



HAYWARD AREA SHORELINE PLANNING AGENCY

Memorandum

DATE: January 14, 2021

TO: Hayward Area Shoreline Planning Agency (HASPA) Board of Trustees

FROM: Erik Pearson, Environmental Services Manager

SUBJECT: Environmental Review of the Hayward Regional Shoreline Adaptation Master Plan

Background

In July of 2018, HASPA received SB 1 Climate Adaptation Planning grant funds from Caltrans to prepare the Hayward Regional Shoreline Adaptation Master Plan. Work began in early 2019 and is on track to be completed in February 2021.

Before development of the Plan began, the Board expressed a desire to have a plan and a CEQA (California Environmental Quality Act) document in place to better position HASPA to implement projects and seek grant funding. When the scope of work and timeline for the current project were developed, staff included the preparation of an Environmental Impact Report (EIR) that would extend beyond the completion of the grant-funded work in February 2021.

The HASPA Technical Advisory Committee (TAC) met internally several times to discuss the most appropriate approach for conducting environmental review of the Plan since the grant does not allocate funds or require a process for environmental review. The Board of Trustees discussed this issue during their meeting on October 8, 2020¹ and requested staff further evaluate the possibility of preparing an EIR by exploring whether other stakeholders could share the cost for this work and possibly preparing an EIR only for the short term projects.

Recommendation

The TAC recommends that the HASPA Board support the use of a statutory exemption under California Environmental Quality Act (CEQA) Guidelines Section 15262 for the Hayward Regional Shoreline Adaptation Master Plan.

¹ <https://hayward.legistar.com/MeetingDetail.aspx?ID=806168&GUID=A8EBEDE5-54AE-454E-AF9D-28902F0F3588&Options=&Search=>

Discussion

The Plan's purpose was to identify a broad range of improvements that would be developed further when project-specific funding and prioritization occurs. The Plan does not include detailed engineering or design plans needed to prepare a comprehensive EIR or implement projects. Projects outlined in the Plan will need further evaluation and detailed design plans prior to conducting environmental review.

Given the level of detail currently in the Plan and the ecological considerations that would need to be addressed, an EIR would be expensive. The cost of an EIR for the Master Plan was originally estimated to be \$240,000 and more recently TAC staff estimate the cost could be closer to \$500,000. Staff reached out to the Alameda County Flood Control District several times and was unable to get a response on this issue. Staff also reached out to the East Bay Dischargers Authority and the Oro Loma Sanitary District about cost sharing. The agencies indicated they would conduct environmental review for their projects outlined in the Plan after additional studies and design. While an EIR addressing only the short term projects would be more affordable, the agencies that would need to be involved are not ready to participate in the environmental review process. Finally, staff also found that most federal grant programs do not require that an environmental review document be completed prior to the submittal of a grant application. In many cases, environmental review can be completed after the receipt of grant funds.

The SB1 Sustainable Communities Grant, the funding source for the Plan, is set to expire February 28, 2021. The Plan must be adopted and submitted to Caltrans prior to this date. In order for the City Council and the park district Boards to formally adopt the Plan, it must be found to be in compliance with CEQA. A statutory exemption would allow the HASPA TAC to adhere to the grant agreement.

For the above reasons, staff explored the use a statutory exemption under CEQA Guidelines Section 15262, which is applicable to feasibility and planning studies. Staff sought guidance from Rincon, a CEQA consultant, regarding this possible exemption for the Plan. Rincon provided the attached memorandum (see Attachment II) confirming that the use of this statutory exemption is legally defensible.

Next Steps

With support from the Trustees, staff will recommend that the City Council and the park Boards adopt a finding that the Hayward Regional Shoreline Adaptation Master Plan is statutorily exempt per CEQA Guidelines Section 15262. Additionally, staff will conduct environmental review for projects outlined in the Plan as they are implemented.