F.5 Resolution accepting the findings and recommendations contained in Newark-Fremont Bay Trail Realignment Feasibility Study, approval of the preferred alignment, and supporting the re-alignment of the San Francisco Bay Trail within Newark– from Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion In 2010, the cities of Newark and Fremont received a grant from Association of Bay Area Governments, Bay Trail and subsequently approved a contract with Questa Engineering to prepare a Feasibility Study and conduct public outreach related to identification of a shoreline alignment of the San Francisco Bay Trail. The City of Newark was the lead agency over-seeing the study and directing the work of its consultant. The Feasibility Study area extends from Don Edwards National Wildlife Refuge to Dixon Landing Road at the Fremont/Alameda County limits. The completed Feasibility Study identifies potential alignments, environmental issues, opportunities and constraints, current planning efforts related to a shoreline trail alignment, project costs, design guidelines, funding needs, and permitting requirements.

The San Francisco Bay Trail Plan was adopted in 1989 by the Association of Bay Area Governments (ABAG) with the goal of developing a 500-mile continuous trail network around the Bay shoreline with connections to local and regional trail systems. The alignment of the Bay Trail continues to evolve over time as opportunities arise to plan and develop new or revised Bay Trail alignments that meets its goal of providing off-street bicycle and pedestrian trails that run along or near the Bay shoreline.

Within the Cities of Fremont and Newark, there are approximately fifteen miles of San Francisco Bay shoreline. Of these fifteen miles of shoreline, there are only five miles of off-street trails that are planned or already exist along the shoreline, and there are currently no shoreline trails planned for the remaining ten miles of Bayfront. Visitors to the area use a variety of trails, paths and streets, including on-street city sidewalks, bike lanes and segments of off-street paths within the Don Edwards Wildlife Refuge to reach the shoreline area.

There are no off-street Bay Trail segments in Newark, while in neighboring Fremont, there are three existing, designated off-street Bay Trail segments.

The Feasibility Study included coordination with staff from the cities of Newark and Fremont, as well as ABAG Bay Trail, Alameda County Public Works Agency, the US Fish and Wildlife Service, Don Edwards Wildlife Refuge, and representatives from Cargill, Inc. The Study provides an inventory of existing conditions, identification and evaluation of potential route options, identification of project opportunities and constraints, design criteria, community outreach and a statement of community goals for a Bay Trail along or near the shoreline.

The Study identifies a preferred alignment to provide safe and efficient travel within Newark and Fremont and connections to other trail systems. The Study will fulfill the vision of a bay-oriented shoreline trail that is accessible by many modes and abilities. The realigned route through this area has been incorporated into the General Plans for Newark. If approved by the City Council,

Staff will work with the Bay Trail Project to designate the revised alignment and apply for grants to fund construction.

It is important to note that designation or an alignment does not assure construction of the a trail, it is only a first step to seek funding for more detailed planning, environmental analysis and construction.

Acceptance of the Feasibility Study will facilitate follow-up planning, engineering, grant applications, and budgeting, so that trail segments can be seamlessly integrated into ongoing and planned projects. The completed Feasibility Study charts a course for phasing, funding, and implementation of the trail system in the City of Newark.

Update: At their February 11, 2014 meeting the Planning Commission recommended that the City Council accept the Newark Fremont Bay Trail Realignment Feasibility Study and approve the Preferred Alignment.

Attachments

Recommendation- Approve a resolution accepting the findings and recommendations contained in the Newark-Fremont Bay Trail Realignment Feasibility Study, approval of the preferred alignment, and supporting the re-alignment of the San Francisco Bay Trail within Newark.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ACCEPTING THE FINDINGS AND RECOMMENDATIONS CONTAINED IN THE NEWARK-FREMONT BAY TRAIL REALIGNMENT FEASIBILITY STUDY, APPROVAL OF THE PREFERRED ALIGNMENT, AND SUPPORTING THE REALIGNMENT OF THE SAN FRANCISCO BAY TRAIL WITHIN NEWARK

WHEREAS, the San Francisco Bay Trail Plan provides broad guidance and policies for the implementation of the San Francisco Bay Trail, a planned recreational corridor that, when complete, will encircle San Francisco and San Pablo Bays with a continuous 500 mile network of bicycling and hiking trails; and

WHEREAS, the current Bay Trail route through the City of Newark as designated on the Bay Trail Plan is mainly on-street, using sidewalks and bike lanes along Thornton Avenue and Cherry Street. City sidewalks and bike lanes in this area are not continuous; and

WHEREAS, the goal of the Bay Trail, which is also the goal of the City of Newark, is to, where ever feasible, align the Bay Trail as close as practical to the Bay shoreline and/or provide views to the waters and wetlands of the South San Francisco Bay; and

WHEREAS, on May 1 2013, a study was completed under the direction of the City's Community Development Director that identified a feasible realignment of the Bay Trail within the City of Newark that meets Bay Trail and City goals for a shoreline trail The recommended realignment of the Bay Trail is provided as Attachment 1; and

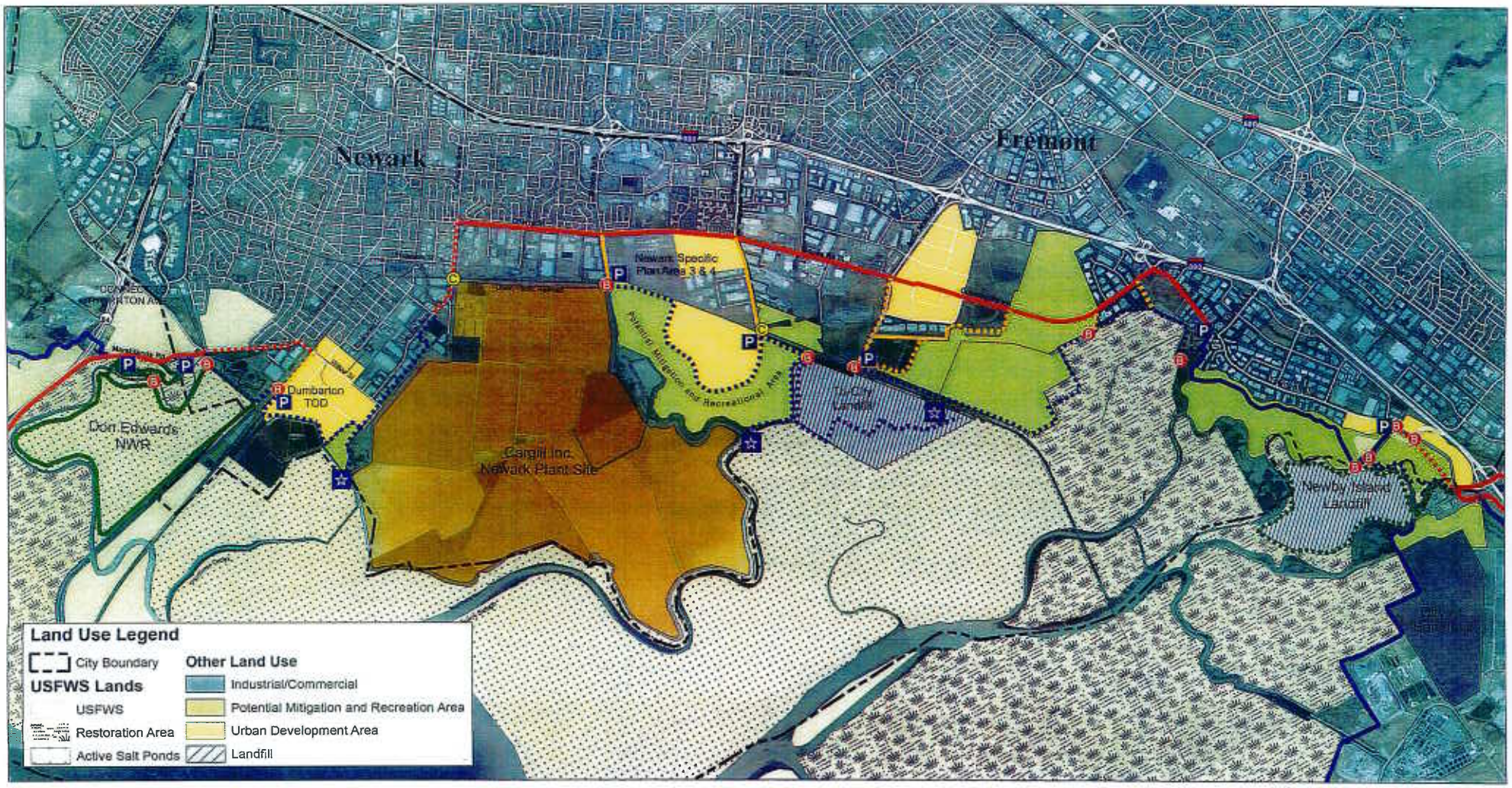
WHEREAS, through public outreach efforts conducted jointly with the City of Fremont and Bay Trail staff, public consensus on the identified Bay Trail realignment was achieved; and

WHEREAS, The Newark Planning Commission recommended acceptance of the Newark-Fremont Bay Trail Realignment Feasibility Study at their February 11, 2014 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark, California does hereby accept said Feasibility Study report including the findings and recommendations for realignment of the San Francisco Bay Trail within the City as contained in the May 1, 2013 Newark-Fremont Bay Trail Realignment Feasibility Study.

BE IT FURTHER RESOLVED that the City Manager be directed to pursue grant opportunities and other means of funding the design, environmental review and construction of the proposed trail improvements shown in the May 1, 2013 Newark-Fremont Bay Trail Realignment Feasibility Study, as deemed appropriate.

(tgr1)



Trail Legend

- Trailhead
- Bridge (Bike/Pedestrian)
- Over Crossing (Vehicle/Bike/Pedestrian)
- Boardwalk
- Long Term Connection Goal

Trail Alignment

Existing	*Proposed*	
		Interim Bay Trail (On Street)*
		Bay Trail (Off Street)
		Connector Trail
		Loop/Spur Trail

*Bicycle & Pedestrian Improvements Recommended

0 0.5 1 Miles

FREMONT-NEWARK BAY TRAIL

RECOMMENDED BAY TRAIL REALIGNMENT

Newark-Fremont Bay Trail Realignment Feasibility Study

Prepared for:
City of Newark Community Development Department
and
City of Fremont Transportation Engineering Division

Prepared by:
Questa

In association with:
2M Associates
Bicycle Solutions

May 1, 2013

NEWARK-FREMONT BAY TRAIL

REALIGNMENT FEASIBILITY STUDY

Submitted to

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Community Development Director
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Newark, California 94560

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In association with

2M
Bicycle Solutions

May 1, 2013

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C. Preliminary Project Costs

1. INTRODUCTION

1.1 OVERVIEW

The San Francisco Bay Trail Plan was adopted in 1989 by the Association of Bay Area Governments (ABAG) with the goal of developing a 500-mile continuous trail network around the Bay shoreline with connections to local and regional trail systems. The alignment of the Bay Trail continues to evolve over time as opportunities arise to plan and develop new or revised Bay Trail alignments that meets its goal of providing off-street bicycle and pedestrian trails that run along or near the Bay shoreline.

Within the Cities of Fremont and Newark, there are approximately fifteen miles of San Francisco Bay shoreline. Of these fifteen miles of shoreline, there are only five miles of off-street trails that are planned or already exist along the shoreline, and there are currently no shoreline trails planned for the remaining ten miles of Bayfront. Visitors to the area use a variety of trails, paths and streets, including on-street city sidewalks, bike lanes and segments of off-street paths within the Don Edwards Wildlife Refuge to reach the shoreline area. .

There are no off-street Bay Trail segments in Newark. In Fremont, there are three existing, designated off-street Bay Trail segments:

1. Loop shoreline trails around salt ponds along San Francisco Bay and Alameda Creek within Coyote Hills Regional Park, north of Highway 84;
2. Loop shoreline Bay Trail segment around salt ponds within Don Edwards San Francisco Bay National Wildlife Refuge; and
3. Two mile shoreline segment completed in the early 1980s as part of the Bayside Business Park west of Fremont Blvd. and south of Warren Avenue.

In Fremont, there is also an off-street path constructed as part of the Fremont Auto Mall between Auto mall Parkway and Nobel Drive.

The Newark-Fremont Bay Trail Feasibility Study (Study) is a planning-level study to determine a preferred alignment for a shoreline-oriented Bay Trail Alignment from Don Edwards Wildlife Refuge near Highway 84 south to the Santa Clara County line, near Dixon Landing Road.

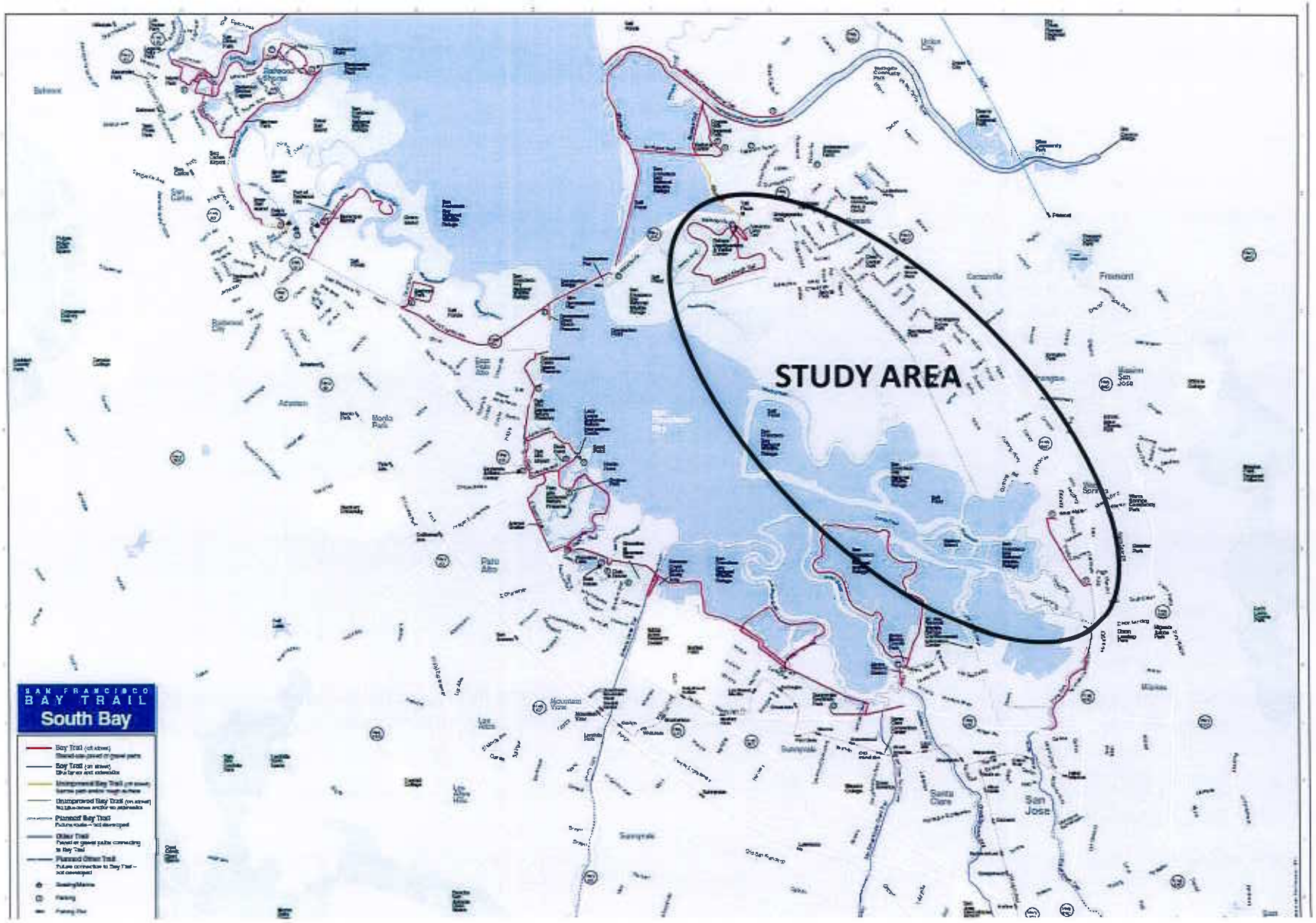
1.2 PURPOSE

The goal of this Feasibility Study is to identify a shoreline-oriented trail along the fifteen miles of Bay edge in the Newark and Fremont study area that would be incorporated into the Bay Trail system. For much of Newark and Fremont, the current Bay Trail alignment is planned either along city streets or along the active Union Pacific Railroad Corridor. In an effort to provide better access to the shoreline and in keeping with Bay Trail Goals, this Study examines the best solutions for a shoreline-oriented bicycle and pedestrian trail network. The Study Area encompasses trails at the Don Edwards National Wildlife Refuge Headquarters in the vicinity of Highway 84 and continues south to the existing Bay Trail in the vicinity of Coyote Creek at Dixon Landing Road.

Public participation and coordination with landowners, agencies, and staff from the Cities of Newark and Fremont, Alameda County, and ABAG's Bay Trail Project were completed to document existing conditions, identify potential routes, review project opportunities, constraints, and design criteria, conduct community outreach and address community goals for a Bay Trail along or near the shoreline. The Study identifies options for phasing, funding, and implementation of the recommended trail system. It is recognized that (in some areas) constructing the Bay Trail will be a long term effort, depending on future development and land use changes. This Study also provides guidance for future implementation.

The proposed route through this area will be considered for incorporation into the General Plans for Newark and Fremont. This recommended route may be considered for adoption by the Bay Trail Project if it is determined to meet the Bay Trail goals. Potential project partners and other groups that will be key to project success have also been included in the planning process, including primary landowners and stakeholders such as:

1. US Fish and Wildlife Service (USFWS), Don Edwards San Francisco Bay Wildlife Refuge
2. Newby Island Landfill/Allied Waste Management Inc.
3. Tri-Cities Landfill/Waste Management
4. Cargill Inc.
5. Catellus
6. Pacific Commons
7. Creekside Landing/Bayside Business Park
8. King and Lyons Development
9. Bicycle Advisory Committees of the Cities of Fremont and Newark
10. Alameda County Flood Control & Water Conservation District (ACFCWCD)


STUDY AREA
SAN FRANCISCO BAY TRAIL
South Bay

1.3 GOALS AND OBJECTIVES

The primary goal of this Study is to create a system of off-street trails along the Newark and Fremont shoreline to accommodate a variety of bicyclists and pedestrians. This Study includes a recommended alignment for a Bay-oriented shoreline trail (Bay Trail) that is accessible by many modes and abilities. The overall Study objective is to identify a preferred alignment that will provide a Bay-oriented trail along the fifteen miles of shoreline in Newark and Fremont, a safe and efficient mode of travel for bicyclists and pedestrians, and connections to other trail systems. Realignment of the current Bay Trail Plan designated trail will fulfill key objectives of the Plan to:

- Provide a Bay-oriented shoreline trail,
- Provide connections to existing parks and recreation facilities,
- Create links to existing and proposed transportation facilities, and
- Be planned in such a way as to avoid or minimize adverse effects on the environment.

Study Objectives include:

1. Trail

- Examine alternatives and identify the optimum route or alignment for the main stem of the San Francisco Bay Trail through the Study Area.
- Identify strategically located parking/staging areas and support facilities to encourage use of the Bay Trail.

2. Trail Connections

- Where feasible, align the trail as close as practical and/or provide views to the waters and wetlands of the South San Francisco Bay.
- Identify feasible spur and loop trail opportunities.
- Link to and accommodate planned regional and local trail connections, including the Bay Water Trail. Link to and accommodate planned regional and local transit connections including Class II and Class III bicycle routes.
- Provide connections to existing parks and recreation facilities.

3. Land Use / Safety

- Provide a safe and enjoyable trail experience as it relates to vehicular traffic patterns, rail traffic, utility lines, and nearby industrial uses.
- Coordinate alignment and design considerations with the use and/or security needs of adjacent land uses.

4. Public Access / Wildlife Compatibility

- Site public access trails and features to minimize impacts on sensitive habitat, including habitat fragmentation.
- If necessary, identify alternative trail alignments should any section of the optimum alignment need to be seasonally closed for habitat protection purposes.

5. Facilities

- Provide sustainable trail and related facilities in terms of design and material selection.

6. Education / Interpretation

- Educate visitors about how the site design accommodates global climate change and sea level rise.
- Provide exhibits and/or programs to inform visitors about natural and cultural resources on the site.

7. Implementation

- Identify an alignment and develop a plan that can be permitted.
- Identify an implementation strategy that encourages partnership funding.
- Advance a trail alignment and design that is cost-effective to the greatest extent practical.

1.4 ISSUES

Issues to be resolved in determining the optimal trail alignment:

1. Consistency with local and regional plans:
    - Newark General Plan, Bicycle/Pedestrian Plan[1]
    - Fremont General Plan, Bicycle/Pedestrian Plan
    - ABAG Bay Trail Plan
    - Alameda County Bicycle and Pedestrian Plan
    - Don Edwards Wildlife Refuge Trail Plans
2. Coordinate alignment to facilitate implementation as part of adopted and planned projects:
    - Dumbarton Rail Transit Oriented Development (Area 2)
    - Newark Areas 3 and 4 Specific Plans
    - Fremont Tri-Cities Landfill
    - Newby Island Landfill
    - Pacific Commons Phase II
    - Creekside Landing
3. Consider adjacent land uses, existing operations, security and potential operational conflicts in selecting an alignment.
4. Consider trail sustainability issues, including the condition of levees and the effects that future Sea Level Rise may have on the project.
5. Design the trail to minimize potential environmental impacts, including wetlands and sensitive wildlife habitat.
6. Coordinate with landowners and stakeholders to seek input on the trail alignment:

[1] In preparation

- USFWS, Don Edwards Wildlife Refuge
- Newby Island Landfill/Allied Waste Management
- Tri-Cities Landfill/Waste Management
- Cargill Inc.
- Union Pacific Railroad
- Bicycle/Pedestrian Advisory Committees; Cities of Newark and Fremont
- Citizen advocacy groups
- ACFCWCD

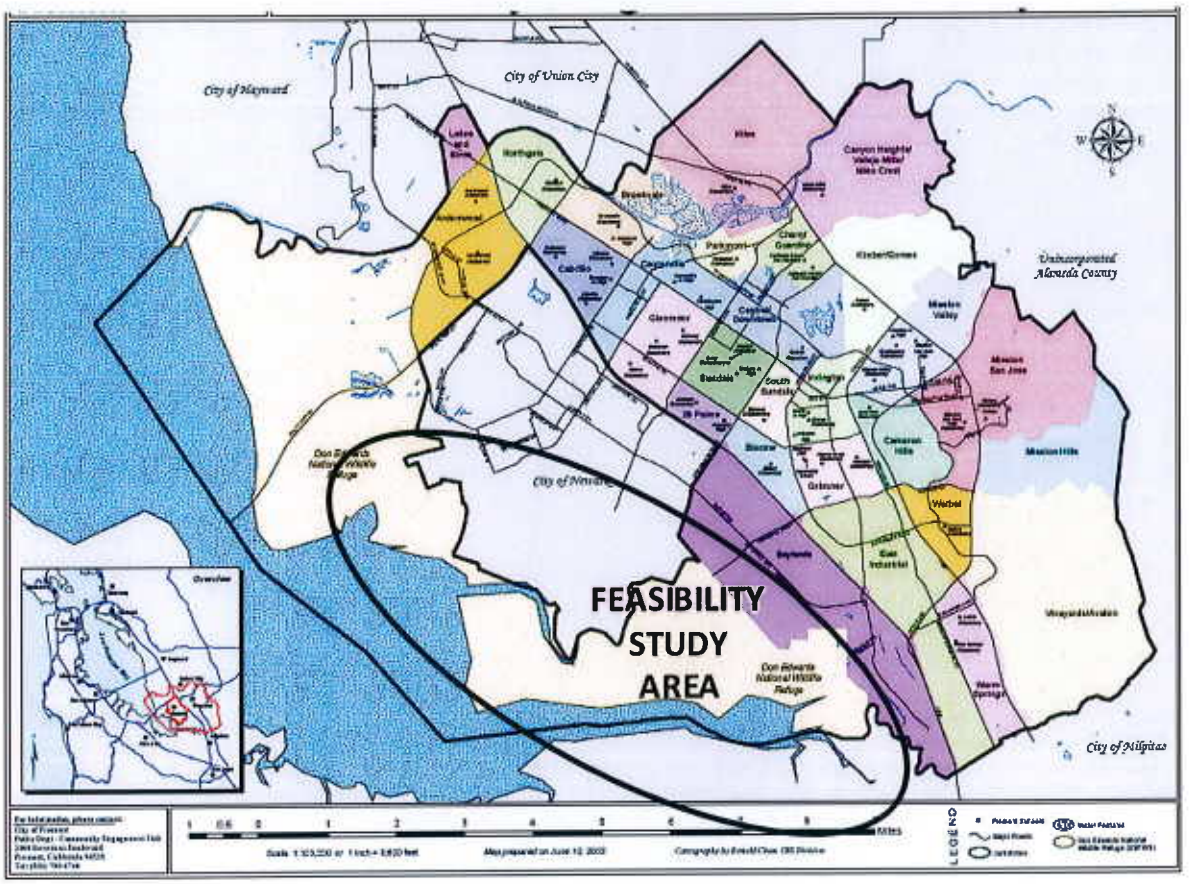
7. Select and design an alignment that reflects geotechnical, hydrologic, biological, permitting, and other challenges that may affect project approval, design and cost.
8. Minimize street/trail/rail safety and traffic conflicts.
9. Determine options for creek/road/rail crossings and potential levee alignments.
10. Minimize expensive infrastructure where possible.

1.5 PUBLIC PARTICIPATION

Coordination with project stakeholders and the community is a key component of the planning process. Workshops were held in Fremont and Newark, at the Fremont Bicycle/Pedestrian Technical Advisory Committee (BPTAC) on September 22, 2010, May 18, 2011, March 21, 2012, as well as a public workshop and community meeting held in Newark on June 13, 2011 to solicit input from interested community members, other agency stakeholders and neighborhood residents. Information from the workshops is contained in Appendix A.

2. PLANNING, LAND USE, AND LAND OWNERSHIP

The Study Area is within the jurisdiction of the cities of Newark and Fremont. Fremont includes lands generally north of Highway 84, and portions of Don Edwards National Wildlife Refuge, as well as lands south of Stevenson Blvd. Newark City limits include lands between Highway 84 and Stevenson Blvd. The City of Newark is surrounded on all sides by the City of Fremont, although the west side is the Bay.



2.1 GENERAL PLAN LAND USE

Land use within the Study Area is primarily designated as Agriculture-Open Space on USFWS Refuge and Cargill Inc. lands used for salt production or as wildlife habitat. Industrial lands and Office Business Parks and Commercial Shopping Centers, are located west of Cherry Street, Boyd Avenue and south of Central Avenue, while existing residential land use is primarily located east of Cherry Street and north of Central Avenue. Lands within the Areas 3 and 4 Specific Plan and Dumbarton TOD are designated for future residential use. Park and recreational land uses include Silliman Park in Newark and a proposed City of Fremont park on Auto Mall Parkway near the Union Pacific Railroad tracks. There are also two landfills within the Study Area: Tri-Cities Landfill, which is being converted to a recycling/resource recovery facility, near the center of the Study Area, and the Newby Island Landfill near the south end of the Study Area in Milpitas, Santa Clara County. In addition, there are several wetland mitigation parcels scattered throughout the Study Area. The undeveloped lands, landfills, and mitigation parcels present especially good opportunities for consideration of public access trails. Figure 2-1 presents a map of land use and ownership.

2.2 PLANNING FRAMEWORK

There are many jurisdictions within the Study Area that have adopted planning documents that guide area planning. Consistency with these local and regional plans is an important consideration for selecting a feasible Bay Trail route. Regional Trail Connections are shown in Figure 2-2. Applicable local and regional plans include:

Local Plans

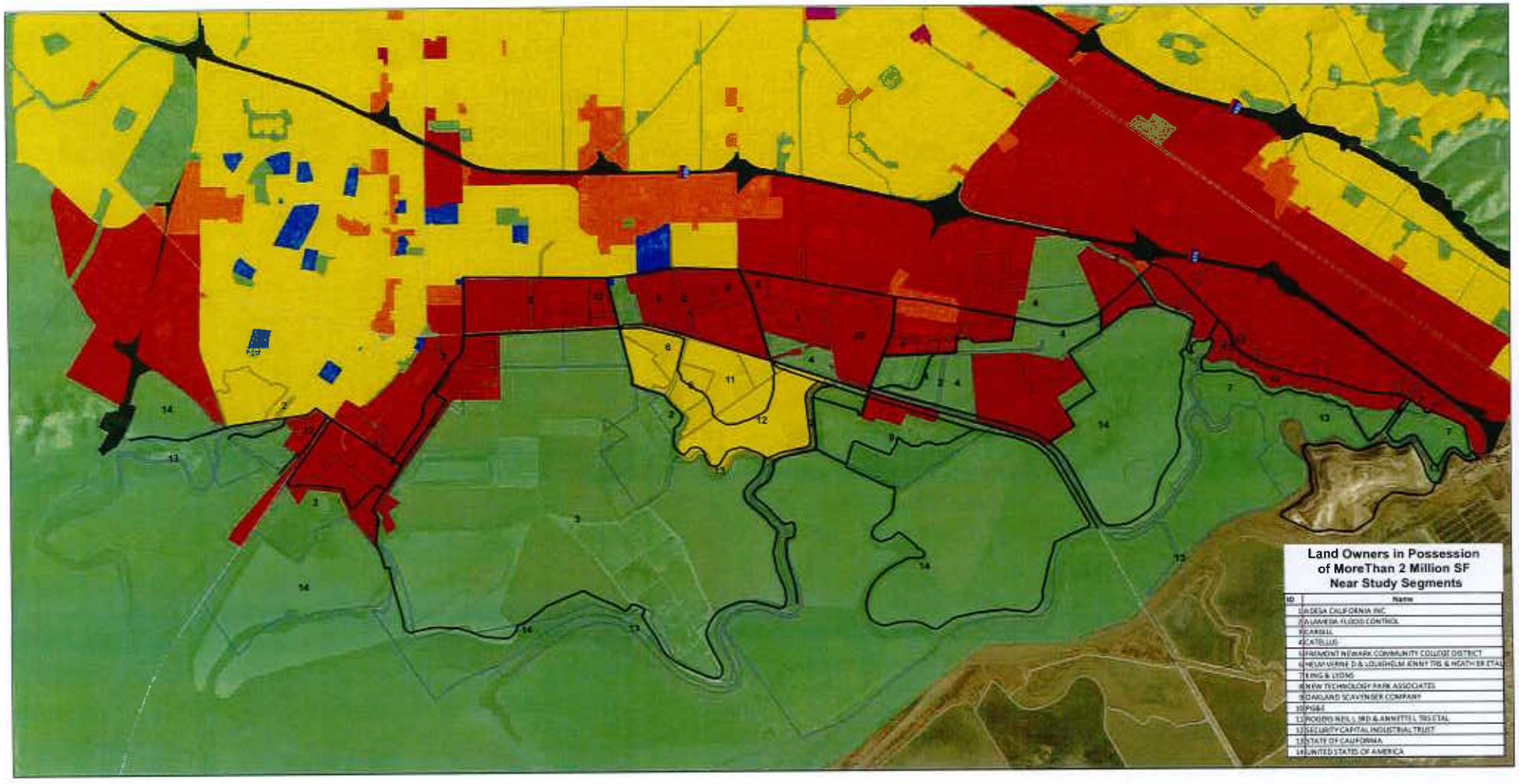
- Newark General Plan, Bicycle/Pedestrian Plan
- Fremont General Plan, Bicycle/Pedestrian Plan
- Dumbarton Rail Transit Oriented Development (Area 2)
- Newark Areas 3 and 4 Specific Plans

Regional Plans

- ABAG Bay Trail Plan
- Alameda County Bicycle and Pedestrian Plan
- Regional Rail Planning

Related Planning Efforts

1. Don Edwards Wildlife Refuge Comprehensive Conservation Plan
2. East Bay Regional Park District Master Plan
3. City of San Jose Bicycle and Pedestrian Plans
4. City of Milpitas Bicycle and Pedestrian Plans
5. San Jose/Santa Clara Water Pollution Control Plant Master Plan



Agricultural - Open Space
Rural
Residential
Commercial
Union Pacific Railroad
Mixed Use
Public - Institutional
Industrial
ROW
Study Segments

Source: Newark and Fremont General Plans

N

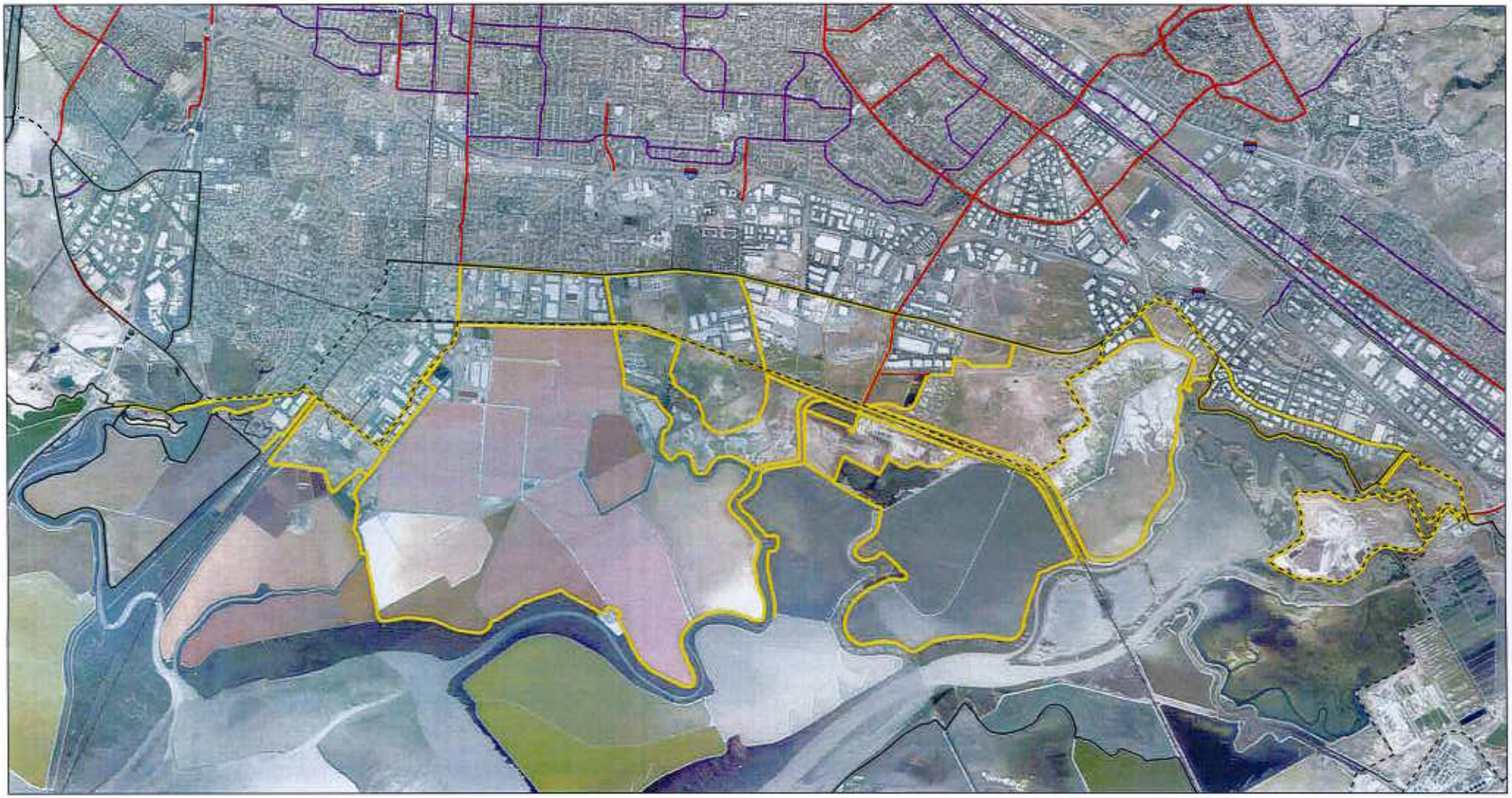
0 0.5 1 Miles

City of Fremont California
Newark California
Bay Trail

FREMONT-NEWARK BAY TRAIL

DUMBARTON LANDING TO HIGHWAY 84
PRELIMINARY FEASIBILITY STUDY

FIGURE 2-1: LAND USE & PROPERTY OWNERSHIP



Legend

- Study Segments
- Existing Bay Trail
- Proposed Bay Trail
- Existing Trails/Bike Lanes
- Proposed Bike Network

0 0.5 1 Miles

FREMONT-NEWARK BAY TRAIL

DIXON LANDING TO HIGHWAY 84
PRELIMINARY FEASIBILITY STUDY

FIGURE 2-2: REGIONAL TRAIL CONNECTIONS

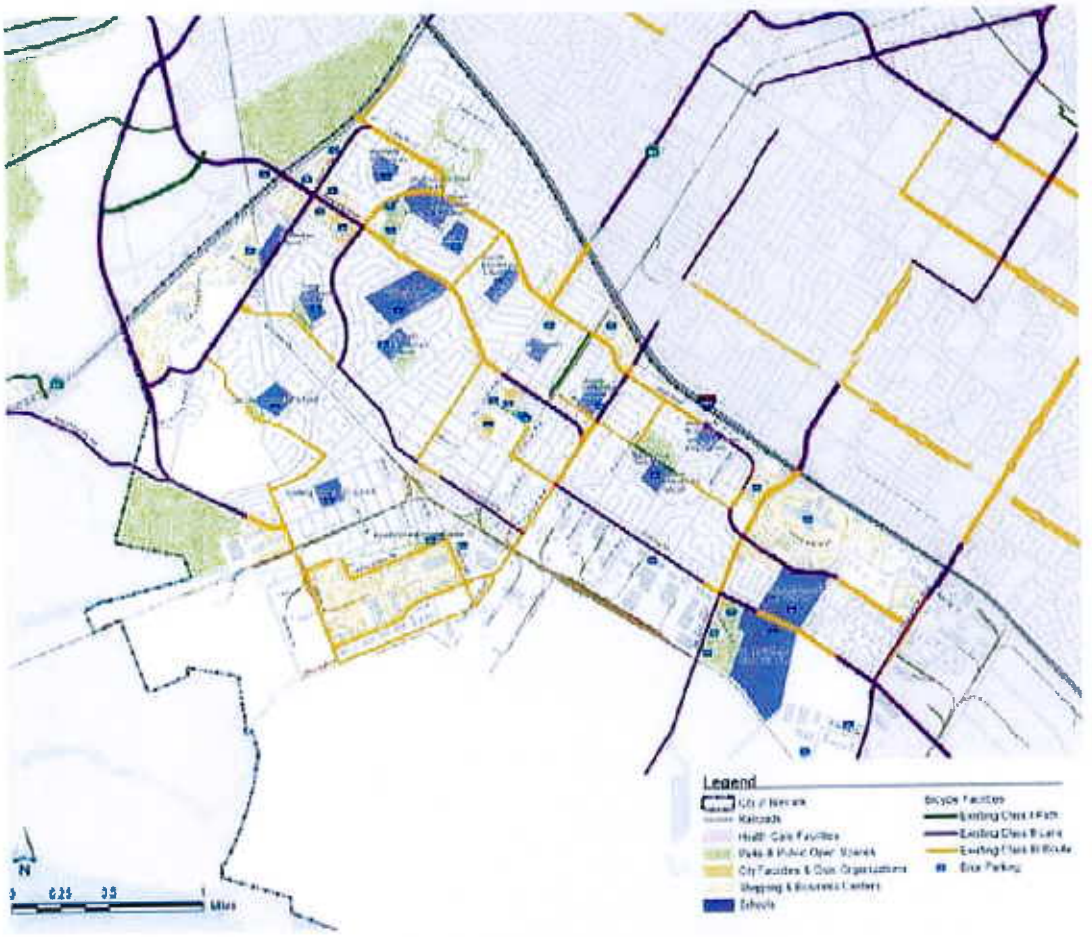


Figure 1: Existing Bicycle Facilities

Source: Fehr and Peers, City of Newark Pedestrian and Bicycle Master Plan
Working Paper 2: Bikeway Element
December 2010

Dumbarton Rail Transit Oriented Development (Area 2) (TOD)

The Dumbarton TOD site is located within the Study Area in the vicinity of Central Avenue and Willow Street, south of the Dumbarton rail corridor, with future passenger rail service across SF Bay. Adopted by the City of Newark in September 2010, the approximately 200 acre site is planned for a transit-oriented mix of residential, commercial and retail uses clustered near a future transit station. The project includes an off-street trail around the perimeter of the site, which would be proposed for adoption as part of the Bay Trail. A pedestrian overpass of the rail tracks may be incorporated as part of a Transit Station, although its specific location has not been determined.

Local Plans

Newark Bicycle and Pedestrian Planning

The City of Newark General Plan sets forth the goals, objectives, policies and programs to guide the City's growth and development. In an effort to provide a vision for Newark's future biking and walking environment, the City commenced preparation of its first Pedestrian and Bicycle Master Plan (PBMP, December 2010, http://newarkbikepedplan.fehrandpeers.net/), which was released to the public, but has not been officially adopted. The PBMP is intended to be a comprehensive planning document that identifies recommendations for making biking and walking more viable alternatives to automobile use for recreational, school, and work trips. The plan will address gap closure needs, safety improvements and programs, and access to public transit, activity centers, and schools. The goal of the PBMP is to prioritize and implement infrastructure improvements and educational/enforcement programs that will improve the biking and walking environment in Newark to reduce traffic congestion and improve community health. The PBMP Draft Vision Statement and Goals include:

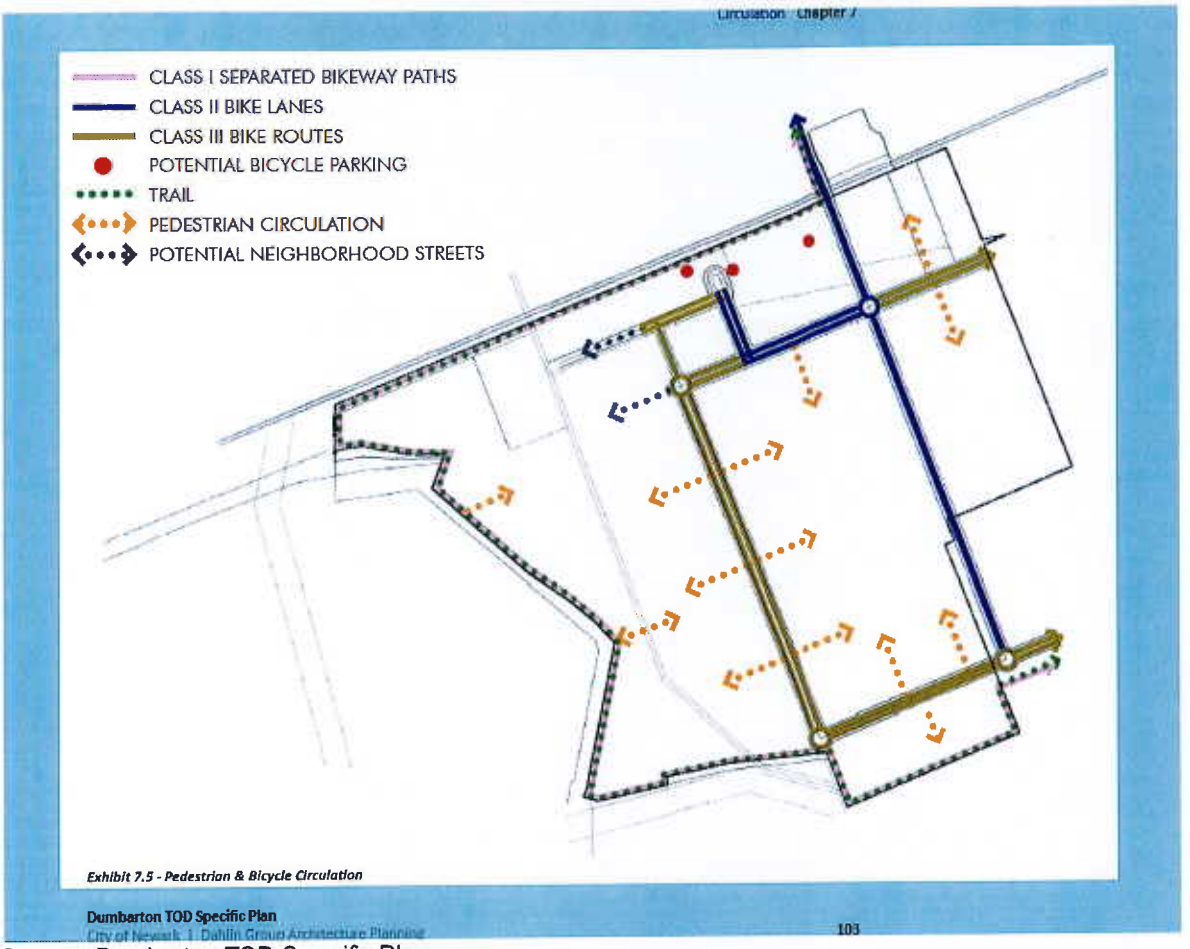
The City of Newark will be a community that provides its residents, employees, and visitors with viable walking and biking facilities. These facilities will serve to meet the community's travel needs, to improve health and recreation opportunities, and to provide economic benefit. The City will have a complete, well-integrated system of bicycle and pedestrian networks and support facilities that encourage walking and biking as active transportation modes.

The purpose of this Pedestrian and Bicycle Master Plan is to make the City of Newark as walking and bicycling friendly as possible to encourage people of all ages, abilities, and means to walk and bike.

Goals:

1. *Create a connected bicycle and pedestrian network*
2. *Increase the number of people walking and bicycling*
3. *Improve safety for pedestrians and bicyclists*
4. *Develop a comprehensive Safe Routes to School program and supporting infrastructure plan*
5. *Establish citywide design guidelines for bicycle and pedestrian facilities*

Source: Dumbarton TOD Specific Plan
Community Form`



Source: Dumbarton TOD Specific Plan
Pedestrian and Bicycle Circulation

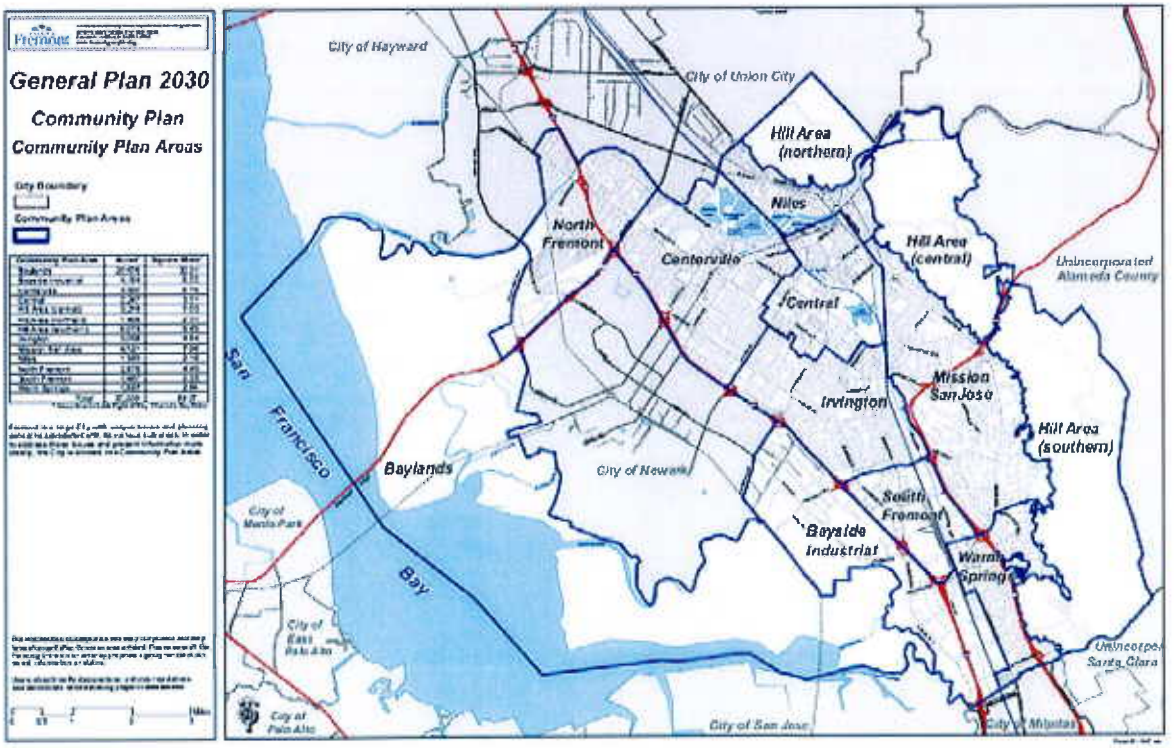
run along the top of the levees that form the western edge of the project, if that ultimately is the preferred alignment. The Specific Plan is consistent with the Bay Trail and does not conflict with efforts to complete the Bay Trail." Trail connectivity from internal trails and the Mowry Slough crossing should be coordinated with Bay Trail implementation when the Specific Plan area is developed. Public pedestrian access from Mowry west of the UP tracks will also be key to Bay Trail implementation.

Fremont Bicycle and Pedestrian Planning

http://www.fremont.gov/index.aspx?NID=1188

The City of Fremont General Plan contains policies for growth and development within eleven Community Plan areas, reflecting Fremont's history as a now incorporated collection of separate historic unincorporated communities. The Study Area is located within the Baylands and Bayside Industrial Community Plan Areas. The Plan contains numerous goals and objectives to promote mobility and support trails implementation:

- Policy/Implementation 3-2.4.B: *Connect recreational trails in City and regional parks, access trails along creeks and flood control channels, and sidewalks and bike lanes on local streets to fill the gaps and improve the continuity of the city's bike and pedestrian trail system.*
- Implementation 3-5.2.A: Bay Trail and Ridge Trail: *Support completion of the Bay Trail along the Fremont Shoreline and the Ridge Trail through the Fremont hills, and establish trail connections across the city between these two regional networks.*
- Implementation 8-3.1.D: Don Edwards Wildlife Refuge: *Encourage the Don Edwards San Francisco Bay National Wildlife Refuge, to maintain and enhance recreational offerings to the community.*
- Implementation 8-3.1.E: *Alameda County Flood Control District: Encourage the Alameda County Flood Control District to open access roads for trails and other land holdings for recreational use where feasible.*



Newark Areas 3 And 4 Specific Plans

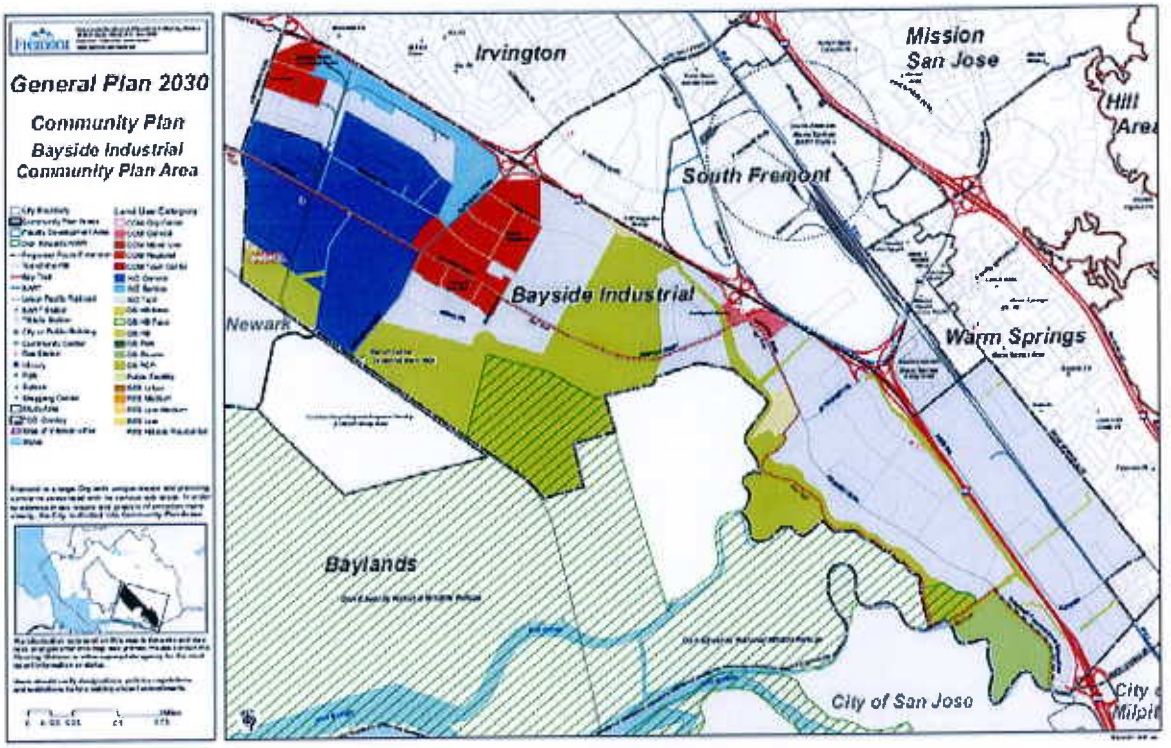
The proposed Newark Areas 3 and 4 Specific Plan will include a golf course, up to 1,260 housing units of various densities, an up to 600 student elementary school, undeveloped areas, as well as retention of existing light industrial, institutional (Ohlone College), and City fire station, park, and community center uses.

As part of the project, a paved trail is planned adjacent to the ACFCWCD property on the south side of the flood control channel. This trail will also connect to a proposed pedestrian bridge that will cross over the ACFCWCD channel. This bridge will provide a connection to the Ohlone Community College and the George M. Silliman Recreation Complex.

The Specific Plan includes a public street extension of Stevenson Boulevard with a structural overpass over the Union Pacific railroad tracks to provide vehicular and pedestrian access to the Area 4 development. On the north side of Area 4, an Emergency Vehicle Access (EVA) and pedestrian/bike trail from Mowry Avenue into Area 4 will be provided adjacent to the railroad tracks. According to the Plan, both the Stevenson Boulevard extension and the EVA will also provide pedestrian access connecting Area 4 and Area 3. Considering CPUC/UP policies and practices generally prohibiting at-grade public pedestrian crossings, provision of pedestrian and bicycle facilities on the Stevenson overpass and providing connections to them will be a critical component of the potential realigned Bay Trail route.

PROPOSED LAND USE PLAN — FIGURE 2.4-1

The Area 3 & 4 Specific Plan also describes potential realignment of the Bay Trail through Area 4, possibly along the Mowry Slough levee. According to the Specific plan EIR, "*The future Specific Plan developer(s) of Area 4 will be required to provide an easement for the Bay Trail to*



Fremont Bicycle Plan

http://www.fremont.gov/index.aspx?NID=649

The City of Fremont Bicycle Master Plan (January 2012) provides a blueprint for making bicycling an integral part of daily life in Fremont. The Plan outlines future bicycle facilities and programs in the City to facilitate bicycling for transportation and recreation and help the City attain General Plan goals. The Bicycle Master Plan contains a vision statement, strategies and actions for the improvement of the bicycling environment in Fremont. The Plan's goals include – to enhance and expand the existing network, fill network gaps, provide greater connectivity, educate, encourage and to maximize funding sources. A key purpose for this Plan is to satisfy requirements of the California Bicycle Transportation Account (BTA), and other state and federal funding programs that require the adoption of a bicycle master plan.

The Plan includes Class I paths on the levees within the Don Edwards Wildlife Refuge and SF Bay shoreline south of the Tri Cities Landfill.

Fremont Baylands Community Plan

Much of the Study Area is within the Baylands Planning area of the City of Fremont. The area encompasses 31.5 square miles in the western part of the City, most of which is protected for habitat conservation. Development potential in the area is extremely limited due to its location near the Bay and because it is largely in public ownership. It includes wetland areas, sensitive habitat, and salt harvesting, and because it is low-lying it will be susceptible to the effects of sea level rise. Policy 12-1.5 of the General Plan calls for continued recreational use, including the further development of the Bay Trail.

The Baylands Community Plan Area includes the entire western shoreline portion of the city, from Hayward on the north, around Newark, and south to the San Jose city limits. It is bounded by San Francisco Bay on the west. The Area is divided into northern and southern Baylands at Mowry Slough. This area includes open water, salt ponds owned and/or managed by Cargill, Inc., wetlands, mudflats, and upland open spaces. It also includes land uses such as the Tri-Cities Landfill, Dumbarton Bridge, former Dumbarton Quarry, railroad rights of way, and utility towers. The majority of the Baylands Community Plan Area is protected for habitat conservation. Policies within the plan support environmental education as well as implementation of the Bay Trail.

The Plan contains affirmation that the "*Baylands will continue to remain viable for salt production and habitat conservation. Additional recreation opportunities may be pursued, provided they are consistent with plant and animal protection goals...other recreational improvements in the Baylands will include continued development of the Bay Trail and various spur trails, providing linear access along the shoreline and lateral access between Fremont/Newark neighborhoods and the wetland preserves.*

Bayside Industrial Community Plan

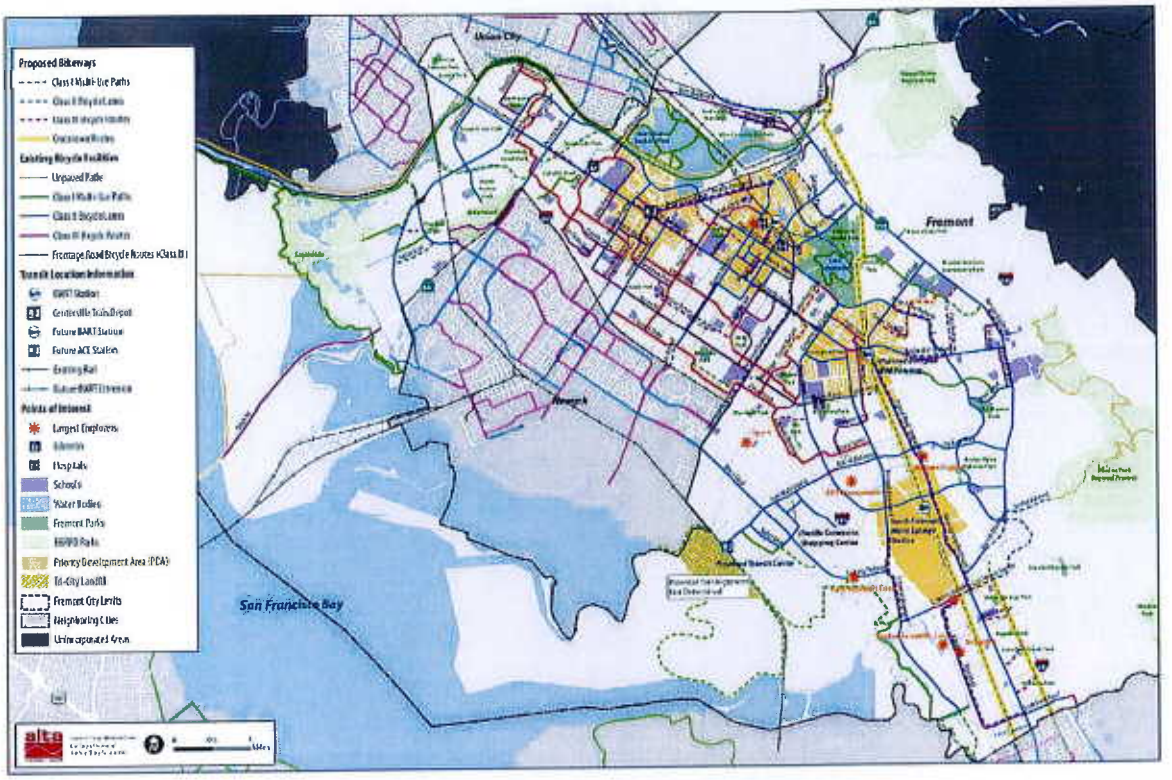
The Bayside Industrial part of the Study Area includes 8.9 square miles of primarily industrial land in the southwest part of Fremont. The Area is bounded on the north by Stevenson Boulevard and on the south by the Alameda/Santa Clara County line, between UPRR and Highway 880.

The area is dominated by industrial land uses but also includes regional commercial uses such as Pacific Commons commercial center, hotels and the Fremont Auto Mall. Undeveloped sites within the area include 200 acres at Pacific Commons, and the 147- acre proposed Creekside Landing development north of Dixon Landing Road.

The Catellus' Pacific Commons project was developed as the Fremont Area 5 Specific Plan, and includes existing trail segments between Auto Mall Parkway and Cushing Parkway. It is envisioned that the remainder of the trail within this area be developed as individual parcels are built out.

The King and Lyons Creekside Landing Phase II project is subject to a development agreement with the City of Fremont and includes development of 59 acres and extension of the Bay Trail through the site as part of project development. Three Bay Trail alignments are considered through the site.

Policies for this area include "*Ensure the continued compatibility of uses in the Bayside Industrial area with nearby wetlands in the Baylands area. Economic development programs and capital improvements in this area should be coordinated with efforts to improve water quality, restore wetlands, and expand the Don Edwards National Wildlife Refuge.*"



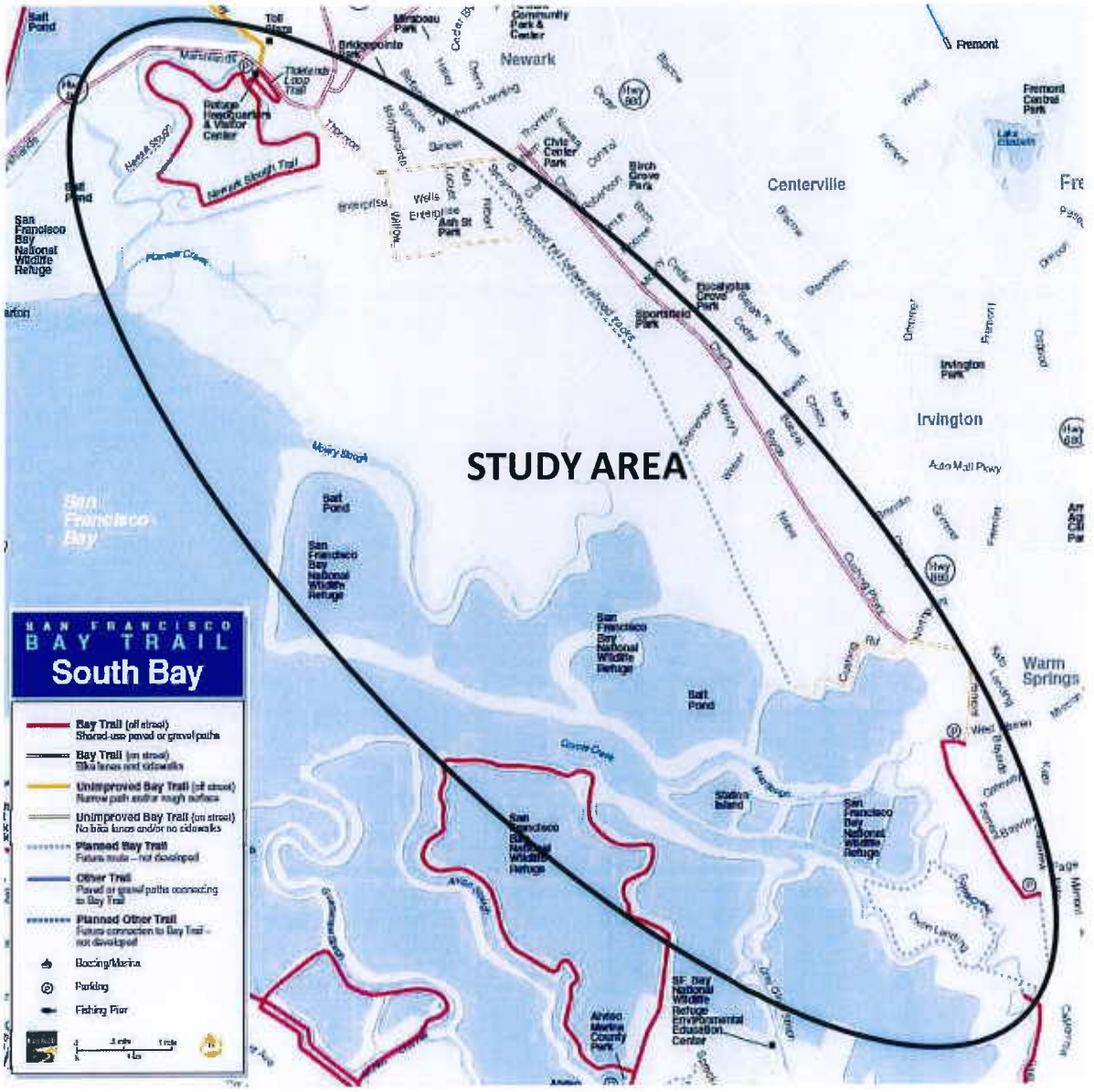
Regional Plans

ABAG Bay Trail Plan

http://www.baytrail.org/

The Bay Trail Plan provides broad guidance and policies for the implementation of the San Francisco Bay Trail, a planned recreational corridor that, when complete, will encircle San Francisco and San Pablo Bays with a continuous 500 mile network of bicycling and hiking trails. The current Bay Trail route through the Study Area as designated on the Bay trail Plan is mainly on-street, using sidewalks and bike lanes along Thornton Ave. Cherry Street, Boyce Street and Cushing Parkway. However, the sidewalks and bike lanes in this area are not continuous. As it does not meet Bay Trail Goals and Objectives as a shoreline trail, Bay Trail staff consider the on-street alignment to be "Interim".

The Bay Trail Plan also shows a possible future alignment along the Union Pacific Railroad tracks through this area, but this route is not considered to be feasible, and according to Bay Trail staff, it has been considered to be more of a "place-holder", until detailed studies (such as this present study) identify a preferred alignment that more fully meet Bay Trail Plan objectives. Segments within the Study Area were identified in the 2005 Gap Study as medium and long-term projects due to complexity, right-of-way, cost and/or environmental issues, where a study (this report) would be appropriate to identify site-specific issues and alignment options. Guidelines for determining a potential alignment are also part of the Bay Trail Plan, and are used as criteria for determining trail potential alignments:



Bay Trail in Feasibility Study Area

Bay Trail Alignment Policies

1. *Ensure a feasible, continuous trail around the Bay.*
2. *Minimize impacts on and conflicts with sensitive environments.*
3. *Locate trail, where feasible, close to the shoreline.*
4. *Provide a wide variety of views along the Bay and recognize exceptional landscapes.*

5. Investigate water trails as an enhancement to the trail system where necessary or appropriate.

6. In selecting a route for the trail, incorporate local agency alignments where shoreline trail routes have been approved.

7. Where feasible and consistent with other policies of this plan, new trails may be routed along existing levees.

8. Where existing trails through wetlands are well-maintained and well-managed, the Bay Trail can feasibly be routed there. In these cases, trails should be used according to current regulations. Alternate routes should be provided where necessary and additional buffering/transition areas designed to protect wetland habitats should be provided where appropriate to protect wildlife.

9. In selecting a trail alignment, use existing stream, creek, slough and river crossings where they are available. This may require bridge widening in some locations. In selecting trail alignments, new stream, creek and slough crossings should be discouraged. Where necessary because acceptable alternatives do not exist, bridging may be considered.

10. In order to minimize the use of existing staging areas along the shoreline and to reduce the need for additional staging areas, the choice of trail alignment should take full advantage of available transit, including rail service (e.g., Caltrain, BART), ferries and bus service.

11. Connections to other local and regional trail and bikeway systems should be actively sought in order to provide alternatives to automobile access to the Bay Trail. In particular, opportunities should be explored for trail connections to the Bay Area Ridge Trail, which is envisioned to circle the Bay along the region's ridgelines.

The Wildlife and Public Access Study (2008) was initiated by the Bay Trail Project (who provided fundraising and administrative support) to begin to provide a body of statistically valid data about how human use of shoreline trails might affect foraging shorebirds around San Francisco Bay. The results of this ten-year effort were published fall 2008 issue of the *Journal of Wildlife Management*. "*Foraging Shorebird Response to Trail Use Around San Francisco Bay*" evaluated 3 paired locations along the Bay - one trail and one control site at each location, to determine whether numbers of trail users had an effect on the number of birds, species richness or proportion of birds foraging, either overall or by season, when comparing trail to non-trail sites. The study concluded that there were no negative effects of trail use either overall or by season when comparing trail to non-trail sites. The article states:

> *"Our results indicate that, under certain conditions, managers may allow responsible types and levels of trail use in areas adjacent to tidal mudflats where migratory and resident shorebirds forage. Potentially acceptable types of recreational conditions are those where motorized vehicles and other high-noise and high-speed activities are excluded, where humans do not approach shorebirds directly, and where birds have become accustomed to human presence."*

Implementation of a trail system within the Newark-Fremont shoreline area in a fully integrated manner should provide significant opportunities for wildlife foraging away from areas of public access.

Alameda Countywide Pedestrian and Bicycle Plans

Alameda County Transportation Commission adopted the Alameda Countywide Pedestrian Plan and Alameda Countywide Bicycle Plan on October 25, 2012. The Plan provides a broad vision and framework for completion of a network of pedestrian facilities in Alameda County. Within the Study area, the Plans cited gaps in the Bay Trail between south Fremont Boulevard and Dixon Landing Road (Fremont) and a number of trail segments along creeks and canals. Funding and implementation of Bay Trail projects is a key goal of the Plans.

San Francisco Bay Conservation and Development Commission (BCDC) San Francisco Bay Plan

http://www.bcdc.ca.gov/

BCDC is the federally designated state coastal management agency for the San Francisco Bay segment of the California coastal zone. This designation empowers the Commission to use the authority of the federal Coastal Zone Management Act to ensure that projects and activities are consistent with the policies of the San Francisco Bay Plan and state law. Its mission states: "The Bay Conservation and Development Commission is dedicated to the protection and enhancement of San Francisco Bay and to the encouragement of the Bay's responsible use."

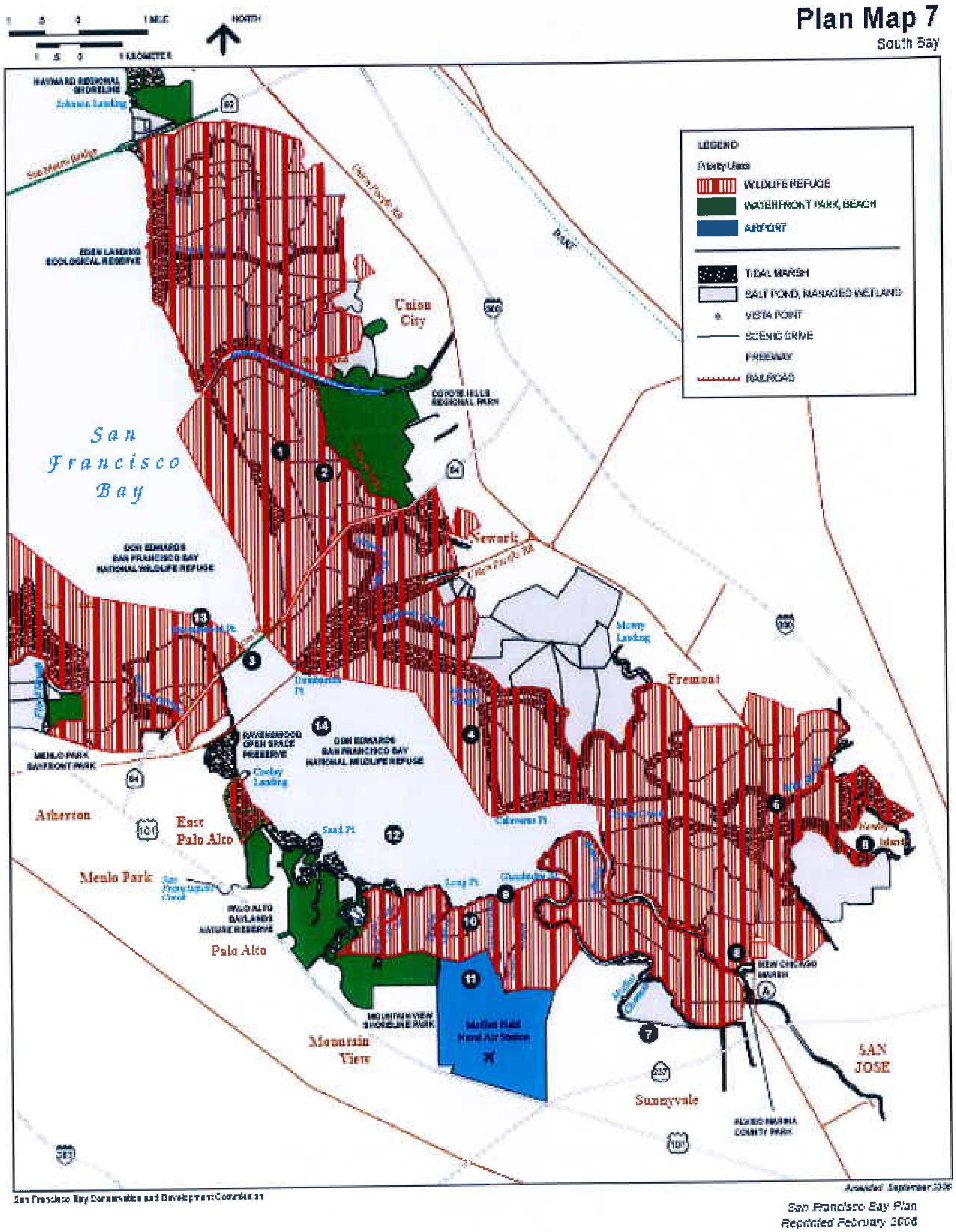
BCDC's responsibilities include:

- Providing maximum feasible public access to and along the shoreline of the Bay consistent with the BCDC's policies on Public Access, as well as
- Regulating all filling and dredging in San Francisco Bay and new development within the first 100-feet inland from the Bay to ensure that the limited amount of shoreline area suitable for high priority water-oriented uses is reserved for ports, water-related industries, water-oriented recreation, airports, and wildlife areas.

The Commission provides a multi-agency perspective for project review and development, and one of its primary responsibilities is to review proposed projects to ensure consistency with goals and objectives to increase public access to the San Francisco Bay shoreline.

In 2005, BCDC published Shoreline Spaces Public Access Design Guidelines for San Francisco Bay that provides guidance for the design and implementation of shoreline access to meet their public access objectives:

1. *Make public access* public
2. *Make public access* usable
3. *Provide, maintain and enhance* visual access *to the Bay and shoreline*
4. *Maintain and enhance the* visual quality *of the Bay, shoreline and adjacent developments*
5. *Provide* connections *to and* continuity *along the shoreline*
6. *Take advantage of the* bay setting
7. *Ensure that public access is* compatible with wildlife *through siting, design and management strategies*


Plan Map 7
South Bay
NORTH
LEGEND
Priority Uses
WILDLIFE REFUGE
WATERFRONT PARK, BEACH
AIRPORT
TIDAL MARSH
SALT POND, MANAGED WETLAND
VISTA POINT
SCENIC DRIVE
FREEWAY
RAILROAD
HAYWARD REGIONAL SHORELINE
EDEN LANDING ECOLOGICAL RESERVE
San Francisco Bay
Union City
COYOTE HILLS REGIONAL PARK
Newark
DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE
Fremont
RAVENSWOOD OPEN SPACE PRESERVE
MENLO PARK BAYFRONT PARK
Atherton
East Palo Alto
Menlo Park
PALO ALTO BAYLANDS NATURE RESERVE
Palo Alto
MOUNTAIN VIEW SHORELINE PARK
Mountain View
Sunnyvale
SAN JOSE
NEW CHICAGO MARSH
ALVISO MARINA COUNTY PARK
San Francisco Bay Conservation and Development Commission
Amended September 2006
San Francisco Bay Plan
Reprinted February 2008

The guidelines contain recommendations for public access planning to minimize potential wildlife impacts, such as varying trail widths, pavement types and site amenities; using durable materials on trails; providing trail spurs; locating parking and staging areas away from shoreline areas; minimizing lighting; and trail design and signage to help educate and inform trail users. These elements would be incorporated into design strategies for implementation of trails within the Study Area.

In 2001, BCDC published a study that surveyed potential effects of public access on wildlife. The Public Access and Wildlife Compatibility Report (March 2001) led to revisions of policies in the *San Francisco Bay Plan* to acknowledge the need for balance in providing public access to shoreline wildlife areas. The project included the participation of a broadly representative Policy Advisory Committee as well as a one-time survey of natural resource area, and park and recreation managers in coastal and Great Lakes states concerning the effects of public access on wildlife and the use of siting, design, and management strategies to avoid or minimize potential adverse effects on wildlife. Implementation of the trail system in a fully integrated manner is expected to complement the Wildlife Compatibility Report's conclusion that predictable public access may allow wildlife to successfully adapt to areas of human presence.

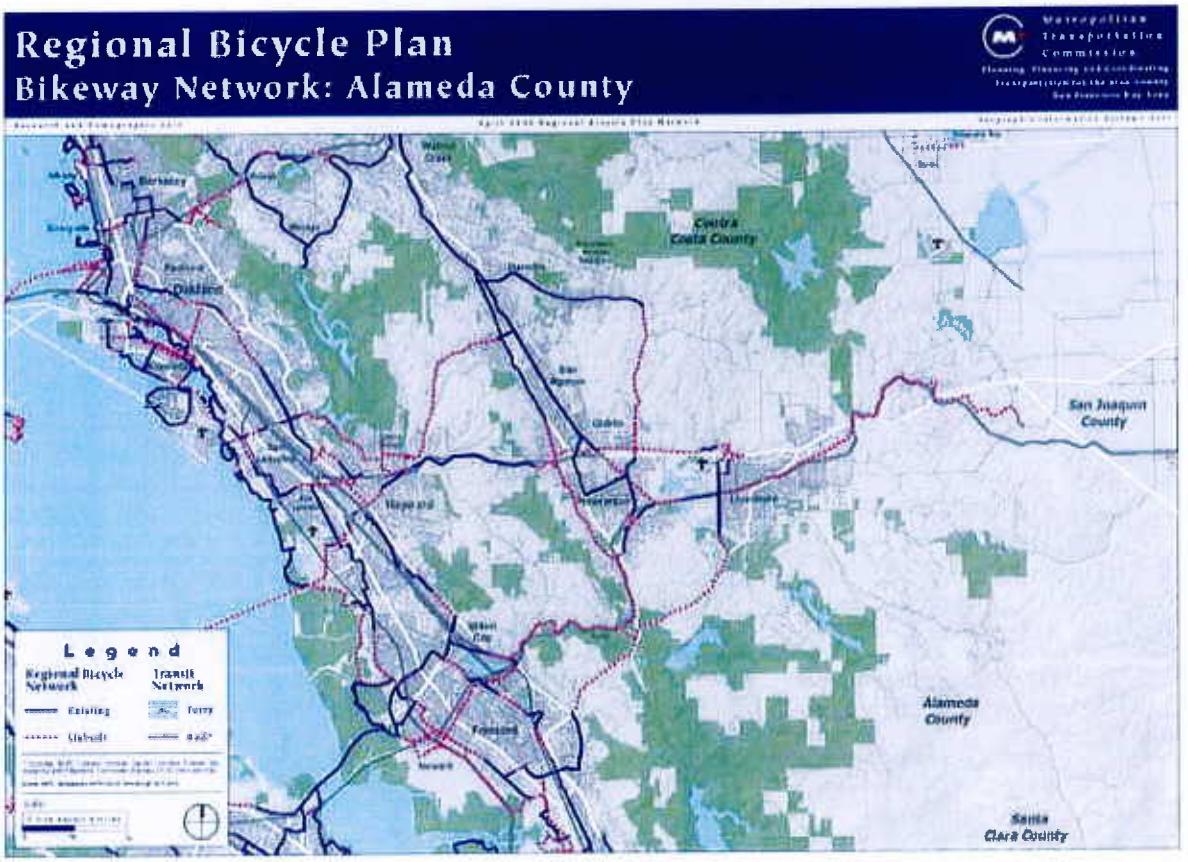
The San Francisco Bay Plan was completed and adopted by the San Francisco Bay Conservation and Development Commission (BCDC) in 1968 and has been periodically revised since then to reflect current conditions and policies regarding use and protection of the Bay, including provision of shoreline access, protection of wildlife resources, regulation of shoreline development, and guidance regarding the San Francisco Bay Area Water Trail and climate change issues. Implementation of the Water Trail is being led by the California State Coastal Conservancy. Within the Study Area, the existing Jarvis Landing ramp at Thornton and Marshlands Road.

The Bay Plan includes policies to guide future uses of the Bay and shoreline and maps that apply these policies to the present Bay and shoreline. Within the Study Area, the Plan calls for protection of harbor seal haul-out and pupping sites between Newark and Coyote Slough, with projects allowed only if protective of harbor seals and other sensitive wildlife. Implementation of the Bay Trail along shoreline areas within the Study Area would be subject to BCDC regulations.

Regional Bicycle Plan for the San Francisco Bay Area

http://www.mtc.ca.gov/planning/bicyclespedestrians/MTC_Regional_Bicycle_Plan_Update_FINAL.pdf

The Metropolitan Transportation Commission (MTC) completed the Regional Bicycle Plan Update in 2009, Goal 2.0 of the Plan is to define a comprehensive regional bikeway network that includes the Bay Trail. Planning goals include work to complete the Bay Trail and other intercounty trail systems, to ensure a complete system of safe and efficient trails for cyclists in the Bay Area. The Regional Bikeway Network expressly incorporates all existing and unbuilt links of the Bay Trail spine into the Regional Bicycle Plan.



MTC Regional Rail Plan

http://www.mtc.ca.gov/planning/rail/

MTC completed the Regional Rail Plan in 2007, identifying a vision, goals and policies for the development of an integrated regional rail network, including freight, passenger rail, and regional transit. One element of the Plan is the preservation of existing rail corridors to provide for future growth, expansion and interconnection of rail facilities. Rail planning in the Study Area is discussed further in Section 2.5.

2. Provide environmental education and wildlife interpretation opportunities to Bay Area schools and residents.

3. Ensure the protection of an important open space resource and other wildlife oriented recreation opportunities for the enjoyment of local residents and visitors.

As an ongoing planning effort, USFWS is in the process of completing a Comprehensive Conservation Plan (CCP) for the Refuge. The CCP provides vision and guidance for the management of the refuge for the next 15 years. This includes goals for habitat protection as well as wildlife-oriented recreation, environmental stewardship and public access opportunities. Provisions for priority public uses, such as hunting, fishing, and environmental education, as well as other appropriate and compatible uses are based on federal criteria.

The CCP currently contains three alternatives for Refuge management: no action, moderate increase in wildlife management, visitor services and environmental education, and substantial increase in wildlife management, visitor services and environmental education. Each alternative will provide over thirty miles of trails, multiple access sites and overlooks to facilitate wildlife observation. The Plan is scheduled for completion by September 2012.

APRIL 2011 DESFB NWR Draft CCP Alternatives

	Alternative A: No Action (Status Quo)	Alternative B: moderate increase in wildlife, habitat, visitor services, and environmental education programs	Alternative C: substantial increase in wildlife management, habitat management, visitor services and environmental education
		restore, and enhance the Refuge	restore, and enhance the Refuge
Public Uses			
	• Visitor Services division offers a variety of programs related to Refuge Resources.	• Develop and implement a unified message with three main themes for the public. Incorporate the unified message in all programs and outreach. • Develop a visitor services plan	• Same as Alternative B. • Same as Alternative B
Wildlife observation	• Provide more than 30 miles trail, multiple access sites, and overlooks to facilitate wildlife observation. • Offer guided walks. • Provide visitor contact services on weekends.	• Improve Tidelands Trail by installing water bars to slow down erosion. • Install a raised boardwalk extending the entire length of the interior levee of the Faber-Laumeister site. • Same as Alternative A. • Update EEC to improve visitor contact services on weekends. • Collaborate with local transportation agencies to explore feasibility of a bus stop near the headquarter entrance. • Install a webcam near closed and/or sensitive areas for the purpose of remote public viewing. • Research and if feasible promote water-based wildlife observation at Alviso Slough, Newark Slough, and Bair Island (canoe, kayak, tours) • Identify potential launch sites on the refuge for canoes and kayaks (Bair Island, near Dumbarton Bridge, etc.).	• Same as Alternative B. • Same as Alternative B • Same as Alternative A. • Remodel EEC to improve visitor contact services on weekends. • Same as Alternative B. • Collaborate with local transportation agencies to bring public transportation to the EEC. • Develop a walking path/bridge from bus stop to the headquarters. • Same as Alternative B • Same as Alternative B. • Buy kayaks or canoes for water-based, wildlife observation programs. • Construct a dock on the Refuge. • Develop at least one stop on the proposed Water Trail.
Photography	• Provide more than 30 miles trail, multiple access sites, and overlooks to	• Same as Alternative A.	• Same as Alternative A.

Related Planning Efforts

US Fish and Wildlife Service Don Edwards San Francisco Bay National Wildlife Refuge (Refuge)

The northern end of the Study Area contains the Headquarters of USFWS Don Edwards San Francisco Bay National Wildlife Refuge (Refuge). The National Wildlife Refuge system considers wildlife-dependent recreation to be a priority public use, and trails within the lands owned and managed by USFWS would be consistent with Refuge goals and objectives for the National Refuge system. These include:

> *"The National Wildlife Refuge System hosted an estimated 39.5 million visitors in fiscal year 2003. Over 27 million of these visitors participated in nature observation and interpretation, while over 15 million visitors participated in wildlife-dependent recreation. Refuges provide outstanding opportunities to observe and appreciate wildlife in its natural environment. Refuges also provide quality opportunities to engage in wildlife-dependent recreation and foster an appreciation for wildlife and habitat as a participant in the natural environment. To this end, Refuges have attempted to provide facilities that promote on-the ground experiences when visiting refuges. These include orientation kiosks, boat launches and docks, observation towers and interpretive trails. To many visitors, and to the wildlife which depend on Refuges, conveying the importance of proper wildlife management is one of the most important things that a refuge can do.*
>
> *...Wildlife-dependent recreation is a priority public use of the Refuge System and, as such, is facilitated whenever it is found to be compatible with the purposes and management of the refuge. This is great news to recreationists who are seeking the high quality opportunities that Refuges provide.*
>
> *The Service has worked hard to develop a wide array of facilities on many refuges to enhance our visitor's wildlife-dependent recreational experience. Examples include hunting, photo, and observation blinds, fishing piers, boat launches, nature and interpretive trails, observation towers, boardwalks, and auto tour routes.*
>
> *...In 1991, the Service joined with 13 other agencies and organizations in a national "Watchable Wildlife" agreement, to facilitate a coordinated approach in the development of wildlife-viewing opportunities nationwide. Other refuge recreational activities that are enhanced by exposure to wildlife and wildlands include hiking, backpacking, canoeing and cross-country skiing.*

In addition to the National Wildlife Refuge system, USFWS administers the Endangered Species Act for the protection of sensitive wildlife species, including endangered species currently inhabit the site that could be affected by the implementation of visitor serving facilities.

Don Edwards encompasses over 30,000 acres of wetlands and open water in Fremont and other South and East Bay cities. The Refuge was created in 1972 with the following purposes:

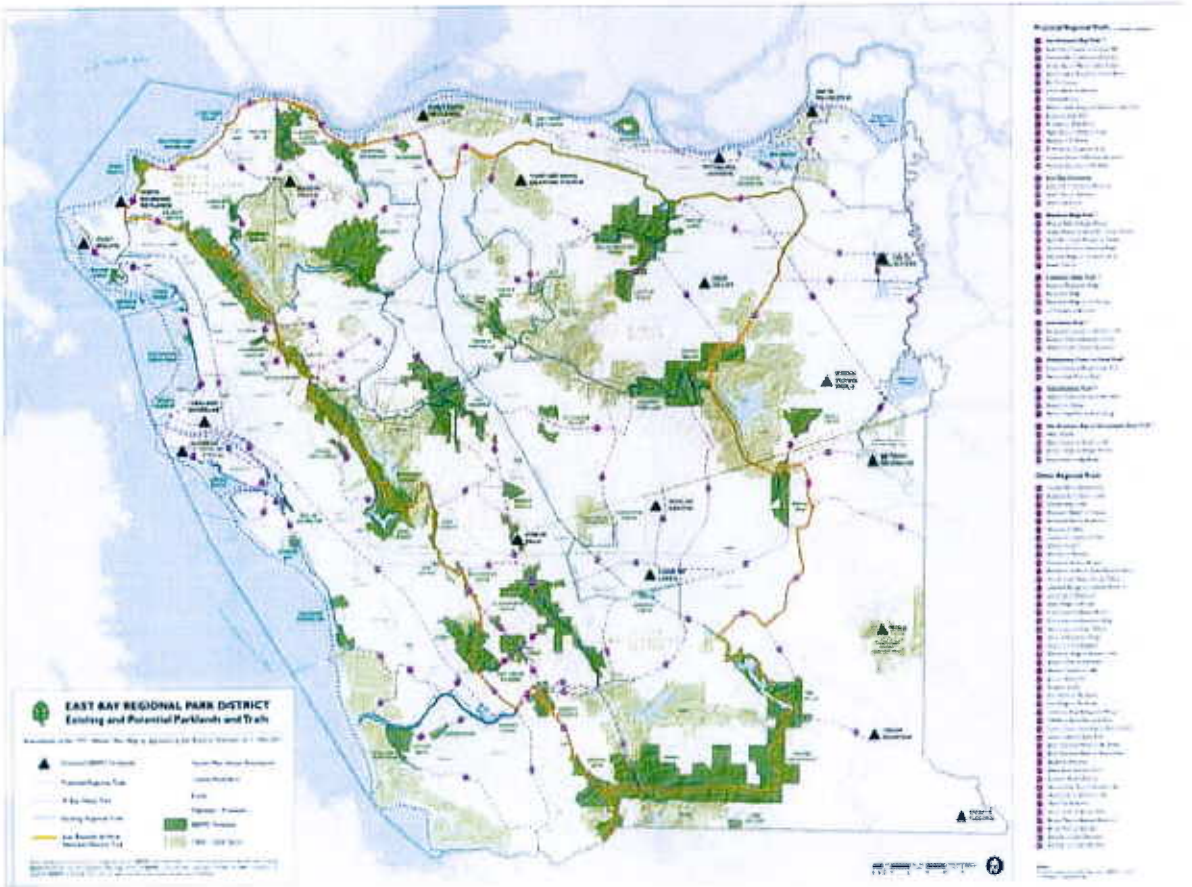
> *1. Preservation of the natural resources of the South Bay, which include among others the habitat of migratory birds, harbor seals and five endangered species.*

East Bay Regional Park District Master Plan

http://www.ebparks.org/planning/mp

East Bay Regional Park District (EBRPD) is currently preparing an update of the Park District's 1997 Master Plan, a policy document that guides the District in future expansion of parks, trails, and services. The District provides and manages regional parks for Alameda and Contra Costa counties, including 65 regional parks, over 100,000 acres of open space, and 1,100 miles of trails. Coyote Hills Regional Park, just north of the Study Area, is owned and operated by EBRPD, and contains segments of the Bay Trail. The EBRPD Master Plan also includes the entire Bay Trail in Contra Costa and Alameda counties as part of its Master Trail Plan.

The Master Plan will guide the stewardship and development of current and future parks, as well as the network of trails the District operates. The 2007 Master Plan Map outlines EBRPD's vision to complete a network of trails and park facilities to serve urban areas during the next decade. In the Study Area, the Plan identifies the SF Bay Water Trail along the Bay shoreline, as well as the Santa Clara County to Coyote Hills segment of the SF Bay Trail as a very generalized alignment connecting trail systems in the area. The imprecise trail alignment (as broadly shown) cuts across some of Cargill's salt ponds as well as Don Edwards Refuge lands.



City of San Jose General Plan Update, Envision San Jose 2040

http://www.sanjoseca.gov/planning/gp_update/

This Plan (in progress) has goals, policies and an implementation program to develop a regional trails network of at least 100 miles (including Coyote Creek Trail, SF Bay Trail and Juan Bautista de Anza Trail) with local connections to parks and activity centers. Its importance to the Study Area is that the southern segment of the Newark-Fremont Bay Trail will connect to the Coyote Creek Trail at Dixon Landing Road.

San Jose/Santa Clara Water Pollution Control Plant

www.Rebuildtheplant.org

This Master Plan for the San Jose/Santa Clara Water Pollution Control Plant, located south of Newby Landfill, proposes 8.25 miles of new trails associated with updated/rebuilt water treatment plant. Currently in Master Plan preparation, the trails will connect with the Coyote Creek trail in the vicinity of the Newby landfill.

City of Milpitas Trails Master Plan

http://www.ci.milpitas.ca.gov/government/planning/plan_trails.asp

Off street trail system is planned to extend 5.1 miles along the Coyote Creek levee, from Dixon Landing Road to Montague Expressway, except within the McCarthy Ranch development where the trail is an extended sidewalk. The Coyote Creek Trail, SF Bay Trail and Juan Bautista de Anza trail all share the same alignment in this area. As noted above, they would join on their north end of the Bay Trail segment constructed through the Study Area.

Milpitas General Plan, 2002

http://www.ci.milpitas.ca.gov/_pdfs/plan_plan_general_chapter3.pdf

This Plan reaffirms the Coyote Creek/Bay Trail alignment along the Coyote Creek levee.

Santa Clara County Parks - Alviso Marina County Park

http://www.sccgov.org/SCC/docs%2FParks%20and%20Recreation%2C%20Department%20of%20%28DEP%29%2Fattachments%2FAlvisoGuideFinal.pdf

This park provides pedestrian and bicycle access to Coyote Slough and trails within the Don Edwards SF Bay Wildlife Refuge. This site is also the nearest planned ramp south of Jarvis Landing for the SF Bay Area Water Trail.

2.3 KEY STAKEHOLDERS

Primary property owners within the Study Area are shown below. Land use within the area includes a regional park, industrial salt facility, marina, grazing lands, pipelines and pump stations, power plant, roads, levees, railroad corridors, wetlands and vacant land.

Key stakeholders within the Study Area include:

- USFWS Don Edwards Wildlife Refuge

- ACFCWCD (government/flood control)
- Cargill Inc. Newark (salt plant)
- Catellus (Pacific Commons retail/commercial/industrial development)
- Fremont-Newark Community College District (Ohlone College)
- Helm et al (Areas 3 & 4 Specific Plan development area)
- King and Lyons (existing Bayside Landing and planned Creekside Landing business parks)
- Waste Management, Inc. (Tri Cities Landfill)
- Allied Waste Management (Newby Island Landfill)
- PG & E (utility/transmission site)
- State of California (Department of Fish and Game, State Lands Commission lands)Wildlands Inc. Mitigation Bank
- Union Pacific Railroad

USFSWS/Don Edwards Wildlife Refuge

As discussed above, the Refuge is a primary landowner and stakeholder in the Study Area, and current Comprehensive Conservation Plan efforts include a commitment to provide and expand outdoor recreational and wildlife viewing opportunities consistent with stewardship of lands for protected wildlife species. Integrating trails into restoration projects presents a unique opportunity to fulfill these goals in an integrated manner, as well as incorporate strategies for long term monitoring and adaptive management to ensure that Refuge objectives are met.

Alameda County Flood Control and Water Conservation District (ACFCWCD)

ACFCWCD is part of Alameda County Public Works Agency, responsible for maintaining the area's flood control facilities, including channels, levees, pumps and infrastructure related to flood control and stormwater management. The District provides planning, design and inspection of flood control projects, maintains flood control infrastructure, reviews new developments and supports watershed enhancement and education. Flood control channels and creeks in the Study Area are in Zone 5 (Newark) and Zone 6 (south Fremont). Within the Study Area, the creeks are referred to by a letter (Line B), and managed as part of Zone 5 or 6. These creeks primarily discharge to either Coyote Creek or Mowry Slough. From these waterways, stormwater flows to San Francisco Bay.

Opportunities for public access include use of levee maintenance roads for trails, as well as incorporation of public access amenities as part of flood control maintenance, creek restoration and watershed enhancement projects. The Flood Control District has agreements with several local government entities, including East Bay Regional Park District, allowing them to construct, operate and maintain trails within their rights-of-way. Although in general agreement with the concept of a trail network on District levees and maintenance roads in the Study Area, ACFCWCD will need to review each proposed trail segment on a site by site and case by case basis to make sure their licensing agreement is signed with the trail management entity, making them responsible for construction, maintenance, and operations of the trail, including patrol policing and emergency response.

Cargill, Inc.

Cargill Inc. owns and operates approximately 3,000 acres of an industrial salt facility and related processing facilities at its Newark Plant Site. The salt is used for pharmaceutical use, food, agriculture, industrial and other commercial purposes, such as water softening. In addition, Cargill Inc. owns lands within the Dumbarton TOD that may be developed for residential uses. More than 90% of its lands have been donated and sold to resource agencies for wetlands restoration purposes.

Solar salt production in the San Francisco Bay dates back to the 1850s, when the State of California encouraged reclamation of marshlands – one of those being salt ponds. This was accomplished by diking, leveeing and draining historic salt marsh and seasonal wetlands to the east for creation of salt through a complex process of concentrating salt in bay water involving evaporation and moving or pumping increasingly saline brine through a series of ponds. Some of the salt ponds were acquired by the USFWS and became a part of the Don Edwards Wildlife Refuge in condemnation dating back to 1972, and Cargill retains perpetual operating rights to harvest salt on approximately 8,000 acres of the land donated and sold to the USFWS.

Of the Service-owned salt ponds, (totaling 8,000 acres) as indicated above, all will continue indefinitely to be operated by Cargill Inc. A portion of the salt ponds near Coyote Creek are a part of the larger South Bay Salt Ponds Restoration Project (SBSP), and most of the lands in this area have been restored to tidal wetlands, but the active salt ponds within the Study Area, including both those owned by Cargill Inc, and those owned by the USFWS and operated by Cargill are not included in the SBSP system, which occurs just to the north in the Hayward area, and mostly further south and west in the Alviso area of San Jose and in the East Palo Alto area.

Apart from the interior and portions of the western and eastern levees immediately adjacent to the Newark Plant Site, most of the salt pond levees are owned in fee title by the USFWS but operated and maintained by Cargill exclusively under an agreement with the Service for salt production and outlining their on-going maintenance responsibilities.

The levees are mostly underlain by former tidal marsh and were created beginning in the early 1900's by dredging and placing Bay Mud soils on the drained and diked lands to create the berms that prevent bay water from entering the salt production areas. The levees require a high level of maintenance, and Cargill Inc. places a very high priority on this because bay water intrusion interferes significantly with their salt production operations. Cargill has a very well developed program involving levee inspection, monitoring, maintenance and repair. This includes topping, or adding soil to bring the levee surface up to grade in elevation and width, and beaching, to strengthen, repair and bolster levee side slope areas eroded by bay waters.

The exterior levees are typically 12 to more than 14 feet wide and range in elevation from about 8 to 10 feet. Although the 100-year still water tide height is estimated to be elevation 10 feet in this area (NAD 88), they are not certifiable by FEMA as flood control levee structures because they were not designed and constructed, nor currently maintained, for flood protection. Cargill Inc. does not consider the levees to provide flood benefits to adjacent areas, because in part they are not designed and engineered to provide the level of risk protection needed for a flood control structure, and therefore cannot be responsible for emergency maintenance for flood protection.

The historic agreement (1972) between Cargill Inc. and the USFWS designated certain levees for public access, generally only around the existing Don Edwards Wildlife Refuge headquarters and visitor center area. The agreement sets forth a process whereby certain additional areas can be opened for public access, after certain safety and security improvements (security fencing, etc.) are made, at which point ongoing levee maintenance and patrol would be turned over to the USFWS.

As a practical matter, all involved stakeholders must agree with the decision to open lands to public access in order to proceed. Both Cargill Inc. (levee operator) and the USFWS Don Edwards Refuge (levee owner) do not believe it is feasible to allow use of the exterior levees for shared public access because of potential impacts on Cargill's salt production operations, concerns about the Service's capability to maintain and manage the levees, and manage public access in these areas, and potential impacts on sensitive wildlife species that occupy the immediately adjacent tidal wetlands along Mowry Slough.

At some time in the future it is possible that some or most of the Newark Plant site salt ponds would no longer be needed by Cargill Inc. for salt production, or that it is no longer economically feasible or practical to produce salt at current production rates at this location. If this turns out to be the case, it is conceivable that some of the exterior levees could be relocated and reconstructed

Changes in operations and security procedures (such as use of closed circuit cameras, or touch security fencing, etc.) could also become available in the future that might affect the feasibility of a shared levee roadway.

It is also possible that at some time in the future, an exterior flood control levee to protect the Fremont-Newark area from increased flood frequency and flood heights as a result of Sea Level Rise will be considered necessary, and the existing levee system be raised and re-built or a new flood control levee system in the general vicinity of the Cargill-managed levees be constructed. Although there is no planning for such a levee system currently underway or programmed (such as there is for areas to the north and south of the Study Area), this is a concept that has been discussed. Such a flood control levee system could incorporate public access, including a Bay Trail, as a component of a multi-use project, and may contribute favorably to the Benefit: Cost analysis.

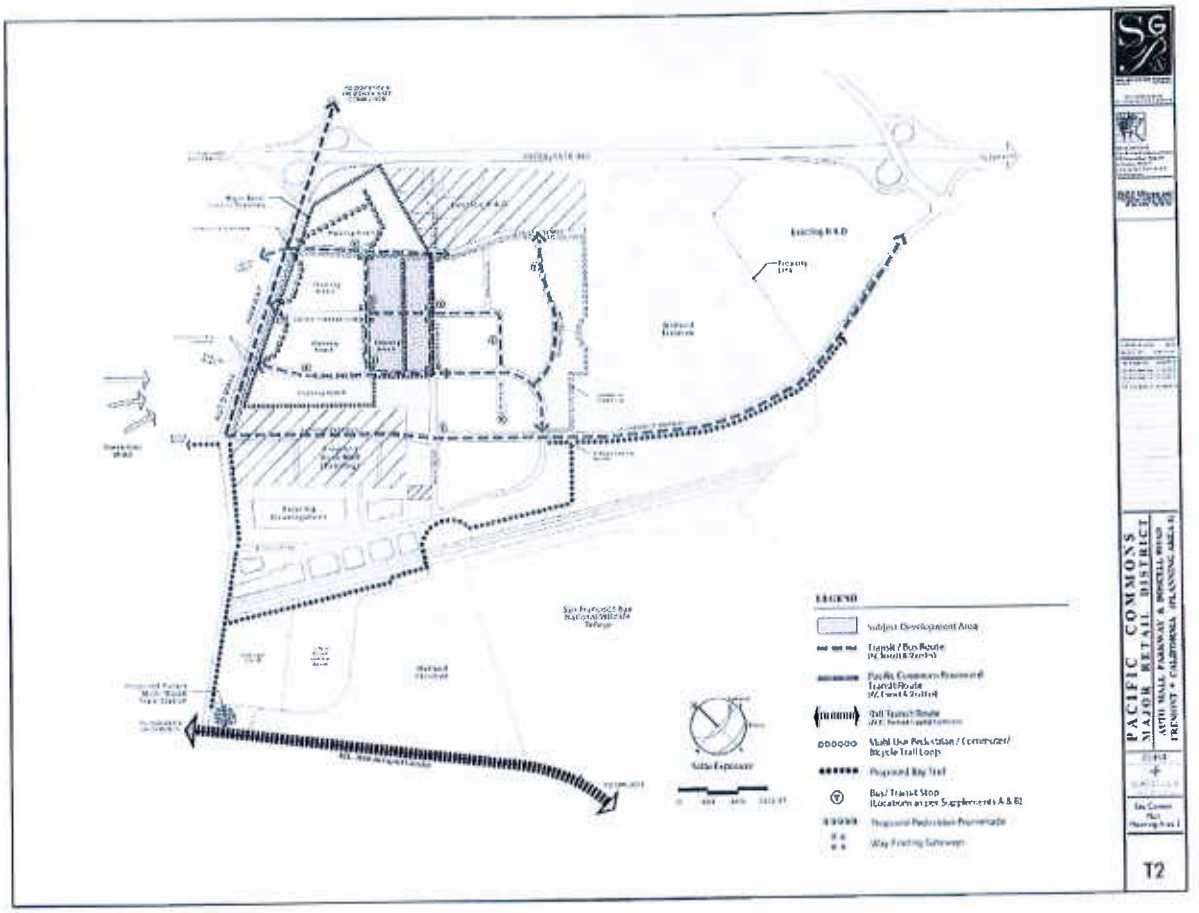
State of California-Owned Lands

California Department of Fish and Game (DFG) and State Lands Commission (SLC) are landowners within the Study Area, primarily along Mowry Slough and Coyote Creek, and restored wetlands west of Bayside Landing Business Park, along the existing Bay Trail segment.

DFG lands are typically open for public access (including both designated trails as well as informal, non-delineated paths), without formal management. SLC governs "sovereign" lands—submerged and tidal, historic river alignments, including lands along Mowry Slough and Coyote Creek. Their purpose and mission includes:

> *"The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways when it became a state in 1850. The state holds these lands for the benefit of all the people of the State for statewide Public Trust purposes of waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open*

restoration (via transfer of lands to USFWS). Implementation and development of the multi modal facility would be considered a long term option, as the Plan was developed when a high intensity use (ballpark) was envisioned for the site, rather than the current use and build-out.



Tri-Cities Landfill

The former Durham Road Landfill, also known as the Tri-Cities Resource Recovery Facility, occupies approximately 46 acres at the western end of Auto Mall Parkway. It began receiving municipal solid waste in 1967 and began recycling activities in 1991. The landfill was closed to the public in July 2007.

The owner of the property, Waste Management, obtained a General Plan Amendment in 2012 (PLN2011-00100) to change the land use from Agriculture and Light Industrial to Open Space-Public Resource Conservation and Service Industrial, and a Rezoning from Agricultural/Flood Combining District and Planned District P-2005-262(F) to Open Space/Flood Combining District and a new Planned District which would allow as permitted and conditional uses a medical waste processing facility, mulch processing and sales of finished products, concrete recycling and sales of finished products, and other associated waste disposal and recycling services at the former Tri-Cities Recycling and Disposal Facility, as well as a Conditional Use Permit to allow some of the proposed uses.

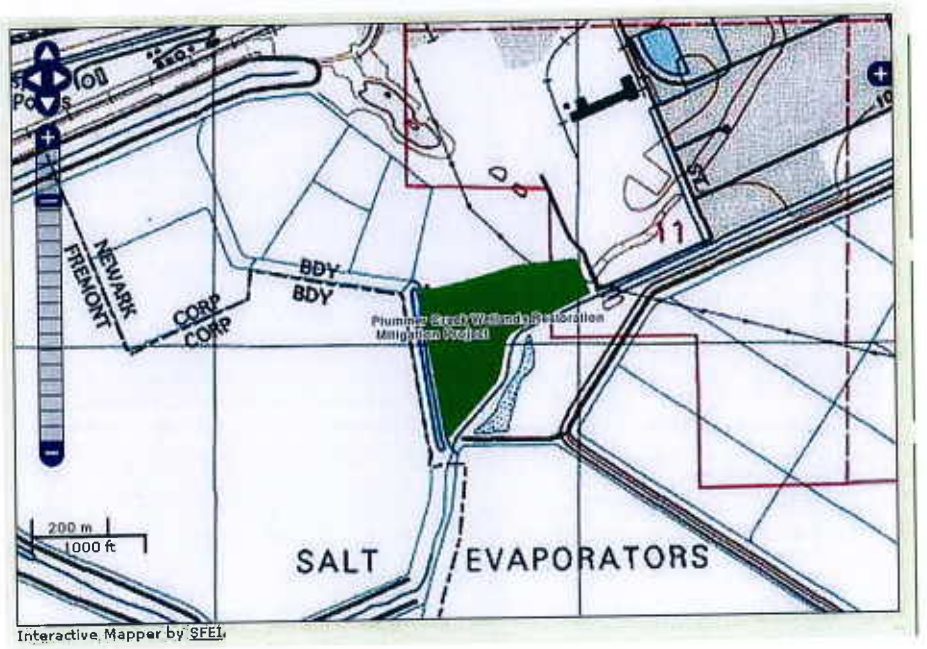
space. The State owns sovereign fee title to tide and submerged lands landward to the ordinary high water mark (OHWM) as they existed in nature, prior to fill or artificial accretions. The Sate's sovereign interests are under the jurisdiction of the Commission. A lease from the Commission is required for any portion of or proposed improvements extending onto State-owned lands that are under its jurisdiction."

Since portions of Mowry Slough and Coyote Creek have been altered over time, exact location and jurisdictional authority of these areas may be subject to further study and precise survey.

Wildlands, Inc. Mitigation Bank, Newark Slough

Wildlands, Inc owns and operates the Newark Slough Mitigation Bank, which offers mitigation banking services to provide compensatory mitigation credits to offset wetlands impacts for development projects.

The project was originally approved as the Plummer Creek Wetlands Restoration Mitigation Project in September 1999. The project promised the creation of tidal wetlands, seasonal wetlands, and 6.96 acres of uplands on the 25 acre site. The project also included implementation of a public access trail along the northern and eastern levee and interpretive signage to comply with BCDC requirements. Although a pedestrian bridge was installed, the public access levee trail was not completed, although staff at Wildlands Inc. indicated a willingness to make the trail improvements when the mitigation site trail would connect to another trail segment.



Wildlands, Inc. is also studying creation of another mitigation bank off Thornton Avenue in Newark. If approved, construction of public access components at both locations should be included in the project to fulfill the original project intent.

Pacific Commons

The 200 acre Pacific Commons site, developed by Catellus, includes regional commercial uses, existing paved trail segments that can potentially be used as part of the Bay Trail, as well as widened sidewalk segments on Cushing Parkway that have been dedicated to the City of Fremont. The area also includes a potential future multi-modal transit center at the end of Auto Mall Parkway, a city park site, and a wetlands

Newby Island Sanitary Landfill

Allied Waste/Republic Services owns and operates the Newby Island Resource Recovery Park at 1601 Dixon Land Road in San Jose. In addition to active waste receiving/disposal operations, the facility processes a maximum yearly average of 160,680 tons of green yard waste, food waste, and wood waste on an 18-acre composting facility, and operates a recycling facility. The Facility currently serves all of Santa Clara County and portions of Alameda, Contra Costa and San Mateo counties. The Facility processes curbside yard waste for several jurisdictions in Santa Clara County. Allied plans to process all of San Jose's commercial waste and is retrofitting this facility.

In 2009, the City of San Jose completed a Draft EIR to rezone the landfill and raise the maximum height of allowable fill by approximately 100 feet, increase landfill capacity, and update and clarify the legal nonconforming uses on the site to specify allowable current and future uses.

Although the Draft EIR indicates that raising the landfill height does not affect the landfill footprint or intended long-term use of the site perimeter roads for Bay Trail, it does not include any trails as part of the project. The EIR states:

> *It is unlikely that the San Francisco Bay Trail segment on Newby Island would be constructed prior to closure of the landfill, and there is no proposal to change the anticipated closure date. The San Francisco Bay Trail segment planned around the perimeter of Newby Island Landfill is located on land owned by the applicant and the San Francisco Bay Trail would not likely be constructed prior to closure of the landfill due to safety and security concerns with ongoing landfill operations and trail users. As discussed previously, the City of San José has no direct control over the closure date of the landfill and it is possible that the landfill could close at a later date than 2025. For this reason, the proposed project would delay the opening of San Francisco Bay Trail segment around the perimeter of the landfill.... The planned San Francisco Bay Trail loop around the landfill is not a fundamental, connecting segment of the Bay Trail. Therefore, its possible delay would not result in a significant impact.*
>
> *As part of the project, existing uses and their associated traffic that are not currently permitted would be allowed. If the project were not approved, those existing unpermitted uses and their associated traffic would be required to cease. Therefore, there will be more traffic and possible future conflicts*
>
> *Santa Clara County Parks has requested that the City of San Jose take steps that will ensure that the end use vision can be realized as part of project, such as securing necessary land use easements for future trails with bicycles and pedestrians on the two lane bridge onto Newby Island than there would be if the proposed rezoning were not approved.*
>
> *(source: Newby Island Sanitary Landfill and the Recyclery Rezoning Project DEIR, 2009)*

Operation of the facility is currently regulated by a municipal contract agreement for landfill operations and by a Conditional Use Permit. The contract and CUP included milestones for eventual closure of the facility, including a maximum landfill height of 150 feet and submittal of a reuse plan prior to final closure. A portion of the site has been permitted for continued use for interim waste and recycling activities while the final reuse plan is prepared. These activities include concrete and asphalt recycling, a corporation yard, and maintenance facilities for refuse collection vehicles. These operations are permitted through 2015.

The 2012 General Plan amendments satisfy the 2007 Planned District conditional approval that allowed for interim uses while preparing a final land use plan for City approval prior to 2015. The current Conditional Use Permit (PLN PLN2000-00085) will remain in effect for continued obligations associated with the closure and monitoring of the landfill.

Final project approval and closure should include consideration of a bicycle/pedestrian parking lot, and trail connection around portions of the landfill, including a connection to the Bay Trail system envisioned in the Area 3 and 4 Specific Plan, which is across Mowry Slough, immediately to the north. This is a complex and difficult issue to resolve because:

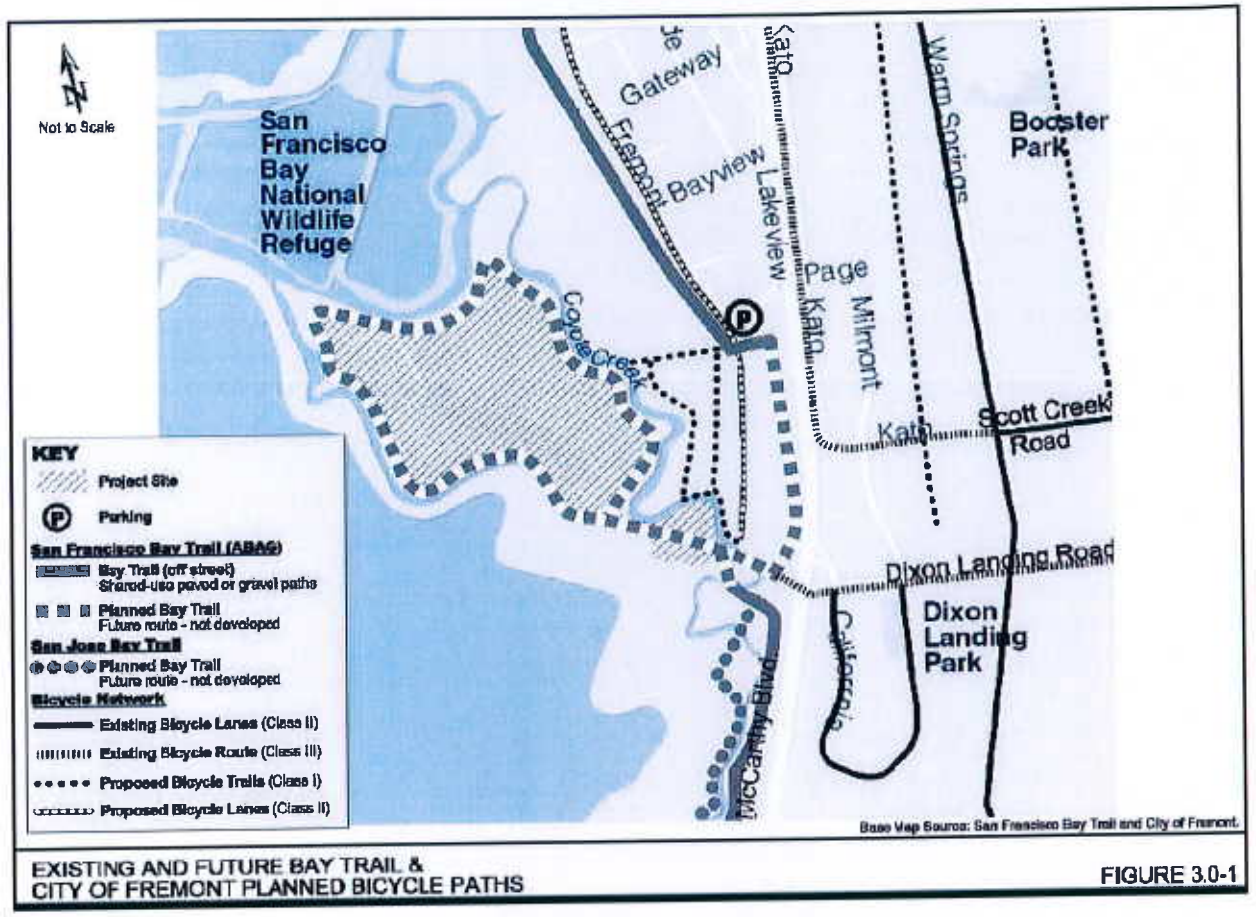
- It involves some Flood Control District levee lands,
- Potentially involves crossing a wetlands with a boardwalk,
- Presents potential operational conflicts with the landfill,
- Involves use of at-grade crossing of UP Railroad tracks (California Public Utilities Commission objects to use of at grade crossing for non-landfill business visitors).

According to the Community Plan, the future of the landfill site may ultimately be influenced by decisions regarding the rail corridor which runs along its eastern edge. The rail line presently accommodates the Amtrak Capitol Corridor and the Altamont Commuter Express. The possibility of a rail stop at the west end of Auto Mall Parkway has been considered, with bus and shuttle service to nearby employment centers in the I-880 corridor. If a rail station is pursued, some degree of transit oriented or intermodal facility development could be considered for the former landfill site, but is a very long-term prospect.

Baylands Community Plan policies for Tri-Cities landfill:

Policy 12-1.6: Durham Road Landfill Reclamation

> *Support reclamation of the former Durham Road Landfill with a low intensity use that retains the open space character of the site, is compatible with adjacent land uses, protects environmental quality, advances habitat restoration programs in the surrounding wetlands, and is consistent with local sustainability goals.*
>
> *Implementation 12-1.6.A: Durham Road Landfill Reuse Plan Prepare a Reuse Plan for the Durham Road Landfill, with appropriate environmental review documents. A number of alternatives for the site should be considered. Interim use of the site for waste management and recycling activities may be permitted. More intense uses of the site than those described in the "Special Study Area" text above would be subject to a future General Plan Amendment.*



EXISTING AND FUTURE BAY TRAIL & CITY OF FREMONT PLANNED BICYCLE PATHS

FIGURE 3.0-1

Santa Clara County Parks has requested that the City of San Jose take steps that will ensure that the end use vision can be realized as part of the project, such as securing necessary land use easements for future trails with bicycles and pedestrians on the two lane bridge onto Newby Island, and providing multi-modal facilities to serve the area as part of project approval.

Allied Waste has also indicated that they are in the process of evaluating geotechnical stability around the perimeter of the landfill that may include bank stabilization and reconstruction of the perimeter road to improve shoreline stability. This work would affect the timeline potential use of the perimeter road for a trail.

King and Lyons Creekside Landing Phase II

The King and Lyons Creekside Landing Project was originally approved in 1994 for the planned development of 159 acres west of Interstate 880 and north of Dixon Landing Road. The City of Fremont entered into a Development Agreement for the parcel, which has subsequently been renewed and is in effect until March 2020. In addition to extending Fremont Blvd. south to Dixon Landing Road, contribution to Dixon Landing interchange improvements and provision of a Class I Bicycle Path next to the Fremont Blvd. extension, a portion of the Development Agreement includes "*in order to facilitate extension of the Bay Trail, make an irrevocable offer to dedicate to City of Fremont an easement for pedestrian/bicycle access on, or within the vicinity of, the levee road adjacent to "Coyote Creek" and along the Alameda County Flood Control Channel levee...*".

Under separate study, the City of Fremont is exploring potential alignments for a Bay Trail segment to provide a connection from the current terminus of Fremont Blvd. and Dixon Landing Road. The project will also include Dixon Landing Road intersection improvements to accommodate bicycle and pedestrian users and provide a connection to the Bay Trail at McCarthy Ranch.

2.4 RAILROADS

The Study Area contains two primary rail lines that serve freight and passenger rail needs. The north-south corridor is within the Coast Subdivision owned by Union Pacific Railroad (UPRR), and is utilized by UPRR freight operations and passenger rail, including the Capitol Corridor, Amtrak Coast Starlight and Altamont Commuter Express (ACE).

The east-west Dumbarton Corridor, which connects the Peninsula to the East Bay, has been identified as a key corridor for future commuter rail service. This corridor provides a critical component of establishing a regional rail network as identified in the Metropolitan Transportation Commission (MTC) Regional Rail Plan. The Dumbarton commuter rail project is overseen by the Dumbarton Rail Corridor Policy Advisory Committee (DRCPAC) and managed by Caltrain. It is currently at 10 percent design and in the environmental review phase of planning.

Coast Subdivision. Union Pacific Railroad (UPRR) has a network of interconnected routes in Northern California that connects to the entire UPRR national system. The Study Area is within the UP Coast subdivision, which runs approximately 82 freight trains per week (*Dumbarton Rail Corridor Project - Environmental Phase 1 Draft Final Report, 2006*). The Coast Subdivision contains the rail line between Control Point (CP) Coast in Santa Clara and Newark. It is single track with two sidings at Newark (Milepost [MP] 30.80 – MP 32.20) and Albrae (MP34.00 – MP 34.90). Track rehabilitation is planned and ongoing that would include tie replacement, ballasting and track resurfacing and realigning to allow improved running times and fewer maintenance outages through roadbed stabilization procedures, primarily in the areas adjacent to the wetlands.

Capitol Corridor Joint Powers Authority (CCJPA)/Capitol Corridor. Commuter and intercity rail service between Sacramento and San Jose via Oakland is over the UPRR- owned rail lines, administered by the CCJPA. The CCJPA presently operates 14 passenger trains between Oakland and San Jose and Improvements are planned to allow the CCJPA to operate 22 round-trip trains. Specific objectives for the Capitol Corridor include increasing frequency to meet growing passenger demand, reducing travel times and improving operational reliability.

The Capitol Corridor Service Expansion Program (CCSEP), currently in program environmental assessment, would add additional trackage in the Study Area to facilitate joint passenger/freight use. This program is part of the Federal Railroad Administration's (FRA) comprehensive capital investment program for high-speed intercity passenger rail service. Additional trackage would be located adjacent to the Tri Cities Landfill, generally north of Drawbridge and south of Mowry.

It does not appear that any of these plans include provisions for bicycle and pedestrian facilities within the railroad right of way; however since the Bay Trail Plan, and the Newark, Fremont, and Alameda County Bicycle and Pedestrian plans all show public access facilities within the corridor, some accommodation or mitigation might be considered.

2.5 AGENCIES WITH REGULATORY AUTHORITY

A number of regulatory agencies may have jurisdictional authority over a proposed trail project, may review and comment on the project's environmental document, request mitigation measures, and may require issuance of a permit with approval conditions and other mitigation and monitoring requirements. The trail implementation project may incur both temporary disturbance and permanent fill of wetlands, and could possibly disturb nearby endangered species habitat. In addition, potential water quality and stormwater construction-related impacts associated with any required excavation, filling, construction of hard elements such as bridges, boardwalks, retaining walls, and concrete and asphalt paving, must also be addressed in grading and improvement plans and associated Stormwater Pollution Prevention Plans (SWPPPs).

Table 2-1 summarizes the agencies that potentially have jurisdictional review as well as permitting authority for the project. Impacts to wetlands and sensitive habitat are subject to regulatory review, including U.S. Army Corps of Engineers wetlands permitting (and associated consultation with the U.S. Fish and Wildlife Service (USFWS) and/or NOAA Fisheries/NMFS), as well as California Department of Fish and Game (DFG), California Regional Water Quality Control Board, and in some areas the Bay Conservation and Development Commission (BCDC). The Joint Aquatic Resources Permit Application (JARPA) was developed by Association of Bay Area governments (ABAG) to provide a simplified permit application for activities in or near Bay Area aquatic environments, and could potentially be utilized to facilitate trail implementation.

In addition to these state and federal resource and regulatory agencies, Alameda County Public Works may require either both an encroachment permit and licensing agreement. Agreements with the Don Edwards Wildlife Refuge may also be necessary, along with approval from the California Public Utilities Commission (CPUC) and the various railway operating entities for any facilities within or crossing a railway.

State and federal permit requirements may include:

- Section 7 of the federal Endangered Species Act;
- Section 404 of the Clean Water Act;
- Coastal Zone Management Act (administered by BCDC)
- California Fish and Game Code (Section 1600 Lake or Streambed Alteration Agreement program);
- California Endangered Species Act;
- National Pollutant Discharge Elimination System (NPDES) permitting and Section 401 water quality certification processes through the San Francisco Bay Regional Water Quality Control Board (RWQCB) and State Water Resources Control Board (SWRCB).