



CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP) CONCURRENCE REQUEST

Completion and submission of this form is voluntary. This form may be submitted to request concurrence from the Director of Fish and Wildlife pursuant to Public Resources Code section 21080.56.

Submit this form (pdf) and all attachments via the Department’s [Environmental Permit Information Management System \(EPIMS\) Document Repository](#).

1. LEAD AGENCY

Lead Agency Name:	East Bay Regional Park District
Contact Person Name	Chris Barton
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2. PROJECT PROPONENT

Check Box and Skip to Number 3 if Same as Lead Agency

Business/Agency/Organization	Click or tap here to enter text.
Contact Person’s Name:	Click or tap here to enter text.
Street Address:	Click or tap here to enter text.
City, State, Zip:	Click or tap here to enter text.
Contact Person’s Telephone:	Click or tap here to enter text.
Contact Person’s E-mail:	Click or tap here to enter text.

3. PROJECT INFORMATION

A. Project Name:	Restore Hayward Marsh (Former USD Treatment Marsh)
B. Estimated Project Start/End Dates:	September 2024 – January 2026
C. Provide a brief description of project location, size, and funding sources. Please cite supporting documents and provide as an attachment.	
<p>The approximately 309-acre site of the proposed project is located in the City of Hayward, Alameda County, adjacent to the San Francisco Bay shoreline and directly north of US Highway 92 (37.629346; -122.140079). The proposed project site includes portions of San Francisco Bay; a segment of the San Francisco Bay Trail; a portion of Cogswell Marsh, a 250-acre tidal marsh; Hayward Marsh, a 145-acre constructed pond and levee system constructed within the Hayward Regional Shoreline in the 1980s and designed to treat wastewater effluent; and the Mouse Preserve, a 27-acre muted tidal marsh that is actively managed by the East Bay Regional Park District (Park District) as habitat for salt marsh harvest mouse. For a more complete description</p>	



of the proposed project site, refer to sections 4.0 and 5.1 in the Biological Resources Technical Report (Attachment A).

Currently, funding for the project is being provided by the Park District (lead agency) and the San Francisco Bay Restoration Authority (SFBRA). The Park District expects to apply for implementation funding through various competitive grant programs offered through the Environmental Protections Agency, United States Fish and Wildlife Service, FWS, State of California Coastal Conservancy, Wildlife Conservation Board, Department of Water Resources, and other agencies in the next year. Securing CEQA coverage through the SERP process will make the project more competitive.

D. Provide a project summary and expected environmental benefits (i.e., acres or stream-miles restored/enhanced, species benefitted, etc.). Please cite supporting documents and provide as an attachment.

The proposed project is designed to conserve, enhance, and restore sensitive coastal resources at Hayward Marsh both today and in the decades to come. In its current form, Hayward Marsh functions as a wastewater treatment system. The wastewater treatment plant that supplies the system with freshwater is scheduled to be decommissioned, allowing the opportunity for the Hayward Marsh system to be redesigned to enhance the area's ecological benefits. If left unchanged, Hayward Marsh's existing tidal marsh habitat is predicted to be lost in the coming decades due to rising seas. Proposed project activities would include levee improvements, enhancements to existing islands and creation of new islands for use by shorebirds, improvements to the channels within the Mouse Preserve to promote tidal flushing in the area, and the creation of new upland transition zones designed to accommodate tidal marsh habitat migration upward as sea level rise progresses.

To create the new upland transition zones, the proposed project would fill and grade the eastern portions of the site to form a continuous upland area that slopes downwards to the Mouse Preserve in the southeast corner of the site at a 60:1 slope. This gentle slope would allow the upland area to gradually become tidal marsh habitat as existing tidal marsh habitat is drowned out by rising sea levels.

On the Bay-side levee, where the Bay Trail currently crosses Hayward Marsh, the proposed project would widen the top of the existing levee, create a gentle 10:1 slope on the inbound side of the levee to allow for transitional marsh habitat to form, and install shoreline protection features on the Bay side to help limit levee erosion. The levees that separate the westernmost pond from the Northwest Channel and the Mixing Channel would be either removed or breached to allow for the expansion of the westernmost pond as sea level rise progresses. The Project would create an additional breach between marsh areas to the south and the Mixing Channel, which would improve tidal connectivity between adjacent marshes and Hayward Marsh. The proposed project would also install a new culvert between the Northwest Channel and Cogswell Marsh to the north to improve connectivity on the northern side of Hayward Marsh.

The levee that separates ponds in the central portion of the site from ponds in the eastern portion of the site would be built up to 14 feet in elevation and the top widened to 16 feet to form the "interim levee" to prevent flooding of the mouse preserve and nesting islands to the east. To avoid unnecessary tidal encroachment on the Mouse Preserve which is anticipated to continue to provide habitat for several special-status wildlife species, the interim levee's side slopes would be graded to a 5:1 slope where the levee abuts the Mouse Preserve.

Overall, the proposed project will create an increase in the extent of tidal marsh from 14 acres to a projected 78 acres, which will provide a substantial increase in available habitat for salt marsh plant and wildlife species that already utilize this habitat type in the area. Additionally, uplands, including managed California least tern nesting



islands, will be strategically constructed to provide habitat value and designed to be as resilient to sea level rise as practical. All of the 137 acres which are currently utilized for wastewater treatment will be converted into uplands, tidal open water, or muted tidal marsh, creating a more natural water regime and increased resiliency to sea level rise within the site. The proposed project will remove approximately 6,700 linear feet of levee in the western portion of Hayward Marsh, will install approximately 1,600 linear feet of shoreline protection features, such as living shoreline elements, along the San Francisco Bay, and will decrease levee slopes for better vegetation community establishment in the face of sea level rise on approximately 12,500 linear feet of existing levees. The project's shoreline protection features are at an early design stage and subject to change depending on wave exposure modeling results and input from agencies/partners (including CDFW) during remaining regulatory proceedings.

A complete project description is detailed in Section 1.3 of the Biological Resources Technical Report (Attachment A).

E. CDFW recommends that lead agencies meet and confer with tribes, representatives of any affected local agencies, and other stakeholders prior to submitting a SERP request to CDFW. Please provide a summary of project consultation with tribes, agencies, and other stakeholders and submit documentation as an attachment.

On April 26, 2022 the Park District contacted the Native American Heritage Commission (NAHC) for a search of its Sacred Lands File and for a list of Native Americans tribes/individuals associated with Project area. The NAHC responded on May 27, 2022 indicating the results of the SLF search was negative. The NAHC also provided a list of Native American tribes who may also have knowledge of cultural resources in the project area. The list included nine tribes, including: Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, The Ohlone Indian Tribe, Wuksache Indian Tribe/Eshom Valley Band, and the Confederated Villages of Lisjan. The Park District will send letters to these tribes prior to Project implementation. The letters will describe the Project, will include the results of the SLF, and will identify if any cultural resources have been previously identified in the Project area. The Park District will allow a reasonable window for a response time so that interested tribes can notify the Park District they would like to discuss the Project. The Park District project team will work closely with the Park District's cultural resources coordinator and tribal liaison to maximize collaboration and opportunities with the tribes.

This Project will be permitted by the US Army Corps of Engineers (USACE), and as such, the lead federal agency will be responsible for contacting tribes and stakeholders for consultation, as part of this Project. Results of the USACE's consultation efforts (e.g., tribal monitoring, etc.) may be included as a condition of the permit.

In 2021, the Hayward Regional Shoreline Adaptation Master Plan was completed for the Hayward Area Shoreline Planning Agency (HASPA). This document was created to provide a framework for adaptation to guide development of future projects within this critical shoreline area. Extensive public outreach efforts were undertaken to help inform this planning document and engage community members and stakeholders. Outreach efforts included an online survey that was completed by approximately 900 people, three public workshops, seven stakeholder interviews, one public shore tour, six stakeholder meetings, two online public forums, as well as numerous comments received as part of the public engagement process. Information on the HASPA Master Plan is available online at <https://www.hayward-ca.gov/shoreline-master-plan>

In addition to the broader Hayward Regional Shoreline Adaptation Master Plan, public outreach and engagement for the Restore Hayward Marsh Project has consisted of the development and implementation of a public outreach and participation plan, four public meetings including a public workshop, two Park District Board



Executive Committee meetings, and one Park District Board meeting, an online survey open to the public, and several agency stakeholder meetings with the City of Hayward, Alameda County Flood Control and Water Conservation District, Alameda County Mosquito and Vector Control, Hayward Area Recreation District, Metropolitan

Transportation Commission’s Bay Trail Program, Union Sanitary District, and the (SFBRA) Bay Restoration Regulatory Integration Team (BRRIT). Feedback from these meetings has helped guide the development of the proposed project. The project has also been presented to elected officials including State Senate Member Wieckowski, Assembly Member Quirk and Alameda County Supervisor Valle - each has provided letters of support for the project. Public Information on the Restore Hayward Marsh project is available online at: <https://www.ebparks.org/projects/restore-hayward-marsh-project>

4. REQUIRED DETERMINATIONS

Provide a full description for each determination below:

A. The project is exclusively one or both of the following: (1) a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, or (2) a project to restore or provide habitat for California native fish and wildlife. Please cite supporting documents and provide as an attachment.

The Park District has determined the proposed project is exclusively a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, and a project to restore or provide habitat for California native fish and wildlife.

By taking steps described in the Biological Resources Technical Report (Attachment A) and detailed in the project plans (Attachment B), the proposed project will protect against the loss of sensitive endangered species habitats within the proposed restoration area from sea level rise. The proposed project is designed to minimize habitat conversion to less desirable habitat types as a result of sea level rise over the long term, and thus maintains both habitat and an important movement corridor for special-status species identified in the area. Additionally, the creation and maintenance of breeding sites for sensitive avian species such as California least tern and western snowy plover will serve to provide habitat and protect these species during critical stages of their life history. Project actions and features, such as the construction of an interim levee and new water control structures will also prevent a muted tidal marsh that currently supports genetically verified Saltmarsh harvest mice from being inundated from the overtopping of existing dikes and water control structures. The project will also improve water circulation to improve water quality for fish and wildlife. By changing levee slopes, removing existing water treatment infrastructure, and adjusting grades in the eastern portion of the site, the proposed project will achieve a greater number of acres of tidal marsh habitat and tidally influenced open water, both of which are designed to provide resilient and improved habitat in the long term for sensitive plant and wildlife species. Refer to sections 1.3, 5.2.2, 5.3, 6.1, and 7 of the Biological Resources Technical Report (Attachment A) for a full description of the proposed project, how it incorporates design elements to preserve habitat in the near- and long-term, and avoidance and minimization measures that will be taken during project construction to protect identified special-status species.



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B. An eligible project may have incidental public benefits, such as public access and recreation. Please cite supporting documents and provide as an attachment.

The Park District has determined the project may have incidental public benefits. A segment of the San Francisco Bay Trail (Bay Trail), a multi-use path that circumnavigates the San Francisco Bay, currently passes across levee tops along the bayside margin of the restoration area. In order to permit the proposed habitat improvements, under the McAteer-Petris Act, the Bay Conservation and Development Commission (BCDC) must find that the project provides “the maximum feasible public access to the bay and its shoreline..”. The project proposes to satisfy this requirement by improving the bayside Bay Trail levee to be more resilient to increased wind/wave energy and higher water levels anticipated with sea-level rise and more extreme storm events protect. This will incidentally help reduce closures of the San Francisco Bay trail due to flooding and provide access to the restoration area for maintaining and monitoring habitat. Levee improvements will also include flattening the levee side slopes to provide a gentle ecotone from restored tidal marsh to uplands. Existing interpretive exhibits will be relocated to increase the buffer between public access and sensitive wildlife habitat. These exhibits will focus on increasing public awareness and appreciation of the stewardship of sensitive species and their habitats. Refer to section 1.3 of the Biological Resources Technical Report (Attachment A) for project actions that involve the Bay Trail and incidental public access.

C. The project does both of the following: (1) results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment. Please cite supporting documents and provide as an attachment.

Overview

The Park District has determined the project does both of the following: (1) results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment.

Long Term Net Benefits to Climate Resiliency:

In the near term, improvements to the Bay-side levee and creation of the interim levee will better protect the entirety of Hayward Marsh from extreme storm events, which are expected to increase in frequency and intensity as climate change progresses. For sensitive tidal marsh species, the development of gentler 10:1 slopes along the sides of most of the levees will allow for tidal marsh habitat and transition zone habitat to develop and migrate. These gentle slopes can provide refuge for tidal marsh species during extreme tide events, which are also expected to occur more frequently over time.

In the long term, the upland areas created by the proposed project are designed to become tidal marsh and transition zone habitat as sea level rise progresses, providing future habitat for species that currently occupy existing tidal marsh habitat after these areas are inundated by sea level rise. Because tidal marsh habitat naturally protects shorelines, by designing the proposed project to retain tidal marsh habitat the proposed project will also continue to help protect areas inland of Hayward Marsh.



Refer to section 1.3 in the Biological Resources Technical Report (Attachment A) for a detailed description of project elements that are designed to increase bay-front climate resiliency, as well as Figures 4 -6 in the same document for anticipated land cover type changes based on future sea level rise scenarios.

Long Term Net Benefits to Biodiversity:

The proposed project is designed to benefit biodiversity through the creation of gentle levee side slopes, the creation of new islands and improvements to existing islands within Ponds 2A and 3A, and through the installation of shoreline protection features on the Bay-side levee. By creating 10:1 side slopes that are more gradual than the existing levee side slopes, the proposed project would allow for habitat diversity to develop on these slopes. As sea level rise progresses, the gentle 10:1 levee and shorebird island side slopes would allow for tidal marsh and transition zone to shift to higher elevations, maintaining habitat diversity throughout Hayward Marsh. In addition, the gradual 60:1 slope proposed for the new upland area proposed for in the eastern portion of Hayward Marsh would allow for muted tidal marsh and transition zone habitats to develop as sea level rise drowns out some of the existing marsh areas, particularly in the mouse preserve.

Shorebirds and aerial fish foragers that currently nest within Hayward Marsh also will experience substantial benefit as a result of the proposed project. Proposed gentler side-slopes on new and existing islands would reduce the risk of chicks falling into the surrounding water and make it easier for the birds to get on and off the islands. In addition, by excavating 20-foot-wide channels around each island, the proposed project would make it more difficult for predators to access the islands, thereby improving shorebird protections from predation. The proposed project would also enhance the shorebird nesting habitat provided by each the islands by adding oyster shells and other materials on top of each island for use as refuge by shorebirds and their chicks.

Refer to section 7.2 in the Biological Resources Technical Report (Attachment A) for a detailed discussion of proposed project benefits to biodiversity, as well as Figures 4 - 6 in the same document for anticipated land cover type changes based on future sea level rise scenarios.

Long Term Net Benefits to Sensitive Species Recovery:

Fish species would benefit from an increased level of connectivity between waters within Hayward Marsh and the San Francisco Bay, which would improve foraging and dispersal opportunities due to the conversion of water treatment ponds to 54 acres of tidal or muted tidal open water immediately post-restoration. In the long-term, as sea level rise progresses, the extent of tidal open water habitat available within the Project for use by fish species would increase even further to 172 acres of tidal or muted tidal open water due to the design of new levees and upland areas, even as tidal marsh area also increases.

California least tern, black skimmer, and western snowy plover all currently rely on manmade islands within Hayward Marsh for breeding and refugia during foraging. While existing breeding islands are actively managed to support breeding by this species, sea level rise threatens the viability of these breeding sites. In the near-term, in addition to improving (i.e., raising and expanding) the existing breeding island, the Project will construct additional islands that will be suitable for use by these species for the potential expansion or passive relocation of the existing breeding colony. Additionally, islands that are currently vegetated and which are not utilized by these species will be removed, providing a lower management burden and less opportunity for inhabitation by mesopredators and avian predators that currently endanger these colonies. Foraging opportunities for aerial



fish foragers will also increase as sea level rise progresses and the area of tidal open water around breeding islands increases.

California Ridgway's rail and California black rail both require tidal marsh habitat for nesting, foraging, and predator avoidance. The proposed project is designed for a planned transition of land cover to benefit species within Hayward Marsh in response to sea level rise projections. The change in areas currently classified as muted tidal marsh, upland, or managed pond would be converted to up to 73 acres of tidal marsh or muted tidal marsh in the long term which will substantially increase both the breeding and foraging opportunities for these species within Hayward Marsh.

Salt marsh harvest mouse and salt marsh wandering shrew will benefit from a more natural tidal regime resulting from the removal or lowering of levees within Hayward Marsh to provide better habitat connectivity. The lowering of levees and addition of more suitably vegetated upland islands within managed ponds will provide a greater extent of upland refugia for these species adjacent to existing salt marsh areas. The removal of water control structures within Hayward Marsh will allow natural tidal flooding of muted salt marsh areas within the Mouse Preserve and elsewhere, providing more natural inundation intervals and the framework for suitable vegetative structure for these species to thrive. This would mainly be represented by the re-establishment of typical salt marsh vegetation, such as pickleweed. Long-term, the breaching of levees combined with predicted sea level rise will cause a large portion of Hayward Marsh to shift to tidal marsh (approximately 113 acres by 2080, or greater than the current approximately 70 acres), which is considered to be the ideal habitat type for these species. The design of upland areas is also expected to provide suitable refugia from increasingly high tides.

Special-status plants will benefit from the gentle slopes created along the levees, islands, and new upland areas, all of which would allow tidal marsh vegetation, including special-status plants, to migrate to higher elevation along the slopes as sea levels rise. In the absence of these gentle slopes, tidal marsh vegetation is expected to be lost due to rising seas; therefore, the proposed project would allow Hayward Marsh to provide suitable habitat for special-status plant species in the long term do an increase in tidal marsh acreage from 70 acres currently to a projected 113 acres by 2080.

Refer to sections 5.2.2 and 7.3 in the Biological Resources Technical Report (Attachment A) for a detailed description of special-status species with the potential to occur within the restoration area, and how the proposed project will benefit them, respectively.

Procedures and Ongoing Management for the Protection of the Environment:

The Park District has determined the project will include procedures for the project of the environment and ongoing management for the protection of the environment. The proposed project has been designed to preserve and protect high quality habitat from being flooded out with climate change and create the opportunity for upslope migration of tidal marshes in response to sea level rise. This will be accomplished by modifying existing levees and installing new water control structures to provide optimal water levels and water quality for sensitive species.

PROCEDURES FOR THE PROTECTION OF THE ENVIRONMENT:

Avoidance and minimization measures specific to species or species groups will be implemented to ensure the protection of the environment.



Fish species may be affected by in-water work that could occur during placement of fill or breaching of levees. This work has some potential to result in the mortality of individual fish or a reduction in water quality. To avoid these impacts, in-water work will be limited to the period between July 1 and October 31. Additionally, levee work will be conducted during low tide events to minimize impacts to water quality and listed fish species. To the extent feasible, any activities related to placement of fill or construction of new islands will also occur during low tide events.

California least tern, black skimmer, and western snowy plover could be impacted by access to work locations, grading work on levees, and improvements to or removal of existing islands. Visual and auditory disturbances associated with the use of heavy machinery also have the potential to disrupt the breeding dynamics of these species if they occur close to known nest sites. To avoid these impacts, work on the nesting colonies would be conducted outside of the breeding season when birds are less likely to be present (i.e., between September 1 and March 15). Any work on the entirety of the site that occurs within the breeding season shall be preceded by a nesting bird survey, which would include searching for nests of special-status and/or listed species.

California Ridgway's rail and California black rail may be present in tidal marsh and muted tidal marsh habitats within Hayward Marsh. Noise-generating activities, if they occur in proximity to CRR and CBR habitat, have the potential to disrupt the breeding dynamics of these species. If noise-producing activities are planned for within 700 feet of suitable habitat for these species during their breeding season (February 1 – September 31), protocol level surveys for both species will be conducted by an agency approved and permitted biologist. If individuals are detected, occupied habitat patches will be avoided in the year of survey until the breeding season has ended.

Native nesting birds, including some with special-status, may nest in various locations throughout hayward marsh, and may be impacted by vegetation removal, grading, or other restoration activities. To avoid impacts to native nesting birds during the breeding season (between February 1 and August 31), restoration activities would be preceded by a nesting bird survey to identify any active nests. If nests are found, they will be avoided until such time as they become inactive.

Salt marsh harvest mouse and salt marsh wandering shrew are both potentially present within most vegetated and transitional upland areas within Hayward Marsh. These species may additionally be found moving through uplands adjacent to typically occupied habitats during dispersal movement. As such, work adjacent to occupied habitat could result in the mortality of SMHM individuals. In addition, any removal of marsh vegetation could have similar effects. Measures built into the project to avoid impacts to these species include: installation of exclusion fencing adjacent to potential habitat, biological monitoring during vegetation removal/fencing installation/other activities, a worker environmental awareness training, and work stoppages if individuals are observed.

ONGOING MANAGEMENT FOR THE PROTECTION OF THE ENVIRONMENT

The Park District has had wildlife biologists and operations staff dedicated to overseeing the protection and management of the environment and wildlife at Hayward Marsh since the 1980s. This work will continue with the implementation of the project.



Wildlife Surveys. Park District biologists annually conduct systematic protocol level nest surveys (Type 1 & 2) for colonial nesting waterbirds, California Least Tern, Western Snowy Plover and Black Skimmer. Staff also participates in the USFW, 2017 Site-Specific Protocol for Monitoring Marsh Birds, specifically focusing on Ridgway's Rail and California Back Rail. District biologists also collaborate with government (CDFW, USFWS, USGS, CDWR), university (UCD) and non-governmental experts performing bay-wide Salt Marsh Harvest Mouse surveys (trapping, marking, and collecting genetic samples) to understand the distribution, population size and demography of this fully protected species.

California Least Tern Islands. The site is home to the 2nd largest California Least Tern Colony north of Ventura County and has the greatest breeding density of Western Snowy Plovers per hectare in San Francisco Bay. Annually (before the terns and plovers arrive and following the breeding season) additional substrate (sand/oyster shell) is brought to the site and any necessary erosion repairs are made to ensure favorable nesting conditions. Starting in 2001, Park District biologists with the help of volunteers have moved over 375,000 pounds of materials onto the island and spread out to create ideal nesting conditions for the California Least Tern, Western Snowy Plover and Black Skimmer. Park District staff also closely monitors and repairs any erosion of islands that may create steep drop-offs that could create an avenue for chick mortality due to drowning/hypothermia.

Predator Monitoring and Control. Park District biologists work in partnership with other agencies to closely monitor predation threats to the sensitive listed wildlife species mentioned above. The District yearly employs the services of USDA-Wildlife Service and Wildlife Innovations to help survey, inform and implement management actions to protect special status species.

Invasive Weed Control. Park District Integrated Pest Management (IPM) staff work with Park District biologists to control weed growth that may restrict tern, plover and skimmer nesting opportunities and create ideal bare ground nesting conditions for the endangered California Least Tern, threatened Western Snowy Plover and the Black Skimmer, a species of special concern.

Water Quality. Park District biologists work with Park District Water Management staff to monitor water quality as needed for pathogens, suspicious algae, dissolved oxygen, and ammonia levels.

Refer to section 7.5 in the Biological Resources Technical Report (Attachment A) for further information on this topic.

D. The project does not include any construction activities, except for construction activities solely related to habitat restoration. Please cite supporting documents and provide as an attachment.

The Park District has determined the project does not include any construction activities, except for construction activities solely related to habitat restoration. Construction associated with the project is primarily designed to protect and create wildlife habitat and resilient biological communities.

Constructing roosting/nesting islands: Placement of an approximately 250-foot by 150-foot area of fill during construction will accommodate nesting aerial fish foragers and shorebirds. The islands will have a 10:1 slope at the edges with armoring to prevent erosion, and will be topped with shells and other materials to provide suitable nesting substrate.



Lowering levees/changing levee slopes: Levee slopes will be reduced in most places to provide the opportunity for vegetation to migrate upslope as sea level rise progresses. This will be accomplished through the placement of clean fill along existing levees to achieve the desired slope (either 10:1 or 60:1).

Deepening channels: The “Mixing Channel” will be deepened via the removal of sediment in order to provide unimpeded tidal flow to more inland portions of Hayward Marsh.

Removing levees: Although most levees will be preserved and altered to best adhere to the restoration design, the levee between Pond 3B and the northwest channel will be removed entirely to enhance tidal flow near the Bay. Other portions of the levee around this will also be breached for the same purpose. The material removed will be placed in other areas of the Marsh as upland fill.

Creation of uplands: New upland areas will be created via the placement of clean fill in the eastern portions of the property to create resiliency to high tides and provide locations for the establishment of new tidal marsh areas as sea level rise progresses.

Refer to section 1.3 of the Biological Resources Technical Report (Attachment A) for a complete project description and the 35% project plans (Attachment B) which demonstrate a commitment to this goal.

5. CERTIFICATION

I certify that I have the authority to determine whether a project is exempt pursuant to CEQA Guidelines section 15025(a)(1), and this project meets all the requirements described in Public Resources Code section 21080.56, and that I have submitted all the determinations required therein necessary to obtain the concurrence of the Director of Fish and Wildlife.

Lead Agency Signature

Date: October 3, 2022

Chris Barton, Restoration Projects Manager, East Bay Regional Park District

- Attachment 1: Biological Resources Technical Report, August 2022
- Attachment 2: Cultural Resources Inventory Report for the Restore Hayward Marsh (Former USD Treatment Marsh) Project, September 2022
- Attachment 3: Restore Hayward Marsh 35% Design Plans, July 2022