









**CONSISTENCY WITH MEASURE AA PROGRAMS AND ACTIVITIES:**

The project is consistent with Measure AA's *Vital Fish, Bird and Wildlife Habitat Program*'s purpose of protecting a restoring wetlands and other Bay shoreline habitats to benefit wildlife by restoring and enhancing a variety of shoreline habitats (tidal marsh, seasonal ponds, permanent ponds, high tide islands, uplands) which will to benefit Ridgway's rail, the salt marsh harvest mouse, and to maintain and protect nesting habitat for California least terns, Western snowy plover, California black rails, and other waterbirds.

The project is consistent with Measure AA's *The Integrated Flood Protection Program*'s purpose of building and/or improving flood protection levees that are necessary part of wetland restoration activities by stabilizing the bayfront levee, using breakwater piles to reduce erosion of the levee, and designing a new levee alignment in anticipation of future sea level rise.

The project is consistent with Measure AA's *Shoreline Public Access Program*'s purpose of enhancing quality of life for Bay residents and improving public access by preparing for sea level rise and improving Bay Trail access through levee stabilization and constructing a new levee for future Bay Trail alignment when sea level rises.

**CONSISTENCY WITH MEASURE AA PRIORITIZATION CRITERIA:**

1. **Greatest positive impact.** The proposed project will design and enhance habitat such that it could support the current or greater populations of wildlife such as the California least tern, Ridgway's rail, salt marsh harvest mouse, Western snowy plover, and California black rail. More information about the project's impact and the regional plans that it supports can be found in Exhibit 2, "Consistency with Measure AA Prioritization Criteria" items #1 and #5.
2. **Greatest long-term impact.** The proposed project will design for up to five feet of sea level rise projected for year 2080. For more information see the "Project Description" section above, and "Consistency with Measure AA Prioritization Criteria" item #2 in Exhibit 2.
3. **Leveraging resources and partnerships.** EBRPD is working closely with USD to prepare for the proposed project when Hayward Marsh ceases receiving treated wastewater. EBRPD is also leveraging their own bond funds to support the project (see "Project Financing" above). For more information see "Site Description" and "Consistency with Measure AA Prioritization Criteria" item #3 in Exhibit 2.
4. **Economically disadvantaged communities.** The proposed project is adjacent to an Economically Disadvantaged community called Russel City. For more information see "Consistency with Measure AA Prioritization Criteria" item #4 in Exhibit 2.
5. **Coastal Conservancy's San Francisco Bay Area Conservancy Program.** The proposed project is consistent with the Conservancy's Project Selection Criteria as follows:
  - a. The proposed project accomplishes the objectives in the Conservancy's Strategic Plan to enhance biological diversity and habitat by designing for the restoration of a variety of shoreline habitat that provide better nesting and high tide refugia for wildlife; enhancing the resiliency of shoreline communities and ecosystems to the impacts of climate change be preparing for sea level rise and gradual habitat migration; improving public access and recreation by reinforcing the levee the Bay Trail runs atop, and enhancing the experience

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of visitors and educational programs that may view the shoreline habitats and wildlife from the trail.

- b. The proposed project is a good investment of regional resources because it will serve a regional constituency including Alameda County residents and advances the goals and objectives of multiple local and regional plans (see Exhibit 2, "Consistency with Measure AA Prioritization Criteria" item #5)
- c. The proposed project benefits will be sustainable or resilient over the project lifespan because the proposed project will plan for sea level rise and its impacts such as erosion by designing a new levee, designing for marsh migration toward upland areas, and enhancing tidal ponds with high tide refuge islands.
- d. The proposed project will deliver multiple benefits and significant positive impact by enhancing habitat for wildlife, reinforcing the levee using living shoreline strategies, and improving public access via the Bay Trail.
- e. Earlier phases of the proposed project incorporated park visitor surveys that asked which climate change impacts users experiences when visiting the Hayward Shoreline. Over 1,000 responses from Hayward Shoreline Park visitors indicated that sea level rise, flooding, and drought were top of mind. The park design addresses concerns regarding sea level rise and flooding. EBRPD also hosted a public workshop and survey to get feedback on proposed alternative designs for the marsh and selected the preferred alternative to develop engineering designs and plans for. They also created an informational brochure about the project to hand out during the regular educational programming that occurs at the Hayward Shoreline Interpretive Center.

6. **San Francisco Bay Conservation and Development Commission's Coastal Management Program.** The project is consistent with and meets the following priorities of the plan:

Tidal Marshes and Mudflats Policy 5: Restore tidal action to tidal marshes and tidal flats that have been diked to the Bay and/or manage historic wetlands to provide important Bay habitat for resting, foraging, breeding.

Water Quality Policy 1: Restore the Bay's tidal marshes and conserve water surface area and volume to protect and improve water quality.

Fish, Other Aquatic Organisms and Wildlife Policy 1: Conserve and restore the Bay's tidal marshes, tidal flats, and subtidal habitat to assure benefits to fish and other aquatic organisms and wildlife for future generations.

Public Access Policy 4: To ensure the optimum use of the Bay for recreation, enhancing access of waterfront parks by improving Bay trail segments that connect to the waterfront and interpretive programs that inform visitors about the wildlife and habitat values present in the park.

7. **San Francisco Bay Joint Venture's Implementation Strategy.** The San Francisco Bay Joint Venture supports the Hayward Marsh Restoration Project. The project is referenced in the November 2019 Priority Projects List as the "Hayward Regional Shoreline – Habitat

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Restoration” project. Consistent with the Implementation Strategy, the project will enhance wetland habitat.

### **CONSISTENCY WITH AUTHORITY’S INTERIM TRIBAL CONSULTATION POLICY:**

In Spring of 2022 EBRPD contacted the Native American Heritage Commission (NAHC) for a list of tribes and contacts that indicated an association or interest in the project area. The NAHC returned a list of nine tribes of whom were contacted that same spring by EBRPD’s Cultural Service Coordinator. Of the nine tribes contacted, two responded and met with EBRPD staff to learn more about the project. EBRPD staff provided an overview of the conceptual designs to the two tribes in separate meetings. All nine tribes will be notified again during a future implementation phase in coordination with EBRPD’s Cultural Service Coordinator and the U.S. Army Corps of Engineers staff which will be the lead federal agency responsible for contacting tribes and stakeholders as part of the project.

### **COMPLIANCE WITH CEQA:**

The proposed project is statutorily exempt from review under the California Environmental Quality Act (CEQA) pursuant to Pub. Res. Code 21080.56, which exempts projects that conserve, restore, protect, or enhance native wildlife and its habitat. Such projects must result in long term benefits to climate resilience and biodiversity, include procedures for ongoing management, and the Director of the California Department of Fish and Wildlife (CDFW) must concur with the lead agency’s exemption determination.

Consistent with this section, this project will create plans to restore habitat used by native fish and wildlife species. It will result in long-term benefits to climate resilience by improving levees which protect against extreme weather effects associated with climate change. The project will benefit biodiversity by improving the habitat, making it more favorable for birds to nest and increasing habitat connectivity for fish. EBRPD will continue to provide ongoing management for Hayward Marsh. The Director of CDFW concurred with EBRPD’s CEQA exemption determination (Exhibit 5). Upon approval of the project, staff will file a Notice of Exemption.