.
Policy WQ10	Minimize, and where possible prohibit, the construction of new roads and trails.	**Inconsistent.** The proposed project would include construction of a new trail facility within the Alameda Watershed.
Policy WQ11	Where new roads or trails are required, locate and design them to follow natural topography, minimize steep slopes and stream crossings, avoid large cut and fill road designs, minimize excavation, and avoid highly erodible areas.	**Consistent.** The proposed trail alignment has been determined based on extensive study, including a feasibility analysis and design report. The proposed project has been designed to minimize environmental impacts, to the extent feasible.
Policy WQ16	Where suitable, use sedimentation basins to control the effects of erosion and sediment transport.	**Consistent.** The proposed project would include a design-level Stormwater Control Plan (SCP) that complies with existing NPDES regulations, which requires compliance with the applicable requirements of Provision C.3 of the MRP, including the provision of Low Impact Development (LID) design to management post-construction stormwater flows.
Policy WQ17	Minimize and where possible prohibit the creation of impervious surfaces in primary watershed lands. Restrict the creation in secondary watershed lands to areas of low vulnerability.	**Inconsistent.** Although the proposed trail alignment is not located within the primary watershed, it would increase impervious surfaces within the secondary watershed on lands that have been designated as vulnerable for water quality.
Policy WQ18	Minimize vehicle-related contaminants in runoff from road, parking lots, maintenance facilities, and other sources.	**Consistent.** The proposed project would provide a multi-use trail facility and would not accommodate vehicles. The trail would rely

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
		primarily on existing staging areas for vehicle access. A new staging area is proposed at Palomares Road, but it would be north of State Route 84 and away from Alameda Creek.
Policy WQ26	Prohibit unauthorized fill or excavation activities on wetlands, riparian zones, etc. Achieve regulatory compliance for maintenance activities within wetland and riparian areas.	**Consistent**. Proposed overcrossings associated with the project would result in impacts to Alameda Creek and its associated riparian habitat. Alameda County would be required to obtain the necessary regulatory permits and implement mitigation to compensate for any loss of riparian habitat. With implementation of appropriate mitigation, the project would be consistent with this policy.
Policy WQ28	Strictly control public access to minimize adverse effects to water quality.	**Inconsistent.** The proposed project would provide a multi-use trail facility that would provide public access through Niles Canyon.
Policy WS3	Require conservation practices, where appropriate, to minimize water use within the watershed.	**Consistent.** The proposed project would provide a multi-use trail facility; it would not result in significant water use.
Policy WS5	Prevent a reduction in the water supply by reducing risks to water quality.	**Consistent.** The proposed project would be required to comply with existing NPDES regulations, including the Construction General Permit, the Municipal Regional Permit and other local regulations to ensure the proposed project would not adversely affect water quality.
Policy WS7	Enhance the water yield of the watershed, where compatible with other natural resource management policies, while prohibiting activities that could adversely affect water quality.	**Consistent.** The proposed project would be required to comply with existing NPDES regulations, including the Construction General Permit, the Municipal Regional Permit and other local regulations to ensure the proposed project would not adversely affect water quality.
Policy V3	Prohibit the planting of exotic plant species.	**Consistent.** The proposed project would not include planting of any non-native plant species.
Policy V5	Protect, preserve, and enhance significant botanical resources, including populations of rare, threatened, endangered, and sensitive plant species and their habitat.	**Consistent.** Prior to construction, protocol-level surveys would be required to be conducted and, if special-status plant species are identified, a Rare Plant Mitigation Plan would be prepared and implemented.
Policy V7	Preserve the biodiversity and genetic integrity of the watershed plant communities, where possible.	**Consistent.** Prior to construction, protocol-level surveys would be required to be conducted and, if special-status plant species are identified, a Rare Plant Mitigation Plan would be prepared and implemented.
Policy V8	Protect, conserve, and enhance wetlands and riparian communities.	**Consistent.** To the extent feasible, riparian areas would be protected and disturbance to such areas would be minimized. As mitigation for impacted areas, the County would be required to provide replacement

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
		plantings/vegetation as specified by the CDFW.
Policy V9	Protect and restore unique, local, and/or indigenous plant species to maintain biodiversity and specialized habitat values.	**Consistent.** To the extent feasible, riparian areas would be protected and disturbance to such areas would be minimized. As mitigation for impacted areas, the County would be required to provide replacement plantings/vegetation as specified by the CDFW.
Policy V15	Require a site-specific analysis prior to proposed facility and infrastructure projects, operations and maintenance activities, and proposed construction projects to determine the presence of sensitive vegetation resources and the potential effects of the activity on the resource. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.	**Consistent.** Site-specific analysis was conducted for the Phase 1 trail alignment as part of preparation of the EIR. Site-specific surveys would be required for subsequent phases of trail development to determine the extent to which additional environmental review is required. In addition, in accordance with the mitigation measures included herein, species-specific surveys would also be conducted in accordance with applicable State and federal regulations prior to project construction.
Policy W1	Protect high Ecological Sensitivity Zones (ESZs), including host plant communities supporting populations of State and Federally listed animals, using sound scientific methods.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less-than-significant level.
Policy W2.	Protect, conserve, and enhance existing native wildlife populations and their habitat.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less-than-significant level.
Policy W3	Preserve the biodiversity and genetic integrity of local wildlife populations, where possible.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less than significant level.
Policy W4	Protect, conserve, and enhance ecosystems that provide important wildlife habitat values.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less than significant level.
Policy W5	Protect, preserve, and monitor important habitat features such as mature trees with cavities, downed trees, snags, rock outcrops, cliff ledges, and caves for wildlife use, where they do not conflict with health and safety issues.	**Consistent.** To the extent feasible, the proposed project has been designed to minimize impacts to habitat features; however, trail construction would require tree removal of accommodate the proposed trail alignment. The County would be required to mitigate for tree removal, by planting new trees at mitigation ratios approved by the CDFW.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy W6	Maintain the integrity of the watershed creeks to retain their value as riparian ecosystems and wildlife corridors.	**Consistent.** To the extent feasible, riparian areas would be protected and disturbance to such areas would be minimized. As mitigation for impacted areas, the County would be required to provide replacement plantings/vegetation as specified by the CDFW.
Policy W8	Restrict public and control staff access to high ESZs to minimize human disturbance to sensitive wildlife and their habitat.	**Inconsistent.** The proposed project would provide a multi-use trail facility that would provide public access through Niles Canyon.
Policy W9	Require a site-specific analysis prior to proposed facility and infrastructure projects, operations and maintenance activities, and proposed construction projects to determine the presence of sensitive wildlife resources and the potential effects of the activity on the resource. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.	**Consistent.** Site-specific analysis was conducted for the Phase 1 trail alignment as part of preparation of the EIR. Site-specific surveys would be required for subsequent phases of trail development to determine the extent to which additional environmental review is required. In addition, in accordance with the mitigation measures included herein, species-specific surveys would also be conducted in accordance with applicable State and federal regulations prior to project construction.
Policy W10	Protect the integrity of wildlife movement corridors by properly siting infrastructure, facilities, and public access features to maintain landscape connectivity, and minimize fragmentation and degradation of wildlife habitat.	**Consistent.** As required, proposed retaining walls would be minimized to the greatest extent feasible and fences would be designed to allow wildlife to move freely over the trail.
Policy AR1	Conserve, protect, and enhance the biodiversity, genetic integrity, and habitat of the watershed's aquatic resources.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less than significant level.
Policy AR2	Protect special status species and adhere to applicable State and Federal management regulations.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less than significant level.
Policy AR4	Promote healthy, diverse riparian and wetland vegetation to provide shade and cover necessary for fish spawning, rearing, and feeding areas.	**Consistent.** To the extent feasible, riparian areas would be protected and disturbance to such areas would be minimized. As mitigation for impacted areas, the County would be required to provide replacement plantings/vegetation as specified by the CDFW.
Policy AR5	Minimize and where possible eliminate the introduction of chemicals (e.g., copper sulphate, chlorine, etc.) into reservoirs and streams to protect aquatic resources.	**Consistent.** The proposed project would not include the routine use of chemicals. Limited use of hazardous materials may be required during trail construction, but such use would be in accordance with applicable local, State and federal regulations.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy AR7	Require a site-specific analysis prior to proposed facility and infrastructure projects and proposed construction projects to determine the presence of sensitive aquatic resources and the potential effects of the project on aquatic resources. Analyses will be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.	**Consistent.** Site-specific analysis was conducted for the Phase 1 trail alignment as part of preparation of the EIR. Site-specific surveys would be required for subsequent phases of trail development to determine the extent to which additional environmental review is required. In addition, in accordance with the mitigation measures included herein, species-specific surveys would also be conducted in accordance with applicable State and federal regulations prior to project construction.
Policy AR10	Prohibit selected classes of activities, or limit land use type, duration, and intensity within the high water quality vulnerability zones, consistent with other management elements in this Plan.	**Inconsistent.** The proposed project would provide a multi-use trail facility that would provide public access through Niles Canyon.
Policy CR1	Preserve where possible historic structures and features and protect them from deterioration, removal, demolition, vandalism, or severe alterations.	**Consistent.** As described herein, the proposed project would not adversely affect historic structures.
Policy CR2	Provide the highest level of priority to the protection and preservation of cultural resources eligible for or listed on the National Register of Historic Places or the California Register of Historic Places.	**Consistent.** As described herein, the proposed project would not adversely affect any known resources eligible for or listed on the National Register of Historic Places or the California Register of Historic Resources. Implementation of mitigation measures included herein would reduce potential impacts to any previously undiscovered resources to less-than-significant levels.
Policy CR3	Provide appropriate and adequate protection for cultural resource sites subject to public access.	**Consistent.** As described herein, the proposed project would not adversely affect any known resources eligible for or listed on the National Register of Historic Places or the California Register of Historic Resources. Implementation of mitigation measures included herein would reduce potential impacts to any previously undiscovered resources to less-than-significant levels.
Policy CR5	Consult and coordinate with appropriate Native American organizations regarding cultural resource preservation and protection, where applicable.	**Consistent.** As described herein, the County consulted with Native American tribes in compliance with Assembly Bill 52. Mitigation measures have been identified, as requested by the tribal representatives, to reduce potential impacts to tribal cultural resources to less-than-significant levels.
Policy CR9	Require a site-specific analysis prior to, as well as ongoing monitoring of, all facility and infrastructure projects, operations and maintenance activities, and proposed construction projects which involve disturbance to or the movement of soils to determine the presence of sensitive cultural	**Consistent.** Site-specific analysis was conducted for the Phase 1 trail alignment as part of preparation of the EIR. Site-specific analyses would be required for subsequent phases of trail development to determine the extent to which additional environmental review is required.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
	resources and the potential effects of the activity on known and potentially occurring cultural resources. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines and conducted by a certified and trained archeological specialist.	
Policy F3	Require all lessees and permittees to conduct fire hazard reduction activities.	**Consistent.** The proposed project would provide improved access for pedestrian and bicycle movement through the project corridor and trail use would be consistent with County of Alameda regulations. As required by SFPUC, the County of Alameda would conduct fire hazard reduction activities to ensure operation of the proposed trail would not increase fire hazards.
Policy F7	Prohibit unsupervised access to the watershed to reduce the risk of fire.	**Consistent.** The proposed project would provide improved access for pedestrian and bicycle movement through the project corridor and trail use would be consistent with County of Alameda regulations, which prohibit fires along public trails.
Policy F8	Restrict access to the watershed, implement strict fire hazard reduction practices, and initiate the public notification process during periods of extreme fire hazard.	**Consistent.** The proposed project would provide improved access for pedestrian and bicycle movement through the project corridor and trail use would be consistent with County of Alameda regulations, which prohibit fires along public trails.
Policy S1	Require that new or expanded recreation activities address and accommodate public safety issues.	**Consistent.** The proposed trail facility would be operated/managed in accordance with County of Alameda regulations to ensure public safety.
Policy S2	Maintain and enforce a safety and security program for the watershed.	**Consistent.** The proposed trail facility would be operated/managed in accordance with County of Alameda regulations to ensure public safety.
Policy S3	Reduce the likelihood of dangerous condition liability on the watershed, through periodic safety inspections of improvements and facilities used by the public.	**Consistent.** The proposed trail facility would be managed in accordance with County of Alameda regulations and would include periodic inspection and maintenance of trail facilities.
Policy S4	Minimize damage from future seismic hazards by avoiding construction of facilities in active fault zones and traces, where feasible	**Consistent.** The proposed project would not be located in an active fault zone or trace. Further, the proposed project would be designed and constructed in accordance with site-specific geotechnical analyses.
Policy S5	Minimize damage from potential mass movement hazards by avoiding construction or other disturbances in known dormant landslides and on slopes greater than 30 percent, without proper engineering.	**Consistent.** As described herein, the proposed project would be designed and constructed in accordance with site-specific geotechnical analyses.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy S6	Conduct (for SFPUC-owned) and require (for easements) inspection of facilities and utilities near active landslide areas and fault traces following earthquakes and slope failures to assess their stability and integrity, and complete repairs or further monitoring as needed to prevent geohazards.	**Consistent.** The proposed trail facility would be operated/managed in accordance with County of Alameda regulations to ensure public safety.
Policy S7	Require adequate seismic and static geohazards engineering studies for proposed facilities, infrastructure, and utilities easements within the watershed.	**Consistent.** The proposed project would be designed and constructed in accordance with site-specific geotechnical analyses.
Policy S12	Require that the types and appropriate levels of insurance coverage held by lessees and permittees be commensurate with the amount of risk and potential liability with which the SFPUC is faced.	**Consistent**. The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure that the proposed project is in compliance with SFPUC policies for lessees and permittees.
Policy WA2	Prohibit the construction of new trails and unsupervised access to existing roads and trails not addressed in this Plan.	**Inconsistent.** The proposed project would develop a new trail in Niles Canyon.
Policy WA13	Proposed recreation activities shall be compatible with their landscape setting, shall not adversely affect watershed resources, and shall comply with the goals and policies in this Plan.	**Consistent.** The proposed project has been designed to minimize environmental impacts and to complement and enhance the landscape setting of Niles Canyon. The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure that the proposed project is in compliance with the Watershed Plan.
Policy WA15	Limit open public access to recreational trails on the periphery of the watershed to minimize disturbance to sensitive wildlife and vegetation communities, reduce chance of fire ignition, minimize spread of weeds, and cause the least disruption to wildlife movement resulting from trailside fencing.	**Consistent.** The proposed trail would be located along State Route 84 through Niles Canyon in the northernmost portion of the watershed. As described herein, trail fencing would be designed to minimize disruption to wildlife movement.
Policy WA15.2	The addition of new trails in zones of lesser vulnerability and risk will be considered where consistent with the goals and policies of this plan.	**Consistent.** Much of the proposed trail alignment is in an area of moderate vulnerability. The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure that the proposed project is in compliance with the Watershed Plan.
Policy WA15.4	Support new trail connections that link to adjacent communities and to the trail facilities of other agencies, where the new trail connection is in a zone of lesser vulnerability and risk.	**Consistent.** The proposed trail would provide a new multi-use trail connection between the City of Fremont and the community of Sunol.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy WA16	Inform all individuals allowed entry into the watershed, either by permit or open access, of the watershed's primary purpose and the rules and regulations governing watershed activities.	**Consistent.** The proposed trail would include interpretive and wayfinding signage, which can include information related to watershed activities.
Policy WA19	To ensure that all future land management decisions and uses remain consistent with the goals and policies set forth in this Plan, all proposed plans and projects on the watershed shall be reviewed according to the process illustrated in Figure 4-1, Review Process for Proposed Plans and Projects. All proposed plans and projects on the watershed shall be analyzed for compliance with the goals and polices set forth in the Watershed Management Plan and must undergo this review process prior to being approved or denied. The SFPUC is responsible for making final determination as to whether a particular plan or project is compatible with the goals and policies of the watershed management plan and should proceed through the environmental review process. LRMS staff are responsible for making recommendations to aid the SFPUC decision-making process.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure that the proposed project is in compliance with the Watershed Plan.
Policy WA20	Should the SFPUC determine that the proposed plan/project would not comply with the watershed goals and policies then LRMS staff shall make appropriate comments so that the applicant may bring the proposed plan/project into compliance with the Watershed Management Plan.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail in order to ensure the project is in compliance with the Watershed Management Plan.
Policy WA21	All costs associated with reviewing, analyzing, and making decisions related to future plans and projects proposed on the watershed shall be borne by the plan/project applicant.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to address the costs associated with increase public access.
Policy WA22	Proposals for new facilities, structures, roads, trails, projects and leases, or improvements to existing facilities shall be: ● Limited to essential public services and not attractions unto themselves, but incidental to the primary purposes of the watershed (water quality protection and water supply), or to its enjoyment and conservation in its natural condition, or to the education/interpretation of watershed values. ● Limited to zones of low vulnerability and risk. ● Designed, sited, constructed, and maintained to blend with the natural	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation identified herein would reduce environmental impacts to a less-than-significant level.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
	landscape and conform with the goals and policies set forth in this Plan. ● Reviewed by appropriate SFPUC personnel to ensure compliance with all applicable Federal, State, and local laws, as well as SFPUC rules and regulations. ● Non-water related projects shall be approved only if potential impacts on the quality and quantity of the water supply and natural environment would be insignificant or mitigate to a level of insignificance. Water related projects may be subject to a finding of overriding considerations on a case-by-case basis. ● Monitored by appropriate SFPUC personnel to evaluate the potential occurrence of impacts and to prescribe specific mitigation prescriptions to protect watershed values. ● Design and site overpasses, safety, and directional signs and other road and highway structures to be unobtrusive to the surrounding landscape. ● Design and site new facilities, structures, roads, and trails to minimize, wherever possible, grading and the visibility of cut banks and fill slopes.	
Policy WA23	Require that all development, except for water-dependent structures, be excluded from the high water quality vulnerability zone and be set back from the ordinary high water mark of reservoirs and from the centerline of all watershed tributaries.	**Consistent.** The majority of the proposed trail alignment would be located outside of the high water quality vulnerability zone; however, the proposed project would include overcrossing(s) over Alameda Creek that would require placement of piers within the creek. Mitigation identified herein would be implemented to reduce impacts to Alameda Creek to a less-than-significant level.
Policy WA24	Require that all proposed development involving any grading of land include the submittal of a grading plan to SFPUC to retain the existing topography where feasible, minimize grading, minimize the impacts on scenic, ecological, and cultural resources, and minimize off-site soil loss from erosion.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation identified herein would reduce environmental impacts to a less-than-significant level.
Policy WA26	All maintenance, operation, and construction activities shall incorporate Best Management Practices (BMPs), as applicable.	**Consistent.** As described herein, BMPs have been incorporated into the project design and would be implemented, in accordance with regulatory requirements.
Policy WA27	Enforce strict design and siting standards for all signage on the watershed.	**Consistent.** The proposed trail would include interpretive and wayfinding signage. The County of Alameda will continue to coordinate with SFPUC on the siting and design of trail signage.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy WA28	All proposed plans and projects shall be subject to review under CEQA and/or NEPA, where applicable. SFPUC staff are responsible for overseeing the CEQA compliance process.	**Consistent.** This EIR has been prepared in compliance with CEQA.
Policy WA31	Provide universal access in the design of all new and modified facilities, structures, trails, and programs to the maximum extent practicable. At a minimum, all applicable trails, facilities and programs shall meet legally mandated accessibility standards (per the Americans with Disabilities Act of 1990 [ADA], and the 1991 ADA Accessibility Guidelines; Section 504 of the Rehabilitation Act of 1973, as amended in 1978; and Title 24 of the California Building Code).	**Consistent.** The proposed trail would meet ADA standards.
Policy AF7	Funding for the administration and management of watershed activities (i.e., leases, permits, and public use) that are not related to water quality, water supply, and responsible watershed management and protection shall be borne by the parties benefiting from the uses specific to those activities.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to address the costs associated with increase public access.
Policy AF11	Require that the costs of the permit process be borne by the applicant either directly through recreation permit fees or indirectly through increased lease fees.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to address the costs associated with increase public access.
Policy AF12	Require that direct and indirect benefits associated with watershed leases, permits, and public access activities meet or exceed direct and indirect costs.	**Consistent.** The proposed project would provide a multi-use trail to connect Sunol and Fremont. Costs associated with the new trail would be borne by the County of Alameda and other agency partners.
Policy PA3	Foster individual public awareness programs for: (a) visitors to the watershed; (b) lessees, landowners, and others within the hydrologic region that may have direct impacts upon the watershed; (c) outreach education efforts (e.g., schools, conferences, seminars); and (d) the general public.	**Consistent**. The proposed trail project would include interpretive signage highlighting the resources of the project area.

These revisions do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-5-4. The comment, which describes the review process for proposed projects on SFPUC lands, is noted. In accordance with SFPUC policies, the proposed project will undergo review by the SFPUC Project Review Commission as it would require construction, earthmoving, and clearing, and installation of a new trail facility within SFPUC lands.

Response A-5-5. The comment, which requests information related to potential dewatering of Alameda Creek and impacts to riparian vegetation, is noted. The project does not anticipate dewatering of Alameda Creek or other water sources; therefore, irrigation of riparian vegetation during periods when Alameda Creek may be dewatered would not be required. As described on page 4.3-59 of the Draft EIR, the proposed project has been designed to avoid impacts to riparian habitat where feasible and impacts to riparian trees or woody vegetation would be minimized, but some riparian habitat, including trees, herbaceous vegetation, such as annual grasses and ruderal plants, could be impacted during construction of the proposed bridge crossings over Alameda Creek. New Bridge 1 for the Palomares connection at the eastern end of the Phase 1 project area and the second bridge (New Bridge 2) in the Phase 2 or 3 project area would require work in the bed of Alameda Creek. Implementation of Mitigation Measure BIO-10, as described in the Draft EIR and modified herein, would reduce potential impacts to riparian habitat by ensuring that impacts to riparian habitat are minimized and any impacted areas are revegetated.

Response A-5-6. The comment, which states that SFPUC will not allow the installation of nursery stock on SFPUC property unless it is grown in accordance with the Phytophthoras in Native Habitats Work Group's Guidelines to Minimize Phytophthora Pathogens in Restoration Nurseries, is noted. This mitigation measure has been revised to remove reference to nursery stock, in response to a comment from CDFW. Please see Response A-2-7.

Response A-5-7. The comment repeats Comment A-5-6; please see Responses A-5-6 and A-2-7.

Response A-5-8. The comment, which states that the EIR does not reference the SFPUC Stewardship Policy, is noted. The Draft EIR has been revised to include this information. Please see Response A-5-3.

Response A-5-9. The comment indicates that the EIR makes no reference to the SFPUC Natural Resources and Lands Management Division *Standard Operating Procedure for Non-Aquatic Decontamination for Invasive Plants, Pest, and Pathogens for All Work on SFPUC Peninsula and Watershed Lands.*[2]

In response to this comment, page 4.3-36 of the Draft EIR following the first partial paragraph has been revised as follows:

> ***Natural Resources and Lands Management Division Standard Operating Procedure (SOP) for Non-Aquatic Decontamination for Invasive Plants, Pests, and Pathogens for All Work on SFPUC Peninsula and Watershed Lands.*** The San Francisco Public Utilities Commission's (SFPUC's) Natural Resources and Lands Management Division developed the Standard Operating Procedure (SOP) for Non-Aquatic Decontamination for Invasive Plants, Pests, and Pathogens for All Work on SFPUC Peninsula and Watershed Lands to reduce the risks associated with the introduction and spread of invasive plants, plant pests, terrestrial invasive animals and

[2] San Francisco Public Utilities Commission Natural Resources and Lands Management Division. n.d. *Standard Operating Procedure (SOP) for Non-Aquatic Decontamination for Invasive Plants, Pests, and Pathogens for All Work on SFPUC Peninsula and Watershed Lands.*

> pathogens. As required by the SFPUC, all personnel who enter SFPUC watershed must comply with and follow the decontamination procedures outlined in the SOP. These procedures include best management practices, guidance on the use of vehicles and tools, and decontamination protocols for vehicles, large equipment, gear, tools, and personal protective equipment.

These revisions do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-5-10. The comment indicates that the EIR makes no reference to the SFPUC Natural Resources and Lands Management Division *Standard Operating Procedures for Aquatic Decontamination.*[3]

In response to this comment, page 4.3-36 of the Draft EIR following the first partial paragraph has been revised as follows:

> ***Natural Resources and Lands Management Division Field Standard Operating Procedures Decontamination for Aquatic Surveys.*** The San Francisco Public Utilities Commission's (SFPUC's) Natural Resources and Lands Management Division developed the Standard Operating Procedures for Decontamination for Aquatic Surveys (Decontamination for Aquatic Surveys) to provide methods to prevent the introduction or spread of organisms that might negatively impact aquatic resources. These procedures apply to all gear that may potentially come into contact with bodies or water or wetted and muddy areas that drain to water bodies. The Decontamination for Aquatic Surveys provides a broad range of protection against the most commonly known aquatic nuisance species. Procedures include removal of mud and organic matter from equipment prior to leaving a site and disinfecting boats, trailers, trap boxes and other large equipment.

These revisions do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-5-11. The comment indicates that Alameda County should not assume that the SFPUC parcels are available for a trail until after the SFPUC vets the proposal for conformance with its policies, is noted. Further, the comment requests that Alameda County prominently state in any publication related to the proposed project that placement of the trail on SFPUC lands is subject to SFPUC's approval. These comments are acknowledged. In accordance with SFPUC policies, the proposed project will undergo review by the SFPUC Project Review Commission and Alameda

[3] San Francisco Public Utilities Commission Natural Resources and Lands Management Division. 2019. *Field Standard Operating Procedures Biological Resources Group Decontamination for Aquatic Surveys.* October 31.

County will continue to coordinate with SFPUC as part of the final design and implementation of the proposed project.

In response to this comment, page 3-36 of the Draft EIR has been revised as follows:

> The proposed trail would cross several parcels that are owned by public agencies, including EBRPD and SFPUC. Placement of the trail on EBRPD or SFPUC lands would be subject to review and approval by these entities. For Phases 1 and 2, the trail would not encroach onto private property. However, Phase 3 would require an easement from private property owners to accommodate the proposed trail. Encroachment permits would be required from Caltrans for all three phases and from UPRR for Phase 2.

These revisions do not change the significance of the environmental issue conclusions within the Draft EIR and do not represent significant new information such that recirculation of the Draft EIR is required.

Response A-5-12. The comment, which indicates that there are third-party encroachments on SFPUC parcels that would conflict with the proposed trail use, is noted. Please see Response A-5-3.

Response A-5-13. The comment, which indicates that SFPUC will only consider a recreational trail proposal on SFPUC lands, is noted. As described on page 3-10 of the Draft EIR, the proposed project would construct a 6-mile, Class I, multi-use trail to provide recreation and multimodal transportation opportunities for pedestrians, bicyclists, and equestrians between the Niles District in Fremont and the unincorporated community of Sunol. As described in Response A-5-11, the proposed project would be subject to review and approval by the SFPUC. Alameda County will coordinate with SFPUC regarding the project objectives as part of the SFPUC review process. This comment relates to the established objectives of the proposed project and not to the adequacy of the analysis provided in the Draft EIR.

Response A-5-14. The comment, which describes the terms of the SFPUC's revocable licenses related to disruption of recreational use on SFPUC lands, is noted. The County of Alameda will comply with the terms of any license issued by SFPUC for construction and operation of the proposed trail. This comment relates to the merits of the proposed project and not to the adequacy of the analysis provided in the Draft EIR.

Response A-5-15. The comment, which states that certain SFPUC parcels will not be available for trail use due to existing long-term leases or license with third parties, is noted. Please see Response A-5-3.

Response A-5-16. The comment, which states that any trail use of the SFPUC lands would take place through a fee-based revocable license and that the City of Fremont, through SFPUC, will not sell any easements to use its pipeline right-of-way lands, is noted. As described in Response A-5-14, the County of Alameda will comply with the terms of any license issued by SFPUC for construction and operation of the proposed trail. This comment relates to the merits of the proposed project and not to the adequacy of the analysis provided in the Draft EIR.

Response A-5-17. The comment, which states that Alameda County will be required to pay rent for its use of any SFPUC lands for the proposed trail, is noted. This comment relates to the merits of the proposed project and not to the adequacy of the analysis provided in the Draft EIR.

3.3 ORGANIZATIONS

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From: Lo, Amber
To: Robert Prinz
Cc: Robert Stevens
Subject: RE: Niles Canyon Trail Project, Draft EIR - comments from Bike East Bay
Date: Monday, May 20, 2024 5:25:48 PM
Attachments: image001.png
image002.png
image003.png

Hello Robert,

Your email was received.

Amber Lo, P.E. | Deputy Director
Department of Transportation
Alameda County Public Works Agency
399 Elmhurst Street, Hayward, CA 94544
(510) 670-5485 | amberl@acpwa.org | QIC 50501 |

From: Robert Prinz <robert@bikeeastbay.org>
Sent: Monday, May 20, 2024 4:52 PM
To: Lo, Amber <amberl@acpwa.org>
Subject: Niles Canyon Trail Project, Draft EIR - comments from Bike East Bay

Hello, please accept the following comments from Bike East Bay on the Niles Canyon Trail Project, Draft EIR.

- Section 5.7 Environmentally Superior Alternative: The "environmentally superior alternative" includes ending the trail at Tyler Ranch, and including only a Class 3 shared lane for bicycle and car traffic into Downtown Sunol. This does not fulfill the county's bicycle master plan recommendations (Alameda County 2019 Bicycle & Pedestrian Master Plan for Unincorporated Areas, page 40) nor the plan's contextually appropriate facilities guidelines for low stress and all-ages bikeways.

  The "Transportation Threshold 4.12.1" lists all of the alternatives as having a "less than significant" impact with regard to conflicts with existing plans. But this is not accurate for any of the options which do not continue the trail facility into Downtown Sunol, which are all in conflict with the bike plan recommendations and guidelines.

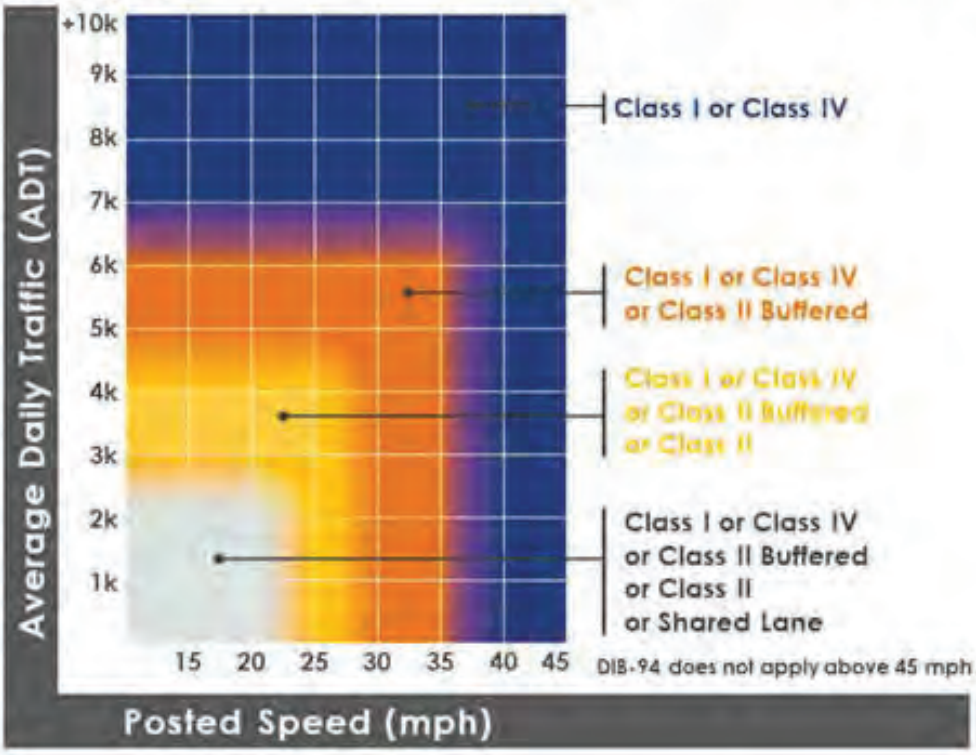
  We recommend using the NACTO Contextual Guidance for Selecting All Ages and Abilities Bikeways (here) and the Caltrans Complete Streets: Contextual Design Guidance (here) to inform design decisions prioritizing safety and accessibility.

B-1-1

Contextual Guidance for Selecting All Ages & Abilities Bikeways

Roadway Context				All Ages & Abilities Bicycle Facility
Target Motor Vehicle Speed*	Target Motor Vehicle Volume (ADT)	Motor Vehicle Lanes	Key Operational Considerations	
Any		Any	*Any of the following:* high curbside activity, frequent buses, motor vehicle congestion, or turning conflicts[1]	**Protected Bicycle Lane**
≤ 10 mph	Less relevant	No centerline, or single lane one-way	Pedestrians share the roadway	**Shared Street**
≤ 20 mph	≤ 1,000 – 2,000		≤ 50 motor vehicles per hour in the peak direction at peak hour	**Bicycle Boulevard**
≤ 25 mph	≤ 500 – 1,500			
	≤ 1,500 – 3,000	Single lane each direction, or single lane one-way	Low curbside activity, or low congestion pressure	**Conventional or Buffered Bicycle Lane, or Protected Bicycle Lane**
	≤ 3,000 – 6,000			**Buffered or Protected Bicycle Lane**
	Greater than 6,000			**Protected Bicycle Lane**
	Any	Multiple lanes per direction		
Greater than 25 mph[1]	≤ 6,000	Single lane each direction	Low curbside activity, or low congestion pressure	**Protected Bicycle Lane, or Reduce Speed**
		Multiple lanes per direction		**Protected Bicycle Lane, or Reduce to Single Lane & Reduce Speed**
	Greater than 6,000	Any	Any	**Protected Bicycle Lane**
High-speed limited access roadways, natural corridors, or geographic edge conditions with limited conflicts		Any	High pedestrian volume	**Bike Path with Separate Walkway or Protected Bicycle Lane**
			Low pedestrian volume	**Shared-Use Path or Protected Bicycle Lane**

Figure 5-A - Recommended Bicycle Facilities for Urban Areas, Suburban Areas, and Rural Main Streets



- Section 3.4.1.5 Staging Area Parking: We encourage the use of free or low cost public transit connectivity to planned trailheads at the Niles Staging Area for the Alameda Creek Regional Trail, Niles Plaza, Palomares Road, Vallejo Mill, and Tyler Ranch in Sunol, to more sustainably offset environmental and safety impacts related to increased VMT from car traffic, while also enhancing accessibility and equity for those without a vehicle or the ability to drive. We also encourage the use of car parking fees at each of these trailheads on weekends and other high use times to make better use of limited car storage space while also incentivizing public transit, biking, and walking access as preferred modes. B-1-2

  The inclusion of a car parking access plan but no public transit access plan as part of this EIR is a significant oversight and bias that needs to be recognized and addressed.

Thank you for receiving these comments.

Logo

Robert Prinz | Advocacy Director
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Office: 466 Water Street Oakland, CA 94607
P: (510) 845-7433 x5 | E: Robert@BikeEastBay.or

Note: I will be away from Bike East Bay on sabbatical starting June 1st, 2024, and returning on Tuesday, June 25th. If you are in need of an urgent response from me on any matters before June please make sure to contact me in advance. Otherwise, all advocacy program needs will be directed to other Bike East Bay staff during my leave.

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3.3.1.1 Responses to Letter B-1

Bike East Bay
Robert Prinz, Advocacy Director
May 20, 2024

Response B-1-1. The commenter asserts that the Tyler Ranch Staging Area Alternative cannot be considered the environmentally superior alternative, as it would not provide a Class 1 trail connection to Downtown Sunol and would not be consistent with the Alameda County 2019 Bicycle & Pedestrian Master Plan for Unincorporated Areas. The commenter further states that this conflict constitutes an environmental impact not identified in the Draft EIR and recommends that the proposed trail facility follow the National Association of City Transportation Officials' (NACTO) *Contextual Guidance for Selecting All Ages and Abilities Bikeways* and the Caltrans Complete Street: Context Design Guidance.

As stated on page 5-37 of the Draft EIR, in accordance with *State CEQA Guidelines* Section 15126.6(e)(2), if the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives. Both the Tyler Ranch Staging Area Alternative and the Modified Foothill Road Alternative would slightly reduce some of the potentially significant physical impacts of the proposed project through reduced construction intensities, although all project mitigation measures would still be required. Because the Tyler Ranch Staging Area Alternative would result in a greater reduction (albeit slight) in some physical environmental impacts, the Tyler Ranch Staging Area Alternative is considered the environmentally superior alternative. As noted in Section 4.8, Land Use, of the Draft EIR, policy conflicts do not, in and of themselves, constitute a significant environmental impact. Potential conflicts are considered to be environmental impacts only when they would result in direct physical impacts. The commenter's interest in having the proposed trail continue as a Class 1 facility into downtown Sunol is noted. This comment primarily relates to the merits of the proposed project and not to the adequacy of the analysis provided in the Draft EIR. Please refer to Master Response 1.

Response B-1-2. The comment, which recommends the provision and use of public transit to trail staging areas and the use of car parking fees at trailheads during high use times to limit vehicle trips associated with trail use, is noted. This comment relates to the merits of the proposed project and not to the adequacy of the analysis provided in the Draft EIR. Please refer to Master Response 1.

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FFBC

Fremont Freewheelers Bicycle Club
A 501(c).4 Non-profit Cycling Advocacy Organization

FFBC.org
P.O. Box 1868
Fremont, CA 94538
EIN: 94-2933993 CCN: C067579
SCRN: 1195606

May 6, 2024

Amber Lo, Principal Civil Engineer
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94554
Email: amberl@acpwa.org

Submitted via email transmission only

Re: Draft Environmental Impact Report for the Niles Canyon Trail Project

The Fremont freewheelers Bicycle Club supports the Niles Canyon Trail Project and submits the following comments on the DEIR: **B-2-1**

FFBC is a recreational cycling and advocacy organization in East SF Bay Area. We have about 400 members and host rides most days of the week. Not having a safe route over the hills from the bay to the valley has been a significant barrier for our members. We have been advocating for a safe route through Niles Canyon for many years.

Niles Canyon has been the historic travel corridor between the bay regions of southern Alameda County and the Livermore Valley. This trail will re-establish access for bicycles, pedestrians and horses. The project would not result in any significant unavoidable impacts. We support the proposed mitigations for identified impacts and believe this to be the best alternative. **B-2-2**

The proposed trail project is the least environmentally impacting and the safest alternative. The No Project Alternative will ultimately force the widening of SR-84 resulting in far greater environmental impacts. Bike lanes on SR-84 would not adequately accommodate other non-motorized travel modes, and would still not be considered safe for a majority of cyclists. We, therefore, support this project as the least impacting and safest alternative.

There is one Alternative that was not presented in the report which we believe should be evaluated: a Multi-use Trail or Frontage Road parallel to I-680 over the Sunol Grade between Mission Blvd and Calaveras Road. This corridor was also an historic transportation link called Mission Pass until the freeway construction eliminated access to all but motorized vehicles. Re-establishing all-mode access through Mission Pass should be studied. **B-2-3**

Cordially,

Glenn Kirby, President
Fremont Freewheelers Bicycle Club

3.3.2.1 Responses to Letter B-2

Fremont Freewheelers Bicycle Club
Glenn Kirby, President
May 6, 2024

Response B-2-1. This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Please refer to Master Response 1.

Response B-2-2. This comment, which expresses support for the proposed project based on the opinion that it is the safest and least impacting alternative, is noted. Please refer to Master Response 1.

Response B-2-3. This comment, which states that an alternative with a multi-use trail or frontage road parallel to interstate 680 (I-680) over the Sunol Grade between Mission Boulevard and Calaveras Road should have been considered, is noted. The proposed project was designed to provide a multi-use trail connection through Niles Canyon from Fremont to Sunol. A trail connection over the Sunol Grade between Mission Boulevard and Calaveras Road was outside of the scope of the proposed project and would not achieve the primary project objective to provide a trail connection through Niles Canyon. Therefore, this alternative was not considered in the Draft EIR. Please refer to Master Response 2.

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SIERRA CLUB
FOUNDED 1892

Southern Alameda County Group
(Castro Valley, San Lorenzo, Hayward, Newark and Fremont)

April 26, 2024

Amber Lo, Principal Civil Engineer
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94554
Email: amberl@acpwa.org

Submitted via email transmission only

Re: Draft Environmental Impact Report for the Niles Canyon Trail Project

The Sierra Club supports the Niles Canyon Trail Project and submits the following comments on the DEIR:

This Proposed Trail will re-establish safe access for travelers of all travel modes through an historic transportation corridor, Niles Canyon between Niles and Sunol in Southern Alameda County. Historic travel routes over passes and along streams, serving as main arteries of travel between the bay regions of southern Alameda County and the Livermore Valley, were designed to accommodate motor vehicles, pedestrians, bicycles, mules, horses, and horse-drawn wagons. As a result of the auto-centric focus on highway and freeway construction there has not been safe passage for non-motorized travel over the hills in Southern Alameda County for decades. There is a frontage road adjacent to I-580 over Dublin Grade from Castro Valley to Pleasanton. But south of this corridor there is only SR 84 Niles Canyon and I-680 Sunol Grade. The I-680 freeway does not have a frontage road. That leaves SR 84 as the only route available east/west over the hills in Southern Alameda County. While many cyclists use this route, most avoid it as not being safe, since it does not provide bike lanes or shoulders for slower, non-motorized access. **B-3-1**

The proposed multi-use trail will provide a separated safe route for the six miles through the project area and will also connect to many other trails and popular cycling routes: On the west end it will connect to the Alameda Creek trail that extends to the Bay shore and to the Bay Trail which encircles San Francisco Bay. This trail will connect to the Bay Area Ridge Trail that also encircles the bay with hiking and riding trails, and with the proposed East Bay Greenway. Phase 1 connects to Palomares Road with a bridge crossing of SR-84 parallel to the Farwell Bridge. We support the addition of a staging area at this point. Palomares Road is a popular route to Castro Valley and beyond. The end of Phase 3 will provide easy connection to Foothill and Calaveras Roads and the new I-680 SR 84 Interchange that will connect to Vallecitos Road, also very popular cycling routes.

Although planning for a trail through Niles Canyon originated in the 1970s and gained some traction in the 1990s, much of the advocacy for safe access through the canyon has been for the widening of SR 84 to accommodate non-motorized travel modes through the addition of bike lanes and wide shoulders. Once EBRPD defined the goal of establishing a trail through Niles Canyon in its 2013 Master Plan focus began to shift among the cycling community and environmental groups to support this alternative. We should say here that, if this separate trail is not constructed as proposed, the emphasis for safe access will return to the widening of the state highway, which would result in far more negative environmental impacts. The No Project Alternative will ultimately force the widening of the state highway to accommodate all travel modes safely. We believe, therefore, that the proposed trail project is the least environmentally impacting and the safest alternative. **B-3-1 Cont**

This project would not result in any significant unavoidable impacts. We support the proposed mitigations for identified impacts and believe this to be the best alternative.

We recognize that this EIR analyzes the environmental impacts of all three phases, with Phase 1 evaluated at the project level and Phases 2 and 3 evaluated at a programmatic level. We look forward to providing more specific comments on the successive phases as they progress. **B-3-2**

There is one Alternative that was not presented in the report which we believe should be evaluated: a Multi-use Trail or Frontage Road parallel to I-680 over the Sunol Grade between Mission Blvd and Calaveras Road. This corridor was also an historic transportation link called Mission Pass until the freeway construction eliminated access to all but motorized vehicles. Re-establishing all-mode access through Mission Pass should be studied. **B-3-3**

Cordially,

Glenn Kirby, Chair
Southern Alameda County Group
SF Bay Chapter, Sierra Club

3.3.3.1 Responses to Letter B-3

Sierra Club
Glenn Kirby, Chair, Southern Alameda County Group, SF Bay Chapter
April 26, 2024

Response B-3-1. This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Refer to Master Response 1 regarding the project merits.

Response B-3-2. The comment, which expresses interest in providing more specific comments on Phases 2 and 3 as these successive phases progress, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR; therefore, no further response is required.

Response B-3-3. This comment, which states that an alternative with a multi-use trail or frontage road parallel to I-680 over the Sunol Grade between Mission Boulevard and Calaveras Road should have been considered, is noted. The proposed project was designed to provide a multi-use trail connection through Niles Canyon from Fremont to Sunol. A trail connection over the Sunol Grade between Mission Boulevard and Calaveras Road was outside of the scope of the proposed project and would not achieve the primary project objective to provide a trail connection through Niles Canyon. Therefore, this alternative was not considered in the Draft EIR. Please refer to Master Response 2.

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Tri-City Ecology Center
3375 Country Drive
Fremont, CA 94536

Sent via electronic mail only to 20 May 2024

Amber Lo, Supervising Civil Engineer

info@nilescanyontrail.org

County of Alameda Public Works Agency

399 Elmhurst Street

Hayward, California 94554

Re: Comments on the Draft EIR for the Niles Canyon Trail Project, prioritize a regional trail system as part of a climate resilience and conservation vision for Alameda County

Dear Ms. Lo,

Tri-City Ecology Center is in support of this proposed multi-use 6-mile trail open to hikers, cyclists, and equestrians through Niles Canyon, a rich natural resource in the bay area. The proposed trail would consist of a 10- foot wide, all-weather surface with 2-foot shoulders on either side composed of decomposed granite and provide recreational and educational opportunities. The vison is a connected and accessible trail network as part of climate resilience and conservation. B-4-1

Comments and questions are as follows:

1- Niles Canyon, SR 84 is a congested corridor according to the 2020 Alameda Countywide Transportation Plan 2020. This report notes congestion is at level E or F in 2018 along most of Niles Canyon and there is widespread congestion on Alameda County roadways. This proposed trail addresses goals of mitigating traffic congestion in the region. Please address how the proposed trail will offset the additional vehicle miles traveled and congestion along Niles Canyon. Please address how to reduce congestion in Niles Canyon, SR 84 and improve the connectivity with the proposed trail including signage, safety measures and enhanced access improvements as multi-modal mobility (electric bikes, scooter, etc) is rapidly changing. How will the proposed trail serve as mitigation to reduce highway safety risks to Niles Canyon SR 84? B-4-2

   https://www.alamedactc.org/wp-content/uploads/2021/02/2020_CTP_Final.pdf

Tri-City Ecology Center
3375 Country Drive
Fremont, CA 94536

2- Alameda County has most of the truck freight and rail freight improvements as compared to all counties in the bay area according to the Metropolitan Transportation Commission Bay Area Goods Movement Investment Plan. This results in an increase of vehicle miles and rail miles travelled in Alameda County.
https://mtc.ca.gov/sites/default/files/Goods_Movement_Investment_Plan_Projects-letter.pdf

B-4-3

Freeway projects connecting to Niles Canyon SR 84 use Mission Boulevard/SR 238 from the west with planned I-880/Whipple Road interchange widening, I-880/Industrial Parkway interchange widening, and the new I-880 toll and HOV lanes. Rail projects in design include Shinn and Industrial Parkway Connections in Hayward and Fremont to foster more freight trains from the Port of Oakland headed through to Niles Canyon and beyond. Freeway projects connecting to Niles Canyon from the east use the new I-680 toll road/HOV lanes to Dublin, SR/I-680 interchange widening and SR 84 highway widening to Livermore. These examples show freeway and rail projects induce more rail and vehicles and cause congestion in Niles Canyon. This warrants mitigation funding to support improvements to the proposed trail and SR 84 enhancements that reduce vehicle miles traveled.

3- According to the Alameda Countywide Transportation Plan 2020 freight rail volumes are projected to more than double by 2040. Niles Canyon has been identified as the primary recipient of freight rail diversion plans as noted on Figure 2-1, pdf pages 18 and 19 in the Capitol Corridor Vision Implementation Plan (CCVIP). This vision plan proposes freight mitigation caused from a proposed increase in passenger rail from Oakland to San Jose. Passenger rail will create a diversion of freight trains of up to 55 to 60 trains per day through Niles Canyon UPRR right-of-way and will likely trigger operational, safety, and environmental impacts for the proposed trail and surrounding environment.

B-4-4

a. Please provide the additional safety measures and information on how the proposed trail design could be impacted by a dramatic increase in freight rail traffic. In the short term, Capitol Corridor's South Bay Connect project design is underway with an undisclosed diversion of freight trains through Niles Canyon. Long term, Capitol Corridor plans to implement their vision resulting in a substantial increase freight through Niles Canyon. See the CCVIP Final Report Appendices notes increased freight trains through Niles Canyon. https://www.capitolcorridor.org/wp-content/uploads/2016/12/CCVIP-Final-Report-Appendices-v2.pdf

   Please clarify the trail design and incorporation of several different barrier options to separate trail users from railroad and highway traffic. How can Niles Canyon and the existing 2-lane SR 84 and the proposed trail address risks (e.g. wildfire, flooding, landslides) in our communities? How will these two transportation systems, the

Tri-City Ecology Center
3375 Country Drive
Fremont, CA 94536

existing highway and proposed trail, around the Alameda Creek watershed enhance accessibility and cleanliness?

4- Please establish a mitigation bank for contributions from agencies building nearby projects that add more congestion through Niles Canyon by rail, truck and vehicle. Suggested mitigation funding should support inclusion of wildlife corridors, implementation of creating habitat protection areas, adjustments to the proposed trail alignment to retain large trees especially large trees providing shade over the creek, include interpretive signs as part of the proposed trail for cultural and conservation education. It's critical for the proposed trail to also increase the 1:1 tree replacement ratio to a 1:3 or 1:5 tree replacement ratio depending on the size of the existing tree canopies removed as compared to the new trees planted. Existing tree canopies take decades to replace and avoiding tree removal should be encouraged through trail alignment design. Mitigation should be on site and not off-site in other counties or cites not associated with the Alameda Creek watershed. B-4-5

For a climate resilient Alameda County that creates economic resiliency, we need Niles Canyon as a safer area for all while protecting it. Niles Canyon may reach an unsustainable level of vehicle and rail volume that could potentially degrade the fragile ecosystem. Combine this with more frequent and extreme natural hazard risks such as flooding, wildfires and mudslides. Widening Niles Canyon Hwy 84 is not a solution to maintain a healthy watershed, but a regional trail is.

We thank Alameda County and our partners for leading the effort to support a Niles Canyon regional trail vision that supports long-term environmental sustainability, improves user experience, promotes trail equity and maximizes funding and resources guiding our partners toward maintaining and improving a system of trails. We can't help but marvel at the natural beauty of Niles Canyon and Alameda Creek.

Respectfully submitted,

Caroline Harris, Chairperson

Liz Ames, Vice Chairperson

Tri-City Ecology Center

Info@tricityecology.org

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3.3.4.1 Responses to Letter B-4

Tri-City Ecology Center
Caroline Harris, Chairperson and Liz Ames, Vice Chairperson
May 20, 2024

Response B-4-1. This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Refer to Master Response 1 regarding the project merits.

Response B-4-2. This comment, which asks how the proposed trail will mitigate traffic congestion in Niles Canyon/State Route 84 and reduce highway safety risks to Niles Canyon/State Route 84, is noted. The proposed project would construct a Class I,[4] multi-use trail for pedestrians, bicyclists, and equestrians through Niles Canyon, promoting the use alternative modes of transportation through this corridor. The Class I trail would be fully separated from State Route 84 and overcrossings of State Route 84 are proposed to allow trail users to safely cross State Route 84, avoiding highway traffic altogether. Refer also to Master Response 1 regarding the project merits.

Response B-4-3. The comment, which asserts that truck freight and rail freight improvements projects would result in increased rail and vehicle traffic in Niles Canyon, is noted. It appears that the commenter is recommending that mitigation funding for these improvement projects be used to implement the proposed project. This comment relates to potential funding for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR. Refer to Master Response 1 regarding the project merits.

Response B-4-4. The comment, which requests additional safety measures and information on how the proposed trail design could be impacted by a dramatic increase in freight rail traffic through Niles Canyon is noted. As described in Section 3.0, Project Description, of the Draft EIR, the trail design would incorporate several different barrier options to separate trail users from railroad and highway traffic. The types of barriers to be used will be determined as part of the final design, but conceptual cross sections are provided in Figure 3-4 of the Draft EIR. This comment is primarily related to the design of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR.

Response B-4-5. This comment requests that a mitigation bank be established for contributions from agencies building projects that add more congestion through Niles Canyon by rail, truck and vehicle. The comment further requests that mitigation funds be used to provide wildlife corridors, habitat protection areas, tree preservation and replacement of trees at a 1:3 or 1:5 ratio. The comment generally relates to the design of the proposed trail and environmental enhancements that could be provided with additional funding provided by other agencies and does not raise concerns regarding the adequacy of information or analysis provided in the Draft EIR. As described in Section 4.4, Biological Resources of the Draft EIR, proposed fencing along the trail would be

[4] Class I Bikeways (Bike Paths) are paved rights-of-way completely separated from streets. Bike paths are often located along waterfronts, creeks, railroad rights-of-way, or freeways with a limited number of cross-streets and driveways. These paths are typically shared with pedestrians and often called mixed-use paths.

constructed to allow wildlife to move freely over and across the proposed trail. The proposed trail has been designed to preserve mature trees, to the extent feasible. Tree replacement would be required for all trees to be removed. As required by Mitigation Measure BIO-13, replaced trees shall be planted within the Alameda Creek watershed, in areas within or adjacent to the project area. Refer also to Response A-2-7.

3.4 INDIVIDUALS

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From: Lo, Amber
To: BERNARD CABANNE
Cc: Robert Stevens
Subject: RE: Niles Canyon Trail Project ----Comments for Draft EIR
Date: Monday, May 20, 2024 6:31:18 PM
Attachments: image001.png

Thank you, Mr. Cabanne. Your email was received.

Amber Lo, P.E. | Deputy Director
Department of Transportation
Alameda County Public Works Agency
399 Elmhurst Street, Hayward, CA 94544
(510) 670-5485 | amberl@acpwa.org | QIC 50501 |

From: BERNARD CABANNE <bcabanne@comcast.net>
Sent: Sunday, May 19, 2024 9:01 PM
To: Lo, Amber <amberl@acpwa.org>; BERNARD CABANNE <bcabanne@comcast.net>
Subject: Niles Canyon Trail Project ----Comments for Draft EIR

May 18,2024

Dear Ms.Lo:

I support the Niles Canyon Trail Project. As a Sierra Club member, (Tri-Valley Group), I support all the recommendations in the Sierra Club letter written by Glenn Kirby, dated April 26th, 2024. C-1-1

Please confirm receipt of this email.

Best regards,
Bernard Cabanne
bcabanne@comcast.net

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3.4.1.1 Responses to Letter C-1

Bernard Cabanne
May 18, 2024

Response C-1-1. This comment, which expresses general support for the proposed project, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project. The comment also refers to separate comments provided by the Sierra Club, which are included and responded to in this document in Letter B-3.

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From: Lo, Amber
To: Alan Dent
Cc: Robert Stevens
Subject: RE: Niles Canyon Trail EIR
Date: Tuesday, May 14, 2024 10:46:20 AM
Attachments: image001.png

Hello Mr. D'Entremont,

Your email was received.

Amber Lo, P.E. | Deputy Director
Department of Transportation
Alameda County Public Works Agency
399 Elmhurst Street, Hayward, CA 94544
(510) 670-5485 | amberl@acpwa.org | QIC 50501 |

From: Alan Dent <adent47@yahoo.com>
Sent: Tuesday, May 14, 2024 10:44 AM
To: Lo, Amber <amberl@acpwa.org>
Subject: Niles Canyon Trail EIR

My name is Alan D'Entremont.
I reside at 12257 Foothill Rd., Sunol.

I believe that the planned project for the Niles Canyon Trail and associated EIR are incomplete.

I believe the alternate route using the Alameda County Niles Canyon Transportation Corridor should be included in the planning for the Niles Canyon Trail. The Transportation Corridor is comprised of the right of way previously used by the Southern Pacific Railroad. C-2-1

RAILS TO TRAILS

Alan D'Entremont
(925) 568-5008
adent47@yahoo.com

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3.4.2.1 Responses to Letter C-2

Alan D'Entremont
May 14, 2024

Response C-2-1. This comment, which recommends that an alternate route using the Alameda County Niles Canyon Transportation Corridor should be included in the planning for the Niles Canyon Trail, is noted. As noted in the comment, the Alameda County Niles Canyon Transportation Corridor comprises the right-of-way previously used by the Southern Pacific Railroad. This right-of-way is now owned by the County of Alameda and leased to the Pacific Locomotive Association, which operates the Niles Canyon Railway between Niles and Sunol. The Niles Canyon Railway is a living history museum that offers limited train operations for the public. Previous planning efforts concluded that the uses were incompatible, and the public was not in favor of a trail along the rail alignment. Therefore, this alternative was not considered a viable alternative for locating the proposed trail, as operation of the trail would be in conflict with existing railway operations. Please refer to Master Response 2 regarding the scope of project alternatives.

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From: Lo, Amber
To: Linda Milanese
Cc: Robert Stevens
Subject: RE: Niles Canyon Trail Project
Date: Thursday, May 9, 2024 10:12:07 AM
Attachments: image001.png

Thank you, Don and Linda. Your email was received.

Amber

Amber Lo, P.E. | Deputy Director
Department of Transportation
Alameda County Public Works Agency
399 Elmhurst Street, Hayward, CA 94544
(510) 670-5485 | amberl@acpwa.org | QIC 50501 |

From: Linda Milanese <lindamilanese3@yahoo.com>
Sent: Wednesday, May 8, 2024 11:12 PM
To: Lo, Amber <amberl@acpwa.org>
Subject: Niles Canyon Trail Project

We support the Niles Canyon Trail Project. We support all the comments made in the Sierra Club letter dated April 26, 2024. C-3-1

Thank you,
Don and Linda Milanese
Livermore, CA

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3.4.3.1 Responses to Letter C-3

Don and Linda Milanese
May 8, 2024

Response C-3-1. This comment, which expresses general support for the proposed project, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project. The comment also refers to separate comments provided by the Sierra Club, which are included and responded to in this document in Letter B-3.

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From: Jamie Nagata
To: Robert Stevens
Subject: Re: Niles Canyon Draft Environmental Impact Report
Date: Wednesday, May 15, 2024 9:36:03 AM
Attachments: IMG_0725.jpeg
IMG_0738.jpeg
IMG_1774.jpeg
IMG_1777.jpeg

Mr. Stevens,

This email is in regards to the draft EIR for the proposed Niles Canyon Trail (NCT).

According to the draft EIR, there are 5 suggestions for the NCT. I am particularly interested in Alternate Trail Alignment 2 - Modified Foothill Road Alternatives.

1) How does it help the environment to cut down 100+ mature trees on one road, Foothill Road (west of Kilkare Road in Sunol) to put in a portion of the NCT so that it can end in downtown Sunol? How can it help the environment to lose the very trees that save the area from noise and air pollution from the thousands of vehicles that travel Niles Canyon (Hwy 84) daily? With the trees gone, how will this project replace the protection these trees have provided for over 50 years? Replacement trees would take at least 100 years to grow to maturity. Trees were planted at Tyler Ranch by the EBRPD two years ago, and they have grown maybe 10 inches. C-4-1

2) These trees provide a buffer from the constant noise from Hwy 84 and provide shade to the area. Everyday awareness is made about global warming. Why cut down the mature trees that provide shade to cool Foothill Road when temperatures can reach 100+ degrees during the summer months? Photos attached of Foothill Road #0725 and #0738. C-4-2

3) There are two culverts that run under and perpendicular to Foothill Road, west of Kilkare Road. These culverts have directed the water during the Winter rainy season from the hills to where the proposed trail will run. To save our environment from flooding, how will the issue of flooding be addressed? One culvert was put in by Alameda County and the other was out in by EBRPD when the Tyler Ranch Staging Area went in. I am attaching photos. #1774 - area to hold run off; #1777 the culvert at TRSA. he following two needed to be sent by separate email: #1771 - where proposed trail to go in; #1779 video of how the area is impacted. C-4-3

4). The construction of the trail is quite vague; a fence, a wall. What kind of fencing? Will animals be able to get through to go to the other side? How will this fencing and possible wall protect people from accessing the Niles Canyon Railroad tracks? How can constructing a fence and wall be and look natural to help the environment? C-4-4

As a personal comment, this draft EIR may be all about the "environment," but it goes far beyond that. The trail will affect our peaceful, private daily lives, reasons why we chose to live in Sunol. The TRSA has already affected us and no one seems to care. C-4-5

Why would this be any different?

Sincerely,
Jamie Nagata

On Monday, April 8, 2024 at 08:33:52 AM PDT, Robert Stevens <info@nilescanyontrail.org> wrote:

As an interested party in the Niles Canyon Trail, please find attached a Notice of Availability for an Environmental Impact Report. You can review the document as indicated in the attached. Please share with the community. We are interested in your comments and feedback.

Thank you,

Niles Canyon Trail Planning Team

3.4.4.1 Responses to Letter C-4

Jamie Nagata
May 15, 2024

Response C-4-1. This comment, which raises concerns related to the potential removal of trees along Foothill Road to accommodate the proposed trail, is noted. As described on page 3-1 of the Draft EIR, the EIR analyzes the environmental impacts of all three phases, with Phase 1 evaluated at the project level and Phases 2 and 3 evaluated at a programmatic level. The proposed trail alignment along Foothill Road is part of Phase 3 of the proposed project; therefore, the precise number of trees that might be removed to accommodate this segment of the proposed project has not been determined. Once the final design for Phase 3 is determined, site-specific field survey and review will be required to determine the number of trees that may require removal. Mitigation Measures BIO-13a and BIO-13b, as identified on pages 4.3-66 and 4.3-67 of the Draft EIR, would require survey of trees for removal, protection of trees to be retained and planting of replacement trees to be removed. These measures are sufficient to reduce potential impacts associated with tree removal to a less than significant level. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

Response C-4-2. This comment, which expands on the concerns raised above related to the potential removal of trees along Foothill Road to accommodate the proposed trail, is noted. Please see Response C-4-1.

Response C-4-3. This comment raises concerns about potential impacts to existing culverts that currently run under and perpendicular to Foothill Road, west of Kilkare Road. The comment asserts that the proposed trail may increase risks of flooding during the winter rainy season. As described on page 4.7-37 of the Draft EIR, the increase in impervious surfaces would not substantially increase runoff rates or volumes due to the gentle slope and narrow width of the proposed trail. Additionally, the proposed project would be required to implement LID design techniques that would emphasize the use of infiltration to mimic the site's pre-development hydrology. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sized so that on-site flooding and off-site flooding would not occur. The proposed project would be required to accommodate stormwater runoff associated with the trail; therefore, implementation of the proposed project would not create additional runoff that might exceed the capacity of the existing culverts at Foothill Road. During the detailed design phase of the project, Alameda County will assess the impact of the trail to the watershed including along Foothill Road. This effort would include replacing or adding culverts, storm drain pipes, and ditches to collect and convey storm water from private properties and to maintain access along public roadways consistent with the policies of Alameda County.

Response C-4-4. This comment requests clarification on the project design, specifically proposed fencing and walls. As described on page 3-11 of the Draft EIR, the trail design would incorporate several different barrier options to separate trail users from railroad and highway traffic. These barriers would be designed to accommodate wildlife passage. In addition, retaining walls would need to be installed in some locations to accommodate slope cuts. The precise design of these barriers and retaining walls has not yet been determined; however, as outlined in Chapter 3.0,

Project Description, and required by Mitigation Measure BIO-12 in the Draft EIR, retaining walls shall be minimized to the greatest extent feasible and used only in trail areas where they are essential for geotechnical/engineering reasons. Where fences are required along the trail, they shall be constructed to allow wildlife to move freely over the trail. Further refinements to Mitigation Measure BIO-12, as described in Responses A-2-8 and A-2-9, would further reduce potential impacts related to wildlife movement. Implementation of Mitigation Measure BIO-12 would reduce potential impacts to wildlife movement associated with the proposed project to less than significant. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

Response C-4-5. This comment, which expresses opposition to the proposed project, due to perceived impacts to Sunol residents, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project.

From: Jamie Nagata
To: Robert Stevens; Robert Stevens
Subject: Draft EIR for Niles Canyon Trail
Date: Friday, May 17, 2024 4:17:19 PM

Mr. Stevens:

In addition to my previous comments re the draft EIR, under the Alternate Trail Alignment III, what does "minimizes tree removal" mean? How is it determined how many trees are removed and which ones? C-5-1 It also mentioned a Class III bike route. Does that mean bicyclists will use Foothill Road to end their route? C-5-2

In paragraph 2 of the same page mentions "enable decision makers and the public to evaluate the project by considering how alternatives to the project as proposed might reduce or avoid the projects impact on the environment." How can decision makers see how the impact of the trail on the physical environment without actually seeing it for themselves? C-5-3

I think a time extension to respond to this draft EIR is warranted so that these decision makers can view in Sunol for themselves what we are talking about rather them just read a bunch of words on a draft EIR (like you have done to the public and to some of us who have never seen or read an EIR.) Will you grant an extension? C-5-4

Jamie Nagata

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3.4.5.1 Responses to Letter C-5

Jamie Nagata
May 17, 2024

Response C-5-1. The comment requests clarification regarding the analysis of the Modified Foothill Road Alternative provided in Chapter 5.0 of the Draft EIR, related to tree removal. As described on page 5-17 of the Draft EIR, the Modified Foothill Road Alternative would consist of either 1) a multi-purpose trail serving pedestrians, bicyclists, and equestrians that does not meet the Class I standard but minimizes tree removal, or 2) a Class III bike route. Both of these alternatives would reduce the scale of the proposed trail improvements by either constructing a narrower trail or simply installing signage/roadway markings along the existing roadway. Therefore, it is anticipated that fewer trees would need to be removed to implement this alternative, although the exact number of trees, if any, has not yet been determined. Once the final design for Phase 3 is determined, site-specific field survey and review will be required to determine the number of trees that may require removal. Implementation of Mitigation Measure BIO-13, which requires replacement of any trees to be removed, would be implemented to reduce this impact to a less than significant level. Please also refer to Master Response 2 regarding the scope of the alternatives analysis.

Response C-5-2. The comment requests clarification regarding the proposed Class III bike route identified as part of the Modified Foothill Road Alternative described on page 5-17 of the Draft EIR. As described in the Draft EIR, the Modified Foothill Road Alternative would consist of either 1) a multi-purpose trail serving pedestrians, bicyclists, and equestrians that does not meet the Class I standard but minimizes tree removal, or 2) a Class III bike route. A Class III bike route is shared with motor vehicle traffic, which may be indicated by placing bike route signs along the roadway or adding shared roadway markings along the route. Therefore, if this alternative is implemented, bicyclists would use Foothill Road to end their trail route.

Response C-5-3. This comment asks for clarification on how the alternatives analysis provided in the Draft EIR might be used by decision-makers to evaluate the project's impact on the environment. In accordance with CEQA requirements, Chapter 5.0 of the Draft EIR discusses five alternatives to the proposed project that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more significant effects. The Draft EIR compared the potential environmental effects of the proposed project to the potential effects of each alternative, in relation to the environmental baseline and existing physical environmental setting, in accordance with CEQA requirements. This information is provided to help County decision-makers evaluate the proposed project with regard to its environmental impacts. Please refer to Master Response 2 regarding the scope of the alternatives analysis required for CEQA.

Response C-5-4. This comment requests extension of the comment period. As a general rule, CEQA requires a 45-day public review period for a Draft EIR, although CEQA allows for a shorter review period with prior approval by the State Clearinghouse of the Governor's Office of Planning and Research. Although agencies may provide longer review periods if they choose (subject to limits), the Legislature has determined that 45 days is sufficient to fulfill CEQA's goals for public participation and informed decision-making. In addition, *State CEQA Guidelines* Section 15105 states that the public review period for a Draft EIR should not be longer than 60 days, except under

unusual circumstances. Although failure to circulate a Draft EIR for the required period is an abuse of discretion, there is no legal requirement to grant a request for an extension (*State CEQA Guidelines* 15105).

The Final EIR will circulate for a minimum of 10 days before any hearings are held to consider EIR certification and project approvals. The hearing will be noticed according to County procedures. Members of the public may attend this hearing and there will be an opportunity for public testimony. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and will be taken into consideration as part of the overall review of the project application by County staff and decision-makers.

From: Lo, Amber
To: Robert Stevens
Subject: FW: Nile's canyon trail project draft eir
Date: Wednesday, April 24, 2024 5:53:49 PM

FYI

-----Original Message-----
From: hanna navarro <hannaenavarro@gmail.com>
Sent: Wednesday, April 24, 2024 4:06 PM
To: Lo, Amber <amberl@acpwa.org>
Subject: Nile's canyon trail project draft eir

Hello,

I think the Nile's canyon trail project environmental impact report is thorough and I support the completion of the Nile's canyon trail project. C-6-1

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3.4.6.1 Responses to Letter C-6

Hanna Navarro
April 24, 2024

Response C-6-1. This comment, which expresses general support for the proposed project, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project.

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From: Todd Nelson
To: Robert Stevens
Subject: Niles Canyon Trail EIR
Date: Saturday, April 27, 2024 4:15:21 PM

Hi,

I live in Pleasanton and have ridden my bike on the Niles Canyon Roll-and-Stroll many times. I look forward to this project for a safe way to ride through the canyon. C-7-1

I am aware of a (potential) future project connecting Sunol to Pleasanton along the continuation of the S&P rail corridor (project shown via Rails to Trails Conservancy). I'm also aware that the Niles Canyon Railway folks are laying tracks even though the City of Pleasanton won't allow them to enter the city limits. C-7-2

My preference for the termination of the existing project in Sunol (Tyler Ranch, Downtown, or south of downtown) will depend on the possibility of eventually continuing the trail to Pleasanton.

It may not happen in my lifetime, but is this under consideration?

Thanks,
Todd Nelson
Pleasanton, CA
(volunteer member of AlamedaCTC BPAC)

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3.4.7.1 Responses to Letter C-7

Todd Nelson
April 27, 2024

Response C-7-1. This comment, which expresses general support for the proposed project, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project. The comment also refers to separate comments provided by the Sierra Club, which are included and responded to in this document in Letter B-3.

Response C-7-2. The comment, which asks if there is a possibility of eventually continuing the trail to Pleasanton, is noted. The proposed project was designed to provide a multi-use trail connection through Niles Canyon from Fremont to Sunol. A trail connection from Sunol to Pleasanton was outside of the scope of the proposed project and would not achieve the primary project objective to provide a trail connection through Niles Canyon. Therefore, this alternative was not considered in the Draft EIR.

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From: Lo, Amber
To: Robert Stevens
Subject: FW: Niles Canyon Trail Project Draft EIR
Date: Tuesday, April 30, 2024 11:49:58 AM

FYI

-----Original Message-----
From: Lina Owsley <lina.owsley@yahoo.com>
Sent: Tuesday, April 30, 2024 11:25 AM
To: Lo, Amber <amberl@acpwa.org>
Subject: Niles Canyon Trail Project Draft EIR

To whom it may concern,
My name is Lina Owsley, my husband and I have lived at 12329 Foothill Rd., Sunol for over 40 years and have lived in Sunol for 45 years and have raised our 3 children, here in Sunol. C-8-1
In regards to the proposed Niles Canyon Trail Project, we are not opposed to the trail, but we are opposed to it going down our street, Foothill Rd here in Sunol.
We are in favor of Trail Alignment 3 - South Canyon Alternative, only!
We believe keeping the trail ending at the nursery, would not only be keeping the trail on one side of Niles Canyon Hwy, making it safer for the animals to get to the Niles Canyon Creek and more aesthetic, it would not impact any homes near this proposed trail, it's a Win, Win for all. C-8-2
We need to keep our environment on this historic hwy as natural as possible for many generations to come. This would be keeping its natural beauty, safer for the animals and critters needing to get to water and changing the natural beautiful environment as little as possible.
The fencing is another big concern I have. I don't believe the trail in Tahoe has a fence. This is a big concern to me for the animals trying to get to their water source. Why do we need to fence out the animals? People going on this trail should have the sense to stay off the road and track! The animals have never had this kind of obstacle in their path. C-8-3
We already have a parking lot at the end of our dead end road, our traffic has gone from 10 cars a day to 100s on some days. C-8-4
This has changed our quaint, quiet country road forever with car pollution and noise pollution, we DO NOT need to add more pollution.
Trees absorb the noise pollution for Niles Canyon and the area around it and SO Many have been cut down already! This not only provide help with this noise pollution but homes for birds, squirrels and many living creatures and give us such beauty on our tree lined street. C-8-5
We have a culvert across from our homes on Foothill Rd., for water run off from the hills behind us. This proposed trail is right where this culvert is. EBRPD even has the water running into this culvert. Last year it filled up higher than it has in 40 years, due to the parking lot at the end of our road. We have a train track on one side and our homes on the other, if you cover the culvert with a trail, where will the water go? Drains can only do so much and the park drains goes into the culvert, too. C-8-6
We were told the cost would be the same with any of the alternatives. Let's stick with the original plan, use ALTERNATIVE TRAIL ALIGNMENT 3 - SOUTH CANYON ALTERNATIVE. Save our Foothill, NO trail on FOOTHILL RD. C-8-7
Originally this trail was to follow the secret sidewalk along Hwy 84. Originally the trail was supposed to end at the Water Temple.
Keeping this trail on the south side of the canyon with minimum to NO fencing will make it safer and easier for all animals to get the water they need.
This is an historic beautiful hwy, let's keep it that way for all, with minimal tree removal and not change this beautiful unique historic place for future generations.
This trail in front of our homes would change the environmental impact of our whole street dynamics.
We live here and how this affects the residents on this street matters!
Save our street, save our Sunol! Trail yes, on Foothill Rd, NO! And please don't fence the trail, let the animals and critters through! Thank you for your time.
Give the Sunol residents the power to say, NO MORE pushing us around!

Thank you, Lina Owsley
One more thing to think about, Niles Canyon Creek has been unavailable to most through the years. With this trail and MANY people using it, there could be many issues arise with people going into the creek, garbage, erosion, etc. C-8-8
Do we really want to intrude on this rare natural environment in the Bay Area?
Some things are just best left alone.
Sent from my iPhone
** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

3.4.8.1 Responses to Letter C-8

Lina Owsley
April 30, 2024

Response C-8-1. This comment, which expresses opposition for the proposed project, particularly Phase 3 along Foothill Road, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project.

Response C-8-2. This comment, which expresses support for the South Canyon Alternative as described in Chapter 5.0 of the Draft EIR, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project and Master Response 2 related to the scope of the alternatives analysis.

Response C-8-3. This comment expresses concerns related to proposed trail fencing and its potential effect on wildlife movement. Please refer to Response B-4-5 and C-4-4.

Response C-8-4. This comment expresses concern about potential increased vehicle trips along Foothill Road associated with the proposed project. Section 4.12, Transportation, of the Draft EIR includes an evaluation of potential increased vehicle trips resulting from implementation of the proposed project. As described on page 4.12-16, the proposed project is an off-road facility (trail) that serves non-motorized travel. The proposed project is a type of transportation project that would not substantially or measurably lead to an increase in VMT, and Section 15064.3, subdivision (b)(2) of the *State CEQA Guidelines* states that transportation projects that have no impact on VMT should be presumed to cause a less than significant transportation impact. Further, trail users would be distributed across various access points, including the existing Niles Staging Area, the Niles Plaza parking area, the proposed Palomares Road staging area, Tyler Ranch staging area, and the Vallejo Mill Park parking area; therefore, potential vehicle trips at any one staging area would not substantially increase over existing levels. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

Response C-8-5. This comment expresses concerns regarding potential tree removal associated with the proposed project. Mitigation Measures BIO-13a and BIO-13b, as identified on page 4.3-66 and 4.3-67 of the Draft EIR, would require survey of trees for removal, protection of trees to be retained and planting of replacement trees to be removed. These measures are sufficient to reduce potential impacts associated with tree removal to a less than significant level. Please see Response C-5-1.

Response C-8-6. This comment raises concerns about potential impacts to existing culverts that currently run under and perpendicular to Foothill Road, west of Kilkare Road. The comment asserts that the proposed trail may increase risks of flooding associated with increased stormwater and impacts to these existing culverts. Please see Response C-5-3 which addresses this concern.

Response C-8-7. This comment, which expresses opposition for the proposed project, particularly Phase 3 along Foothill Road, and support for the South Canyon Alternative, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project.

Response C-8-8. This comment raises operational concerns associated with increased public access to Niles Canyon. As described on page 3-49 of the Draft EIR, the proposed trail and new staging area would be operated and maintained by the County of Alameda or by a consortium of local public agencies. General maintenance activities to be conducted by the County or consortium would include trash/recycling collection and disposal, tree and shrub trimming, pavement sealing/repaving, fence repair and replacement, signage repair and replacement, and drainage inspection and cleaning. Additionally, the trail corridor would undergo routine inspection for signs of damage and appropriate actions would be taken to minimize the risk to trail users, including temporary trail closure and repair, as needed. The County would work with law enforcement partners to supervise the trail's use.

From: Lina Owsley
To: Robert Stevens
Subject: Niles Canyon Trail Project EIR Report
Date: Friday, May 17, 2024 1:32:29 PM

Sunol is a small unincorporated, rural community with no representation from the outside…..it seems like the residents on Foothill Rd. are being left to fend for themselves in regards to this trail NOT GOING IN FRONT of our homes. C-9-1
We have been asked to let them know where we want this trail to end in Sunol. WE say at the SF Water Temple, as was the original plan, to begin and end at the SF Water Temple.
How many times does Sunol have to say it…NO TRAIL on Foothill Rd, here in Sunol!
The EIR report comes out and VERY vaguely states, Class 1 trail here, Class 3 trail there…but it's NOT clear. C-9-2
We need an extension on this EIR report. We need an opportunity to meet with our Alameda County Supervisor, to show him our concerns of how this will change our environment here in Sunol, forever. C-9-3
We need an opportunity to gather the support we need to SAVE our environment, our privacy, our rights as community members in the town of Sunol, for now and future generations.
Thank you, Lina Owsley
Sent from my iPhone

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3.4.9.1 Responses to Letter C-9

Lina Owsley
May 17, 2024

Response C-9-1. This comment, which expresses opposition for the proposed project, particularly Phase 3 along Foothill Road, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project.

Response C-9-2. This comment generally states that the EIR is not clear and seems to indicate that the proposed project has not been adequately described. Chapter 3.0 of the Draft EIR provides a detailed project description of the proposed trail alignment, including figures and representative cross sections. The proposed project would construct a 6-mile, Class I,[5] multi-use trail for pedestrians, bicyclists, and equestrians. The multi-use trail would be open to hikers, bicyclists, and equestrians. The proposed trail would consist of a 10-foot-wide, all-weather surface with 2-foot shoulders on either side composed of decomposed granite or aggregate. Chapter 5.0 of the Draft EIR evaluates five alternatives to this proposed Class I facility, including the Modified Foothill Road Alternative, which was defined as either: 1) a multi-purpose trail serving pedestrians, bicyclists, and equestrians that does not meet the Class I standard but minimizes tree removal, or 2) a Class III[6] bike route. This alternative was identified to minimize potential impacts associated with the Phase 3 segment of the proposed project along Foothill Road.

Response C-9-3. This comment requests extension of the comment period. Please refer to Response C-5-4.

[5] Class I Bikeways (Bike Paths) are paved rights-of-way completely separated from streets. Bike paths are often located along waterfronts, creeks, railroad rights-of-way, or freeways with a limited number of cross-streets and driveways. These paths are typically shared with pedestrians and often called mixed-use paths.

[6] A Class III bike route is shared with motor vehicle traffic.

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Machine-Free Trails Association

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Wildlife must be given top priority, because they can't protect themselves from us.

An abortion is a MEDICAL PROCEDURE! Interfering with abortions is practicing medicine without a license!

Please don't put a cell phone next to any part of your body that you are fond of!

Stop obeying dictators and incompetent leaders from this time forward! Please share this message as widely as possible!

Are you still driving? Why?????

https://mjvande.info

To not receive email from me, just reply and ask to be removed.

On Monday, April 8, 2024 at 08:54:46 AM PDT, Mike Vandeman <mjvande@pacbell.net> wrote:

Proposed Niles Canyon "Trail" (see https://www.acpwa.org/projects/2021/Niles-Canyon/NilesCanyon.page?)

1. We've been misled. We were told that the trail would be elevated (using the "secret sidewalk"), and that no habitat would be destroyed. It's not true. The preferred option destroys a huge amount of habitat with a 14' wide clearcut including 10' wide pavement, especially at the start and end of the road (10' of pavement is a road, not a trail; two cars can pass each other in that amount of space). C-10-1

2. The proposal touts a "wildlife friendly fence", but I doubt that all deer, for example, can jump over it. It (and the presence of humans on the road) would prevent animals from getting to the creek to drink. C-10-2

3. The proposed railroad fence would block all animals larger than a lizard. No deer could jump over it. The huge vertical cuts would interfere with animals' need to travel.

4. The proposal claims that Niles Canyon is the only east-west travel option. That's, frankly, a lie! Calaveras Road runs roughly parallel to Niles Canyon and provides access from Milpitas (just two BART stops from Fremont - the west end of the canyon) to Sunol. Bicyclists and anyone else can use it safely, since there is no high-speed traffic. I drove the road this morning, to see for myself. There were dozens of bicyclists riding the road, in both directions, including many gray-haired men and ladies and one guy on a recumbent bike. I attached a couple of photos. The cars and motorcycles were going from 10-20 MPH, due to the many curves. The scenery was just as lovely as Niles Canyon, including the huge Calaveras Reservoir, and because of everyone's slow speed, you could actually enjoy it. There are also two railroads that travel through the canyon – the Niles Canyon Railroad and the ACE train. And there are periodic holidays when highway 84 is closed and pedestrians, bicyclists, and equestrians can use the road. If such travel through the canyon is important, Caltrans should reduce the speed limit to 25 MPH, making it just as safe as any city street. Anyone wanting to go faster can use Highway 680. You can also drive route 84, and everyone but the driver can view the canyon. Or you can buy a self-driving car, and then everyone can view the canyon. C-10-3

5. No one needs a paved "trail". Pavement is bad for horses and unpleasant for hikers. Horses and hikers could be accommodated by a 2'-3' wide unpaved trail, without wildlife-blocking fences. Stepping off the trail would allow C-10-4

anyone to pass. There is no good reason to allow bicycles on any unpaved trail. Any bicyclists who want to go there can, of course, walk - just like everyone else. Bicycles generate erosion and endanger hikers and equestrians. Mountain bikers love to claim that they are being "excluded" when bikes are prohibited, but it's an obvious lie. C-10-4 Cont

6. The maps (deliberately?) don't show the location of the creek, but it appears that the road would be very close to the creek, destroying a 14' wide swath of priceless riparian habitat - the most valuable habitat that exists. Why would any organization that claims to support conservation make such a huge mistake - and lie about it? C-10-5

7. There isn't high demand for travel through the canyon, or there would have been bus service through it long ago. Anyone who wants to travel to the "micro-town" of Sunol can drive, walk, or ride a horse through the canyon on a narrow trail, take Calaveras Road, or ride the Niles Canyon Railroad. (The demand for equestrian access is near zero. I don't recall seeing any horses the last time highway 84 was closed for a day.) C-10-6

8. The road would destroy critical habitat for the Alameda whipsnake, per the Department of the Interior's Fish and Wildlife Service. C-10-7

9. We are in the midst of the Sixth Extinction crisis, which is being caused primarily by the loss of habitat. E. O. Wilson is calling for Half Earth: 50% of the Earth to be set aside for conserving our wildlife. That is already a compromise, since we all know that 50% is not enough to protect all species. Recently even that compromise was watered down, into the "30 by 30" (30% of the Earth protected by 2030) proposal, which President Biden is supporting. By supporting the Niles Canyon road, the Sierra Club is thumbing its nose at even the weakest of these proposals. [I joined the Sierra Club and became a Life Member because I thought that it was a conservation organization. If that's no longer true, I would like my money back!] C-10-8

10. Niles Canyon, with two railroads and a four-lane highway through the middle of it, is no place for recreation! The air isn't safe to breathe! (The same goes for the Bay Trail next to I-80.) The only time for recreation is when Highway 84 is shut down for the Roll and Stroll, when the highway is open for hiking and bicycling and no additional road is needed. C-10-9

11. Anyone who wants to hike, bike, or ride a horse in the area can use the two huge parks on either side of Niles Canyon: Pleasanton Ridge Regional Park and Vargas Plateau. Anyone who wants to see Alameda Creek up close can go to Sunol Regional Park. You can probably also see it from Vargas Plateau. C-10-10

The Sierra Club should rescind its support for the Niles Canyon road! There is simply no good reason to build it, and many reasons not to. C-10-11

--

Machine-Free Trails Association

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Wildlife must be given top priority, because they can't protect themselves from us.

An abortion is a MEDICAL PROCEDURE! Interfering with abortions is practicing medicine without a license!

Please don't put a cell phone next to any part of your body that you are fond of!

Stop obeying dictators and incompetent leaders from this time forward! Please share this message as widely as possible!

Are you still driving? Why?????

https://mjvande.info

To not receive email from me, just reply and ask to be removed.
** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

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3.4.10.1 Responses to Letter C-10

Mike Vandeman
April 8, 2024

Response C-10-1. This comment expresses concern about the potential area of disturbance associated with the proposed trail and expresses general opposition to the proposed project. Section 4.3, Biological Resources, of the Draft EIR describes the potential impacts to habitat associated with implementation of the proposed trail. Mitigation measures identified in Section 4.3 of the Draft EIR would reduce potential impacts to less than significant levels. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

Response C-10-2. This comment expresses concerns about the potential fencing and retaining walls associated with the proposed project and its potential effect on wildlife movement. As described on page 3-11 of the Draft EIR, the trail design would incorporate several different barrier options to separate trail users from railroad and highway traffic. These barriers would be designed to accommodate wildlife passage. In addition, retaining walls would need to be installed in some locations to accommodate slope cuts. The precise design of these barriers and retaining walls has not yet been determined; however, as outlined in Chapter 3.0, Project Description, and required by Mitigation Measure BIO-12 in the Draft EIR, retaining walls shall be minimized to the greatest extent feasible and used only in trail areas where they are essential for geotechnical/engineering reasons. Where fences are required along the trail, they shall be constructed to allow wildlife to move freely over the trail. Further, proposed fencing and retaining walls would not be continuous throughout the entire length of the trail alignment. Breaks in these features would allow wildlife to move around and along the proposed trail alignment. Further refinements to this Mitigation Measure BIO-12, as described in Responses A-2-8 and A-2-9, would further reduce potential impacts related to wildlife movement. Implementation of Mitigation Measure BIO-12 would reduce potential impacts to wildlife movement associated with the proposed project to less than significant.

Response C-10-3. This comment, which asserts that there are other options for east-west travel through Niles Canyon, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project.

Response C-10-4. This comment, which expresses opposition to a paved trail and the use of any unpaved trail for bicycle use, is acknowledged. Refer to Master Response 1 regarding comments on the components of the proposed project.

Response C-10-5. This comment raises concerns about the proximity of the trail to Alameda Creek and the potential loss of riparian habitat. As described on page 4.3-59 of the Draft EIR, the proposed project has been designed to avoid impacts to riparian habitat where feasible and impacts to riparian trees or woody vegetation would be minimized, but some riparian habitat, including trees, herbaceous vegetation, such as annual grasses and ruderal plants, could be impacted during construction of the proposed bridge crossings over Alameda Creek. New Bridge 1 for the Palomares connection at the eastern end of the Phase 1 project area and the second bridge (New Bridge 2) in the Phase 2 or 3 project area would require work in the bed of Alameda Creek. Implementation of Mitigation Measure BIO-10, as described in the Draft EIR and modified herein (refer to Response A-

2-7), would reduce potential impacts to riparian habitat by ensuring that impacts to riparian habitat are minimized and any impacted areas are revegetated.

Response C-10-6. This comment asserts that there is not high demand for travel through Niles Canyon. Refer to Master Response 1 regarding comments on the components of the proposed project.

Response C-10-7. This comment asserts that the proposed trail would destroy critical habitat for the Alameda whipsnake. As described on page 4.3-51 of the Draft EIR and in Response A-2-4, because whipsnakes occur in low densities and spend most of their time in chaparral communities and around rock outcrops that are not present along the trail alignment, it is unlikely any would be encountered during trail construction. Potential direct effects on Alameda whipsnake may result from the crushing of individuals by construction equipment, vehicles, or crews while working within suitable habitat. However, the Draft EIR, as modified herein (refer to Response A-2-4), identifies Mitigation Measures BIO-4a through BIO-4c, which require environmental awareness training for construction personnel, pre-construction surveys, and mitigation for loss of Alameda striped racer habitat. With implementation of these mitigation measures, impacts to Alameda striped racer would be less than significant.

Response C-10-8. This comment expresses general concern regarding the potential loss of habitat associated with implementation of the proposed trail and refers to the comment letter submitted by the Sierra Club, which is included and responded to in this document in Letter B-3. Section 4.3, Biological Resources, of the Draft EIR describes the potential impacts to habitat associated with implementation of the proposed trail. Mitigation measures identified in Section 4.3 of the Draft EIR and modified herein (refer to Responses A-2-3, A-2-4, A-2-5, A-2-6, A-2-7, A-2-8, A-2-9, and A-5-2) would reduce potential impacts to less than significant levels.

Response C-10-9. This comment expresses an opinion on the need (or lack thereof) for the proposed project and the perceived incompatibility of the proposed project with existing transportation infrastructure (e.g., railroads, State Route 84). Refer to Master Response 1 regarding comments on the components of the proposed project.

Response C-10-10. This comment refers to the comment letter submitted by the Sierra Club in support of the proposed project. Please refer to Letter B-3.

C-12

C-11

From: Lo, Amber
To: Robert Stevens
Subject: FW: Niles Canyon Trail Project Draft EIR
Date: Thursday, May 23, 2024 2:06:20 PM

Hi Robert,

Sorry. I just found a couple of this person's emails in my junk mail folder.

I'm not sure why these two went to junk when his other emails made it into my inbox.

-Amber

-----Original Message-----
From: Mike Vandeman <mjvande@pacbell.net>
Sent: Monday, April 15, 2024 7:17 PM
To: Lo, Amber <amberl@acpwa.org>
Subject: Re: Niles Canyon Trail Project Draft EIR

I found a mention of 3.7 acres for the trail pavement. Then the total amount of habitat destroyed would be at least 3.7 x 14 / 10 = 5.18 acres (wild animals would be disturbed and discouraged from using the area within sight, sound, or smell of humans, so over 100 yards to either side of the trail). C-12-1

--

Machine-Free Trails Association

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Wildlife must be given top priority, because they can't protect themselves from us.

An abortion is a MEDICAL PROCEDURE! Interfering with abortions is practicing medicine without a license!

Please don't put a cell phone next to any part of your body that you are fond of!

Stop obeying dictators and incompetent leaders from this time forward! Please share this message as widely as possible!

Are you still driving? Why?????

https://mjvande.info

To not receive email from me, just reply and ask to be removed.

On Monday, April 15, 2024 at 05:37:11 PM PDT, Mike Vandeman <mjvande@pacbell.net> wrote:

I tried to find out how much habitat would be destroyed by the project. I searched for "acre" and "square" (as in "square feet"). The EIR contains neither! How are we to evaluate it, if you don't tell us how much habitat will be destroyed??? C-11-1

--

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3.4.11.1 Responses to Letter C-11

Mike Vandeman
April 15, 2024

Response C-11-1. This comment requests clarification on the amount of habitat that might be impacted by the proposed project. As described on page 4.2-27 of the Draft EIR, the total area of disturbance for the proposed project (all three phases) would be 17.4 acres, including the trail and the parking area at Palomares Road. As described on page 4.3-9 of the Draft EIR and shown on Figure 4.3-1 in the Draft EIR, the primary vegetation cover types in the Phase 1 project area include coast live oak woodlands, California sycamore woodlands, wild oats grassland/ruderal, Alameda Creek/creek bed and developed areas. Approximately 6.8 acres of land within the Phase 1 project footprint could be impacted by the proposed project, consisting of 3.6 acres of coast live oak woodlands, less than 1 acre of California sycamore woodlands, 1.4 acres of wild oats grassland/ruderal, 0.003 acre of Alameda Creek/creek bed, and 1 acre of developed areas. Section 4.3, Biological Resources, of the Draft EIR describes the potential impacts to habitat associated with implementation of the proposed trail. Mitigation measures identified in Section 4.3 of the Draft EIR would reduce potential impacts to less than significant levels. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

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C-12

C-11

From: Lo, Amber
To: Robert Stevens
Subject: FW: Niles Canyon Trail Project Draft EIR
Date: Thursday, May 23, 2024 2:06:20 PM

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To: Lo, Amber <amberl@acpwa.org>
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--

Machine-Free Trails Association

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I tried to find out how much habitat would be destroyed by the project. I searched for "acre" and "square" (as in "square feet"). The EIR contains neither! How are we to evaluate it, if you don't tell us how much habitat will be destroyed??? C-11-1

--

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3.4.12.1 Responses to Letter C-12

Mike Vandeman
April 15, 2024

Response C-12-1. This comment expresses concern about the potential area of disturbance associated with the proposed trail and expresses general opposition to the proposed project. Section 4.3, Biological Resources, of the Draft EIR describes the potential impacts to habitat associated with implementation of the proposed trail. Mitigation measures identified in Section 4.3 of the Draft EIR would reduce potential impacts to less than significant levels. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

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From: Mike Vandeman <mjvande@pacbell.net>
Sent: Saturday, May 18, 2024 8:31 PM
Subject: Niles Canyon Paved Road (Euphemistically Called a "Trail")

1. I hiked the route for about three miles today, star. ng from the west end, looking for Alameda whipsnakes. I didn't see any snakes, but I did see a deer, who ran up the steep slope on the north side of the "touristy" railroad tracks. The fence that is proposed to separate the trail users from the railroad would prevent the deer -- especially the fawns, and any other animals larger than a snake -- from crossing to get to the water to drink. The presence of humans (not in a vehicle) would also deprive the wild animals from the full use of their riparian habitat -- just as the deer ran away from me. This is an example of human selfishness at its worst. We already have a highway and two railroads through the canyon, and close the highway one day/year (the "Roll and Stroll") so it is open to pedestrians and bicyclists. Anyone who wants to see the unremarkable canyon can do so by driving, bicycling or walking on the highway shoulder, riding one of the two railroads, or participating in the "roll and Stroll". You can also see the creek close up -- even bathe in it -- in Sunol Regional Park. It is a huge waste of public funds -- which are in short supply this year -- to build yet another invasion of the canyon. There are plenty of higher priority uses for those funds. **C-13-1** **C-13-2**

2. While I was there, the "touristy" train came by, full of tourists, seeing exactly what trail users would see -- and effortlessly. Building a road ("trail") next to it would add nothing that isn't already available.

3. The Earth's wildlife habitat is FINITE. If we keep building Niles Canyon "Trails" around the world, there will eventually be no habitat left. When do you plan to STOP?! I haven't heard a single person address this critical issue -- certainly not in the Sierra Club, which CLAIMS to support conservation, but is in reality just a recreation club! **C-13-3**

--

Machine-Free Trails Association

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3.4.13.1 Responses to Letter C-13

Mike Vandeman
May 18, 2024

Response C-13-1. This comment expresses concerns about the potential fencing and retaining walls associated with the proposed project and its potential effect on wildlife movement. Please see Response C-10-2.

Response C-13-2. This comment asserts that there is no need for the proposed trail. Please see Responses C-10-3, C-10-6, and C-10-9.

Response C-13-3. This comment expresses concerns about the impacts to habitat associated with implementation of the proposed project. Please see Responses C-10-1, C-10-8, C-11-1 and C-12-1.

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3.5 PUBLIC MEETING

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LSA

CARLSBAD
CLOVIS
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: August 8, 2024

TO: Amber Lo, Alameda County, Public Works

FROM: Shanna Guiler, AICP, Associate/Environmental Planner

SUBJECT: Niles Canyon Trail Environmental Impact Report, April 17, 2024, Sunol Citizens' Advisory Committee - Meeting Summary

On April 17, 2024, the Sunol Citizens' Advisory Committee held a meeting and received public comment on the Niles Canyon Trail Project Draft Environmental Impact Report (EIR). This memorandum provides a summary of the comments received. A total of six speakers provided comments that addressed environmental concerns. Only comments that addressed environmental concerns are provided in this summary; comments that address various components of the proposed project or the project merits are not included.

Steven Barkkarie, Sunol Resident

1. The EIR seemed to be largely boilerplate with answers that had come from many different projects that are similar throughout the area. So, while they had merit, you could change the name to any different project and the response would be applicable. There were three areas where the report didn't adequately assess the effect. **D-1-1**

2. There was a lot of mitigation done on the fence providing breaks for larger animals and holes for smaller animals; however, with the fence on one side and the retaining wall on the other, deer would not be able to get up the wall. Deer would have to get on the trail and follow the path to a place where it could go up the canyon, disrupting the natural movements of animals. **D-1-2**

3. It is is a geologically fragile area and cutting a 14-foot wide swath would create problems. Specific areas that might be fragile where not identified or specified. The mitigation requiring site-specific geological investigation was not sufficient. Assurance that the hillside would be protected during and after construction was needed. **D-1-3**

4. The EIR does not address livability for people living near the trail. The Tyler Ranch Staging Area has Increased traffic/speeding on Foothill Road. **D-1-4**

Lina Owsley, Sunol Resident

1. The existing neighborhood on Foothill Road would be impacted by the proposed project. **D-2-1**

2. If the cost is the same of the three alternatives, why wouldn't the trail go to the Sunol Water Temple on the other side of State Route 84? **D-2-2**
3. Implementation of the proposed trail will impact parking in Downtown Sunol. **D-2-3**
4. The South Canyon Alternative would have less impact on wildlife since that is where they go for water. **D-2-4**
5. What kind of fencing/barrier? What would residents be looking at? Would it be higher than the railroad tracks? That's a big concern. **D-2-5**
6. Tree removal is a big concern. **D-2-6**
7. Foothill Road currently has no speed limit signs. Speeding on Foothill Road has increased since the Tyler Ranch Staging Area was constructed. **D-2-7**
8. How do we discourage other alternatives and express support for the South Canyon Alternative? This alternative is what we want to be done. **D-2-8**

Kelly Abreu, Sunol Resident

1. No one can walk through the Canyon legally because they built a freeway with no multi-modal access. **D-3-1**
2. This project is about cultural restoration through multi-modal transportation and restoring the cultural legacy of Livermore, Amador, and Sunol Valleys and the Bay Area and reuniting them through non-motorized transportation.

Andrew Turnbull, Sunol Resident

1. In favor of an alternative that goes to the Sunol Water Temple and provides public access to it. **D-4-1**
2. Can community provide input later regarding the exact location/design for Phase 3 of the trail into Sunol? **D-4-2**

Guy DeValle, Sunol Resident

1. Niles Canyon is a designated scenic highway. Bridges would impact the visual setting of Niles Canyon. **D-5-1**
2. The proposed bridges would come down right at people's homes and would create impacts for these residents. **D-5-2**
3. Tree removal would be required. Trees provide buffer zone that prevents noise from State Route 84. **D-5-3**
4. In favor of keeping the trail on the south side of State Route 84. **D-5-4**

Ken Horton, Sunol Resident

1. Expressed concerns regarding difficulty for people accessing the trail at the eastern end of the alignment. The trail would add traffic to existing narrow roads that are not in good condition, including Foothill Road. **D-6-1**

2. Trail is going to be a huge expense and a challenge to build. It will be extremely invasive. **D-6-2**

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3.5.1.1 Responses to Letter D – Public Meeting Summary

Response D-1-1. This introductory comment states general concerns related to the adequacy and specificity of the Draft EIR and introduces the subsequent comments, which are addressed in Response D-1-2 through D-1-4.

Response D-1-2. This comment expresses concerns related to proposed trail fencing and its potential effect on wildlife movement. Please refer to Response C-4-4 and C-10-2.

Response D-1-3. This comment raises concerns about the analysis of geological hazards presented in the Draft EIR and the mitigation measures identified to address geologic hazards. As described on page 4.5-20 of the Draft EIR, the proposed trail alignment traverses numerous mapped landslides. These landslides are shown on Figure 4.5-1 in the Draft EIR. The potential for landslides and seismically induced landslide would be evaluated in a design level geotechnical investigation, as required by the 2022 California Building Code (CBC), Alameda County General Plan and City of Fremont General Plan. In addition, the County will be required to implement Mitigation Measures GEO-2a and GEO-2b, which require the identification and implementation of specific recommendations related to landslide, review of retaining wall design drawings by a qualified engineering geologist, and implementation of supplemental recommendations, if needed.

The geotechnical information provided in Section 4.5 of the Draft EIR provides adequate information to analyze and mitigate the impacts of the project related to geology and soils, and it is common practice for environmental review to be performed prior to the development of a final design-level geotechnical report as certain details of a project design (such as final retaining wall designs) are often not available at the project's conceptual design stage.[7] Implementation of Mitigation Measures GEO-2a and GEO-2b and preparation of a design-level geotechnical report would not result in additional impacts beyond what was already planned for the project and analyzed in the Draft EIR. Mitigation Measures GEO-2 and GEO-2b set out clear performance standards for what these measures must achieve, and are therefore adequate to reduce the potential impacts of the project, to the extent feasible. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

Response D-1-4. This comment expresses concerns about the potential impacts on the livability for residents that reside along the proposed trail alignment, in particular, residents along Foothill Road. Although such concerns are not explicitly identified as a significance criterion under CEQA, the Draft EIR did evaluate potential environmental impacts that might affect neighboring residents, such as potential air quality emissions, noise, traffic, hazardous material releases, and water quality. As this comment does not provide specific comments related to what aspects of residents' daily lives would be impacted, no further response can be provided. Please refer to Master Response 3.

Response D-2-1. This comment expresses concerns about the impacts of the proposed project on the residents along Foothill Road. Please see Response D-1-4. In addition, see Responses C-4-1, C-4-

[7] Note that it is common for environmental review pursuant to CEQA to be conducted at the conceptual design stage as, among other factors, such environmental review can result in mitigation requirements that can change a project's final design.

3, and C-8-4, that address specific issues raised by other commenters related to impacts for residents on Foothill Road.

Response D-2-2. This comment expresses support for an alternative that goes to the Sunol Water Temple. As described on page 5-36 of the Draft EIR, an alternative to the Sunol Water Temple was considered but rejected from further evaluation in the Draft EIR due to the extent of tree removal and grading within generally undisturbed and densely vegetated terrain and the construction of an additional bridge crossings over Alameda Creek. Please refer to Master Response 2 related to the scope of the alternatives analysis.

Response D-2-3. This comment, which indicates that the proposed project would impact parking in downtown Sunol, is acknowledged. Parking is not a criterion of significance established for evaluating the potential transportation impacts of the proposed project and, therefore, is not explicitly evaluated in the Draft EIR. However, the proposed project has been designed to include access points via the existing Niles Staging Area, the Niles Plaza parking area, the proposed Palomares Road staging area, Tyler Ranch staging area and the Vallejo Mill Park parking area – which are anticipated to provide parking for trail users. The proposed project includes provision of additional parking stalls at the Niles Canyon staging area to accommodate anticipated trail users. Additionally, based on the July 2012 Initial Study and Mitigated Negative Declaration the East Bay Regional Park District adopted for the Pleasanton Ridge Regional Park Land Use Plan,[8] it is anticipated that for the majority of the time, parking stalls at the Tyler Ranch Staging Area would be vacant and available for trail users. As described in the *Memorandum, Trail users and associated parking demand and traffic generated by the Niles Canyon Trail* (Appendix F) of the Draft EIR, the analysis of potential parking demand focuses on Phase 1, which will be initially constructed; user and parking data collected in Phase 1 will help to refine the demand for Phases 2 and 3. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

Response D-2-4. This comment, which expresses support for the South Canyon Alternative as described in Chapter 5.0 of the Draft EIR, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project and Master Response 2 related to the scope of the alternatives analysis. Please see Responses C-10-1, C-10-8, C-11-1 and C-12-1.

Response D-2-5. This comment expresses concerns about the impacts to habitat associated with implementation of the proposed project. Please see Responses C-10-1, C-10-8, C-11-1 and C-12-1.

Response D-2-6. This comment expresses concerns about the impacts related to tree removal. Please see Response C-5-1.

Response D-2-7. This comment expresses concerns regarding the lack of speed limit signs on Foothill Road and the potential for increased speeding due to trail users accessing the Tyler Ranch Staging Area. The lack of speed limit signs on Foothill Road and failure of cars to adhere to established speed limits is an existing condition. Implementation of the proposed project would not substantially exacerbate this existing condition. As described in Response C-8-4, the proposed project is not

[8] East Bay Regional Park District. 2012. *Initial Study and Proposed Mitigated Negative Declaration for Pleasanton Ridge Regional Park Land Use Plan, Alameda County, California.* July 17.

anticipated to result in a substantial or measurable increase in vehicle trips. Further, trail users would be distributed across various access points, including the existing Niles Staging Area, the Niles Plaza parking area, the proposed Palomares Road staging area, Tyler Ranch staging area, and the Vallejo Mill Park parking area. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

Response D-2-8. This comment expresses support for the South Canyon Alternative. Please see Response D-2-4.

Response D-3-1. This comment, which expresses general support for the proposed project, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project. The comment also refers to separate comments provided by the Sierra Club, which are included and responded to in this document in Letter B-3.

Response D-4-1. This comment expresses support for an alternative that connects to and provides public access to the Sunol Water Temple. As described on page 5-36 of the Draft EIR, an alternative to the Sunol Water Temple was considered but rejected from further evaluation in the Draft EIR due to the extent of tree removal and grading within generally undisturbed and densely vegetated terrain and the construction of an additional bridge crossings over Alameda Creek. Please refer to Master Response 2 related to the scope of the alternatives analysis.

Response D-4-2. This comment asks about the community input process for further design of Phase 3. As described on page 3-1 of the Draft EIR, the EIR analyzes the environmental impacts of all three phases, with Phase 1 evaluated at the project level and Phases 2 and 3 evaluated at a programmatic level. The County of Alameda will use the environmental analysis provided in this EIR to inform and support any decision to approve the three trail phases. The County Board of Supervisors may decide not to approve the proposed trail, and it could instead direct County staff to further analyze one of the alternatives considered in this EIR. The County would determine outreach for subsequent design phases of the proposed trail.

Response D-5-1. This comment expresses concerns about the potential fencing and retaining walls associated with the proposed project and its potential effect on wildlife movement. Please see Response C-10-2.

Response D-5-2. This comment raises concerns regarding the potential visual impacts of the proposed bridge crossings on State Route 84, which is a designated State scenic highway. Section 4.1 of the Draft EIR, Aesthetics, assesses the effects of the proposed project on the aesthetic and visual resources of the project area, including the potential impact of the proposed overcrossings on the existing visual character of the project site and vicinity and the potential for the proposed project to damage scenic resources within a State scenic highway. As described on page 4.1-23, the State Route 84 corridor is characterized by various transportation infrastructure, including the existing roadway and associated infrastructure (e.g., guard rails, light standards, signage), the railroad tracks, and existing railroad overcrossings. The proposed trail has been designed to complement the natural setting within which it would be located. However, implementation of the proposed project would introduce new elements to the existing viewshed, including pedestrians and bicyclists on the proposed trail, brief views of the paved trail surface, retaining walls, and safety fencing, as well as

the more notable Palomares Road overcrossing (Phase 1) and one additional overcrossing proposed as part of either Phase 2 or Phase 3. The Draft EIR determined that the visual changes associated with implementation of the proposed trail would be consistent with the existing visual character and quality of this transportation corridor; therefore, impacts would be less than significant. Please refer to Master Response 3 regarding the substantial evidence standard pursuant to CEQA.

Response D-5-3. This comment expresses concerns about the potential tree removal. Please see Response C-5-1.

Response D-5-4. This comment, which expresses support for keeping the trail on the south side of State Route 84, is noted. Refer to Master Response 1 regarding comments on the components of the proposed project and Master Response 2 related to the scope of the alternatives analysis. Please see Responses C-10-1, C-10-8, C-11-1 and C-12-1.

Response D-6-1. This comment expresses concerns about access to the trail at the eastern end of the alignment and the number of people and vehicles that would use existing narrow roads. Please see Response C-8-4.

Response D-6-2. This comment generally expresses an opinion regarding the proposed project, including its potential costs. Refer to Master Response 1 regarding comments on the components of the proposed project.

4.0 DRAFT EIR TEXT REVISIONS

This chapter presents specific changes to the text of the Draft EIR that are being made to clarify and supplement materials in the Draft EIR in response to comments received during the public review period or as initiated by Alameda County. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with double-underlined text. Text deleted is shown in ~~strikeout~~.

Page 3-36 of the Draft EIR has been revised as follows:

> The proposed trail would cross several parcels that are owned by public agencies, including EBRPD and SFPUC. Placement of the trail on EBRPD or SFPUC lands would be subject to review and approval by these entities. For Phases 1 and 2, the trail would not encroach onto private property. However, Phase 3 would require an easement from private property owners to accommodate the proposed trail. Encroachment permits would be required from Caltrans for all three phases and from UPRR for Phase 2.

Table 4.3.C on page 4.3-25 of the Draft EIR is revised as shown on the following page.

Page 4.3-36 of the Draft EIR following the first partial paragraph has been revised as follows:

> ***Natural Resources and Lands Management Division Standard Operating Procedure (SOP) for Non-Aquatic Decontamination for Invasive Plants, Pests, and Pathogens for All Work on SFPUC Peninsula and Watershed Lands.*** The San Francisco Public Utilities Commission's (SFPUC's) Natural Resources and Lands Management Division developed the Standard Operating Procedure (SOP) for Non-Aquatic Decontamination for Invasive Plants, Pests, and Pathogens for All Work on SFPUC Peninsula and Watershed Lands to reduce the risks associated with the introduction and spread of invasive plants, plant pests, terrestrial invasive animals and pathogens. As required by the SFPUC, all personnel who enter the SFPUC watershed must comply with and follow the decontamination procedures outlined in the SOP. These procedures include best management practices, guidance on the use of vehicles and tools, and decontamination protocols for vehicles, large equipment, gear, tools, and personal protective equipment.
>
> ***Natural Resources and Lands Management Division Field Standard Operating Procedures Decontamination for Aquatic Surveys.*** The San Francisco Public Utilities Commission's (SFPUC's) Natural Resources and Lands Management Division developed the Standard Operating Procedures for Decontamination for Aquatic Surveys (Decontamination for Aquatic Surveys) to provide methods to prevent the introduction or spread of organisms that might negatively impact aquatic resources. These procedures apply to all gear that may potentially come into contact with bodies or water or wetted and muddy areas that drain to waterbodies. The

Table 4.3.C: Special-Status Animal Species Potentially Occurring in the Vicinity of the Project Area

Species	Status* (Federal/State)	Habitat Requirements	Potential for Occurrence
Invertebrates			
Western bumble bee *Bombus occidentalis* Crotch's bumble bee *Bombus crotchii*	/SC/–	Feeds upon nectar and pollen from a variety of plant species but is most adapted to native plant species. Nests in abandoned rodent burrows and bird nests. The flight period in California is from early February to late November, peaking from June to September. Little is known about sites where queens overwinter. The species is currently restricted to high elevation sites in the Sierra Nevada and scattered coastal areas such as the Bay Area.	**Low Potential**: There are two CNDDB records of western bumblebee within 3 miles of the project area; however, these occurrences are based on collections in 1919, 1932, 1946, and 1969. ~~This~~ The Bay Area is considered within the historical range of this bee but it may not currently occur here (CDFW).[8] There are no CNDDB records of Crotch's bumble bee within 3 miles of the project area, but the project area is within the current range of this species (CDFW).[8] Crotch's bumble bee would not be expected to occur along much of the alignment that traverses deeply shaded understory of coast live oak woodland with few if any food plants for this species; however, if suitable food plants are present in open sunny ~~habitat~~ areas within wild oats grassland/ruderal or California sycamore woodland habitats adjacent to the alignment, this species could occur.

Sources: Compiled by LSA (2023).

[1] California Department of Fish & Wildlife (CDFW). 2022. California Natural Diversity Database. Sacramento. April 7.

[2] Vertnet. n.d. Vertnet database. Website: http://vertnet.org/ (accessed October 3, 2022).

[3] California Department of Fish & Wildlife (CDFW). 2019. A Status Review of the of the Foothill Yellow-legged Frog (*Rana boylii*) in Sacramento, CA.

[4] United States Fish and Wildlife Service. 2023. Endangered and Threatened Wildlife and Plants; Foothill Yellow-Legged Frog; Threatened Status With Section 4(d) Rule for Two Distinct Population Segments and Endangered Status for Two Distinct Population Segments. 88 FR 59698: 59698-59727.

[5] Some workers place this species in the genius *Emys*: Thomson, R.C., A.N. Wright, and H.B. Schaffer. 2016. California Amphibian and Reptile Species of Special Concern. Sacramento, CDFW; and Berkeley and Los Angeles: University of California Press.

[6] East Bay Regional Park District. Doug Bell. Wildlife Program Manager Personal Communication. September 28, 2023.

[7] Central Valley Bird Club. 2015. Bulletin: Special Issue on the Status, Ecology, and Conservation of the Tricolored Blackbird. Vol. 17 No. 2-4.

[8] California Department of Fish & Wildlife (CDFW). 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. June 6.

CFP = California Fully Protected Species
CSC = California Species of Special Concern
DPS = distinct population segment
FE = Federally listed as endangered
FT = Federally listed as threatened
FC = Federal candidate species
SE = State listed as endangered
ST = State listed as threatened
SC = State candidate for listing as endangered or threatened

Decontamination for Aquatic Surveys provides a broad range of protection against the most commonly known aquatic nuisance species. Procedures include removal of mud and organic matter from equipment prior to leaving a site and disinfecting boats, trailers, trap boxes and other large equipment.

Page 4.3-47 of the Draft EIR has been revised as follows:

Mitigation Measure BIO-2b During project construction, the contractor shall implement the following best management practices (BMPs):

- During construction of the trail, no pets or firearms shall be allowed at the project area, except for authorized law enforcement personnel.
- All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from any wetlands or waterbodies. Secondary containment shall be used during refueling.
- All vehicles and equipment shall be maintained in good working condition and free of leaks.
- During construction, all necessary BMPs shall be implemented to ensure that no soil or other materials are discharged into Alameda Creek. BMPs shall include the use of wattles and silt fences along access roads and around staging and equipment storage areas. Construction mats, gravel, or other methods to reduce erosion shall be incorporated into the design of any temporary roads in the streambed work area and on hillslopes.
- To prevent the entanglement of wildlife, no erosion control devices containing plastic monofilament netting shall be used or stored in the project area.
- Construction personnel shall not feed or otherwise attract wildlife in the project area. All food-related trash and garbage shall be placed in animal-proof containers which shall be

emptied or removed from the construction area on a regular basis.

- Construction activities shall be restricted to the daytime hours, from 30 minutes after sunrise to 30 minutes before sunset.
- To reduce the potential for vehicle strikes, all construction-related traffic shall not exceed 5 miles per hour on unpaved roads.
- All small mammal burrows shall be avoided to the maximum extent possible. If a burrow must be impacted, a qualified biologist shall use hand tools to excavate the burrow to inspect it for special-status species. If any special-status species are seen, work shall stop in the immediate area and the animal shall not be further disturbed.
- In the unlikely event a special-status species is inadvertently killed or injured or if a special-status species is observed to be injured, dead, or entrapped, the construction crew shall stop work and notify the USFWS and CDFW.
- Upon completion of trail construction, temporarily impacted areas shall be restored to pre-project grades and contours and stabilized to prevent erosion. A seed mix of native grass and forb species shall be applied to all the grassland areas the project disturbed. The seed shall be from sources that are regionally appropriate for the project area.

In addition, for portions of the trail alignment located on SFPUC lands, the County will implement the procedures as outlined in the *Natural Resources and Lands Management Division Standard Operating Procedure (SOP) for Non-Aquatic Decontamination for Invasive Plants, Pests, and Pathogens for All Work on SFPUC Peninsula and Watershed Lands* and the *Natural Resources and Lands Management Division Field Standard Operating Procedures Decontamination for Aquatic*

Surveys as required by the San Francisco Public Utilities Commission.

Pages 4.3-43 through 4.3-45 of the Draft EIR are revised as follows:

Mitigation Measure BIO-1a Prior to the initiation of construction of each trail segment within undeveloped areas, protocol-level surveys shall be conducted by a qualified biologist for the presence of special-status plants. The surveys shall be conducted in accordance with the California Department of Fish and Wildlife *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.* If special-status species are found during the surveys, impacts to such plant species shall be avoided or minimized with implementation of Mitigation Measures BIO-1b.

Mitigation Measure BIO-1b If annual special-status plants are found along the trail alignment and if avoidance of special-status populations is not possible, then a Rare Plant Mitigation Plan shall be designed and implemented. CDFW approval of the Rare Plant Mitigation Plan is required before implementation of an activity that could directly or indirectly impact a federally or state listed or CNPS Rare Plant Rank 1A, 1B, 2A, or 2B species, and under no circumstances shall state or federally listed plants be impacted without additional consultation with appropriate regulatory agencies. At a minimum, the plan shall include the following elements:

- For annual species, seed shall be collected from plants that will be impacted, seed stored in an appropriate seed banking facility, and a portion of the seeds shall be redistributed in the project vicinity, as directed by the qualified botanist. Individual plants may also be transplanted. For perennial species, seed collection and seed banking may be augmented by transplanting entire plants or cuttings, as directed by the qualified botanist. If seed collection is required, the seeds shall be collected when they are ripe and dry, which could vary depending on the species.

- Suitable sites shall be identified in Niles Canyon (or other nearby suitable location) and prepared for redistribution of seeds (or transplants) at mitigation ratios that are appropriate for the species lifeform (e.g., annual or perennial) and success based on performance standards calibrated by established reference populations. The plan shall outline the site preparation activities.

- Monitoring surveys of the seeded or transplanted areas shall be conducted for a minimum of 3 years. The project proponent shall prepare monitoring reports that document the monitoring results and the success of the rare plant mitigation program.

- Mitigation shall be deemed successful when the mitigation population provides the same ecological functions as the impacted population, after considering natural fluctuations in population size, health, etc. This shall include each of the relocated species establishes at least one stable population of approximately the same size of the impacted population, defined as species presence and population size over a 3-year period, considering fluctuations in local reference populations. If this goal is not achieved in 4 years, then contingency measures shall be implemented. Such measures shall include evaluating the environmental or other characteristics affecting plant survival and implementing corrective measures, which may include additional seeding and planting; altering or implementing a weed control regime; or introducing or altering other management activities. Efforts shall continue until the mitigation site meets the success criteria for two consecutive years.

Page 4.3-51 of the Draft EIR is revised as follows:

> Alameda Whipsnake. Because whipsnakes occur in low densities and spend most of their time in chaparral communities and around rock outcrops that are not present along the trail alignment, it is unlikely any would be encountered during trail construction.

However, Alameda whipsnake has been documented using annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features. These habitat types are present in the vicinity of the proposed trail alignment; therefore, this species could be present in the project site. Potential direct effects on Alameda whipsnake may result from the crushing of individuals by construction equipment, vehicles, or crews while working within suitable habitat. The proposed project would also result in indirect effects associated with loss of suitable Alameda whipsnake habitat. This is a **potentially significant** impact.

Mitigation Measure BIO-4c Prior to commencement of ground-disturbing activities associated with project construction, habitat types that could support Alameda whipsnake (e.g., annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian, and areas with rock outcroppings) shall be mapped and the extent of habitat loss associated with these habitat types shall be identified. Compensatory mitigation, in the form of conserved lands, shall be provided at a ratio of 10:1 (mitigation to impact) for the proposed trail, at a ratio of 3:1 for other permanent impacts and a 1:1 ratio for temporary impacts. Conserved lands shall be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager.

Page 4.3-57 of the Draft EIR is revised as follows:

Mitigation Measure BIO-8b A qualified biologist shall conduct a preconstruction survey for San Francisco dusky-footed woodrat houses in suitable habitat for this species within 14 days prior to any tree removal or ground-disturbing activities. ~~Any woodrat houses shall be identified, and their locations mapped and flagged to be avoided during construction activities. If a woodrat house is within a 25-foot buffer of the project area, to prevent encroachment, the buffer shall be clearly marked for avoidance. The established buffer shall remain in effect until work has been completed along the section of trail near the nest. If it is not possible to avoid a woodrat house, a qualified biologist shall develop a relocation plan. The relocation plan shall be submitted to CDFW for approval and then implemented as necessary.~~

~~Copies of the relocation plan shall be provided to the County.~~ If a dusky-footed woodrat nest is found in the project area, a qualified biologist shall monitor and direct all activities associated with the removal of dusky-footed woodrat nests (structures).

- Only as necessary and to the minimum extent feasible, project site vegetation shall be removed to provide access to the dusky-footed woodrat nest(s).

- Vegetation shall be removed to access dusky-footed wood rat structures using hand tools. Small amounts of vegetation may be removed as needed by a qualified biologist. If significant amounts of vegetation must be removed to access a house, such as dense poison oak or scrub, contractors with hand tools shall remove vegetation with a qualified biologist monitoring the activity. Gas-powered tools shall be used as little as feasible to reduce disturbance to occupied dusky-footed woodrat structures.

- Over a two-week period and prior to any construction activities, dusky-footed woodrat structures or nest(s) shall slowly and progressively be dismantled to allow individuals of an occupied nest(s) to allow for gradual movement away from the exposed section of the nest.

- The dismantling of the nest shall occur during daylight hours and mostly in the early morning (between 7:00 a.m. and 10:00 a.m.) to reduce the likelihood of a predation event and minimize sunlight exposure.

- To enhance adjacent habitat, a portion of the woody vegetation that was removed from the project site shall be placed in adjacent habitat to provide cover for dispersing dusky-footed woodrats.

- Dusky-footed woodrat nest material and other woody vegetation shall be relocated at least 200 feet from the project site to ensure that the

area is not re-colonized and potentially impacted by construction activities.

- Where feasible, nest materials, food caches and woody debris shall be salvaged from the dismantled woodrat nest(s) and used to create cover and provide supplemental shelter for dispersing individuals(s). Food from the dismantled nest shall be placed under the created cover.

- If dusky-footed woodrat young are located, the removal of vegetation and/or dismantling of nest shall immediately be suspended for a period of two to four weeks for the young's eyesight to develop and become mobile. Removed vegetation shall be placed back on to the nest to re-cover the exposed litter and young. After a 2- to 4-week period, based on the development of the young, and in agreement with CDFW, the above-phased removal procedure of the dusky-footed woodrat nest may resume.

- Within 24 hours of vegetation removal and completion of the nest dismantling, an additional visual survey of the work area shall be conducted to ensure that no new dusky-footed woodrat nests have been constructed.

Page 4.3-58 of the Draft EIR:

Crotch's bumble bee. As noted in Table 4.3.C, while there have been no documented observations of Crotch's bumble bee within the project area and there are only historical records of western bumble bee in the area, the project area is within the current known range the Crotch's bumble bee, and open sunny areas within wild oat grassland/ruderal or California sycamore woodland habitats with small mammal burrows adjacent to the trail alignment provide potentially suitable underground nesting habitat. In addition, the open sunny areas along the trail alignment could provide floral resources/foraging habitat for Crotch's bumble bee. Should Crotch's bumble bee colonies or overwintering queens be present in underground nests on future construction sites within the trail alignment, construction activities could adversely affect this species and its habitat. This is considered a **potentially significant** impact.

Impact BIO-10: Construction of the proposed project could result in a potentially significant impact to Crotch's bumble bee.

Implementation of the following mitigation measure, in addition to Mitigation Measures BIO-2a and BIO-2b, would reduce potential direct impacts to Crotch's bumble bee to a less than significant level, by requiring environmental awareness training, habitat assessment, and development and implementation of pre-construction survey plan and an avoidance plan.

Mitigation Measure BIO-10a Prior to construction, a qualified entomologist that is knowledgeable with the life history and ecological requirements of Crotch's bumble bee shall conduct a habitat assessment. The habitat assessment shall include all suitable nesting, overwintering ,and foraging habitats within the project area and surrounding areas. Potential nest habitat (February through October) could include that of other *Bombus* species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other *Bombus* species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak blooming period for floral resources on which Crotch's bumblebee feed.

Mitigation Measure BIO-10b If Crotch's bumble bee habitat is present within the project area, a pre-construction survey plan shall be prepared and submitted to CDFW for review. Surveys shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bees will be captured or handled, surveyors shall obtain a 2081(a) Memorandum of Understanding from CDFW. Surveys shall be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys shall be conducted each year that construction activities associated with proposed project would occur.

Mitigation Measure BIO-10c If Crotch's bumble bees are detected during preconstruction surveys, a Crotch's bumble bee avoidance plan shall be developed and provided to

CDFW for review prior to work activities involving ground disturbance or vegetation removal. If full take avoidance is not feasible, the County shall apply to CDFW for take authorization under an Incidental Take Permit.

With implementation of Mitigation Measures BIO-10, BIO-2a, and BIO-2b, impacts to Crotch's bumble bee would be reduced to **less than significant with mitigation**, by ensuring that direct and indirect effects to this species are avoided during project construction.

With implementation of Mitigation Measures BIO-1 through BIO-~~9~~10, impacts to special-status plants and wildlife, including steelhead, Pacific lamprey, western pond turtle, San Francisco dusky-footed wood rat, nesting golden eagle/bald eagle, special-status birds and other nesting birds, ~~and~~ roosting bats, and Crotch's bumble bee would be reduced to **less than significant with mitigation.**

Page 4.3-59 of the Draft EIR is revised as follows:

Mitigation Measure BIO-1~~0~~1 Prior to any vegetation removal or other work within the riparian corridor along Alameda Creek, the County shall apply for a Lake or Streambed Alteration Agreement (LSAA) from CDFW. The LSAA shall include measures to protect aquatic and wildlife resources during construction. All conditions of the LSAA would be implemented. However, as the LSAA has not yet been issued, at a minimum, the following measures shall be implemented:

- Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the trail improvement work.
- Protective fencing shall be placed along the drip line of riparian trees to prevent compaction of the root zone and to avoid damage to riparian vegetation by people or equipment.
- Branches and/or limbs overhanging the work areas that may be impacted shall be properly pruned prior to mobilization of equipment under the supervision of a certified arborist.
- Temporarily impacted areas within the riparian zone or other sensitive natural community shall

be restored and planted with native trees, shrubs, and grasses. Permanently impacts areas within the riparian zone or other sensitive natural community, such as from channel crossings, shall be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the project site as feasible and within the same watershed, unless otherwise approved in writing by the CDFW. Restoration shall occur in the same year of the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

Oak (*Quercus* sp.) trees:

- 4:1 replacement for trees up to 7 inches diameter at breast height (DBH)
- 5:1 replacement for trees greater than 7 inches DBH and up to 15 inches DBH
- 10: 1 replacement for trees greater than 15 inches DBH which are considered old growth oaks.

Non-oak trees:

- 1: 1 replacement for non-native trees.

- ~~Riparian herbaceous vegetation permanently impacted by the proposed project shall be mitigated by planting riparian trees and/or shrubs along Alameda Creek and/or the tributary at a minimum 1:1 ratio (square footage of trees/shrubs planted: square footage of herbaceous vegetation removed and additional square footage of shading of Alameda Creek and the tributary). All replacement trees and shrubs shall be from nursery stock grown from seeds or cuttings collected in the same genetic provenance as the project site. A Riparian Revegetation Plan shall be prepared with specific success criteria and contingency measures to be implemented if success criteria are not met. The~~

~~plantings shall be monitored and maintained for five years or until the success criteria are met.~~

- ~~Temporarily disturbed areas along the banks of Alameda Creek shall be seeded with a riparian native seed mix. A Riparian Revegetation Plan shall be prepared with a specific seed mix and success criteria for the seeded areas and include contingency measures to be implemented if success criteria are not met. Seeded areas shall be monitored for 5 years or until the success criteria are met.~~

With implementation of Mitigation Measure BIO-1~~0~~1, impacts to riparian habitat would be reduced to **less than significant with mitigation,** by ensuring that impacts to riparian habitat are minimized and any impacted areas are revegetated.

Page 4.3-63 of the Draft EIR is revised as follows:

Threshold 4.3.4: Wildlife Corridors and Native Wildlife Nursery Sites. ~~Niles~~ Alameda Creek and its riparian corridor provide movement and shelter habitat for a variety of terrestrial and aquatic wildlife.Page 4.3-65 of the Draft EIR is revised as follows:

Mitigation Measure BIO-13a Prior to project construction, Alameda County shall consult with experts in wildlife passage design, including CDFW and Alameda County Resource Conservation District, to conduct in-depth studies on existing use of wildlife corridors within the project area and surrounding areas to evaluate the extent of future impacts of the project on wildlife connectivity and to provide a basis for the final trail design. Data collection methods shall enable detection of species that have been found to utilize the existing movement corridors, including mountain lions, black-tailed deer, California tiger salamander, California red-legged frog, and Alameda whipsnake. Pre-construction study results shall be used to develop biologically feasible movement corridor improvements and to establish a scientifically defensible wildlife corridor width.

Following project construction, Alameda County shall conduct post-construction monitoring to assess the use of wildlife corridors. Monitoring data shall be analyzed, summarized, and the results published to the County's website and submitted to CDFW and other agencies or organizations that

have a duty or interest in the effectiveness of wildlife movement corridors.

Mitigation Measure BIO-13b Retaining walls shall be minimized to the greatest extent feasible and used only in trail areas where they are essential for geotechnical/engineering reasons. Prior to project construction, Alameda County shall coordinate with regional CDFW and Conservation Engineering staff on the design and location of walls, fences, and barriers to minimize their impacts on wildlife connectivity. The movement studies prepared as part of Mitigation Measure BIO-13a shall be used to determine locations for design modifications that support the maximum movement and connectivity for impacted species. In locations where connectivity is important, but barriers are still required, the following approaches shall be considered:

- Use of a three-beam type barrier along the road instead of the proposed scuppers or gaps; and
- Retaining walls shall be textured and sloped to support use by wildlife, and where possible ramps/benches be utilized to allow for movement through the retaining walls.

~~Where fences are required along the trail, they shall be constructed to allow wildlife to move freely over the trail. A minimum 6-inch gap along the bottom of trail fences will allow smaller wildlife such as native rodents, turtles, and snakes to move freely. Periodic (e.g., 20-foot interval) 12-inch gaps 3 feet wide would allow mid-sized mammals to move freely through fence barriers. The fences should also be designed to allow easy movement of large mammals such as deer; fences should be no taller than 3–4 feet.~~

Mitigation Measure BIO-13c Off-site compensatory mitigation shall be implemented to completely offset unavoidable impacts if Project infrastructure redesigns, and other measures to avoid significant impacts to existing wildlife corridors within the Project area do not fully avoid impacts to wildlife corridors, based on the post-construction monitoring conducted as

part of Mitigation Measure BIO-13a. Crossing and connectivity enhancements could include terracing for dry passage, directional fencing to prevent animals from crossing roads to reduce wildlife-vehicle strikes, removal of accumulated sediment that may block undercrossings, removal of vegetation debris, control of invasive plant species, and enhancement of riparian habitat along Alameda Creek.

Pages 4.3-64 and 4.3-65, starting with the first full paragraph of page 4.3-54, of the Draft EIR is revised as follows:

Proposed trail retaining walls (Figure 3-4a and Figure 3-4b) in portions of the trail that traverse steep slopes could restrict some upslope and downslope wildlife movement. However, mid-sized and larger wildlife likely move primarily along the canyon (parallel to the slope contours) in areas where the slopes are steep, as supported by field observations that deer trails in these steep areas were oriented mainly along the slope contours and not perpendicular to the slope. Based on observations during the field surveys, deer trails approached the upper canyon edge mainly in low slope areas where retaining walls would not be required. This suggests that mid-sized to larger mammals that tend to move over longer distances would not be significantly impacted by these retaining walls. Nevertheless, proposed retaining walls may impede the movement of smaller mammals that traverse these slopes, resulting in a **potentially significant** impact.

In addition, although the project area has supported both past and current human uses and influences (such as rail, highway, development) that negatively affect wildlife species either directly or through degradation of wildlife habitats. With formalized access, the trail would bring additional human activity to the area for walking/hiking and bicycle riding along the new trail alignment. The overall increase in human traffic could deter some use by wildlife species; however, other species may habituate to the trail and/or use the trail to move up and down the trail corridor. This is a **potentially significant** impact.

Impact BIO-12: The placement of retaining walls and trail fencing associated with the proposed project and the increase in human activity associated with trail operation could adversely impact wildlife movement.

In addition, Mitigation Measure BIO-12 is further revised as follows:

Mitigation Measure BIO-12d Prior to project construction, Alameda County, in coordination with other potential agency partners, shall develop and implement a Trail Use Enforcement Plan to reduce potential impacts of

the trail to wildlife connectivity. The Plan shall include strategies for enforcing rules related to trail use (e.g., restricting off-trail activity, littering, etc.), monitoring trail use to assess potential number of trail users and hours of use, providing education on wildlife-human conflict, and establishing protocols for seasonal trail closures during sensitive wildlife periods, such as breeding periods, as appropriate.

Page 4.3-67 of the Draft EIR is also revised as follows:

Mitigation Measure BIO-1~~3~~4c Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs, and grasses. Permanently impacted areas within the riparian zone or other sensitive natural community, such as from channel crossings, shall be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the project site as feasible and within the same watershed, unless otherwise approved in writing by the CDFW. Restoration shall occur in the same year of the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

Oak (*Quercus* sp.) trees:

- 4:1 replacement for trees up to 7 inches diameter at breast height (DBH)
- 5:1 replacement for trees greater than 7 inches DBH and up to 15 inches DBH
- 10: 1 replacement for trees greater than 15 inches DBH which are considered old growth oaks.

Non-oak trees:

- 1: 1 replacement for non-native trees.

Page 4.5-20 of the Draft EIR is revised as follows:

Mitigation Measure GEO-1b Alameda County Department of Public Works shall prepare grading, drainage, and structural drawings for the project's construction. The design of all elements shall be completed by personnel licensed by the State of California to perform this work. ~~Prior to issuance of a grading permit, detailed retaining wall design drawings and a site-specific grading plan for the project site shall be prepared by a licensed professional and submitted to Alameda County for review and approval.~~ The retaining wall design drawings shall be reviewed by a qualified engineering geologist and show the heights of the walls, the backfill material type, drainage details, and the earth pressure used in design. At minimum, all backfill material shall comply with recommendations set forth in the Department of Toxic Substances Control's Information Advisory, Clean Imported Fill Material[1] and the Alameda County Department of Environmental Health's Soil Import/Export Characterization Requirements.[2] All cut slopes shall be observed by a qualified engineering geologist at the time of grading to assess the applicability of the recommendations and to make supplemental recommendations, if necessary. Supplemental recommendations may include slope flattening, installation of drainage, slope reconstruction in areas where weak rock, adverse bedding, or other local anomalies are encountered, or construction of retaining walls. Retaining wall installation and testing shall be observed by a qualified engineering geologist.

Page 4.6-10 following the second full paragraph of the Draft EIR, is revised as follows:

Alameda County Water District Groundwater Protection Program. The Alameda County Water District (ACWD) entered into Cooperative Agreements with the Regional Water Quality Control Board and the cities of Fremont, Newark, Union City and Hayward to further strengthen the interagency coordination and cost-effective

[1] Department of Toxic Substances Control. 2001. *Information Advisory, Clean Imported Fill Material.* Website: https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf. (accessed July 2024).

[2] Alameda County Department of Environmental Health. 2018 (revised August 2019). *Soil Import/Export Characterization Requirements.* Website: https://deh.acgov.org/landwater-asserts/docs/LOP_Soil_Characterization_Requirements.pdf (accessed July 2024).

implementation of groundwater protection within the cities. Under these agreements, ACWD provides technical oversight for the investigation and remediation of Leaking Underground Storage Tank (LUST) sites and other Site Cleanup Program sites in accordance with State and Regional Water Board policies, procedures, and standards and in cooperation with the RWQCB and these cities.

Page 4.6-14 following the first partial paragraph of the Draft EIR is revised as follows:

City of Fremont, Certified Unified Program Agency. The Fremont Fire Department is the CUPA for the City of Fremont and for the portion of the proposed trail within the City limits. The Fremont Fire Department is responsible for implementing the following programs at the local level: hazardous materials management plan, Hazardous Materials Business Plan, risk management program, underground storage tank program, spill prevention, control and countermeasure plan (SPCC) for aboveground petroleum product storage, hazardous waste generators, and on-site hazardous waste treatment. These programs include inspections of businesses and review of permit conditions and procedures for the handling, storage, use and disposal of hazardous materials.

Pages 4.6-16 and 4.6-17 in the Draft EIR are revised as follows:

Mitigation Measure HAZ-1a Prior to construction, a Phase II Environmental Site Assessment (Phase II ESA) shall be performed to address potential contamination associated with the adjacent railroads. The Phase II ESA shall be conducted by a California Professional Geologist and/or a California Professional Civil Engineer with experience in contaminated site investigation. Soil samples shall be collected from proposed construction areas in proximity to the railroad tracks. Representative samples of shallow soils shall be collected from locations within the project corridor nearest the railroad tracks and analyzed for Title 22 metals, lead, TPH, PNAs, and chlorinated herbicides. It is anticipated that 4 to 8 discrete samples, from the locations nearest the railroad tracks ~~(Phases 2 and 3)~~, would be sufficient to determine if contaminants from the railroad tracks have migrated and affected shallow soils within the project corridor.

Soil analytical results should be screened against the Regional Water Quality Control Board's Environmental Screening Levels (ESLs) to determine appropriate actions to ensure the protection of construction workers and shall also

be screened against hazardous waste thresholds to determine soil management options.

Based on the findings of the Phase II ESA, site-specific soil and groundwater management and disposal procedures for hazardous materials may need to be implemented, as well as construction worker health and safety measures during construction. Recommendations for any site-specific management and disposal procedures should be included in the Phase II ESA.

Page 4.6-19 of the Draft EIR is revised as follows:

Mitigation Measure HAZ-1b Prior to construction, a project-specific Soil Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to address contaminants known to occur on within the project site. The SMP must establish remedial measures and/or soil and groundwater management practices to protect construction workers, the general public, and the environment from subsurface hazardous materials during construction. The SMP shall characterize the soil, delineate areas of known soil contamination, and identify soil (and groundwater, if encountered) management options for excavated soil and dewatered groundwater (if applicable), in compliance with local, state, and federal statutes and regulations. The SMP shall: 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation activities; 2) require the preparation of a project-specific Health and Safety Plan that identifies hazardous materials present, if any, describes required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations, and designates the personnel responsible for Health and Safety Plan implementation; 3) identify corrective actions with respect to plume migration, treatment and disposal if contaminated groundwater is encountered; and 4) require coordination with applicable regulatory agencies (e.g., Alameda County Department of Environmental Health,

Alameda County Water District, City of Fremont). The SMP shall be submitted to Alameda County for review and approval prior to construction activities. Alameda County shall share the SMP with applicable regulatory agencies prior to finalization. Once approved the SMP shall be implemented during construction of the proposed project.

page 4.8-2 of the Draft EIR, starting with the fourth full paragraph is revised as follows:

Regional and Local Regulations. The main guiding documents regulating land use within and around the project site are the Alameda Watershed Plan,[177] (Footnote 177: EDAW, Inc., 2001. *Alameda Watershed Management Plan*. Prepared for the San Francisco Public Utilities Commission. April.), the San Francisco Public Utilities Commission Environmental Stewardship Policy,[178] (Footnote 178: San Francisco Public Utilities Commission. 2006. *Water Enterprise Environmental Stewardship Policy*. June 27.), Alameda County General Plan,[17~~79~~] the Alameda County Zoning Ordinance, [17~~78~~80] the East County Area Plan, [17~~79~~81] the Alameda County Active Transportation Plan, [18~~0~~2] the Alameda County Bicycle and Pedestrian Master Plan for Unincorporated Areas, [18~~1~~3] the City of Fremont General Plan, [18~~2~~4] the City of Fremont Zoning Ordinance, [185~~3~~4] the City of Fremont Bicycle Master Plan, [184~~6~~] and the City of Fremont Pedestrian Master Plan. [18~~5~~7]

Alameda Watershed Management Plan. The Alameda Watershed Management Plan provides a policy framework for the San Francisco Public Utilities Commission (SFPUC) to make decisions about the activities, practices, and procedures that are appropriate on SFPUC watershed lands. The Alameda Watershed Plan provides a comprehensive set of goals, policies, and management actions that integrate all watershed resources and reflect the unique qualities of the Alameda Watershed. The Alameda Watershed Management Plan includes goals and policies related to Water Quality, Water Supply, Vegetation, Wildlife, Aquatic Resources, Cultural Resources, Fire, Safety and Security, Watershed Activities, Administration and Finance, and Public Awareness and Agency Participation.

The Southern Alameda Creek Watershed encompasses 175 square miles of rolling grassland and native oak woodlands in the East Bay, of which 36,000 acres or approximately one-third are owned by the San Francisco Public Utilities Commission (SFPUC). SFPUC's Alameda Watershed land holdings are split between Alameda (23,000 acres) and Santa Clara (13,000 acres) counties and contain two reservoirs - the San Antonio Reservoir to the north and the Calaveras Reservoir to the south.

The SFPUC Alameda Watershed lands include 30,000 acres of primary watershed lands which tributary to San Antonio and Calaveras reservoirs as well as lands that drain into Alameda Creek above the proposed Fish Release and Recapture Facility. SFPUC Alameda Watershed land includes 6,000 acres of secondary watershed. The latter are lands where runoff enters Alameda Creek below the Fish Release and

Recapture Facility and does not enter SFPUC reservoirs or get recaptured at the Fish Release and Recapture Facility. The primary watershed lands are the most sensitive lands in terms of water quality protection. The proposed trail alignment is located within the secondary watershed lands as identified in the SFPUC's Alameda Watershed Management Plan.

The SFPUC's Alameda Watershed Management Plan includes the following goals and policies that are applicable to the proposed project:

- **Water Quality (WQ) Primary Goal:** Maintain and Improve Source Water Quality to Protect Public Health and Safety.
    - *Policy WQ1.* Prevent the introduction of pesticides and chemicals into the water supply by minimizing and controlling the use of these constituents; implementing alternative methods for pest control, where feasible; and by controlling chemical use and requiring that non-toxic, non-persistent alternatives are used where practical.
    - *Policy WQ1.1.* Avoid disturbance to and location of activities on lands within the High Water Quality Vulnerability Zone to reduce the possibility of negative water quality impacts. At a minimum, maintain a 300-foot disturbance- free buffer around all waterbodies and streams.
    - *Policy WQ7.* Prevent the potential for hazardous materials spills into the water supply by controlling their use and transport within the watershed.
    - *Policy WQ8.* Minimize the introduction of pathogens to the water supply.
    - *Policy WQ10.* Minimize, and where possible prohibit, the construction of new roads and trails.
    - *Policy WQ11.* Where new roads or trails are required, locate and design them to follow natural topography, minimize steep slopes and stream crossings, avoid large cut and fill road designs, minimize excavation, and avoid highly erodible areas.
    - *Policy WQ16.* Where suitable, use sedimentation basins to control the effects of erosion and sediment transport.
    - *Policy WQ17.* Minimize and where possible prohibit the creation of impervious surfaces in primary watershed lands. Restrict the creation in secondary watershed lands to areas of low vulnerability.
    - *Policy WQ18.* Minimize vehicle-related contaminants in runoff from road, parking lots, maintenance facilities, and other sources.

- *Policy WQ26.* Prohibit unauthorized fill or excavation activities on wetlands, riparian zones, etc. Achieve regulatory compliance for maintenance activities within wetland and riparian areas.
- *Policy WQ28.* Strictly control public access to minimize adverse effects to water quality.

- **Water Supply Secondary Goal:** Maximize Water Supply
  - *Policy WS3.* Require conservation practices, where appropriate, to minimize water use within the watershed.
  - *Policy WS5.* Prevent a reduction in the water supply by reducing risks to water quality.
  - *Policy WS7.* Enhance the water yield of the watershed, where compatible with other natural resource management policies, while prohibiting activities that could adversely affect water quality.
- **Vegetation (V) Secondary Goal:** Preserve and Enhance the Ecological and Cultural Resources of the Watershed.
  - *Policy V3.* Prohibit the planting of exotic plant species.
  - *Policy V5.* Protect, preserve, and enhance significant botanical resources, including populations of rare, threatened, endangered, and sensitive plant species and their habitat.
  - *Policy V7.* Preserve *the biodiversity and genetic integrity of the watershed plant communities, where possible.*
  - *Policy V8.* Protect, conserve, and enhance wetlands and riparian communities.
  - *Policy V9.* Protect and restore unique, local, and/or indigenous plant species to maintain biodiversity and specialized habitat values.
  - *Policy V15.* Require a site-specific analysis prior to proposed facility and infrastructure projects, operations and maintenance activities, and proposed construction projects to determine the presence of sensitive vegetation resources and the potential effects of the activity on the resource. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.
- **Wildlife (W) Secondary Goal:** Preserve and Enhance the Ecological and Cultural Resources of the Watershed.

- *Policy W1.* Protect high Ecological Sensitivity Zones (ESZs), including host plant communities supporting populations of State and Federally listed animals, using sound scientific methods.
- *Policy W2.* Protect, conserve, and enhance existing native wildlife populations and their habitat.
- *Policy W3.* Preserve the biodiversity and genetic integrity of local wildlife populations, where possible.
- *Policy W4.* Protect, conserve, and enhance ecosystems that provide important wildlife habitat values.
- *Policy W5*. Protect, preserve, and monitor important habitat features such as mature trees with cavities, downed trees, snags, rock outcrops, cliff ledges, and caves for wildlife use, where they do not conflict with health and safety issues.
- *Policy W6.* Maintain the integrity of the watershed creeks to retain their value as riparian ecosystems and wildlife corridors.
- *Policy W8.* Restrict public and control staff access to high ESZs to minimize human disturbance to sensitive wildlife and their habitat.
- *Policy W9.* Require a site-specific analysis prior to proposed facility and infrastructure projects, operations and maintenance activities, and proposed construction projects to determine the presence of sensitive wildlife resources and the potential effects of the activity on the resource. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.
- *Policy W10.* Protect the integrity of wildlife movement corridors by properly siting infrastructure, facilities, and public access features to maintain landscape connectivity, and minimize fragmentation and degradation of wildlife habitat.

- **Aquatic Resources (AR) Secondary Goal:** Preserve and Enhance the Ecological and Cultural Resources of the Watershed.
  - *Policy AR1*. Conserve, protect, and enhance the biodiversity, genetic integrity, and habitat of the watershed's aquatic resources.
  - *Policy AR2*. Protect special status species and adhere to applicable State and Federal management regulations.

- *Policy AR4.* Promote healthy, diverse riparian and wetland vegetation to provide shade and cover necessary for fish spawning, rearing, and feeding areas.
- *Policy AR5.* Minimize and where possible eliminate the introduction of chemicals (e.g., copper sulphate, chlorine, etc.) into reservoirs and streams to protect aquatic resources.
- *Policy AR7*. Require a site-specific analysis prior to proposed facility and infrastructure projects and proposed construction projects to determine the presence of sensitive aquatic resources and the potential effects of the project on aquatic resources. Analyses will be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.
- *Policy AR10.* Prohibit selected classes of activities, or limit land use type, duration, and intensity within the high water quality vulnerability zones, consistent with other management elements in this Plan.

- **Cultural Resources (CR) Secondary Goal:** Preserve and Enhance the Ecological and Cultural Resources of the Watershed.
  - *Policy CR1*. Preserve where possible historic structures and features and protect them from deterioration, removal, demolition, vandalism, or severe alterations.
  - *Policy CR2.* Provide the highest level of priority to the protection and preservation of cultural resources eligible for or listed on the National Register of Historic Places or the California Register of Historic Places.
  - *Policy CR3.* Provide appropriate and adequate protection for cultural resource sites subject to public access.
  - *Policy CR5.* Consult and coordinate with appropriate Native American organizations regarding cultural resource preservation and protection, where applicable.
  - *Policy CR9.* Require a site-specific analysis prior to, as well as ongoing monitoring of, all facility and infrastructure projects, operations and maintenance activities, and proposed construction projects which involve disturbance to or the movement of soils to determine the presence of sensitive cultural resources and the potential effects of the activity on known and potentially occurring cultural resources. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines and conducted by a certified and trained archeological specialist.

- **Fire Secondary (F) Goal:** Protect the Watersheds, Adjacent Urban Areas, and the Public From Fire and Other Safety Hazards.
    - *Policy F3*. Require all lessees and permittees to conduct fire hazard reduction activities.
    - *Policy F7.* Prohibit unsupervised access to the watershed to reduce the risk of fire.
    - *Policy F8.* Restrict access to the watershed, implement strict fire hazard reduction practices, and initiate the public notification process during periods of extreme fire hazard.
- **Safety and Security (S) Secondary Goal:** Protect the Watersheds, Adjacent Urban Areas, and the Public From Fire and Other Safety Hazards.
    - *Policy S1.* Require that new or expanded recreation activities address and accommodate public safety issues.
    - *Policy S2.* Maintain and enforce a safety and security program for the watershed.
    - *Policy S3.* Reduce the likelihood of dangerous condition liability on the watershed, through periodic safety inspections of improvements and facilities used by the public.
    - *Policy S4.* Minimize damage from future seismic hazards by avoiding construction of facilities in active fault zones and traces, where feasible.
    - *Policy S5.* Minimize damage from potential mass movement hazards by avoiding construction or other disturbances in known dormant landslides and on slopes greater than 30 percent, without proper engineering.
    - *Policy S6*. Conduct (for SFPUC-owned) and require (for easements) inspection of facilities and utilities near active landslide areas and fault traces following earthquakes and slope failures to assess their stability and integrity, and complete repairs or further monitoring as needed to prevent geohazards.
    - *Policy S7*. Require adequate seismic and static geohazards engineering studies for proposed facilities, infrastructure, and utilities easements within the watershed.
    - *Policy S12.* Require that the types and appropriate levels of insurance coverage held by lessees and permittees be commensurate with the amount of risk and potential liability with which the SFPUC is faced.

- *Policy S13*. Liability associated with public access on lands leased/managed by EBRPD shall be the responsibility of EBRPD. This provision shall be incorporated into all existing and future lease/management agreements.

- **Watershed Activities (WA)Secondary Goal:** Continue Existing Compatible Uses and Provide Opportunities for Potential Compatible uses on Watershed Lands, Including Educational, Recreational, and Scientific Uses.

  - *Policy WA2.* Prohibit the construction of new trails and unsupervised access to existing roads and trails not addressed in this Plan.

  - *Policy WA13.* Proposed recreation activities shall be compatible with their landscape setting, shall not adversely affect watershed resources, and shall comply with the goals and policies in this Plan.

  - *Policy WA14.* New recreation and public access activities in the primary watershed shall be resource-based, outdoor recreation or educational activities only. Resource-based recreation includes uses that are integrally dependent upon the inherent natural, scenic, and/or cultural resources present, but do not adversely affect those resources upon which they depend. For the Alameda Watershed, this is limited to hiking, nature study, wildlife viewing, sightseeing, and visiting education centers.

  - *Policy WA15.* Limit open public access to recreational trails on the periphery of the watershed to minimize disturbance to sensitive wildlife and vegetation communities, reduce chance of fire ignition, minimize spread of weeds, and cause the least disruption to wildlife movement resulting from trailside fencing.

  - *Policy WA15.2.* The addition of new trails in zones of lesser vulnerability and risk will be considered where consistent with the goals and policies of this plan.

  - *Policy WA15.3.* Retain existing public trails, defined as public trails as of January 2000, and the activities allowed upon them. Encourage the most active trail use upon these trails.

  - *Policy WA15.4.* Support new trail connections that link to adjacent communities and to the trail facilities of other agencies, where the new trail connection is in a zone of lesser vulnerability and risk.

  - *Policy WA16.* Inform all individuals allowed entry into the watershed, either by permit or open access, of the watershed's primary purpose and the rules and regulations governing watershed activities.

  - *Policy WA19.* To ensure that all future land management decisions and uses remain consistent with the goals and policies set forth in this Plan, all

proposed plans and projects on the watershed shall be reviewed according to the process illustrated in Figure 4-1, Review Process for Proposed Plans and Projects. All proposed plans and projects on the watershed shall be analyzed for compliance with the goals and polices set forth in the Watershed Management Plan and must undergo this review process prior to being approved or denied. The SFPUC is responsible for making final determination as to whether a particular plan or project is compatible with the goals and policies of the watershed management plan and should proceed through the environmental review process. LRMS staff are responsible for making recommendations to aid the SFPUC decision-making process.

- *Policy WA20.* Should the SFPUC determine that the proposed plan/project would not comply with the watershed goals and policies then LRMS staff shall make appropriate comments so that the applicant may bring the proposed plan/project into compliance with the Watershed Management Plan.

- *Policy WA21.* All costs associated with reviewing, analyzing, and making decisions related to future plans and projects proposed on the watershed shall be borne by the plan/project applicant.

- *Policy WA22.* Proposals for new facilities, structures, roads, trails, projects and leases, or improvements to existing facilities shall be:

  - Limited to essential public services and not attractions unto themselves, but incidental to the primary purposes of the watershed (water quality protection and water supply), or to its enjoyment and conservation in its natural condition, or to the education/interpretation of watershed values.

  - Limited to zones of low vulnerability and risk.

  - Designed, sited, constructed, and maintained to blend with the natural landscape and conform with the goals and policies set forth in this Plan.

  - Reviewed by appropriate SFPUC personnel to ensure compliance with all applicable Federal, State, and local laws, as well as SFPUC rules and regulations.

  - Non-water related projects shall be approved only if potential impacts on the quality and quantity of the water supply and natural environment would be insignificant or mitigate to a level of insignificance. Water related projects may be subject to a finding of overriding considerations on a case-by-case basis.

  - Monitored by appropriate SFPUC personnel to evaluate the potential occurrence of impacts and to prescribe specific mitigation prescriptions to protect watershed values.

- Design and site overpasses, safety, and directional signs and other road and highway structures to be unobtrusive to the surrounding landscape.
- Design and site new facilities, structures, roads, and trails to minimize, wherever possible, grading and the visibility of cut banks and fill slopes.

  - *Policy WA23.* Require that all development, except for water-dependent structures, be excluded from the high water quality vulnerability zone and be set back from the ordinary high water mark of reservoirs and from the centerline of all watershed tributaries.
  - *Policy WA24.* Require that all proposed development involving any grading of land include the submittal of a grading plan to SFPUC to retain the existing topography where feasible, minimize grading, minimize the impacts on scenic, ecological, and cultural resources, and minimize off-site soil loss from erosion.
  - *Policy WA26.* All maintenance, operation, and construction activities shall incorporate Best Management Practices (BMPs), as applicable.
  - *Policy WA27.* Enforce strict design and siting standards for all signage on the watershed.
  - *Policy WA28.* All proposed plans and projects shall be subject to review under CEQA and/or NEPA, where applicable. SFPUC staff are responsible for overseeing the CEQA compliance process.
  - *Policy WA31.* Provide universal access in the design of all new and modified facilities, structures, trails, and programs to the maximum extent practicable. At a minimum, all applicable trails, facilities and programs shall meet legally mandated accessibility standards (per the Americans with Disabilities Act of 1990 [ADA], and the 1991 ADA Accessibility Guidelines; Section 504 of the Rehabilitation Act of 1973, as amended in 1978; and Title 24 of the California Building Code).

- **Public Awareness and Agency Participation (PA) Secondary Goal:** Provide a Fiscal Framework that Balances Financial Resources, Revenue-generating Activities, and Overall Benefits, and an Administrative Framework that Allows Implementation of the Watershed Management Plan.

  - *Policy PA3.* Foster individual public awareness programs for: (a) visitors to the watershed; (b) lessees, landowners, and others within the hydrologic region that may have direct impacts upon the watershed; (c) outreach education efforts (e.g., schools, conferences, seminars); and (d) the general public.

SFPUC Water Enterprise Environmental Stewardship Policy. The SFPUC's Water Enterprise Stewardship Policy (Stewardship Policy) establishes long-term management direction for SFPUC-owned lands and natural resources affected by operation of the water system within the Tuolumne River, Alameda Creek, and Peninsula watersheds. The Stewardship Policy establishes the broad environmental stewardship policies that guide SFPUC's mission, including proactive management of watershed lands that maintains the integrity of natural resources, restores habitats and enhances ecosystem function; active monitoring of terrestrial and aquatic habitats under SFPUC ownership and affected by SFPUC operations; public engagement; and incorporation of the Stewardship Policy into SFPUC planning and decision-making processes.

Table 4.8.A, page 4.8-28 of the Draft EIR has been revised as follows:

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Alameda Watershed Management Plan		
Policy WQ1	Prevent the introduction of pesticides and chemicals into the water supply by minimizing and controlling the use of these constituents; implementing alternative methods for pest control, where feasible; and by controlling chemical use and requiring that non-toxic, non-persistent alternatives are used where practical.	**Consistent.** The proposed project would not include the use of pesticides or chemicals. Limited use of hazardous materials may be required during trail construction, but such use would be in accordance with applicable local, State and federal regulations.
Policy WQ1.1	Avoid disturbance to and location of activities on lands within the High Water Quality Vulnerability Zone to reduce the possibility of negative water quality impacts. At a minimum maintain a 300-foot disturbance- free buffer around all waterbodies and streams.	**Inconsistent.** Although the majority of the proposed trail alignment would be located outside of the High Water Quality Vulnerability Zone, the proposed trail would be near Alameda Creek and would require at least one overcrossing of Alameda Creek.
Policy WQ7	Prevent the potential for hazardous materials spills into the water supply by controlling their use and transport within the watershed.	**Consistent.** The proposed project would not include the use of pesticides or chemicals. Limited use of hazardous materials may be required during trail construction, but such use would be in accordance with applicable local, State and federal regulations.
Policy WQ8	Minimize the introduction of pathogens to the water supply.	**Consistent.** The proposed project would be required to implement best management practices (BMPs) to minimize the potential for project construction to affect surface waters.
Policy WQ10	Minimize, and where possible prohibit, the construction of new roads and trails.	**Inconsistent.** The proposed project would include construction of a new trail facility within the Alameda Watershed.
Policy WQ11	Where new roads or trails are required, locate and design them to follow natural topography, minimize steep slopes and stream crossings, avoid large cut and fill road designs, minimize excavation, and avoid highly erodible areas.	**Consistent.** The proposed trail alignment has been determined based on extensive study, including a feasibility analysis and design report. The proposed project has been designed to minimize environmental impacts, to the extent feasible.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy WQ16	Where suitable, use sedimentation basins to control the effects of erosion and sediment transport.	**Consistent.** The proposed project would include a design-level Stormwater Control Plan (SCP) that complies with existing NPDES regulations, which requires compliance with the applicable requirements of Provision C.3 of the MRP, including the provision of Low Impact Development (LID) design to management post-construction stormwater flows.
Policy WQ17	Minimize and where possible prohibit the creation of impervious surfaces in primary watershed lands. Restrict the creation in secondary watershed lands to areas of low vulnerability.	**Inconsistent.** Although the proposed trail alignment is not located within the primary watershed, it would increase impervious surfaces within the secondary watershed on lands that have been designated as vulnerable for water quality.
Policy WQ18	Minimize vehicle-related contaminants in runoff from road, parking lots, maintenance facilities, and other sources.	**Consistent.** The proposed project would provide a multi-use trail facility and would not accommodate vehicles. The trail would rely primarily on existing staging areas for vehicle access. A new staging area is proposed at Palomares Road, but it would be north of State Route 84 and away from Alameda Creek.
Policy WQ26	Prohibit unauthorized fill or excavation activities on wetlands, riparian zones, etc. Achieve regulatory compliance for maintenance activities within wetland and riparian areas.	**Consistent**. Proposed overcrossings associated with the project would result in impacts to Alameda Creek and its associated riparian habitat. Alameda County would be required to obtain the necessary regulatory permits and implement mitigation to compensate for any loss of riparian habitat. With implementation of appropriate mitigation, the project would be consistent with this policy.
Policy WQ28	Strictly control public access to minimize adverse effects to water quality.	**Inconsistent.** The proposed project would provide a multi-use trail facility that would provide public access through Niles Canyon.
Policy WS3	Require conservation practices, where appropriate, to minimize water use within the watershed.	**Consistent.** The proposed project would provide a multi-use trail facility; it would not result in significant water use.
Policy WS5	Prevent a reduction in the water supply by reducing risks to water quality.	**Consistent.** The proposed project would be required to comply with existing NPDES regulations, including the Construction General Permit, the Municipal Regional Permit and other local regulations to ensure the proposed project would not adversely affect water quality.
Policy WS7	Enhance the water yield of the watershed, where compatible with other natural resource management policies, while prohibiting activities that could adversely affect water quality.	**Consistent.** The proposed project would be required to comply with existing NPDES regulations, including the Construction General Permit, the Municipal Regional Permit and other local regulations to ensure the proposed project would not adversely affect water quality.
Policy V3	Prohibit the planting of exotic plant species.	**Consistent.** The proposed project would not include planting of any non-native plant species.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy V5	Protect, preserve, and enhance significant botanical resources, including populations of rare, threatened, endangered, and sensitive plant species and their habitat.	**Consistent.** Prior to construction, protocol-level surveys would be required to be conducted and, if special-status plant species are identified, a Rare Plant Mitigation Plan would be prepared and implemented.
Policy V7	Preserve the biodiversity and genetic integrity of the watershed plant communities, where possible.	**Consistent.** Prior to construction, protocol-level surveys would be required to be conducted and, if special-status plant species are identified, a Rare Plant Mitigation Plan would be prepared and implemented.
Policy V8	Protect, conserve, and enhance wetlands and riparian communities.	**Consistent.** To the extent feasible, riparian areas would be protected and disturbance to such areas would be minimized. As mitigation for impacted areas, the County would be required to provide replacement plantings/vegetation as specified by the CDFW.
Policy V9	Protect and restore unique, local, and/or indigenous plant species to maintain biodiversity and specialized habitat values.	**Consistent.** To the extent feasible, riparian areas would be protected and disturbance to such areas would be minimized. As mitigation for impacted areas, the County would be required to provide replacement plantings/vegetation as specified by the CDFW.
Policy V15	Require a site-specific analysis prior to proposed facility and infrastructure projects, operations and maintenance activities, and proposed construction projects to determine the presence of sensitive vegetation resources and the potential effects of the activity on the resource. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.	**Consistent.** Site-specific analysis was conducted for the Phase 1 trail alignment as part of preparation of the EIR. Site-specific surveys would be required for subsequent phases of trail development to determine the extent to which additional environmental review is required. In addition, in accordance with the mitigation measures included herein, species-specific surveys would also be conducted in accordance with applicable State and federal regulations prior to project construction.
Policy W1	Protect high Ecological Sensitivity Zones (ESZs), including host plant communities supporting populations of State and Federally listed animals, using sound scientific methods.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less-than-significant level.
Policy W2.	Protect, conserve, and enhance existing native wildlife populations and their habitat.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less-than-significant level.
Policy W3	Preserve the biodiversity and genetic integrity of local wildlife populations, where possible.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less-than-significant level.
Policy W4	Protect, conserve, and enhance ecosystems that provide important wildlife habitat values.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less-than-significant level.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy W5	Protect, preserve, and monitor important habitat features such as mature trees with cavities, downed trees, snags, rock outcrops, cliff ledges, and caves for wildlife use, where they do not conflict with health and safety issues.	**Consistent.** To the extent feasible, the proposed project has been designed to minimize impacts to habitat features; however, trail construction would require tree removal of accommodate the proposed trail alignment. The County would be required to mitigate for tree removal, by planting new trees at mitigation ratios approved by the CDFW.
Policy W6	Maintain the integrity of the watershed creeks to retain their value as riparian ecosystems and wildlife corridors.	**Consistent.** To the extent feasible, riparian areas would be protected and disturbance to such areas would be minimized. As mitigation for impacted areas, the County would be required to provide replacement plantings/vegetation as specified by the CDFW.
Policy W8	Restrict public and control staff access to high ESZs to minimize human disturbance to sensitive wildlife and their habitat.	**Inconsistent.** The proposed project would provide a multi-use trail facility that would provide public access through Niles Canyon.
Policy W9	Require a site-specific analysis prior to proposed facility and infrastructure projects, operations and maintenance activities, and proposed construction projects to determine the presence of sensitive wildlife resources and the potential effects of the activity on the resource. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.	**Consistent.** Site-specific analysis was conducted for the Phase 1 trail alignment as part of preparation of the EIR. Site-specific surveys would be required for subsequent phases of trail development to determine the extent to which additional environmental review is required. In addition, in accordance with the mitigation measures included herein, species-specific surveys would also be conducted in accordance with applicable State and federal regulations prior to project construction.
Policy W10	Protect the integrity of wildlife movement corridors by properly siting infrastructure, facilities, and public access features to maintain landscape connectivity, and minimize fragmentation and degradation of wildlife habitat.	**Consistent.** As required, proposed retaining walls would be minimized to the greatest extent feasible and fences would be designed to allow wildlife to move freely over the trail.
Policy AR1	Conserve, protect, and enhance the biodiversity, genetic integrity, and habitat of the watershed's aquatic resources.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less-than-significant level.
Policy AR2	Protect special status species and adhere to applicable State and Federal management regulations.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation for impacts to plants and animals would reduce those impacts to a less-than-significant level.
Policy AR4	Promote healthy, diverse riparian and wetland vegetation to provide shade and cover necessary for fish spawning, rearing, and feeding areas.	**Consistent.** To the extent feasible, riparian areas would be protected and disturbance to such areas would be minimized. As mitigation for impacted areas, the County would be required to provide replacement plantings/vegetation as specified by the CDFW.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy AR5	Minimize and where possible eliminate the introduction of chemicals (e.g., copper sulphate, chlorine, etc.) into reservoirs and streams to protect aquatic resources.	**Consistent.** The proposed project would not include the routine use of chemicals. Limited use of hazardous materials may be required during trail construction, but such use would be in accordance with applicable local, State and federal regulations.
Policy AR7	Require a site-specific analysis prior to proposed facility and infrastructure projects and proposed construction projects to determine the presence of sensitive aquatic resources and the potential effects of the project on aquatic resources. Analyses will be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines.	**Consistent.** Site-specific analysis was conducted for the Phase 1 trail alignment as part of preparation of the EIR. Site-specific surveys would be required for subsequent phases of trail development to determine the extent to which additional environmental review is required. In addition, in accordance with the mitigation measures included herein, species-specific surveys would also be conducted in accordance with applicable State and federal regulations prior to project construction.
Policy AR10	Prohibit selected classes of activities, or limit land use type, duration, and intensity within the high water quality vulnerability zones, consistent with other management elements in this Plan.	**Inconsistent.** The proposed project would provide a multi-use trail facility that would provide public access through Niles Canyon.
Policy CR1	Preserve where possible historic structures and features and protect them from deterioration, removal, demolition, vandalism, or severe alterations.	**Consistent.** As described herein, the proposed project would not adversely affect historic structures.
Policy CR2	Provide the highest level of priority to the protection and preservation of cultural resources eligible for or listed on the National Register of Historic Places or the California Register of Historic Places.	**Consistent.** As described herein, the proposed project would not adversely affect any known resources eligible for or listed on the National Register of Historic Places or the California Register of Historic Resources. Implementation of mitigation measures included herein would reduce potential impacts to any previously undiscovered resources to less-than-significant levels.
Policy CR3	Provide appropriate and adequate protection for cultural resource sites subject to public access.	**Consistent.** As described herein, the proposed project would not adversely affect any known resources eligible for or listed on the National Register of Historic Places or the California Register of Historic Resources. Implementation of mitigation measures included herein would reduce potential impacts to any previously undiscovered resources to less-than-significant levels.
Policy CR5	Consult and coordinate with appropriate Native American organizations regarding cultural resource preservation and protection, where applicable.	**Consistent.** As described herein, the County consulted with Native American tribes in compliance with Assembly Bill 52. Mitigation measures have been identified, as requested by the tribal representatives, to reduce potential impacts to tribal cultural resources to less-than-significant levels.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy CR9	Require a site-specific analysis prior to, as well as ongoing monitoring of, all facility and infrastructure projects, operations and maintenance activities, and proposed construction projects which involve disturbance to or the movement of soils to determine the presence of sensitive cultural resources and the potential effects of the activity on known and potentially occurring cultural resources. Analyses shall be conducted in accordance with all applicable State and Federal laws, statutes, and guidelines and conducted by a certified and trained archeological specialist.	**Consistent.** Site-specific analysis was conducted for the Phase 1 trail alignment as part of preparation of the EIR. Site-specific analyses would be required for subsequent phases of trail development to determine the extent to which additional environmental review is required.
Policy F3	Require all lessees and permittees to conduct fire hazard reduction activities.	**Consistent.** The proposed project would provide improved access for pedestrian and bicycle movement through the project corridor and trail use would be consistent with County of Alameda regulations. As required by SFPUC, the County of Alameda would conduct fire hazard reduction activities to ensure operation of the proposed trail would not increase fire hazards.
Policy F7	Prohibit unsupervised access to the watershed to reduce the risk of fire.	**Consistent.** The proposed project would provide improved access for pedestrian and bicycle movement through the project corridor and trail use would be consistent with County of Alameda regulations, which prohibit fires along public trails.
Policy F8	Restrict access to the watershed, implement strict fire hazard reduction practices, and initiate the public notification process during periods of extreme fire hazard.	**Consistent.** The proposed project would provide improved access for pedestrian and bicycle movement through the project corridor and trail use would be consistent with County of Alameda regulations, which prohibit fires along public trails.
Policy S1	Require that new or expanded recreation activities address and accommodate public safety issues.	**Consistent.** The proposed trail facility would be operated/managed in accordance with County of Alameda regulations to ensure public safety.
Policy S2	Maintain and enforce a safety and security program for the watershed.	**Consistent.** The proposed trail facility would be operated/managed in accordance with County of Alameda regulations to ensure public safety.
Policy S3	Reduce the likelihood of dangerous condition liability on the watershed, through periodic safety inspections of improvements and facilities used by the public.	**Consistent.** The proposed trail facility would be managed in accordance with County of Alameda regulations and would include periodic inspection and maintenance of trail facilities.
Policy S4	Minimize damage from future seismic hazards by avoiding construction of facilities in active fault zones and traces, where feasible	**Consistent.** The proposed project would not be located in an active fault zone or trace. Further, the proposed project would be designed and constructed in accordance with site-specific geotechnical analyses.
Policy S5	Minimize damage from potential mass movement hazards by avoiding construction or other disturbances in known dormant landslides and on slopes greater than 30 percent, without proper engineering.	**Consistent.** As described herein, the proposed project would be designed and constructed in accordance with site-specific geotechnical analyses.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy S6	Conduct (for SFPUC-owned) and require (for easements) inspection of facilities and utilities near active landslide areas and fault traces following earthquakes and slope failures to assess their stability and integrity, and complete repairs or further monitoring as needed to prevent geohazards.	**Consistent.** The proposed trail facility would be operated/managed in accordance with County of Alameda regulations to ensure public safety.
Policy S7	Require adequate seismic and static geohazards engineering studies for proposed facilities, infrastructure, and utilities easements within the watershed.	**Consistent.** The proposed project would be designed and constructed in accordance with site-specific geotechnical analyses.
Policy S12	Require that the types and appropriate levels of insurance coverage held by lessees and permittees be commensurate with the amount of risk and potential liability with which the SFPUC is faced.	**Consistent**. The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure that the proposed project is in compliance with SFPUC policies for lessees and permittees.
Policy WA2	Prohibit the construction of new trails and unsupervised access to existing roads and trails not addressed in this Plan.	**Inconsistent.** The proposed project would develop a new trail in Niles Canyon.
Policy WA13	Proposed recreation activities shall be compatible with their landscape setting, shall not adversely affect watershed resources, and shall comply with the goals and policies in this Plan.	**Consistent.** The proposed project has been designed to minimize environmental impacts and to complement and enhance the landscape setting of Niles Canyon. The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure that the proposed project is in compliance with the Watershed Plan.
Policy WA15	Limit open public access to recreational trails on the periphery of the watershed to minimize disturbance to sensitive wildlife and vegetation communities, reduce chance of fire ignition, minimize spread of weeds, and cause the least disruption to wildlife movement resulting from trailside fencing.	**Consistent.** The proposed trail would be located along State Route 84 through Niles Canyon in the northernmost portion of the watershed. As described herein, trail fencing would be designed to minimize disruption to wildlife movement.
Policy WA15.2	The addition of new trails in zones of lesser vulnerability and risk will be considered where consistent with the goals and policies of this plan.	**Consistent.** Much of the proposed trail alignment is located in an area of moderate vulnerability. The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure that the proposed project is in compliance with the Watershed Plan.
Policy WA15.4	Support new trail connections that link to adjacent communities and to the trail facilities of other agencies, where the new trail connection is in a zone of lesser vulnerability and risk.	**Consistent.** The proposed trail would provide a new multi-use trail connection between the City of Fremont and the community of Sunol.
Policy WA16	Inform all individuals allowed entry into the watershed, either by permit or open access, of the watershed's primary purpose and the rules and regulations governing watershed activities.	**Consistent.** The proposed trail would include interpretive and wayfinding signage, which can include information related to watershed activities.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
Policy WA19	To ensure that all future land management decisions and uses remain consistent with the goals and policies set forth in this Plan, all proposed plans and projects on the watershed shall be reviewed according to the process illustrated in Figure 4-1, Review Process for Proposed Plans and Projects. All proposed plans and projects on the watershed shall be analyzed for compliance with the goals and polices set forth in the Watershed Management Plan and must undergo this review process prior to being approved or denied. The SFPUC is responsible for making final determination as to whether a particular plan or project is compatible with the goals and policies of the watershed management plan and should proceed through the environmental review process. LRMS staff are responsible for making recommendations to aid the SFPUC decision-making process.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure that the proposed project is in compliance with the Watershed Plan.
Policy WA20	Should the SFPUC determine that the proposed plan/project would not comply with the watershed goals and policies then LRMS staff shall make appropriate comments so that the applicant may bring the proposed plan/project into compliance with the Watershed Management Plan.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to ensure the project is in compliance with the Watershed Management Plan.
Policy WA21	All costs associated with reviewing, analyzing, and making decisions related to future plans and projects proposed on the watershed shall be borne by the plan/project applicant.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to address the costs associated with increase public access.
Policy WA22	Proposals for new facilities, structures, roads, trails, projects and leases, or improvements to existing facilities shall be: λ Limited to essential public services and not attractions unto themselves, but incidental to the primary purposes of the watershed (water quality protection and water supply), or to its enjoyment and conservation in its natural condition, or to the education/interpretation of watershed values. λ Limited to zones of low vulnerability and risk. λ Designed, sited, constructed, and maintained to blend with the natural landscape and conform with the goals and policies set forth in this Plan. λ Reviewed by appropriate SFPUC personnel to ensure compliance with all applicable Federal, State, and local laws, as well as SFPUC rules and regulations. λ Non-water related projects shall be approved only if potential impacts on the quality and	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation identified herein would reduce environmental impacts to a less-than-significant level.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
	quantity of the water supply and natural environment would be insignificant or mitigate to a level of insignificance. Water related projects may be subject to a finding of overriding considerations on a case-by-case basis. λ Monitored by appropriate SFPUC personnel to evaluate the potential occurrence of impacts and to prescribe specific mitigation prescriptions to protect watershed values. λ Design and site overpasses, safety, and directional signs and other road and highway structures to be unobtrusive to the surrounding landscape. λ Design and site new facilities, structures, roads, and trails to minimize, wherever possible, grading and the visibility of cut banks and fill slopes.	
Policy WA23	Require that all development, except for water-dependent structures, be excluded from the high water quality vulnerability zone and be set back from the ordinary high water mark of reservoirs and from the centerline of all watershed tributaries.	**Consistent.** The majority of the proposed trail alignment would be located outside of the high water quality vulnerability zone; however, the proposed project would include overcrossing(s) over Alameda Creek that would require placement of piers within the creek. Mitigation identified herein would be implemented to reduce impacts to Alameda Creek to a less than significant level.
Policy WA24	Require that all proposed development involving any grading of land include the submittal of a grading plan to SFPUC to retain the existing topography where feasible, minimize grading, minimize the impacts on scenic, ecological, and cultural resources, and minimize off-site soil loss from erosion.	**Consistent.** The proposed project has been designed to minimize environmental impacts, to the extent feasible. Mitigation identified herein would reduce environmental impacts to a less-than-significant level.
Policy WA26	All maintenance, operation, and construction activities shall incorporate Best Management Practices (BMPs), as applicable.	**Consistent.** As described herein, BMPs have been incorporated into the project design and would be implemented, in accordance with regulatory requirements.
Policy WA27	Enforce strict design and siting standards for all signage on the watershed.	**Consistent.** The proposed trail would include interpretive and wayfinding signage. The County of Alameda will continue to coordinate with SFPUC on the siting and design of trail signage.
Policy WA28	All proposed plans and projects shall be subject to review under CEQA and/or NEPA, where applicable. SFPUC staff are responsible for overseeing the CEQA compliance process.	**Consistent.** This EIR has been prepared in compliance with CEQA.
Policy WA31	Provide universal access in the design of all new and modified facilities, structures, trails, and programs to the maximum extent practicable. At a minimum, all applicable trails, facilities and programs shall meet legally mandated accessibility standards (per the Americans with Disabilities Act of 1990 [ADA], and the 1991 ADA	**Consistent.** The proposed trail would meet ADA standards.

Goal/Policy/ Objective/Number	Policy Summary	Project's Relationship to Policy
	Accessibility Guidelines; Section 504 of the Rehabilitation Act of 1973, as amended in 1978; and Title 24 of the California Building Code).	
Policy AF7	Funding for the administration and management of watershed activities (i.e., leases, permits, and public use) that are not related to water quality, water supply, and responsible watershed management and protection shall be borne by the parties benefiting from the uses specific to those activities.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to address the costs associated with increase public access.
Policy AF11	Require that the costs of the permit process be borne by the applicant either directly through recreation permit fees or indirectly through increased lease fees.	**Consistent.** The County of Alameda will continue to coordinate with SFPUC throughout the design and implementation of the proposed trail to address the costs associated with increase public access.
Policy AF12	Require that direct and indirect benefits associated with watershed leases, permits, and public access activities meet or exceed direct and indirect costs.	**Consistent.** The proposed project would provide a multi-use trail to connect Sunol and Fremont. Costs associated with the new trail would be borne by the County of Alameda and other agency partners.
Policy PA3	Foster individual public awareness programs for: (a) visitors to the watershed; (b) lessees, landowners, and others within the hydrologic region that may have direct impacts upon the watershed; (c) outreach education efforts (e.g., schools, conferences, seminars); and (d) the general public.	**Consistent**. The proposed trail project would include interpretive signage highlighting the resources of the project area.

Table 2.B on pages 2-12 through 2-14 of the Draft EIR is revised to reflect the above revisions to Mitigation Measures BIO-1 through BIO-4, as follows:

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.3: BIOLOGICAL RESOURCES			
BIO-1: Implementation of the proposed project could result in the permanent disturbance of special-status plant species, if present on or near the project area.	S	**BIO-1a:** Prior to the initiation of construction of each trail segment within undeveloped areas, protocol-level surveys shall be conducted by a qualified biologist for the presence of special-status plants. The surveys shall be conducted in accordance with the California Department of Fish and Wildlife *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.* If special-status species are found during the surveys, impacts to such plant species shall be avoided or minimized with implementation of Mitigation Measures BIO-1b.	LTS
		BIO-1b: If annual special-status plants are found along the trail alignment and if avoidance of special-status populations is not possible, then a Rare Plant Mitigation Plan shall be designed and implemented. CDFW approval of the Rare Plant Mitigation Plan is required before implementation of an activity that could directly or indirectly impact a federally or State listed or CNPS Rare Plant Rank 1A, 1B, 2A, or 2B species, and under no circumstances shall State or federally listed plants be impacted without additional consultation with appropriate regulatory agencies. At a minimum, the plan shall include the following elements: • For annual species, seed shall be collected from plants that will be impacted, seed stored in an appropriate seed banking facility, and a portion of the seeds shall be redistributed in the project vicinity, as directed by the qualified botanist. Individual plants may also be transplanted. For perennial species, seed collection and seed banking may be augmented by transplanting entire plants or cuttings, as directed by the qualified botanist. <u>If seed collection is required, the seeds shall be collected when they are ripe and dry, which could vary depending on the species.</u> • Suitable sites shall be identified in Niles Canyon (or other nearby suitable location) and prepared for redistribution of seeds (or transplants) at mitigation ratios that are appropriate for the species lifeform (e.g., annual or perennial) and success based on performance standards calibrated by established reference populations. The plan shall outline the site preparation activities. • Monitoring surveys of the seeded or transplanted areas shall be conducted for a minimum of 3 years. The project proponent shall prepare monitoring reports that document the monitoring results and the success of the rare plant mitigation program. • Mitigation shall be deemed successful when the mitigation population provides the same ecological functions as the impacted population, after considering natural fluctuations in population size, health, etc. This shall include each of the relocated species establishes at least one stable population of approximately the same size of the impacted population, defined as species presence and population size over a 3-year period, considering fluctuations in local reference populations. If this goal is not achieved in 4 years, then contingency measures shall be implemented. Such measures shall include evaluating the environmental or other characteristics affecting plant survival and implementing corrective measures, which may include additional seeding and planting; altering or implementing a weed control regime; or introducing or altering	

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		other management activities. Efforts shall continue until the mitigation site meets the success criteria for two consecutive years	
BIO-2: Construction of the proposed project could directly and indirectly result in potentially significant impacts to common and special-status wildlife species.	S	**BIO-2a:** Prior to the initiation of construction activities (including staging of equipment and clearing of vegetation) all personnel associated with project construction shall attend an Environmental Awareness Training. The training shall be prepared and conducted by a qualified biologist to aid workers in recognizing special-status species and other biological resources that occur or may occur in the project area. The specifics of this program shall include identification of the special-status species and habitats, a description of the regulatory status, and review of the measures required to reduce impacts to biological resources on the project area. Each worker shall be given a handout with key points. At the end of the training, all workers shall sign to document their participation in the program and understanding of the measures.	LTS
		BIO-2b: During project construction, the contractor shall implement the following best management practices (BMPs): • During construction of the trail, no pets or firearms shall be allowed at the project area, except for authorized law enforcement personnel. • All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from any wetlands or waterbodies. Secondary containment shall be used during refueling. • All vehicles and equipment shall be maintained in good working condition and free of leaks. • During construction, all necessary BMPs shall be implemented to ensure that no soil or other materials are discharged into Alameda Creek. BMPs shall include the use of wattles and silt fences along access roads and around staging and equipment storage areas. Construction mats, gravel, or other methods to reduce erosion shall be incorporated into the design of any temporary roads in the streambed work area and on hillslopes. • To prevent the entanglement of wildlife, no erosion control devices containing plastic monofilament netting shall be used or stored in the project area. • Construction personnel shall not feed or otherwise attract wildlife in the project area. All food-related trash and garbage shall be placed in animal-proof containers which shall be emptied or removed from the construction area on a regular basis. • Construction activities shall be restricted to the daytime hours, from 30 minutes after sunrise to 30 minutes before sunset. • To reduce the potential for vehicle strikes, all construction related traffic shall not exceed 5 miles per hour on unpaved roads. • All small mammal burrows shall be avoided to the maximum extent possible. If a burrow must be impacted, a qualified biologist shall use hand tools to excavate the burrow to inspect it for special-status species. If any special-status species are seen, work shall stop in the immediate area and the animal shall not be further disturbed.	

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		• In the unlikely event a special-status species is inadvertently killed or injured or if a special-status species is observed to be injured, dead, or entrapped, the construction crew shall stop work and notify the USFWS and CDFW. • Upon completion of trail construction, temporarily impacted areas shall be restored to pre-project grades and contours and stabilized to prevent erosion. A seed mix of native grass and forb species shall be applied to all the grassland areas the project disturbed. The seed shall be from sources that are regionally appropriate for the project area	
BIO-3: Construction of the proposed project could directly or indirectly result in potentially significant impacts to steelhead, Pacific lamprey, and other aquatic wildlife from construction associated with the pedestrian bridge crossings over the Alameda Creek channel	S	**BIO-3a:** A qualified biologist shall be present at the work site until all ground-disturbing activities associated with work in the creekbed has been completed and the Environmental Awareness Training program (BIO-2a) been completed by all workers. After this time, the contractor shall designate a qualified monitor that will ensure on-site compliance with all avoidance and minimization efforts when the qualified biologist is not on site. The qualified biologist shall ensure that the qualified monitor is familiar with the avoidance and minimization efforts and is able to identify all the special-status species that may occur in the project area. The qualified monitor and the qualified biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the USFWS, NMFS, and the CDFW. If work is stopped, the resident engineer for the proposed project shall be notified immediately by the qualified biologist or the qualified on-site monitor; the engineer shall notify the County. If a federally listed species is found in the work area during construction and a Biological Opinion does not include the species, the qualified biologist/monitor must stop work and immediately notify the County and they shall then consult with NMFS and shall then advise the contractor on how to proceed. The County shall contact the CDFW.	LTS
		BIO-3b: Work within Alameda Creek shall be restricted to the low-flow season between June 15 and October 31. This work window coincides with the period when steelhead adults and juveniles are least likely to be in this portion of the river, thereby minimizing potential impacts to steelhead.	
		BIO-3c: During construction, heavy equipment shall be restricted to the demarcated work area in the creekbed. The work area within the creekbed shall be delineated by Environmentally Sensitive Area (ESA) fencing, which shall be placed between the work area adjacent to jurisdictional areas to keep construction equipment and personnel out of these areas and prevent inadvertent impacts to the streambed outside the designated work area. A qualified biologist shall assist construction personnel in fence placement.	

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		BIO-3d: No fill material, including asphalt or concrete, shall be allowed to enter the creek, except for clean river rock. Any concrete structures (e.g., pier footings) below the tops of banks shall be poured in tightly sealed forms and shall not be allowed contact with surface waters until the cement has fully cured. Poured concrete shall be excluded from the wetted channel for a period of 30 days after it is poured. During that time, the poured concrete shall be kept moist and runoff from the concrete shall not be allowed to enter the river. Commercial sealants may be applied to the poured concrete surface in locations where the exclusion of water flow for a long period is difficult. If a sealant is used, water shall be excluded from the site until the sealant is dry and fully cured according to the manufacturers' specifications.	
		BIO-3e: The pH of water downstream of the in-channel work area shall be monitored by a qualified biologist before and after pouring of concrete until it cures. Water that contacts wet concrete and has a pH greater than 9.0 shall be pumped out of the work area and disposed of outside the river channel. No substances toxic to aquatic life shall be discharged into Alameda Creek (e.g., diesel fuel, oil, hydraulic fluid, runoff from curing concrete). Best management practices shall be used to keep toxic substances and fill materials out of aquatic habitats.	
		BIO-3f: Based on the June 15 and October 31 work window, the creek channel at the bent work site may not need to be dewatered due to low flows; however, a water diversion system should be in place in the event of water releases from upstream dams or unseasonal storm events. Water diversions shall allow unrestricted passage of adult and juvenile steelhead, Pacific lamprey, and other aquatic wildlife through the work area. Any temporary dam or other artificial diversion shall be constructed shall only from materials such as sheet pile, sandbags or clean gravel, which shall cause little or no siltation. No other diversion method shall be used without authorization of NMFS and CDFW. If another diversion method is preferred, the County must submit a plan detailing the desired diversion method. Authorization of any other diversion method shall be at the discretion of NMFS and CDFW. During dewatering of cofferdam areas, pump intakes shall be screened with no larger than 0.2-inch (5-millimeter) wire mesh to prevent steelhead and other aquatic wildlife from entering the pump system. Pumped water shall be released into a portable storage tank to allow suspended sediment to settle prior to being released back into the river or by using some other method approved by NMFS and CDFW that shall prevent sediment from entering the creek. The qualified biologist shall be on site to assist in the implementation of the dewatering and river diversions, to monitor the placement and removal of dewatering and diversion devices, and to capture and relocate any stranded steelhead, lampreys, or other aquatic wildlife.	
		BIO-3g: Dewatering may require the relocation of steelhead, lampreys, or other aquatic wildlife. If dewatering is required, a qualified biologist shall coordinate with the NMFS (for steelhead) and CDFW and the County, to identify a suitable upstream or downstream location within Alameda Creek where aquatic wildlife captured within the dewatered area would be relocated. Once the	

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		dewatering and diversion structures have been installed, the qualified biologist shall make periodic inspections of the site (weekly). A final inspection of the site shall also be made by the qualified biologist after completion of the work in the creekbed. Nonnative aquatic species such as American bullfrog (*Rana catesbeiana*), crayfish, and centrarchid fish found during the proposed action shall be removed and humanely dispatched by the qualified biologist, who shall be responsible for ensuring their activities comply with the California Fish and Game Code. After completion of the project, the qualified biologist shall prepare a report providing the results of the removal/relocation effort for submittal to the NMFS and CDFW. The report shall also include information on nonnative species that were removed from the project area.	
BIO-4: Construction of the proposed project could directly and indirectly result in potentially significant impacts to Alameda whipsnake, if this species is present in the project area during construction.	S	**BIO-4a:** Information on the Alameda striped racer shall be included in the environmental education program, as detailed in Mitigation Measure BIO-2a. **BIO-4b:** A qualified biologist shall survey for Alameda striped racer during all initial ground-disturbing activities on the site. If an Alameda striped racer is found, work shall stop in the immediate area until the snake has left the area of its own volition. Alternately, it shall be captured and relocated away from the construction area by a USFWS and CDFW approved biologist in accordance with an approved relocation plan in compliance with all applicable regulations and guidelines. The biologist shall submit the results of the survey (and capture/relocation plan if applicable) to CDFW and USFWS for review and approval. If needed, Alameda County shall obtain the appropriate permits from USFWS and CDFW or shall obtain concurrence from these agencies that no permits are required prior to initiation of construction activities. If permits are obtained, Alameda County shall implement all additional conditions stipulated in the permits. **BIO-4c**: Prior to commencement of ground-disturbing activities associated with project construction, habitat types that could support Alameda whipsnake (e.g., annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian, and areas with rock outcroppings) shall be mapped and the extent of habitat loss associated with these habitat types shall be identified. Compensatory mitigation, in the form of conserved lands, shall be provided at a ratio of 10:1 (mitigation to impact) for the proposed trail, at a ratio of 3:1 for other permanent impacts and a 1:1 ratio for temporary impacts. Conserved lands shall be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager.	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
BIO-5: Construction and operation of proposed creek crossings, including New Bridge 1 (Palomares Overcrossing) and New Bridge 2 could result in a potentially significant impact to western pond turtle.	S	**BIO-5a:** Information on the western pond turtles shall be included in the Environmental Awareness Training program as detailed in Mitigation Measure BIO-2a. **BIO-5b:** Before any ground-disturbing activities start in the creekbed, a qualified biologist shall conduct a survey for western pond turtles within a 100-foot buffer up and down stream of the work area. If western pond turtles are found within the 100-foot buffer, they shall be monitored by the qualified biologist. If a turtle enters the work area and is in danger of being impacted by project activity, all work shall stop until the turtle can be relocated per mitigation measure BIO-3h. After completion of the project, the qualified biologist shall prepare a report providing the results of the monitoring effort including any turtle observations within the 100-foot buffer and the details of any removal/relocation activities for submittal to the CDFW. The report will also include information on nonnative species that were removed from the project area.	LTS
BIO-6: Construction of the proposed project, including bridges and retaining walls could result in significant impacts to nesting golden eagles and or bald eagles	S	**BIO-6:** Within 15 days prior to the initiation of ground-disturbing activities during the nesting season (February 1 to August 31), a qualified biologist shall coordinate with East Bay Regional Parks and/or United States Geological Survey biologists monitoring eagles in the Niles Canyon area to determine if any active nests are present within 1,000 feet of the project area. If nesting eagles are present, a buffer free from new construction disturbance shall be established within a 1,000-foot radius of the nest. No new project-related construction activities (i.e., activities that were not already ongoing when the nest was established, or that are of a substantially greater intensity than when the nest was established) shall be undertaken within the buffer. In some cases (e.g., if the activity is not visible from the nest site), it is possible that a lesser buffer would be adequate to avoid disturbance of the nesting eagles, but such a variance would be set by a qualified biologist in consultation with the CDFW. In such a case, the biologist shall monitor the behavior of the nesting birds during the first full day of construction activity immediately surrounding the buffer. The biologist shall look for signs of stress such as repeated alarm calls, agitated behavior, or departure of the birds from the nest. If the birds do not show signs of habituation to the new disturbance by resuming their normal nesting activities, work within the vicinity of the nest shall stop and the CDFW shall be consulted to refine the buffer determination. If the birds continue their normal activities, the biologist shall inspect the nest site every 1 to 2 days (the frequency determined in consultation with the CDFW) for as long as the nest is active, and work is ongoing within the reduced buffer to confirm that the birds are tolerant of the construction activities. Any required buffer shall remain in place until young are no longer dependent on the nest, or until the nesting attempt fails (for reasons other than project activities) and it is determined that the birds will not attempt to renest. A qualified biologist shall determine through direct observation when the nest is no longer in use. Before construction activities take place within the buffer area, the biologist must confirm that the nest is no longer active.	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
BIO-7: Construction of the proposed project could result in a potentially significant impact to nesting special-status or otherwise protected bird species.	S	**BIO-7:** Prior to construction activities taking place during the nesting bird season (February 1 through August 31), preconstruction activity surveys for nesting birds shall be conducted by a qualified biologist to ensure disturbance of active nests will be avoided or minimized during project implementation. Surveys shall be conducted no more than 7 days prior to the initiation of construction activities. During this survey, the biologist shall inspect all trees and other potential nesting habitats (e.g., shrubs, ground, and structures) in the project area plus a surrounding 50-foot buffer for nests. If removal of potential nesting substrate or project grading will take place during more than one nesting season or in different parts of the project area over the course of a single season, then additional pre-activity surveys must be performed within 7 days prior to initiation of work in any specific area. If the preconstruction activity survey does not identify the presence of any active nests on or within 50 feet of the project area, construction activities may proceed. If nests are known to have eggs or young, or if they cannot be confirmed to be inactive or to lack eggs or young, are found, or adults are demonstrating nesting behavior, a qualified biologist shall establish an appropriate construction-free buffer around each nest. Nest buffers can vary depending the context of the nest location and the bird species therefore, a qualified biologist shall determine a suitable nesting buffer based on these factors. The buffer shall remain in place until the qualified biologist has confirmed that the nest is no longer active. If a less than a 50-foot-wide nest buffer is determined to be appropriate for a particular nest or nests, a qualified biologist shall monitor the nest(s) before construction to document baseline nesting behavior and monitor the nest during construction to ensure nesting birds are not exhibiting signs of stress and territorial behavior. If signs of stress are observed during the monitoring, construction activities shall cease or the buffer will be increased, as determined by a qualified biologist, to a sufficient distance where the nesting birds are longer exhibiting signs of stress. To prevent encroachment, the buffer shall be clearly marked for avoidance. The established buffer shall remain in effect until the young have fledged or the nest is no longer active as confirmed by the qualified biologist.	LTS
BIO-8: Proposed construction of the trail could result in a potentially significant impact to San Francisco dusky-footed woodrat.	S	**BIO-8a:** Information on the San Francisco dusky-footed woodrat shall be included in the environmental education program, as detailed in Mitigation Measure BIO-2a.	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		BIO-8b: A qualified biologist shall conduct a preconstruction survey for San Francisco dusky-footed woodrat houses in suitable habitat for this species within 14 days prior to any tree removal or ground-disturbing activities. ~~Any woodrat houses shall be identified, and their locations mapped and flagged to be avoided during construction activities. If a woodrat house is within a 25-foot buffer of the project area, to prevent encroachment, the buffer shall be clearly marked for avoidance. The established buffer shall remain in effect until work has been completed along the section of trail near the nest. If it is not possible to avoid a woodrat house, a qualified biologist shall develop a relocation plan. The relocation plan shall be submitted to CDFW for approval and then implemented as necessary. Copies of the relocation plan shall be provided to the County~~. If a dusky-footed woodrat nest is found in the project area, a qualified biologist shall monitor and direct all activities associated with the removal of dusky-footed woodrat nests (structures). • Only as necessary and to the minimum extent feasible, project site vegetation shall be removed to provide access to the dusky-footed woodrat nest(s). • Vegetation shall be removed to access dusky-footed wood rat structures using hand tools. Small amounts of vegetation may be removed as needed by a qualified biologist. If significant amounts of vegetation must be removed to access a house, such as dense poison oak or scrub, contractors with hand tools shall remove vegetation with a qualified biologist monitoring the activity. Gas-powered tools shall be used as little as feasible to reduce disturbance to occupied dusky-footed woodrat structures. • Over a two-week period and prior to any construction activities, dusky-footed woodrat structures or nest(s) shall slowly and progressively be dismantled to allow individuals of an occupied nest(s) to allow for gradual movement away from the exposed section of the nest. • The dismantling of the nest shall occur during daylight hours and mostly in the early morning (between 7:00 a.m. and 10:00 a.m.) to reduce the likelihood of a predation event and minimize sunlight exposure. • To enhance adjacent habitat, a portion of the woody vegetation that was removed from the project site shall be placed in adjacent habitat to provide cover for dispersing dusky-footed woodrats. • Dusky-footed woodrat nest material and other woody vegetation shall be relocated at least 200 feet from the project site to ensure that the area is not re-colonized and potentially impacted by construction activities. • Where feasible, nest materials, food caches and woody debris shall be salvaged from the dismantled woodrat nest(s) and used to create cover and provide supplemental shelter for dispersing individual(s). Food from the dismantled nest shall be placed under the created cover. • If a dusky-footed woodrat young are located, the removal of vegetation and/or dismantling of nest shall immediately be suspended for a period of two to four weeks in order for the young's	

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		eyesight to develop and become mobile. Removed vegetation shall be placed back on to the nest to re-cover the exposed litter and young. After a 2- to 4-week period, based on the development of the young, and in agreement with CDFW, the above phased removal procedure of the dusky-footed woodrat nest may resume. • Within 24 hours of vegetation removal and completion of the nest dismantling, an additional visual survey of the work area shall be conducted to ensure that no new dusky-footed woodrat nests have been constructed.	
BIO-9: Construction of the proposed project could result in a potentially significant impact to tree roosting bats.	S	**BIO-9a:** Information on the bats shall be included in the environmental education program, as detailed in Mitigation Measure BIO-2a.	LTS
		BIO-9b: Large, old trees with deep cavities that could provide bat night- or maternity roosting habitat shall be avoided to the greatest extent possible. If impacts to such trees are unavoidable and tree removal is scheduled during the pallid bat maternity season (April to August), large old trees scheduled to be removed shall be surveyed for the potential presence of maternity roosts within 2 weeks of the scheduled removal. Trees with suitable cavities for potential maternity colonies will be closely examined for the presence of bats and a qualified biologist shall conduct a dusk/evening emergence survey to determine if a given cavity is occupied. If it is determined that a given cavity supports bats, a minimum 25-foot buffer marked with orange construction fencing shall be established around the tree. The tree will not be removed until after August 31, when most bats would have likely dispersed away from their maternity colonies. The 25-foot buffer is suggested as a minimum. If bat roosts are found in trees within or near the clearing limits, an appropriate buffer will be established and left undisturbed. Buffer widths will be determined by a qualified biologist on a site-specific basis.	
		BIO-9c: To ensure foliage roosting bats are protected to the greatest extent feasible, trees or large limbs to be removed shall be allowed to stay in place where they fall for 24 hours (i.e., overnight) after being cut to allow any foliage roosting bats to leave the fallen trees or limbs before they are chipped or hauled out of the project area.	
BIO-10: Construction of the proposed project could result in a potentially significant impact to Crotch's bumble bee.	S	**BIO-10a:** Prior to construction, a qualified entomologist that is knowledgeable with the life history and ecological requirements of Crotch's bumble bee, shall conduct a habitat assessment. The habitat assessment shall include all suitable nesting, overwintering ,and foraging habitats within the project area and surrounding areas. Potential nest habitat (February through October) could include that of other Bombus species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other Bombus species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak blooming period for floral resources on which Crotch's bumblebee feed.	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		BIO-10b: If Crotch's bumble bee habitat is present within the project area, a pre-construction survey plan shall be prepared and submitted to CDFW for review. Surveys shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bees will be captured or handled, surveyors shall obtain a 2081(a) Memorandum of Understanding from CDFW. Surveys shall be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nest sites each year; therefore, surveys shall be conducted each year that construction activities associated with proposed project would take place. **BIO-10c:**If Crotch's bumble bee are detected during preconstruction surveys, a Crotch's bumble bee avoidance plan shall be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal. If full take avoidance is not feasible, the County shall apply to CDFW for take authorization under an Incidental Take Permit.	
BIO-1~~0~~1: Construction of the proposed overcrossings would result in permanent and temporary impacts to riparian habitat associated with Alameda Creek.	S	**BIO-1~~0~~1:** Prior to any vegetation removal or other work within the riparian corridor along Alameda Creek, the County shall apply for a Lake or Streambed Alteration Agreement (LSAA) from CDFW. The LSAA shall include measures to protect aquatic and wildlife resources during construction. All conditions of the LSAA would be implemented. However, as the LSAA has not yet been issued, at a minimum, the following measures shall be implemented: • Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the trail improvement work. • Protective fencing shall be placed along the drip line of riparian trees to prevent compaction of the root zone and to avoid damage to riparian vegetation by people or equipment. • Branches and/or limbs overhanging the work areas that may be impacted shall be properly pruned prior to mobilization of equipment under the supervision of a certified arborist. • Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs, and grasses. Permanently impacted areas within the riparian zone or other sensitive natural community, such as from channel crossings, shall be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration shall take place on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the project site as feasible and within the same watershed, unless otherwise approved in writing by the CDFW. Restoration shall take place in the same year of the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW: Oak (Quercus sp.) trees: o 4:1 replacement for trees up to 7 inches diameter at breast height (DBH) o 5:1 replacement for trees greater than 7 inches DBH and up to 15 inches DBH	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		o 10: 1 replacement for trees greater than 15 inches DBH which are considered old growth oaks. Non-oak trees: o 1: 1 replacement for non-native trees. • ~~Riparian herbaceous vegetation permanently impacted by the proposed project shall be mitigated by planting riparian trees and/or shrubs along Alameda Creek and/or the tributary at a minimum 1:1 ratio (square footage of trees/shrubs planted: square footage of herbaceous vegetation removed and additional square footage of shading of Alameda Creek and the tributary). All replacement trees and shrubs shall be from nursery stock grown from seeds or cuttings collected in the same genetic provenance as the project site. A Riparian Revegetation Plan shall be prepared with specific success criteria and contingency measures to be implemented if success criteria are not met. The plantings shall be monitored and maintained for five years or until the success criteria are met.~~ • ~~Temporarily disturbed areas along the banks of Alameda Creek shall be seeded with a riparian native seed mix. A Riparian Revegetation Plan shall be prepared with a specific seed mix and success criteria for the seeded areas and include contingency measures to be implemented if success criteria are not met. Seeded areas shall be monitored for 5 years or until the success criteria are met.~~	
BIO-1~~1~~2: Construction of the proposed overcrossings would result in permanent and temporary impacts to Alameda Creek, a federally protected wetland. Construction of Phases 2 and 3 could also result in impacts to federally protected wetland areas that have not yet been delineated.	S	**BIO-1~~1~~2a** The County shall apply for and obtain permits from the United States Army Corps of Engineers (USACE, Clean Water Act [CWA] Section 404 permit), Regional Water Quality Control Board (RWQCB, CWA Section 401 water quality certification), and CDFW (Fish and Game Code Section 1602 Streambed Alteration Agreement) prior to construction. Indirect impacts to the water quality of Alameda Creek due to excess sedimentation shall be avoided through the preparation and implementation of a Stormwater Pollution Prevention Plan in accordance with National Pollution Discharge Elimination System and RWQCB requirements. The County shall also implement best management practices as recommended or required by the RWQCB to protect water quality. Additional measures shall include: • Any impacts to the creek or tributary, or seasonal wetlands, if present along the alignment, shall be mitigated by providing enhancements to the creek/tributary at a minimum 1:1 ratio. Enhancements shall encompass the same amount of square footage or linear feet of waters of the United States or waters of the State that are impacted by the project. If in-kind mitigation is not possible, mitigation can be completed out-of-kind at a minimum 1.5:1 ratio. These enhancements shall include planting of native riparian plants and/or removal of nonnative invasive plants. A Wetland Mitigation and Monitoring Plan shall be prepared and implemented for the enhancements. This plan shall be subject to approval by the USACE, the RWQCB, and/or the CDFW prior to any disturbance of the creek/tributary. Additionally, all required permits and certifications shall be obtained from the USACE, the RWQCB, and/or the CDFW prior to any	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation

		disturbance of the creekbed and all permit conditions shall be implemented.
		• Temporary silt fencing shall be placed at the top of creek/tributary banks and along the perimeter of the seasonal wetlands, as feasible, to prevent entry of fill during construction.
		• Temporary environmentally sensitive area fencing shall be installed where needed to prevent construction equipment and workers from entering the creek/tributary or wetlands.
		• All work in and around the creek shall take place during the dry season (June 15 and October 31) during seasonal low flows.
		• Upon completion of construction, construction work areas within and adjacent to waters of the United States/waters of the State shall be restored and stabilized to prevent erosion. A seed mix of native and naturalized grass and forb species shall be applied to all the upland areas temporarily disturbed by the project. The seed shall be from sources that are regionally appropriate for the site.
		• All creek channel portions and uplands adjacent to, but outside of, the construction footprint shall be avoided during construction, and no fill shall be allowed to enter these areas. Exclusion fencing (e.g., silt fence) shall be installed to mark the limits of the construction footprint. The biological monitor shall oversee the installation of the fencing and periodically monitor the work area to ensure avoidance of the stream channels.
		• During project construction, no soil or other construction materials shall be stored in or allowed to enter the stream channels or seasonal wetlands. All stockpiled fill and other materials shall be kept at least 50 feet from the channel edges and seasonal wetlands.
		• Construction activities shall be limited to periods of low rainfall/low creek flows. The project biologist shall consult the 72-hour weather forecasts from the National Weather Service (NWS) prior to the startup of any ground disturbing activities near streams or wetlands. The County shall also keep the project biologist and engineers informed about any water releases from upstream reservoirs on Alameda Creek or its tributaries that could increase creek flows at the work site. Construction activities shall cease 24 hours prior to a 40 percent or greater forecast of rain from the NWS or scheduled releases from upstream reservoirs. Construction may continue 24 hours after the rain ceases if there is no precipitation in the 24-hour forecast. Contractor specifications shall include the following worker restrictions and guidelines, at a minimum:
		  o Construction personnel and vehicles shall stay within designated work areas. Entry into adjacent lands or established exclusion zones shall be strictly prohibited.
		  o All work areas shall be maintained in clean condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, cigarette butts, and other discarded items) shall be placed in closed containers and properly disposed off-site.
		  o No pets or firearms shall be allowed on site.
		  o All vehicles and equipment shall be refueled and/or lubricated in a designated area at least 100 feet from aquatic habitats.	

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		BIO-1~~1~~2b: Prior to construction of Phases 2 and 3, the County shall contract with a qualified biologist to conduct a jurisdictional delineation following the methods outlined in the USACE Interim Regional Supplement to the USACE/Wetland Delineation Manual: Arid West Region and the 1987 Wetland Delineation Manual to delineate the jurisdictional limits of non-wetland waters of the United States following the procedures set forth in 33 CFR 328.3(e). The delineation will also consider any additional information needs based on the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State as administered by the RWQCB. Further, the extent of any streambed and associated riparian areas subject to review by the CDFW under Section 1602 of the California Fish and Game Code will be determined. If the results of the jurisdictional delineation indicate that impacts to jurisdictional features would occur, the County shall obtain permits and authorizations from the regulatory agencies and comply with all permit conditions, as outlined in Mitigation Measure BIO-11a.	
BIO-1~~2~~3: The placement of retaining walls and trail fencing associated with the proposed project could adversely impact wildlife movement.	S	**BIO-13a:** Prior to project construction, Alameda County shall consult with experts in wildlife passage design, including CDFW and Alameda County Resource Conservation District, to conduct in-depth studies on existing use of wildlife corridors within the project area and surrounding areas to evaluate the extent of future impacts of the project on wildlife connectivity and to provide a basis for the final trail design. Data collection methods shall enable detection of species that have been found to utilize the existing movement corridors, including mountain lions, black-tailed deer, California tiger salamander, California red-legged frog, and Alameda whipsnake. Pre-construction study results shall be used to develop biologically feasible movement corridor improvements and to establish a scientifically defensible wildlife corridor width. Following project construction, Alameda County shall conduct post-construction monitoring to assess the use of wildlife corridors. Monitoring data shall be analyzed, summarized, and the results published to the County's website and submitted to CDFW and other agencies or organizations that have a duty or interest in the effectiveness of wildlife movement corridors. **BIO-1~~2~~3b:** Retaining walls shall be minimized to the greatest extent feasible and used only in trail areas where they are essential for geotechnical/engineering reasons. ~~Where fences are required along the trail, they shall be constructed to allow wildlife to move freely over the trail. A minimum 6-inch gap along the bottom of trail fences will allow smaller wildlife such as native rodents, turtles, and snakes to move freely. Periodic (e.g., 20-foot interval) 12-inch gaps 3 feet wide would allow mid-sized mammals to move freely through fence barriers. The fences should also be designed to allow easy movement of large mammals such as deer; fences should be no taller than 3–4 feet~~. Prior to project construction, Alameda County shall coordinate with regional CDFW and Conservation Engineering staff on the design and location of walls, fences, and barriers to minimize their impacts on wildlife connectivity. The movement studies prepared as part of Mitigation Measure BIO-12a	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		shall be used to determine locations for design modifications that support the maximum movement and connectivity for impacted species. In locations where connectivity is important, but barriers are still required, the following approaches shall be considered: • Use of a three-beam type barrier along the road instead of the proposed scuppers or gaps; and • Retaining walls shall be textured and sloped to support use by wildlife, and where possible ramps/benches be utilized to allow for movement through the retaining walls. **BIO-13c:** Off-site compensatory mitigation shall be implemented to completely offset unavoidable impacts if project infrastructure redesigns, and other measures to avoid significant impacts to existing wildlife corridors within the project area do not fully avoid impacts to wildlife corridors, based on the post-construction monitoring conducted as part of Mitigation Measure BIO-12a. Crossing and connectivity enhancements could include terracing for dry passage, directional fencing to prevent animals from crossing roads to reduce wildlife-vehicle strikes, removal of accumulated sediment that may block undercrossings, removal of vegetation debris, control of invasive plant species, and enhancement of riparian habitat along Alameda Creek. **BIO-13d:** Prior to project construction, Alameda County, in coordination with other potential agency partners, shall develop and implement a Trail Use Enforcement Plan to reduce potential impacts of the trail to wildlife connectivity. The Plan shall include strategies for enforcing rules related to trail use (e.g., restricting off-trail activity, littering, etc.), monitoring trail use to assess potential number of trail users and hours of use, providing education on wildlife-human conflict, and establishing protocols for seasonal trail closures during sensitive wildlife periods, such as breeding periods, as appropriate.	
BIO-1~~3~~4: Tree removal associated with the proposed project would conflict with the City of Fremont Tree Preservation Ordinance and the Alameda County Tree Ordinance.	S	**BIO-1~~3~~4a:** Prior to project construction, the County, in coordination with project engineers and a qualified biologist(s) or arborist(s), shall identify and quantify the trees that may need to be removed for trail construction. Following the tree survey, the County in coordination with the project engineer, and qualified biologist(s)/arborist(s) shall identify where native trees can be avoided and preserved. All trees to be retained shall be protected during construction and shall be clearly identified on construction plans and marked in the field for preservation with highly visible construction fencing at a minimum around the dripline of the tree. No construction activities such as grading, vehicle parking, or storage of materials shall be conducted within the tree protection zones. The fencing shall be installed prior to any site clearing or grading activities and shall remain in place until construction is complete. The fence shall be a minimum of 4 feet tall and supported by stakes at least every 10 feet on center. Weatherproof signs shall be permanently posted on the fences, stating, at minimum: “Tree Protection Zone – Keep out”. A 3-inch layer of chip mulch must be	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		maintained within the Tree Protection Zone during construction to reduce soil compaction, improve aeration, enhance moisture retention and reduce temperature extremes. **BIO-1~~3~~4b:** Prior to project construction, the County, in coordination with a qualified biologist(s)/arborist(s) familiar with the biology of native trees, shall develop a comprehensive tree mitigation plan for the project. The tree mitigation shall at a minimum include: • Native trees required to be removed or that could be damaged during project construction shall be replaced at an establishment ratio of 1:1 (1 tree impacted to 1 tree planted and established). • Replaced trees shall be planted within the Alameda Creek watershed, in areas within or adjacent to the project area (Phases 1–3). • Replacement trees shall be clustered in a manner to promote establishment of a woodland environment or planted in suitable habitat adjacent to existing coast live oak/California bay woodland. • Planted trees shall be monitored for a minimum of 5 years to ensure establishment. If individual trees die during the 5-year monitoring period, they shall be replaced in kind and monitored for 5 years to ensure establishment. **BIO-14c:** Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs, and grasses. Permanently impacted areas within the riparian zone or other sensitive natural community, such as from channel crossings, shall be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the project site as feasible and within the same watershed, unless otherwise approved in writing by the CDFW. Restoration shall occur in the same year of the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW: • Oak (*Quercus* sp.) trees: o 4:1 replacement for trees up to 7 inches diameter at breast height (DBH) o 5:1 replacement for trees greater than 7 inches DBH and up to 15 inches DBH o 10: 1 replacement for trees greater than 15 inches DBH which are considered old growth oaks. • Non-oak trees: o 1: 1 replacement for non-native trees.	
4.5 GEOLOGY AND SOILS			
GEO-1: Landslides and seismically-induced landslides could result in risks to humans and damage to property during operation of the proposed project.	S	**GEO-1a:** Alameda County Department of Public Works shall prepare grading, drainage, and structural drawings for the project's construction. The design of all elements shall be completed by personnel licensed by the State of California to perform this work. ~~Prior to issuance of a grading permit, detailed retaining wall design drawings and a site-specific grading plan for the project site~~	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		~~shall be prepared by a licensed professional and submitted to Alameda County for review and approval.~~ The retaining wall design drawings shall be reviewed by a qualified engineering geologist and show the heights of the walls, the backfill material type, drainage details, and the earth pressure used in design. At minimum, all backfill material shall comply with recommendations set forth in the Department of Toxic Substances Control's Information Advisory, Clean Imported Fill Material[1] and the Alameda County Department of Environmental Health's Soil Import/Export Characterization Requirements.[2] All cut slopes shall be observed by a qualified engineering geologist at the time of grading to assess the applicability of the recommendations and to make supplemental recommendations, if necessary. Supplemental recommendations may include slope flattening, installation of drainage, slope reconstruction in areas where weak rock, adverse bedding, or other local anomalies are encountered, or construction of retaining walls. Retaining wall installation and testing shall be observed by a qualified engineering geologist. **GEO-1b:** Prior to issuance of a grading permit, detailed retaining wall design drawings and a site-specific grading plan for the project site shall be prepared by a licensed professional and submitted to Alameda County for review and approval. The retaining wall design drawings shall be reviewed by a qualified engineering geologist and show the heights of the walls, the backfill material type, drainage details, and the earth pressure used in design. All cut slopes shall be observed by a qualified engineering geologist at the time of grading to assess the applicability of the recommendations and to make supplemental recommendations, if necessary. Supplemental recommendations may include slope flattening, installation of drainage, slope reconstruction in areas where weak rock, adverse bedding, or other local anomalies are encountered, or construction of retaining walls. Retaining wall installation and testing shall be observed by a qualified engineering geologist.	

1 Department of Toxic Substances Control. 2001. *Information Advisory, Clean Imported Fill Material.* Website: https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf. (accessed July 2024).

2 Alameda County Department of Environmental Health. 2018 (revised August 2019). *Soil Import/Export Characterization Requirements.* Website: https://deh.acgov.org/landwater-asserts/docs/LOP_Soil_Characterization_Requirements.pdf (accessed July 2024).

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
GEO-2: Construction of the project could directly or indirectly destroy a unique paleontological resource or site	S	**GEO-2: Paleontological Resource Protection.** Before the start of any excavation activities, the project sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), who is experienced in training construction personnel regarding paleontological resources. The qualified paleontologist shall train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that could be seen during construction, and proper notification procedures should fossils be encountered. Should any paleontological resources be encountered during construction activities, all ground-disturbing activities within 50 feet of the find shall cease and Alameda County Department of Public Works (County) shall be notified immediately. The County shall immediately notify the qualified paleontologist and request that they assess the situation per SVP standards, consult with agencies as appropriate, and make recommendations for the treatment of the discovery if found to be significant. If construction activities cannot avoid the paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, preparation of a technical report, and providing the fossil material and technical report to a paleontological repository, such as the University of California Museum of Paleontology. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the County for review.	LTS
4.6 HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1: Subsurface hazardous materials may be released into the environment during construction of the project.	S	**HAZ-1a:** Prior to construction, a Phase II Environmental Site Assessment (Phase II ESA) shall be performed to address potential contamination associated with the adjacent railroads. The Phase II ESA shall be conducted by a California Professional Geologist and/or a California Professional Civil Engineer with experience in contaminated site investigation. Soil samples shall be collected from proposed construction areas in proximity to the railroad tracks. Representative samples of shallow soils shall be collected from locations within the project corridor nearest the railroad tracks and analyzed for Title 22 metals, lead, TPH, PNAs, and chlorinated herbicides. It is anticipated that 4 to 8 discrete samples, from the locations nearest the railroad tracks ~~(Phases 2 and 3)~~, would be sufficient to determine if contaminants from the railroad tracks have migrated and affected shallow soils within the project corridor. Soil analytical results should be screened against the Regional Water Quality Control Board's Environmental Screening Levels to determine appropriate actions to ensure the protection of construction workers and shall also be screened against hazardous waste thresholds to determine soil management options. Based on the findings of the Phase II ESA, site-specific soil and groundwater management and disposal procedures for hazardous materials may need to be implemented, as well as construction	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		worker health and safety measures during construction. Recommendations for any site-specific management and disposal procedures should be included in the Phase II ESA. **HAZ-1b:** Prior to construction, a project-specific Soil Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to address contaminants known to occur on within the project site. The SMP must establish remedial measures and/or soil and groundwater management practices to protect construction workers, the general public, and the environment from subsurface hazardous materials during construction. The SMP shall characterize the soil, delineate areas of known soil contamination, and identify soil (and groundwater, if encountered) management options for excavated soil and dewatered groundwater (if applicable), in compliance with local, State, and federal statutes and regulations. The SMP shall (1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation activities; (2) require the preparation of a project-specific Health and Safety Plan that identifies hazardous materials present, if any, describe required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations, and designate the personnel responsible for Health and Safety Plan implementation3) identify corrective actions with respect to plume migration, treatment and disposal if contaminated groundwater is encountered; and 4) require coordination with applicable regulatory agencies (e.g., Alameda County Department of Environmental Health, Alameda County Water District, City of Fremont). The SMP shall be submitted to Alameda County for review and approval prior to construction activities. Alameda County shall share the SMP with applicable regulatory agencies prior to finalization. Once approved the SMP shall be implemented during construction of the proposed project.	
HAZ-2: Construction of the proposed project could temporarily increase fire risks, thereby exposing people or structures to a significant risk of loss, injury, or death involving wildland fires.	S	**HAZ-2:** Alameda County shall ensure that appropriate measures be taken to minimize the risk of fire during construction activities. Specifically, Alameda County shall require that all fire safety regulations cited in the California Public Resources Code be incorporated into construction bid documents and contracts for the project, including regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. BMPs shall be implemented during construction to reduce the potential for accidental spills or fires involving the use of hazardous materials.	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.7 HYDROLOGY AND WATER QUALITY			
HYD-1: Project construction could result in release of sediment and hazardous materials into nearby surface waters.	S	**HYD-1: Equipment and Materials Storage and Maintenance Operations.** During construction, all refueling and/or storage and maintenance of heavy equipment shall take place at a minimum of 50 feet away from the top of bank of creeks and all identified jurisdictional wetlands and waters of the United States drainage courses. The refueling/maintenance and construction materials and chemical storage staging area shall be bermed, graveled, or covered with straw and incorporate measures for capture of any accidental spills. If construction with pollutant material storage requirements occurs during the rainy season, no storage or construction staging areas shall be within identified 100-year flood plain or reservoir flow easement areas. All temporary construction lay-down and staging areas shall be restored upon completion of work with silt fences, straw rolls, and ground bags, etc. removed and the area re-seeded and stabilized.	LTS
HYD-2: The proposed project could impede or redirect flood flows due to the alteration of the existing drainage pattern in the project area	S	**HYD-2:** Prior to approval of the final project plans, detailed bridge designs shall be reviewed and approved by the County of Alameda. The design shall be prepared by a qualified professional engineer. The bridge plans shall include structural engineering, geotechnical engineering, and hydraulic engineering information. The responsible bridge designer shall be a State of California licensed Civil Engineer and shall be experienced in hydraulic analysis, bridge design, and flood channel and bank protection design. The engineering plans shall demonstrate conformity to Alameda County and any applicable Federal Emergency Management Agency floodplain management regulations and include design elevations of the bridge, conformity with 50-year and 100-year flood elevation freeboard requirements, the locations and structural design of the bridge abutments with respect to flood flows, bridge loading, and channel bank protection requirements. The technical studies shall confirm that there is no impact of trail bridges or trail structures on Alameda Creek flood elevations and trail embankment stability, or on County-operated and maintained bridges.	LTS
4.8 LAND USE AND PLANNING			
There are no significant impacts to land use and planning.			

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.9 NOISE			
NOI-1: Construction period activities could result in significant short-term noise impacts on noise-sensitive receptors in the project vicinity.	S	**NOI-1 : Construction Noise.** Prior to commencement of construction activities, Alameda County shall verify that grading and construction plans include the following requirements to ensure that the greatest distance between noise sources and sensitive receptors during construction activities has been achieved: • Construction activities taking place as part of the project shall be subject to the limitations and requirements of the Alameda County Municipal Code, which states that construction activities are allowed between the hours of 7:00 a.m. and 7:00 p.m. on weekdays or between 9:00 a.m. and 8:00 p.m. on weekends. • During all project area excavation and on-site grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. • To the best extent possible, the project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project area. • Construction staging areas shall be located as far away from sensitive receptors as possible during all phases of construction.	LTS
NOI-2: Construction period activities could result in significant short-term vibration for sensitive receptor structures in the project vicinity.	S	**NOI-2:** The use of heavy construction equipment, such as large bulldozers or excavators, within 15 feet of existing structures shall be prohibited.	LTS
4.10 PUBLIC SERVICES			
There are no significant impacts to public services.			
4.11 RECREATION			
There are no significant impacts to recreation			

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.12 TRANSPORTATION			
TRA-1: Project construction activities could increase roadway hazards during the construction period due to the temporary closure of roadways/travel lanes, the presence of construction vehicles, and pavement damage created by construction traffic.	S	**TRA-1:** Prior to construction, the project contractor shall submit a Traffic Control Plan (TCP) to Alameda County for review and approval. During construction activities, Alameda County and the project contractors working on the project shall adhere to all requirements of the TCP. Implementation of a TCP would maintain peak period travel time to the extent possible during construction. The TCP shall include the following: • The route selection for movement of heavy equipment in the project vicinity shall be coordinated with the Alameda County Department of Public Works, Alameda County Sheriff's Department, and the City of Fremont Police Department to minimize traffic and physical road impacts. Truck drivers shall be notified and be required to use the most direct route to and from the project site. • Heavy equipment transport, material transportation, or exportation to and from the project site shall not take place during weekday commute peak traffic periods and shall be coordinated by the contractor with the Alameda County Department of Public Works, Alameda County Sheriff's Department, and the City of Fremont Police Department. • The TCP will define the use of flaggers, warning signs, lights, barricades, and cones, etc., according to standard guidelines required by the County, as appropriate. Further, the contractor will maintain the work site, including traffic control, in a safe condition at all times, even outside of normal work hours. In addition, the TCP shall prohibit lane closure within any intersections along the corridor during the a.m. and p.m. peak periods (i.e., from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m.). Prior to the start of these peak periods, the contractor shall cover any open trenches and remove all construction equipment such that all lanes within the intersection are available for vehicular traffic during the peak periods. • Construction activities completed within public street rights-of-way would require the use of a traffic control service, and any lane closures or traffic control measures would be consistent with those published in the *California Joint Utility Traffic Control Manual* (California Inter-Utility Coordinating Committee 2010). Implementing measures contained within the *California Joint Utility Traffic Control Manual* would facilitate safe passage of both construction vehicles and private vehicles.	SU
TRA-2: Project construction activities could result in temporary inadequate emergency access.	S	**TRA-2:** A schedule of construction activities and the TCP prepared per Mitigation Measure TRA-1 shall be provided to any pertinent local emergency service providers, including the Alameda County Fire Department, Alameda County Sheriff's Department, City of Fremont Police and Fire Departments, and paramedics.	SU
4.13 TRIBAL CULTURAL RESOURCES			
TCR-1: Project ground disturbance associated with Phase 1 development has the potential to disturb, damage, or	S	**TCR-1: Native American Monitoring.** Native American monitoring by a representative of the North Valley Yokuts Tribe shall be required during all ground-disturbing activities associated with project implementation within the recorded boundary of and within 25 feet of the boundary of the	LTS

Table 2.A: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
degrade either a tribal cultural resources, or the contextual setting of such a resource, resulting in a substantial loss of the resource's cultural value as determined in consultation with the North Valley Yokuts Tribe.		recorded location of resource P-01-000025, including clearing and grubbing activities. Monitoring procedure shall follow the Cultural Resources Monitoring Plan prepared under Mitigation Measure CUL-2a as described in Section 4.4 of the EIR. Construction crews shall stop all work within 25 feet of any tribal cultural resource discovery until the find has been assessed by an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and by the North Valley Yokuts Tribe. Native American archaeological materials and tribal cultural resources could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).	
TCR-2: Project ground disturbance associated with construction of future trail alignment Phases 2 and 3 may result in the substantial adverse change in the significance of a tribal cultural resource if uncovered during project construction.	S	**TCR-2a:** Implement Mitigation Measures CUL-3a and CUL-3b. **TCR-2b:** If tribal cultural resources are identified within the Phase 2 or Phase 3 project corridor, Native American monitoring by a representative of the North Valley Yokuts Tribe shall be required during all ground-disturbing activities associated with project implementation within the recorded boundary of and within 25 feet of the boundary of the recorded location of any identified resources. Monitoring procedure shall follow the Cultural Resources Monitoring Plan prepared under Mitigation Measure CUL-2a as described in Section 4.4 of the EIR. Construction crews shall stop all work within 25 feet of any tribal cultural resource discovery until the find has been assessed by an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and by the North Valley Yokuts Tribe. Native American archaeological materials and tribal cultural resources could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).	LTS
4.14 UTILITIES AND SERVICES SYSTEMS			
There are no significant impacts to utilities and service systems.			

Source: Compiled by LSA (2024).
CDFW = California Department of Fish and Wildlife
CEQA = California Environmental Quality Act
CFR = Code of Federal Regulations
CNPS = California Native Plant Society
County = Alameda County
LTS = Less than Significant Impact
NMFS = National Marine Fisheries Service
$PM_{2.5}$ = particulate matter less than 2.5 microns in aerodynamic diameter
PM_{10} = particulate matter less than 10 microns in aerodynamic diameter
PNA = polynuclear aromatic hydrocarbon
S = Significant Impact
SU = Significant Unavoidable Impact
TPH = total petroleum hydrocarbons