

2019090057

**Notice of Exemption****Appendix E**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

**From:** (Public Agency): State Coastal Conservancy

1515 Clay Street, 10th Floor

Oakland, CA 94612

(Address)

Project Title: North Richmond Watershed Connections - The Watershed Project's Adopt-A-Tree Program

Project Applicant: Contra Costa Public Works - The Watershed Project

Project Location - Specific:

Fred Jackson Way, and nearby neighborhood

Project Location - City: North Richmond

Project Location - County: Contra Costa

Description of Nature, Purpose and Beneficiaries of Project:

The Watershed Project will be conducting neighborhood street tree plantings as part of the \$884,000 grant the Coastal Conservancy just awarded to the Contra Costa Public Works Department, for the North Richmond Watershed Connections Project. This NOE is in relationship to that aspect of the overall approved project.

Name of Public Agency Approving Project: State Coastal Conservancy

Name of Person or Agency Carrying Out Project: Contra Costa Public Works & The Watershed Project

Exempt Status: (check one):

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Categorical Exemption. State type and section number: 15301

Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

The project is categorically exempt under 14 CCR Section 15301 (Existing Facilities) which allows the operation, repair, maintenance, and minor alteration of existing or former public facilities, or topographical features, involving negligible or no expansion of use including streets, sidewalks, gutters, bicycle and pedestrian trails.

Lead Agency

Contact Person: Avra Heller

Area Code/Telephone/Extension: 510-286-1212

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_

Date: August 27, 2019

Title: Project Manager

Signed by Lead Agency  Signed by Applicant

Governor's Office of Planning & Research

**AUG 28 2019**

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

**STATE CLEARINGHOUSE**

COASTAL CONSERVANCY

Staff Recommendation  
August 22, 2019

**North Richmond Watershed Connections**

Project No. 18-014-01  
Project Manager: Avra Heller

**RECOMMENDED ACTION:** Authorization to disburse up to \$884,000 to Contra Costa County to implement the North Richmond Watershed Connections Project, consisting of the installation of rain gardens and bioswales, street trees, and other watershed-focused public trail amenities along Fred Jackson Way in North Richmond, Contra Costa County, and the adoption of findings under the California Environmental Quality Act.

**LOCATION:** Fred Jackson Way, unincorporated North Richmond, Contra Costa County

**PROGRAM CATEGORY:** San Francisco Bay Program

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**EXHIBITS**

- Exhibit 1: [Project Location](#)
- Exhibit 2: [Project Design and Photographs](#)
- Exhibit 3: [Detailed Rain Garden/Bioswale Design Documents](#)
- Exhibit 4: [CEQA Documentation for Urban Tilth Bioswale](#)
- Exhibit 5: [CEQA Documentation for Contra Costa Public Works – First Mile / Last Mile Street Trees](#)
- Exhibit 6: [North Richmond Farm Permit](#)
- Exhibit 7: [Support Letters](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed eight hundred eighty-four thousand dollars (\$884,000) to Contra Costa County (the

“grantee”) to implement the North Richmond Watershed Connections Project, including installation of rain gardens and bioswales, street trees, and other new watershed-focused public trail amenities to create a 1.75-mile urban trail next to Fred Jackson Way in North Richmond, Contra Costa County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding and Proposition 1 as the source of that funding.
4. Evidence of all permits, easements and approvals required for the project under federal, state, and local law.
5. Evidence that the grantee has entered into landowner agreements sufficient to enable the grantee to implement, operate, and maintain the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code, regarding public access improvements to and around the San Francisco Bay.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the Urban Tilth Farm, Mitigated Negative Declaration, Initial Study, and Mitigation Monitoring and Reporting Program (collectively “MND”), adopted by Contra Costa County on November 13, 2018 (attached as Exhibit 4), and finds that there is no substantial evidence that the components of the proposed project addressed in the MND, as mitigated, will have a significant effect on the environment.
4. The Conservancy has independently reviewed and considered the Fred Jackson First Mile/Last Mile Connection Project Study/Mitigated Negative Declaration (IS/MND), and Monitoring and Reporting Program (MMRP), which was adopted by the Contra Costa County Board of Supervisors on July 23, 2019 (attached as exhibit 5), and finds that there is no substantial evidence that the components of the proposed project addressed in the MND, as mitigated, will have a significant effect on the environment.

**PROJECT SUMMARY:**

Staff recommends that the Conservancy authorize the disbursement of \$884,000 to Contra Costa County to implement the North Richmond Watershed Connections Project (Project). The Project consists of installation of a suite of green infrastructure including street trees, bioswales, sidewalks, bike lanes, and informational signage to create a 1.75-mile urban trail, designated as the North Richmond Watershed Connections Route. The project will improve water quality, increase the urban canopy, provide environmental stewardship opportunities, and improve community health by creating a cleaner, more walkable, bikeable neighborhood.

The Contra Costa County Public Works Department will carry out the Project in collaboration with the nonprofit organizations Urban Tilth and The Watershed Project (TWP). The County will construct pedestrian, bicycle, and urban greening improvements (planting of 37 street trees), as part of their larger First Mile / Last Mile active transportation project along Fred Jackson Way. The County will also lead the coordination of the overall project and manage the two non-profit subcontractors.

Urban Tilth will construct linear rain gardens and bioswales adjacent to the North Richmond Urban Farm, which Urban Tilth operates under a 30-year lease from the County. The bioswales will replace existing roadside drainage ditches along approximately 700 feet of Fred Jackson Way with bioretention facilities and road frontage improvements including the installation of a new sidewalk, bike lane, and connections to existing stormwater infrastructure (see photos in Exhibit 2). The rain gardens and bioswales will capture and treat an estimated 3,110,400 gallons of urban runoff annually, removing trash and pollutants before they are discharged into San Pablo Creek.

TWP will conduct outreach and will lead the design and installation of wayfinding signage and amenities along Fred Jackson Way between Grove Avenue and the Wildcat Creek Trail. These elements will invite pedestrians and cyclists to not only get from point A to point B but to connect with the cultural and natural history of the community. Elements will include signage describing the historical ecology of the area, art installations celebrating the creatures that live in the Wildcat Creek watershed, murals, artfully decorated utility “jewel boxes”, and painted footprints leading community members along the new Watershed Connections Route.

TWP will also partner with neighborhood homeowners to plant additional street trees through its “Adopt-a-Tree” program, increasing the urban canopy in the Project’s footprint. TWP will select sites and plant street trees utilizing best management practices, construction details and specifications provided by the City of Richmond Urban Forestry plan. TWP will provide supplies and oversee planting activities, include the trees in the organization’s online inventory, and monitor the trees during the plant establishment period. In addition, TWP will lead “adopt-a-block” cleanups, anticipated to remove 4,500 pounds of trash from the creeks and watersheds annually as part of the County-funded match for this project.

The Project's various components will be maintained by different entities. The County will maintain the trees and public improvements it installs in the public right-of-way along Fred Jackson Way. The bioswales and rain gardens adjacent to the North Richmond Urban Farm will be maintained by Urban Tilth. TWP will maintain the wayfinding elements once installed. The street trees planted through TWP's Adopt-a-Tree program will also be maintained by TWP, volunteers trained by TWP, and homeowners and residents. For the first two years after planting, TWP will assist the owner/resident with watering and maintaining their adopted tree. TWP will monitor tree health on a roughly quarterly basis after the first year and in response to calls from the residents who have adopted the tree. If the tree fails during the first two years, TWP will determine why it failed. If it failed due to a disease or a reason other than vandalism or neglect, TWP will replace it. After the first two years, trees on private property will be maintained by the property owner at their expense.

**Site Description:** The Project is in the heart of the unincorporated, disadvantaged community of North Richmond, with the project site split between disadvantaged and severely disadvantaged community block groups.

The Project site is a 1.75 mile route through the community connecting San Pablo Creek, the North Richmond Urban Farm, North Richmond Ballpark, transit stops, bike and pedestrian improvements, Wildcat Creek and Wildcat Trail, and Verde Elementary School. (See Exhibits 1 and 2 for project location details and designs.)

The majority of the project area is located in historic wetlands near the mouths of Wildcat and San Pablo Creeks. The lower reaches of both creeks cross Fred Jackson Way, which like many major streets in this area, currently has no sidewalks and is lined with earthen drainage ditches which attract litter, trash and illegally dumped materials. Stormwater collected in these ditches flows untreated into the creeks. This highly urbanized watershed is quick to flood and slow to drain, with the location's current heavy soil compaction, paving and development worsening the situation.

The site of the Urban Tilth Farm Fred Jackson Way Rain Gardens is currently unpaved and includes an earthen roadside ditch to convey stormwater. Sparse vegetation consists of weeds and fennel. Runoff from Fred Jackson Way adjacent to Urban Tilth's farm site drains primarily to San Pablo Creek, via a trash-strewn roadside ditch. A portion of the ditch may lie within an archaeological site; those potential impacts are addressed in staff review of the project's MND documentation and MMRP elaborated upon below.

The Urban Tilth farm site is owned by the County and is leased and maintained by Urban Tilth. The farm is currently open as an "interim" facility, pending completion of final design and construction. The farm will be a community resource and gathering place providing fresh, healthy food, and local job opportunities. The farm will also be the permanent home of Urban Tilth's Basins of Relations program training local young people in basic job skills in watershed restoration and stewardship.

**Grantee Qualifications:** The Contra Costa County Public Works Department is the project lead and will administer the grant if awarded. The department's County Watershed Program (CWP) staff have extensive experience both receiving grants and administering contracts with 501(c)(3) organizations, including managing two existing contracts with TWP and Urban Tilth. CWP staff will be responsible for administering the overall scope of work for the Project and for coordinating directly with the non-profit partners to ensure effective collaboration and timely project completion. CWP's project lead has over 30 years of large-scale, multipurpose environmental project management, managing over 50 environmental projects and plans and programs over the past three decades including the Bay Trail Plan and EIR; the Los Vaqueros Reservoir Watershed environmental commitments and resource management plan; the Honey Lake Resource Mgmt. Plan (RMP); the Sycamore Valley Regional Park RMP; and the San Francisco Bay Joint Venture - along with its implementation strategy and selected wetland acquisition/restoration initiatives. Furthermore, Contra Costa County Public Works has a robust Financial Division and Administration section which has administered hundreds of grants over the past four decades.

In 2014 Urban Tilth signed a 30-year lease with Contra Costa County for the North Richmond Farm property. The organization has significant experience managing grants from many sources, including a Federal grant from the US Department of Housing and Urban Development and the recent grant discussed below from the State Coastal Conservancy. Urban Tilth has completed many farm and garden projects.. The non-profit will retain an experienced consultant to manage construction of the raingarden, sidewalk, and stormwater infrastructure improvements in the public right of way.

The Watershed Project will lead the Adopt-a-Tree tree planting program, the match-funded Adopt-a-Block cleanups, and the design and installation of the Watershed Connections Route wayfinding elements of this proposed project. TWP has been leading monthly volunteer days in Richmond since 2007. TWP is also a lead partner on the Iron Triangle Urban Greening Project, an existing Conservancy Prop I funded project with the City of Richmond.

**Project History:** This project was proposed to the Conservancy via the Bay Area Urban Greening Prop 1 Competitive grant round that was held in early 2017. The Conservancy has provided Prop 1 funding for two other urban greening projects in neighborhoods near to this project site, a \$500,000 grant to the City of Richmond for the Iron Triangle Urban Greening Project, and a \$1,300,000 grant to the City of San Pablo for the Wildcat Creek Restoration and Greenway Trail project. The North Richmond Watershed Connections project supports the continued growth of urban canopy in the area, as well as expanding the water quality improvements and local pedestrian and bicycle connection routes these two other projects will provide. Additionally, the Conservancy just completed a \$145,000 planning grant to Urban Tilth (one of this project's proposed partners and subcontractors) for design, planning, and CEQA documentation for the North Richmond Urban Farm. The pedestrian access and bioswale work along Fred Jackson way

(see Exhibit 3) was included in the North Richmond Urban Farm plan and associated environmental documentation. This funding will help implement that Conservancy-funded planning project.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$884,000</b>
Contra Costa Transit Authority –	
Federal Active Transportation (ATP) Grant	\$224,000
Contra Costa Public Works Department	\$100,000
Urban Tilth	\$22,000
<b>Project Total</b>	<b>\$1,230,000</b>

The expected source of funding for this authorization is an appropriation to the Conservancy from the “Water Quality, Supply, and Infrastructure Improvement Act of 2014” (Proposition 1, Division 26.7 of the Water Code, sections 79700 et seq.). Funds appropriated to the Conservancy derive from Chapter 6 of Proposition 1 and may be used “for multi-benefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state” (Section 79731). Section 79732(a) identifies the specific purposes of Chapter 6, of which the following pertain to this project: implement watershed adaptation projects in order to reduce the impacts of climate change on California’s ecosystems (subsection (a)(2)); protect and restore urban watershed health to improve watershed storage capacity, protection of life and property, stormwater resource management (subsection (a)(9)); and reduce pollution or contamination of rivers and streams, and protect or restore natural system functions that contribute to water supply, water quality, or flood management (subsection (a)(11)).

As required by Proposition 1, the proposed project provides multiple benefits. By installing 3,475 sq. feet of bioswales and rain gardens, the project will help absorb and treat an estimated 3,110,400 gallons of stormwater annually. The planting of over 80 street trees will increase carbon sequestration and reduce the urban heat island effect, by significantly increasing shade cover in the project area (See Exhibit 2 for map of proposed street tree locations). This project will make an urban area more inviting and walkable and will increase the public’s awareness of their watershed as well as their access to native vegetation and public open space.

The proposed project was selected through the sixth-round (Bay Area Urban Greening) competitive grant process under the Conservancy’s Proposition 1 Grant Program Guidelines adopted in June 2015 (see § 79706(a)). The proposed project meets each of the evaluation criteria in the Proposition 1 Guidelines as described in further detail in this “Project Financing” section, the “Project Summary” section and in the “Consistency with Conservancy’s Project Selection Criteria & Guidelines” section of this report. The Proposition 1 Guidelines evaluation

criteria include priority for projects that serve a disadvantaged community as defined in Water Code Section 79702(j). The project is located in unincorporated North Richmond, falling entirely within a disadvantaged community as defined by that code.

Contra Costa County will use \$224,000 from their existing Federal ATP grant for the County's Fred Jackson First Mile / Last Mile project as match for the County's street tree installation. The County will contribute an additional \$100,000 in County funds to support The Watershed Project's trail outreach efforts and amenities. Urban Tilth's contribution of \$22,000 will fund the bioswale adjacent to the Urban Tilth Farm, bringing the project's total cash match to \$346,000.

In addition to their cash match, Contra Costa County Public Works will provide \$50,000 in in-kind staff time dedicated to this project.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

This project is undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resource Code Sections 31160-31165, to address resource goals in the San Francisco Bay Area. Section 31162 of the Public Resources Code authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area, including Contra Costa County, that achieve the goals of the San Francisco Bay Area Conservancy Program. All of the proposed project area is within Contra Costa County. Additionally, the proposed project will serve to achieve the objectives described in:

Section 31162(b), which authorizes the Conservancy to "protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance [within the SF Bay Area]." This project will restore and enhance an urban watershed.

Section 31162(d), which authorizes the Conservancy to award grants to "promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes." This project will enhance a public open space that is easily accessible by the residents of the City of Richmond and nearby communities for recreational and educational purposes.

Section 31163(b), which authorizes the Conservancy to award grants to "support interagency actions and public/private partnerships in the San Francisco Bay Area ...providing for broad-based local involvement in, and support for, the San Francisco Bay Area Conservancy Program." This project involves a wide variety of public and private stakeholder engagement in linking urban communities to significant public trails, as well as improving SF Bay watershed functions.

Section 31163(c), which requires that the Conservancy use specific criteria to develop priority projects within the San Francisco Bay Area Conservancy Program. The project meets the selection criteria under 31163(c), in that it: 1) is supported by adopted local or regional plans, including the City of Richmond Urban Greening Master Plan, the Richmond Greenway Master



Plan, Contra Costa County's Climate Action Plan, The North Richmond Shoreline Vision, and the Bay Trail Plan; 2) serves a regional constituency by enhancing a park and trail resource of regional significance; 3) can be implemented in a timely way, with partners with the necessary expertise, CEQA completed, and basic design plans scoped and ready for the next design phase; 4) provides opportunities or benefits that could be lost if the project is not implemented quickly, in that the project is happening in conjunction with other planned improvements along Fred Jackson Way that will have integrated benefits; and 5): includes \$346,000 in matching funds – Contra Costa Public Works will provide \$324,000 in cash match to help further support The Watershed Project's outreach efforts, as well as the street tree installation. These funds are sourced from both general county funds, and a Federal ATP grant the county has received for the First Mile/Last Mile project. Urban Tilth will contribute an additional \$22,000 in cash match for the bioswale adjacent to the Urban Tilth Farm. In addition to their cash match, and \$50,000 in-kind match that will be contributed to this project in the form of Contra Costa Public Works Department's staff hours, this project leverages extensive planning and concurrent Fred Jackson Way improvement work and funding (as elaborated upon above).

**CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#)**

**GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 6, Objective F** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will improve water quality to benefit coastal resources.

Consistent with **Goal 13, Objective I** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will create an urban trail (via the installation of sidewalk and bike lanes where currently none exist) along Fred Jackson Way, creating a North Richmond community link to the Wildcat Creek Trail, which will provide future connections to the San Francisco Bay and Ridge Trails.

Consistent with **Goal 16, Objective A**, this project is located within a disadvantaged community and will directly benefit that community.

Consistent with **Goal 16, Objective B**, this project will increase the North Richmond community's resilience to climate change. North Richmond as a community has faced systemic inequities, and with climate change, expects to face intensified urban heat island impacts, as well as flooding due to sea level rise and the expected increase in the severity of precipitation events. This project will reduce those expected impacts by increasing the urban canopy, therefore helping to mitigate future urban heat island impacts, installing bioswales and raingardens to improve stormwater management and water quality, and installing sidewalks and bike lanes to enable residents to use non-motorized transportation, and reduce their carbon output.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:**

**California Water Action Plan:** The project promotes two objectives of the California Water Action Plan. The project supports the restoration of important species and habitat by improving water quality in Wildcat Creek, one of the last few creeks in the East Bay which provides habitat for protected fish species including steelhead trout, and serves as an important wildlife corridor. Second, the project will help to create a more resilient, sustainably managed water resource system (water supply, water quality, flood protection, and environment) that can better withstand and adapt to the impacts of climate change in the coming decades through the installation of rain gardens and native vegetation and tree planting.

**San Francisco Bay Area Integrated Regional Water Management Plan (SF Bay Area IRWMP):** The project will support four of the SF Bay Area IRWMP's overarching goals. First, the project will provide environmental sustainability through improving water quality and watershed health, as well as increased urban canopy; economic and social sustainability in a disadvantaged community through improved safe access to community and green spaces, job training opportunities; and increased community engagement and environmental stewardship. Second, the project will help protect and improve Bay water quality through improving water quality of San Pablo and Wildcat Creeks which flow into the Bay and improving watershed health and function through reduction of litter and an increase in native vegetation in the Wildcat and San Pablo watersheds. Third, the project will improve regional flood management by constructing rain gardens and planting native vegetation to reduce stormwater runoff volumes in flood prone areas. Fourth, the project will protect, enhance, and maintain environmental resources and habitats in the Bay through the construction of rain gardens, planting native vegetation, community education, as well as litter reduction and removal in the watersheds that drain to the Bay.

**California @ 50 Million:** The Environmental Goals and Policy Report - The project is consistent with two of the pillars of this report, namely reducing emissions of short-lived climate pollutants and stewarding natural resources to ensure that they store carbon and are resilient to climate change. The project's installation of pedestrian and bike access will

reduce the dependence on petroleum-powered vehicles in the North Richmond Community. The work along the Watershed Connections Route will install street trees and rain garden vegetation which will provide carbon sinks, reduce localized flooding, as well as provide greater access to urban open space. The community engagement aspects of this project will hopefully encourage community members to continue to steward their natural resources.

**A Climate Adaptation Strategy/Safeguarding California:** Reducing Climate Risk Plan - The project will reduce climate risks through improved pedestrian and bicycling access to public and green spaces, increased community awareness to natural resources, and increased tree and native vegetation planting.

**CA Wildlife Action Plan:** The project will support Goal 2.3 (Water Quality, Quantity, and Availability) through improving water quality in two critical Bay Area watersheds (Wildcat and San Pablo Creeks), which are vital for sustaining and revitalizing ecosystems.

4. **Support of the public:** This project has received broad public support, including support from Contra Costa County Supervisor John Gioia, the Contra Costa County Department of Conservation and Development, Contra Costa Health Services Department, the City of Richmond, the non-profits American Rivers, the Natural Resources Defense Council, and many more. See “Project Letters,” Exhibit 7.
5. **Location:** The project is located in Contra Costa County, which is one of the nine Bay Area counties served by the San Francisco Bay Area Conservancy Program.
6. **Need:** The Conservancy’s funding provides the final portion of the budget, which allows the project to move forward.
7. **Greater-than-local interest:** Implementation of the North Richmond Watershed Connections Project will have regional significance. This suite of projects was chosen for their combined water quality, watershed health, public access to natural resources, and public health benefits for the North Richmond community. These highly visible and community-supported projects were selected through a community-planning process, and their successful completion will help catalyze further engagement and implementation of urban greening in the community. Finally, this project will help develop Bay Trail linkages via creating connections between the City of Richmond’s Yellow Brick Road Project, the Wildcat Creek Trail, and the planned San Pablo Creek Trail, all of which will eventually connect to the San Francisco Bay Trail.
8. **Sea level rise vulnerability:** This project was planned in consultation with the Adapting to Rising Tides Program, led by San Francisco Bay Conservation and Development Commission. The Project addresses sea level rise vulnerability by incorporating urban greening improvements that will help alleviate localized flooding associated with lack of stormwater infrastructure.

### Additional Criteria

9. **Urgency:** Contra Costa County has received \$3.3 million in federal funding for Fred Jackson Way First Mile/Last Mile street improvements under the Department of Transportation's Active Transportation Program to help enhance biking and walking access to regional trails, parks and open spaces, transit, schools and jobs. This project offers a significant and time-sensitive opportunity to leverage those federal funds to close the community's connectivity gap and provide urban greening elements, such as street trees, rain gardens, and educational signage to improve water quality, watershed health, neighborhood walkability and increase the community's connection to its natural spaces. This funding would also see the Urban Tilth's Fred Jackson Way Rain Gardens, whose planning and design work was funded through a prior Conservancy grant, to construction. If the urban greening work proposed in this staff recommendation is not funded and is not then able to be implemented along with or prior to the street improvements, the difficulty and cost of the project will significantly increase. Retrofitting new street improvements at a later date to include the proposed urban greening elements would not only mean higher costs, but also fail to take advantage of newly increased access and potentially enhanced awareness of and stewardship for the community's natural resources.
10. **Resolution of more than one issue:** The project will improve water quality and enhance anadromous fish habitat in both San Pablo and Wildcat Creeks by constructing rain gardens to treat urban runoff, as well as by reducing and removing trash and debris from the creeks and watersheds through Adopt-a-Block cleanups, increased trash and recycling receptacles, and community engagement and education. The project will also leverage concurrent County-led "complete street" pedestrian and bicycle transit improvements to benefit the watershed and enhance the community, improve public health, and inspire watershed stewardship through improved pedestrian and bicycle access to natural and public space by visually linking these elements via a walkable 1.75-mile "Watershed Connections" route, while reducing heat island impacts and improving air quality through planting street trees in this disadvantaged urban community.
11. **Leverage:** See the "Project Financing" section above.
12. **Innovation:** The incorporation of rain gardens and bioswales in infrastructure projects is relatively new to this part of Contra Costa. As the rain gardens will be a demonstration project, the effectiveness and sustainability of this type of urban greening project under these specific conditions will likely have an impact on its usage in the larger area moving forward.
13. **Readiness:** Urban Tilth and Contra Costa Public Works Department have completed CEQA documentation and final engineering designs for their respective street trees and sidewalk and bioswale installation along Fred Jackson Way. The Watershed Project has existing community engagement activities in North Richmond is eager to expand to this project location.

14. **Realization of prior Conservancy goals:** See “Project History” above.
15. **Return to Conservancy:** See the “Project Financing” section above.
16. **Cooperation:** As described above, the Contra Costa Public Works Department’s County Watershed Program will coordinate closely with two local non-profits with strong ties to the North Richmond community. Private landowners will support this project through their work with The Watershed Project in the adoption of street trees and participation in Adopt-a-Block cleanups and other public events. Tribal consultations were distributed on November 29, 2018, and there were no requests for further information from any of the tribes contacted.
17. **Vulnerability from climate change impacts other than sea level rise:** The project site is in a historic floodplain that experiences high groundwater levels and flooding conditions. In addition, the community has been identified as having high vulnerability to increasing heat impacts resulting from climate change. This project seeks to mitigate these issues by installing rain gardens and planting native species, thereby increasing infiltration and reducing volumes of stormwater runoff to reduce flooding (which may increase due to precipitation changes as part of climate change), as well as by increasing the urban forest to reduce urban heat islands.
18. **Minimization of greenhouse gas emissions:** The project will increase safe pedestrian and bicycling transit to community centers, green spaces, transit and job opportunities, and the project will result in reduced vehicle use and related reduction of greenhouse gas emissions. Additionally, the increase in vegetation through street tree planting as well as the vegetation in the bioswales and rain gardens will be maintained and are expected to increase carbon sequestration. The County is not seeking carbon credits for this project.

**CEQA COMPLIANCE:**

Staff has determined The Watershed Project’s tree planting and trash clean-upwork to be categorically exempt under section 15301 of the California Code of Regulations, Title 14, which allows the operation, repair, maintenance, and minor alteration of existing or former public facilities, or topographical features, involving negligible or no expansion of use including streets, sidewalks, gutters, bicycle and pedestrian trails.

Staff have independently reviewed the Urban Tilth Farm Mitigated Negative Declaration, Initial Study, and Mitigation Monitoring and Reporting Program (MND/MMRP) adopted by the Contra Costa County Department of Conservation and Development on November 13, 2018, for Urban Tilth’s North Richmond Farm (see Exhibit 4). That document covers the entirety of a larger urban farm project and includes the farm’s associated bioswale, sidewalk, and rain garden installation. The MND found potentially significant impacts under the categories of cultural/tribal resources, biological resources, and air quality. The potential impacts are summarized below along with their proposed mitigation measures.

Staff have also independently reviewed the Fred Jackson First Mile/Last Mile Connection Project Initial Study/Mitigated Negative Declaration (IS/MND), and Monitoring and Reporting Program (MMRP), which was adopted by the Contra Costa County Board of Supervisors on July 23, 2019. (Exhibit 5). This MND covers the entirety of the Public Works Department's Fred Jackson First Mile/Last Mile Connection Project. The components of the Project addressed in this MND are the installation of 37 street trees and an associated irrigation system, and the bicycle lane and sidewalk work. The MND found potentially significant impacts under the categories of biological resources, water quality, cultural/tribal resources, and hazards and hazardous materials. The potential impacts are summarized below along with their proposed mitigation measures.

**Review of Urban Tilth Farm, County File #TP16-00036 Mitigated Negative Declaration, Initial Study, and Mitigation Monitoring and Reporting Program (MND/MMRP)**

**Cultural/Tribal Resources**

Because the project area is known to contain archaeological deposits, a cultural resources study program was prepared by Archaeological/Historical Consultants, dated September 2015. The results of the archaeological testing program were based on Northwest Information Center records, Native American consultation, archival research, and mechanical auger excavations/testing. As part of the site excavations, Andrew Galvan of the Ohlone Indian Tribe was selected as Native American monitor for the project. Mr. Galvan and his designees, Vincent Medina and Beth Armstrong monitored excavations on December 9-10, 2014, and March 25-26, 2015. After discovery of human remains during an excavation on December 9, 2014, the Native American Heritage Commission also appointed Mr. Galvan Most Likely Descendant (MLD) with decision-making authority regarding disposition of human remains. Since that time, Mr. Galvan and Urban Tilth have entered into an Independent Contractor Agreement to allow Mr. Galvan to perform duties associated with his Most Likely Descendant designation. According to Mr. Galvan, all human remains disturbed at the project site have been reburied at The Ohlone Indian Cemetery in Fremont, California.

The attached MMRP lays out these mitigation measures to avoid unnecessary impacts to cultural/tribal resources:

1. To the maximum extent feasible, soil-disturbing activities will be located outside of areas CA-CCO-617 and CA-CCO-655.
2. A qualified archaeologist and/or Native American monitor shall be present during all excavation and grading within the project area that exceeds 24 inches in depth.
3. A qualified archaeologist shall conduct pre-ground disturbance mitigative excavation in areas of CA-CCO-655 where construction is proposed and otherwise cannot be avoided.

4. To the maximum extent feasible all utilities will be routed through the northern portion of the site.
5. If ground-disturbing activities encounter cultural resources then all activity that may cause further disturbance to that resource shall cease, and the area will be secured 50 feet out from the discovery until a qualified archaeologist, native American monitor and/or Most Likely Descendant can evaluate the find. Any human remains will also be reported to the Contra Costa County Coroner.

The attached MMRP goes into detail of how, if discovered, human remains will be analyzed, removed for burial, stored, documented, and eventually re-buried in the Ohlone Indian Cemetery in Fremont. Reburial will take place within six months of discovery. Pages 48-52 of Exhibit 4 include the specific details of these procedures.

### **Biological Resources**

The project could have potentially significant adverse impacts on special status species including the Pacific pond turtle, the San Pablo vole, and the San Pablo song Sparrow.

Mitigation measures will include:

1. Prior to using earth-moving equipment, all vegetation will be trimmed to ground level using hand tools, push-type motorized brush cutters, line trimmers or grazing goats. Removal in this manner will avoid crushing burrowing wildlife and encourage wildlife to relocate into the existing riparian habitat along San Pablo Creek.
2. Plant materials will be immediately off-hauled or finely chipped and spread over the ground to avoid creating a refuge for wildlife.
3. Upon completion of site clearing a qualified biologist (in possession of a CDFW scientific collection permit) will inspect the area for burrowing animals, and will relocate any detected wildlife to the riparian corridor.
4. After the steps above, wildlife exclusion fencing will be installed along the project's northern and eastern boundaries to separate the site from the riparian corridor.
5. Piles of plant debris, rubble, asphalt, or other coarse materials that will be left in place for more than 24 hours will be encircled by wildlife exclusion fencing.
6. A qualified biologist will be on site during the initial phase of grading to capture and relocate any wildlife detected.

Tree removal, site clearing and grading could result in bird mortalities or nest abandonment.

1. Pre-construction nesting bird surveys will be conducted by a qualified biologist for all clearing, grubbing, pruning, and tree removal work conducted during the breeding season (February 1 – August 31).
2. Any active nests found near the construction limits of 250ft for raptors and 100ft for passerines, the project biologist shall make a determination as to whether construction

activities are likely to disrupt reproductive behavior, and if disruption is deemed likely, the biologist will set broader no-construction buffer zones according to the species involved and other site variation.

Potential damage to eight trees intended for preservation.

1. Urban Tilth will provide a security to the Contra Costa County Department of Conservation and Development, Community Development Division in an amount sufficient to cover the preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor as well as the estimated labor and material cost to complete the improvements included in the finalized planting and irrigation plan.

### **Air Quality**

The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction to reduce any impacts to the public from exhaust emissions and particulate produced by construction activities.

1. All exposed surfaces (e.g.: staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily.
2. All haul trucks transporting sand, soil, or other loss material off-site shall be covered.
3. Visible mud or dirt tracked out into adjacent public roads will be removed using wet powered vacuum street sweepers at least once daily.
4. Idling time will be kept below a maximum of 5 minutes, and clear signage defining these BMPs will be provided for construction workers at all access points.
5. All construction equipment will be maintained in accordance with manufacturer's specifications. All equipment shall be checked by a certified emissions evaluator.
6. A publicly visible sign will be posted with the Air District's contact information as well as the telephone number and contact information for an identified staff member of the agency mandated to respond to dust complaints. That contact will respond and take corrective action within 48 hours of receiving the complaint."

Staff concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by California Code of Regulations, section 15382.



**Review of the Fred Jackson First Mile/Last Mile Connection Project - Project No.: 0662-6R4153 Initial Study/Mitigated Negative Declaration (IS/MND), and Monitoring and Reporting Program (MMRP):**

**Biological Resources – Migratory Bird Protective Measures**

1. Before any Project work occurs, including and equipment staging, all construction personnel will participate in an environmental awareness training given by a qualified biologist regarding special-status species and sensitive habitats present in the Biological Study Area (BSA). As part of the training, an environmental awareness handout will be provided to all personnel that describes and illustrates sensitive resources (e.g. Wildcat Creek or nesting birds) to be avoided during Project construction. If new construction personnel are added to the Project, they must receive the mandatory training before starting work. New construction personnel will receive the training from a qualified biologist or from staff deemed adequate to give the training by the qualified biologist.
2. The following will be completed to avoid potential impacts to nesting birds:
  - a. If construction (including utility pole relocation, equipment staging, and vegetation removal) will occur during the breeding season for migratory birds and raptors (generally January through August), a qualified biologist will conduct pre-construction nesting bird and raptor surveys prior to construction activities.
  - b. The surveys will be conducted no more than 14 days before the initiation of construction activities in the Project area.
  - c. If an active bird or raptor nest is identified within the Project Site, the nest will either be monitored by a qualified biologist during construction activities to determine if construction is causing disturbance that could result in nest failure, or a no-disturbance buffer will be established around the nest to avoid disturbance of the nesting birds or raptors until a qualified biologist determines that the young have fledged and are foraging on their own. The extent of these buffers will be determined by the biologist and will depend on the species identified, level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers (generally 50 feet for passerine, 500 feet for raptors) If deemed necessary by the qualified biologist consultation with CDFW will be conducted. If no active nests are found during the preconstruction surveys, then no additional mitigation is required.

**Water Quality**

All temporarily disturbed areas will be returned to pre-Project conditions upon completion of Project construction. These areas will be properly protected from washout and erosion using appropriate erosion control devices and Best Management Practices including:

1. All exposed soils will be stabilized and will be seeded with a native seed mix to reduce the effects of erosions
2. Staging areas will be contained with silt fencing or lined and bermed areas such that no leaks, runoff, or construction liquids could enter any draining facilities.
3. No refueling, storage, servicing or maintenance of equipment will take place within 50 feet of Wildcat Creek, its tributaries, or other adjacent wetland features.

The County will comply with the National Pollution Discharge Elimination System (NPDES) requirements associated with construction activity under section 402 of the Clean Water Act. The County will require selected contractor to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), which will include erosion control and construction-waste containment measures.

### **Cultural Resources**

An archaeological monitoring plan will be prepared prior to any ground disturbance. The plan will outline the procedures for discoveries within the boundaries of the archaeological site during construction; the chain of command and responsible parties; and special procedures should human remains be encountered. Procedures for discovery will include:

1. If cultural materials are discovered during construction, all earth moving activities within and around the immediate discovery area will be diverted until the Resident Engineer or their designated representative contacts an archaeologist who meets the Secretary of the Interior's Standards for Archaeology to assess the nature and significance of the find.
2. If cultural materials are found to be significant, a Data Recovery Plan will be developed.

The following Best Management Practices will be implemented during Project construction to protect unanticipated historic or pre-historic, archaeological, resources.

1. Contractor will be notified of the possibility of encountering historic or pre-historic, archaeological materials during ground-disturbing activities and will be educated on the types of historic and pre-historic Native American period archaeological materials that may be encountered.
2. If an inadvertent discovery is made, the Contractor will cease all ground-disturbing activities in the area of discovery.
3. The Contractor will immediately notify the County Public Works Department Resident Engineer who will then request a qualified archaeologist to evaluate the finding(s).
4. If the finding(s) is determined to be potentially significant, the archaeologist in consultation with the appropriate Native American tribal representative or historical society will develop a research design and treatment plan outlining management of the resource, analysis, and reporting of the find.

An archaeological monitoring plan will be prepared prior to any ground disturbance. The plan will outline the procedures for discoveries during construction that are made outside the boundaries of the known archaeological site; the chain of command and responsible parties; and special procedures should human remains be encountered.

If human remains are encountered, work within 25 feet of the discovery shall be redirected and the Contra Costa County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the NAHC within 24 hours of this identification. The NAHC will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to Contra Costa County and the Northwest Information Center.

**NOTE:** The IS/MND has further details for how the project will avoid impact on an identified prehistoric archeological site within the footprint of the larger First Mile / Last Mile project. County Department of Public Works told staff that the street tree aspect of the project will not overlap with the identified archaeological site and are not in proximity to it. The overall overlap of the archeological site with the entire First Mile / Last Mile project footprint is relatively very small, and the boundary is considered well defined. The specific mitigation measures for that site can be found on pages 22-23 of Exhibit 5.

### **Potentially Contaminated Soil or Water**

Prior to commencement of grading activities, a Phase II soil and water sampling plan and results report shall be prepared for the County and soil samples shall be collected. The samples shall be analyzed for heavy metals identified in California Code of Regulations (CCR) Title 22. The samples shall also be analyzed for diesel motor oil, organochlorine pesticides (OCP), and semi-volatile organic compounds (SVOC). The sampling report indicating the results of the sampling shall be submitted to the County for review and approval. If no contamination is present, no further action is required. If contamination is present, Mitigation Measure HAZ-2 will be implemented.

If soil-testing results exceed applicable environmental screening levels (ESLs) the County will follow the recommendations provided in the results report to minimize potential for accidental release of contaminants. Recommendations may include development and implementation of one or more of the following plans:

- Preparation and implementation of a Health and Safety Plan: If recommended, a Health and Safety Plan would be prepared and implemented by the contractor to provide

appropriate disclosure and information to the site workers and personnel of the contaminants present, hazard identification and awareness, and appropriate personal protective equipment and procedures to be used during construction of the Project.

- Preparation and implementation of a Soil Management Plan: If recommended, a Soil Management Plan would be prepared by the County and implemented by the contractor. Likely conditions are dust control and monitoring procedures, soil handling procedures, soil profiling, transportation and disposal procedure to ensure that the construction workers, residents and the general public are protected and that the contractor understands and has plans and procedures for handling, managing, stockpiling, profiling, transporting and disposing of the contaminated soils at an appropriate licensed disposal facility. The plan shall include lines of reporting and responsibilities and authorities.
- Preparation and implementation of an Air Monitoring Plan: If recommended, an Air Monitoring Plan would be prepared by the County and implemented by the contractor during construction that presents specific air monitoring procedures to be used during potentially dust generating portions of the construction activities. The Air Monitoring Plan may include sampling and testing at intervals sufficient to understand and avoid potential exposure to workers, residents, and the general public.”

### **Noise**

Construction activities shall be limited to non-sensitive hours for adjacent land uses (generally between 7 a.m. to 5 p.m.) consistent with the Contra Costa County General Plan Noise Element. Although unanticipated, if work is necessary outside of these hours, the Resident Engineer shall approve the work and will be available to address any noise concerns during all construction activities. Other proposed mitigations include prohibiting unnecessary idling, locating stationary noise equipment far from sensitive receptors, and avoiding staging equipment within 200 feet of residences.

Staff again concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by 14 California Code of Regulations, section 15382.

Upon approval of the project, Conservancy staff will file a Notice of Determination.