3.8 Land Use and Planning

This section of the Draft Environmental Impact Statement/Report (EIS/R) describes the existing land uses and policies within the Eden Landing Phase 2 project area and assess the consistency of the proposed project with existing land use regulations and conformance with local plans. The information presented is based on a review of federal, state, regional, county and city planning documents presented in the regulatory framework section of this chapter. Using this information as context, an analysis of land use related environmental impacts of the project is presented for each alternative. The program-level mitigation measures described in Chapter 2 would be implemented as part of this project. Therefore, this section only includes additional mitigation measures as needed.

3.8.1 Physical Setting

Methodology

The development of the baseline conditions, significance criteria, and impact analysis in this section is commensurate to and reliant on the analysis conducted in the 2007 South Bay Salt Pond (SBSP) Restoration Project EIS/R (2007 Final EIS/R). Applicable regional and local plans and policies were reviewed for information on existing land uses and goals for future development. City and county general plans and land use and zoning codes applicable to the Eden Landing Phase 2 project area identify land use goals, policies, and existing land use designations in the Phase 2 project area and for lands immediately surrounding. The policy discussion is organized according to the jurisdictions that provide regulatory oversight to lands within and adjacent to the Eden Landing Phase 2 project area.

Regional Setting

The Eden Landing Ecological Reserve (ELER, or Reserve) is situated in Alameda County and forms a tidally influenced boundary between South San Francisco Bay (South Bay) and upland urban communities. Hayward, Union City, and Fremont are located to the north, east, and south (Figure 3.8-1). The Reserve is owned and managed by the California Department of Fish and Wildlife (CDFW) and is approximately 6,400 acres in total. Old Alameda Creek (OAC), which flows east to west through the Reserve, splits the Reserve into what is known as a “northern” and “southern” area. Tidal restoration, flood risk management, and recreation improvements to the northern portion of the Reserve were addressed in the Phase 1 EIS/R and have since been implemented.

The Eden Landing Phase 2 project area consists of the southern portion of the Reserve between OAC and the Alameda County Flood Control Channel (ACFCC). Land uses surrounding the Eden Landing Phase 2 project area consist of urban development (single and multifamily residential, commercial, and industrial uses), open space and recreation areas, tidal mudflats, salt flats, salt marsh, creeks, flood control levees, rural land, and wildlife interpretative areas. The Eden Landing Phase 2 project area is within the municipal boundaries of the City of Hayward. Union City borders the Inland Ponds and Southern Ponds associated with the Eden Landing Phase 2 project area. Dominant land uses adjacent to the Eden Landing Phase 2 project area within Union City include single and multifamily residential, recreation, and commercial based uses. Fremont is located south of the Eden Landing Phase 2 project area and the ACFCC. This area includes active salt ponds managed by Cargill. The outer western boundary of the Eden Landing Phase 2 project area is bounded by South Bay. Major drainages within the pond complex that discharge into San Francisco Bay include OAC and ACFCC.

LEGEND

- City Boundary
- Eden Landing Phase 2 Project Area
- Southern Eden Landing Ponds

AECOM

South Bay Salt Pond Restoration Project

Figure 3.8-1

City Boundaries

Project Setting

The Phase 2 project area is comprised of 11 individual ponds (i.e., E1, E1C, E2, E2C, E4, E4C, E5, E5C, E6, E6C, and E7) and encompasses roughly 2,300 acres of former salt ponds within the southern area of the Reserve. These 11 ponds are frequently discussed according to the following groups, which are based on their proximity and similarity to each other:

- The Bay Ponds – Ponds E1, E2, E4, and E7 are the four large ponds closest to San Francisco Bay (or Bay);
- The Inland Ponds – Ponds E5, E6, and E6C are somewhat smaller ponds in the northeast portion of the complex; and
- The Southern Ponds – Ponds E1C, E2C, E4C, and E5C are in the southeastern portion of the complex. They are referred to in some documents as "the C-Ponds". They are separated from the Inland Ponds and the Bay Ponds by an Alameda County-owned freshwater outflow channel and diked marsh areas known collectively as "the J-Ponds". The Southern Ponds surround a natural hill known as Turk Island that is on a private inholding.

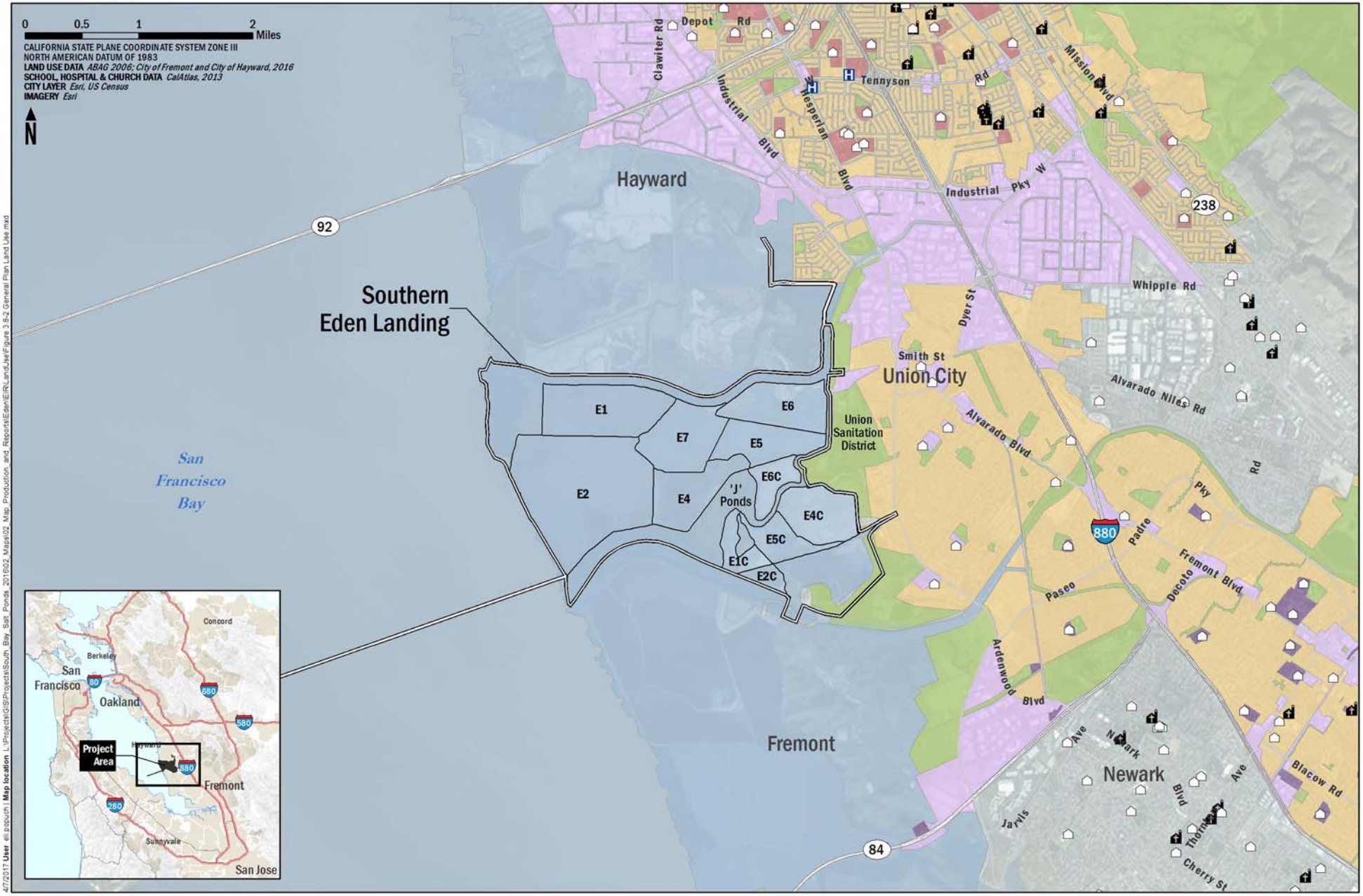
The Hayward General Plan designates the entire Reserve as "Bayland" (City of Hayward, 2014). The Hayward General Plan broadly defines "Baylands" as, "open space resources located along the Hayward shoreline." The Hayward General Plan further defines "Baylands" as a resource that is intended to transition from salt ponds to freshwater marsh over time. Though non-specific to location or means, the General Plan also anticipates that, "Baylands" will see improvements to regional flood protection levees and the construction of new recreation amenities along the shoreline (City of Hayward, 2014). Hayward has zoned the entire Eden Landing Phase 2 project area as "Flood Plain District [FP]," (City of Hayward, Section 10-1.2100). The purpose of the "FP" [zoning] district is, "to protect persons and property from the hazards of development in areas subject to tidal or flood water inundation, and to protect the community from the costs which may be incurred by premature development in such area(s)."

General Plan land use categories surrounding the Eden Landing Phase 2 project area include residential, commercial, and industrial uses as shown in Figure 3.8-2, as well as local roads, flood control basins, other restoration areas, and recreational or other public facilities.

3.8.2 Regulatory Setting

Under Sections 65300–65403 of the California Government Code, all cities and counties in California are required to provide comprehensive long-range plans for lands within their jurisdictions which contain seven mandatory elements: land use, housing, conservation, open space, circulation, noise, and safety. The Eden Landing Phase 2 project area is within the City of Hayward, and as discussed above, the Hayward General Plan identifies land use goals and existing land use designations to the Eden Landing Phase 2 project area.

In addition, a number of regional plans have been developed by San Francisco Bay Area agencies— some individually, some in collaboration with other agencies. These agencies acknowledge a variety of environmental interests in the Bay Area and in some cases include the SBSP in their discussions, analyses, policies and/or objectives.



AECOM

South Bay Salt Pond Restoration Project

Figure 3.8-2

General Plan Land Use

The following regional plans were reviewed for this project analysis:

- Water Quality Control Plan for the San Francisco Basin (Basin Plan) – San Francisco Bay Regional Water Quality Control Board (RWQCB);
- Baylands Ecosystem Habitat Goals Report – San Francisco Bay Area Wetlands Ecosystem Goals Project;
- San Francisco Bay Plan (Bay Plan) – San Francisco Bay Conservation & Development Commission (BCDC);
- CALFED Record of Decision and EIR/S – CALFED Bay Delta Authority;
- CALFED Ecosystem Restoration Program; Draft Stage 1 Implementation Plan – CALFED Bay Delta Authority;
- Plan Bay Area – Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC)
- Comprehensive Conservation and Management Plan – The San Francisco Estuary Project;
- Implementation Strategy – San Francisco Bay Joint Venture (SFBJV);
- Comprehensive Conservation Plan (CCP) – Don Edwards San Francisco Bay National Wildlife Refuge (Refuge)
- Invasive Spartina Project – California State Coastal Conservancy/United States Fish and Wildlife Services (USFWS);
- Long Term Management Strategy (LTMS) for Dredge Material – United States Environmental Protection Agency;
- South Bay Salt Pond Restoration Feasibility Analysis – Stuart W. Siegel; Philip A.M. Bachand; and
- Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California – USFWS.

Only regional plans and city plans that refer specifically to the Eden Landing Phase 2 project area are discussed in this section. Other relevant local and regional plans and regulations are discussed in other sections of Chapter 3 in this EIS/R.

Regional Plans

Regional plans discussed below contain objectives typically developed by a variety of stakeholders regarding environmental issues that transcend the geographic and jurisdictional boundaries which exist under the city and county framework. Regional plans address land uses when they discuss the intensity of development throughout the region. Some regional plans advocate for developing specific areas and conserving other areas, while other plans discuss the impacts of potential future development and other activities on existing habitats and resources.

Basin Plan – San Francisco Bay Regional Water Quality Control Board

The San Francisco Bay RWQCB was founded in 1950 with the purpose of protecting the quality of surface water and groundwater within the San Francisco Bay region for beneficial uses. The State Water Quality Control Board required that the RWQCB develop a Basin Plan for San Francisco Bay, and the first comprehensive Basin Plan was adopted in 1975. The most recent amendment was adopted in 2015.

The Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The Basin Plan must include a statement of beneficial water uses that the RWQCB will protect, the water quality objectives needed to protect the designated beneficial water uses, and the implementation plans for achieving the water quality objectives through its regulatory programs (2007 Final EIS/R).

The Basin Plan makes reference to salt marsh ecosystems, specifically within the context of wetland restoration using dredged material. However, no direct reference to the South Bay salt ponds, particularly with regard to land use plans or decisions, is made.

San Francisco Bay Plan – San Francisco Bay Conservation and Development Commission

The McAteer-Petris Act (Cal. Govt. Code Sections 66600–66694) is the California state law that established the San Francisco BCDC as a state agency; prescribes BCDC's powers, responsibilities and structure; and describes the broad policies the Commission must use to determine whether permits can be issued for activities in and along the shoreline of San Francisco Bay. BCDC's Bay Plan, adopted in 1969 and subsequently amended, has a twofold goal: "to protect the Bay as a great natural resource for the benefit of present and future generations" and to "develop the Bay and its shoreline to their highest potential with a minimum of Bay filling."

Plan Bay Area

Plan Bay Area is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. On July 18, 2013, the Plan was jointly approved by the ABAG Executive Board and by MTC. The plan includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan and represents the next iteration of a planning process that has been in place for decades.

Plan Bay Area marks the nine-county region's first long-range plan to meet the requirements of California's landmark 2008 Senate Bill 375, which calls on each of the state's 18 metropolitan areas to develop a Sustainable Communities Strategy to accommodate future population growth and reduce greenhouse gas emissions from cars and light trucks. Working in collaboration with cities and counties, the Plan advances initiatives to expand housing and transportation choices, create healthier communities, and build a stronger regional economy (ABAG and MTC 2013).

Implementation Strategy – San Francisco Bay Joint Venture

The SFBJV is a collaborative effort by 27 public agencies and private non-profit and corporate organizations to protect, restore, increase and enhance wetlands, riparian habitat and associated uplands throughout the San Francisco Bay region to benefit birds, fish and other wildlife. Its Implementation Strategy details the organization's efforts to restore the San Francisco Estuary.

The Implementation Strategy has set an overall habitat goal for nonprofit, provide, and public agencies to acquire, restore, and enhance tidal marshes, tidal flats, and salt ponds as "Bay Habitats." To that end, the Implementation Strategy suggests that SFBJV will work with Cargill to explore ways to enhance the habitat values of the Santa Clara County-based salt ponds for water-fowl and shorebirds (SFBJV 2001). It also makes reference to the Mid-Peninsula Regional Open Space District overseeing the tidal marsh restoration of a 200-acre salt pond.

Invasive Spartina Project – California State Coastal Conservancy (SCC)/ USFWS

The San Francisco Estuary Invasive Spartina Project is a regionally coordinated effort of federal, state, and local agencies and private landowners with the ultimate goal of arresting and reversing the spread of non-native cordgrasses in the San Francisco Estuary (SCC and USFWS 2014). Since the peak of the invasive Spartina invasion in 2005, the Control Program has resulted in the elimination of more than 772 net acres (nearly 97 percent) of non-native cordgrasses from more than 20,000 acres of infested tidal marsh and 25,000 acres of mudflats bay-wide. The area of non-native Spartina has been reduced markedly since the first full season of effective treatment started in 2005. In most areas where non-native Spartina has been eradicated, the result has been rapid and large-scale return to a native plant species dominated habitat at low- and mid-marsh elevations, and a return to the natural mudflat and tidal channel conditions at lower elevations. As the marshes recover from the Spartina invasion over time, it is anticipated that native plant diversity will passively recover in most marshes.

In May 2014 the California State Coastal Conservancy adopted an authorization of grant funds for the funding of revegetation and enhancement projects. The revegetation program goals are to: (1) Enhance and accelerate *Spartina foliosa* re-establishment at selected marshes through introduction of plugs or propagated seedlings that will support associated faunal communities including California Ridgway's rail (*Rallus longirostris obsoletus*; formerly California clapper rail) foraging and nesting habitat; (2) Enhance and accelerate post-treatment marsh succession and complexity with introduction of other native marsh plant species (such as *Grindelia stricta*), which have a tall shrubby structure that will provide clapper rail nesting substrate, cover and high tide refugia; and (3) Provide additional high tide refugia by constructing high tide refuge islands (SCC and USFWS 2014).

U.S. Environmental Protection Agency (USEPA) – Long Term Management Strategy for Dredge Material

The LTMS for Dredge Material is a cooperative effort of USEPA, the United States Army Corps of Engineers (USACE), State Water Resources Control Board (SWRCB), RWQCB, and BCDC to develop a new approach to dredging and dredged material disposal in the San Francisco Bay Area. An average of six million cubic yards of sediments must be dredged every year in order to maintain safe navigation in and around San Francisco Bay, resulting in controversy surrounding appropriate management of such an effort. The major goals of the LTMS are to: (1) "maintain in an economically and environmentally sound manner those channels necessary for navigation in San Francisco Bay and Estuary and eliminate unnecessary dredging activities in the Bay and Estuary;" (2) "conduct dredged material disposal in the most environmentally sound manner;" (3) "maximize the use of dredged material as a resource;" and (4) "establish a cooperative permitting framework for dredging and dredged material disposal applications" (USEPA 1998).

The Final Policy EIS/Programmatic EIR for the LTMS addresses the salt ponds in and around the South Bay mainly within the context of its role as habitat for a number of species, including the California least

tern (*Sterna antillarum browni*), western snowy plover (*Charadrius nivosus* ssp. *nivosus*), California Ridgway's rail, salt marsh harvest mouse (*Reithrodontomys raviventris*), and California brown pelican (*Pelecanus occidentalis californicus*). While the presence of such species causes restrictions on potential management strategies, dredged material disposal has potential benefits, such as the creation or restoration of seasonal wildlife habitats by raising and modifying topography and thus improving wetland hydrology (USEPA 1998). Disposal of dredge material in the salt ponds would require a BCDC permit.

USFWS – Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California

The Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California features five endangered species: two endangered animals – California Ridgway's rail and salt marsh harvest mouse – and three endangered plants – Suisun thistle (*Cirsium hydrophilum* var. *hydrophilum*), soft bird's-beak (*Chloropyron molle* ssp. *molle*), and California sea-blite (*Suaeda californica*). The biology of these species is at the core of the recovery plan, but the goal of this effort is the comprehensive restoration and management of tidal marsh ecosystems. The ultimate goal of this recovery plan is to recover all focal listed species so they can be delisted. The interim goal is to recover all endangered species to the point that they can be changed from endangered to threatened status. Within a 50-year planning period (based on estimated time to achieve sufficiently mature restored tidal marsh habitats), the Service expects that the following species recovery objectives will be met: (1) "Secure self-sustaining wild populations of each covered species throughout their full ecological, geographical, and genetic ranges;" (2) "Ameliorate or eliminate the threats, to the extent possible, that caused the species to be listed or of concern and any future threats;" and (3) "Restore and conserve a healthy ecosystem function supportive of tidal marsh species" (USFWS 2013).

County and City General Plans

County general plans contain goals, policies and implementation measures that provide planning guidance for the future. The Land Use Elements of the general plans contain goals concerning land use and are designed to serve as the basis for development decision-making for county lands.

City general plans act as "blueprints" for the long-term physical development of each city and contain goals, policies and implementation measures that provide planning guidance for the future. The Land Use Element of each general plan designates land uses within the respective city and presents land use goals and policies for future land use development decision-making for city lands.

The Eden Landing Phase 2 project area is located within the boundaries of the City of Hayward within Alameda County, but situated on land owned and managed by CDFW. Relevant goals and policies from applicable county and city general plans are presented below for the Eden Landing Phase 2 project area.

Phase 2 Project Area Plans

Planning documents relevant to the Phase 2 project area include the Alameda County General Plan, Hayward General Plan, Union City General Plan, Fremont General Plan, and the CDFW Eden Landing Reserve Management Plan.

Alameda County General Plan. The Eden Landing Phase 2 project area is designated as Open Space in the Alameda County General Plan. The Alameda County General Plan, adopted in 1973, does not include a Land Use Element, and instead incorporates land use elements from each city General Plans and

unincorporated area specific plans. However, policies applicable to the Salt Ponds are discussed in the May 4, 1995 Amended Open Space Element and are described as follows:

Shoreline and Bay Open Space - Principles for Shoreline and Bay Open Space

- Preserve Natural Ecological Habitats in Shoreline Areas: Outstanding natural ecological habitats in shoreline areas of the County should be designated for protection and maintenance as wildlife preserves as a means of protecting marine and wildlife and to permit ecological studies; and
- Provide for Orderly Transition of Phased out Salt Extraction Areas to Uses Compatible with the Open Space Plan: Salt extraction areas, which will be operative through the plan period, should be designated as permanent open space. Areas that will not be active through the plan period should be phased out according to a planned program in such a manner as to maintain salt production cycles. Phased out areas should be converted to uses permitted within waterfront open spaces such as wildlife refuges or recreation areas. No filling of salt extraction areas should be permitted except for recreation purposes in selected areas as indicated on adopted local or regional plans.

City of Fremont General Plan. The City of Fremont General Plan was adopted on May 7, 1991 and updated in 2011. The City is divided into planning areas, one of which is the Baylands Planning Area which includes lands under the Bay, salt ponds, wetlands, seasonal wetlands, and other uses associated with the Bay and wildlife habitat.

The goals, policies and implementation measures contained in the Open Space Element related to salt ponds include the following (City of Fremont 2011):

Goal 2-6: Open Space. An open space “frame” around Fremont, complemented by local parks and natural areas, which together protect the City’s natural resources, provide opportunities for recreation, enhance visual beauty, and shape the City’s character.

Policy 2-6.3: Baylands. Manage Fremont’s Baylands as permanent open space. The habitat and ecological value of these areas should be conserved and restored to the greatest extent possible… Planning for the baylands should consider the effects of climate change and sea level rise.

City of Hayward General Plan. The Hayward General Plan 2040 was adopted in 2002 and amended on July 1, 2014 (City of Hayward 2014). No land use policies make specific reference to the SBSPs; however, the Land Use element of the General Plan recognizes that Baylands (*e.g.*, Marshes and Salt Ponds) comprise nine square miles within Hayward. The General Plan’s Land Use Map identifies the pond complex as Baylands.

The Natural Resource Element of the General Plan includes the following goal concerning the baylands (*e.g.*, Marshes and Salt Ponds) (City of Hayward 2014):

Goal NR-3: Preserve, enhance, and expand natural baylands, wetlands, marshes, hillsides, and unique ecosystems within the Planning Area in order to protect their natural ecology, establish the physical setting of the city, provide recreational opportunities, and assist with improved air quality and carbon dioxide sequestration.

Union City General Plan. Union City’s General Plan was adopted in 2002 (City of Union City 2002). No land use policies make specific reference to the South Bay salt ponds or the Reserve.

The eastern edge of the Eden Landing pond complex is directly adjacent to Union City. The majority of the land within the Union City limits is zoned for Open Space. The Open Space designation is described as follows in the Union City General Plan Land Use Element:

- The purpose of this [Open Space] designation is to conserve lands that should remain as open space for passive and active recreation uses, resource management, flood control management and public safety. Uses that would typically be appropriate in this land use designation include but are not limited to public parks, playgrounds, golf courses and driving ranges, parkways, vista areas, wetlands, wildlife habitats and outdoor nature laboratories; stormwater management facilities; and buffer zones separating urban development and ecologically sensitive resources (p. LU-7) (City of Union City 2002).

However, some land abutting the complex is zoned Civic Facility and Special Industrial. The Civic Facility designation is applied to:

- …the City's major public buildings and facilities owned by City, County, state, federal or other public agencies that serve the general public. Uses include but are not limited to wastewater treatment facilities, water tanks, electrical substations, public educational facilities, community centers, libraries, museums, government offices and courts (*e.g.*, Civic Center), transit facilities and stations, and public safety facilities (*e.g.*, police and fire stations) (p. LU-7).

The Special Industrial designation provides:

- space for the lightest industrial operations and non-manufacturing uses that support nearby manufacturing that exhibit virtually no nuisance characteristics. Non-manufacturing uses include educational, administrative, sales and service activities. This designation provides for a smaller scale of uses, on smaller sites than would typically be found in Light Industrial designated areas. In Special Industrial designated areas, nuisance characteristics of noise, odor, traffic generation, unsightliness or hazardous materials storage or handling are avoided, and almost all uses will be conducted entirely within enclosed buildings (p. LU-6).

The Special Industrial designation typically includes small scale, high quality industrial park developments and is often applied as a buffer adjacent to major thoroughfares where large landscaped setbacks are provided and as a transition area between higher intensity industrial uses and other lower intensity uses. Performance standards are applied to eliminate, or minimize to the extent reasonably possible, any potential for adverse effects (City of Union City 2002).

CDFW Eden Landing Land Management Plan. The mission of CDFW is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. This includes habitat protection and maintenance in a sufficient amount and quality to ensure the survival of all species and natural communities. Section 1019 of the California Fish and Game Code requires the Department to draft and adopt Land Management Plans (LMPs) for any property wholly under its jurisdiction and that was purchased after January 1, 2002. LMPs document management goals and objectives, and other necessary information for consistent and effective management of CDFW Wildlife Areas and Ecological Reserves. LMPs describe future conditions and contain long-range guidance to accomplish the purposes for which a Refuge or Reserve was established. The CDFW manages the ELER according to the Final EIR for the ELER (Baumberg Tract) Restoration and Management Plan (CDFW 1999) and the *Eden Landing Ecological Reserve System E2 and E2C Operation Plan* (Operations Plan; CDFW 2016), which implemented the Initial

Stewardship Plan and describes the current pond management activities that are carried out to meet the goals and objectives for managed ponds within the ELER Phase 2 project area. The Operations Plan will be revised, as appropriate, reflecting the implementation of Phase 2.

The broad objectives of the Operations Plan for the Phase 2 ponds at southern Eden Landing include the following:

- Maintain year-round open water habitat of various depths in Ponds E1, E2, E7, E4 and E5 and E2C and deeper open water habitat in winter in all E2 and E2C System ponds. Muted tidal circulation via Ponds E2 and E2C.
- Maintain discharge salinity into San Francisco Bay (Pond E2) and ACFCC (Pond E2C) at less than 44 parts per thousand (ppt) via muted tidal circulation in Ponds E2 and E2C.
- Operate Cargill Pond 3C (CP3C) as part of E2C system as year-round open water, though it is not owned by CDFW.
- Manage for different waterbird guilds in summer vs. winter by varying depth and salinity of the ponds.
- Maintain prey base for overwintering ducks, migratory shorebirds and resident waterbirds.

The CDFW meets these overarching objectives through the control of tidal flow into and discharge out of the ponds. Tidal flows into and discharge out of the ponds are primarily influenced by, 1) pond bottom elevations and 2) existing water control structure's access to tidal flux. These basic parameters are further influenced by seasonal changes in weather, and diurnal and annual fluctuations in the tides. As per the Operations Plan, the management of tidal flux primarily affects water surface elevation and salinity, and its effect on species use, and water quality. The Operations Plan ensures the CDFW is accountable for the management objectives described above, and these objectives are achieved at a pond specific level.

Finally, though not a formal part of the Operations Plan, CDFW does operate portions of Eden Landing to include public access for recreational use of hiking trails, kayak launches, and seasonal waterfowl hunting areas.

3.8.3 Environmental Impacts and Mitigation Measures

Significance Criteria

For the purposes of this Draft EIS/R, a significant land use and planning impact would occur if the project would:

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with existing land use and zoning designations;
- Conflict with applicable habitat conservation plan or natural community conservation plan in the area; or

- Convert important farmlands (Prime Farmland, Unique Farmland, Farmland of Statewide Importance) to nonagricultural use, conflict with existing zoning for agricultural use or a Williamson Act contract, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to nonagricultural use.

The Eden Landing Phase 2 project area is designated by the City of Hayward as Baylands. However, the ELER is under CDFW jurisdiction and not subject to county or city land use jurisdiction. In areas subject to city or county plans, policies, or regulations, applicable regulatory requirements and policy guidelines of those jurisdictions will be met, as appropriate.

Regional plans and applicable general plans contain goals and policies which promote restoration of the salt ponds in the South Bay, including the Eden Landing Phase 2 project area. The proposed SBSP Restoration Project long-term alternatives would be consistent with these land use plans or designations. Therefore, implementation of the project would not conflict with applicable land use plans or existing land use and zoning designations.

There are no habitat conservation plans or natural community conservation plans in place that cover the Eden Landing Phase 2 project area. The salt ponds are not located within an established community, and no actions under consideration would physically divide a community. Therefore, there is no further discussion of these topics and no need to include a full discussion of an impact related to them.

No important farmlands (prime farmland, farmland of statewide importance, unique farmland, or farmland of local importance) as identified by the Department of Conservation Farmland Mapping and Monitoring Program occur within the Eden Landing Phase 2 project area. As such, no impacts to important farmlands would result from implementation of the project.

Impact evaluations for the Action Alternatives are evaluated based on the existing conditions described in Section 3.8.2 above, and not the proposed conditions that would occur under the No Action Alternative. This approach is consistent with the California Environmental Quality Act (CEQA) and National Environmental Policy act (NEPA) protocol for analyzing project impacts. In this case, the No Action Alternative represents the continuation of current management direction or level of management intensity provided in the Adaptive Management Plan (AMP) into the future, with no change in that management.

As explained in Section 3.1.2, while both Council on Environmental Quality Regulations for Implementing NEPA and the CEQA Guidelines were considered during the impact analysis, impacts identified in this Draft EIS/R are characterized using CEQA terminology. Please refer to Section 3.1.2 for a description of the terminology used to explain the severity of the impacts.

Program-Level Evaluation

Three programmatic-level alternatives were considered and evaluated in the 2007 Final EIS/R. This included: (A) the No Action Alternative; (B) the Managed Pond Emphasis; and (C) the Tidal Habitat Emphasis. At the program level, the decision was made to select Alternative C and implement Phase 1 actions. Programmatic Alternative C has been carried forward as Alternative A (No Action) in this EIS/R as it represents the continuation of existing conditions that would occur absent the implementation of one of the action alternatives for Phase 2. The Programmatic EIS/R evaluated the potential land use and planning impacts of three long-term alternatives. It was determined Alternative C would have no impact or less than significant impacts on land use and planning resources. The land uses proposed under Programmatic Alternative C would be similar to those described above for Programmatic Alternative B;

however, the ratio of tidal habitat to managed ponds would be greater under Alternative C. The preservation of open space areas, protection of wildlife habitat, and provision of new recreation facilities would result in a beneficial impact. None of the alternatives would introduce land uses that would be incompatible with surrounding uses. Therefore, Programmatic Alternative C would not introduce land uses that would be incompatible with surrounding uses and impacts would be less than significant.

Project-Level Evaluation

Phase 2 Impact 3.8-1: Land use compatibility impacts.

Alternative Eden A (No Action). Under Alternative Eden A, no new actions would be implemented as part of the Eden Landing Phase 2 project. Levees around the ponds used for flood risk management and the trails adjacent to the project area would continue to be maintained and none of the activities that would occur would be incompatible with surrounding land uses. The preservation of open space areas, protection of wildlife habitat, and provision of new recreation facilities would be consistent with applicable local land use plans and the AMP, which was adopted for the purposes of avoiding or mitigating an environmental impact. Therefore, Alternative Eden A would not change current land uses, and there would be no impacts.

Alternative Eden A Level of Significance: No Impact

Alternative Eden B. Under Alternative Eden B, all of the southern Eden Landing ponds would be restored to tidal action to promote recovery of tidal marsh habitat in one phase of construction and project implementation. The backside levees along the eastern edge of the Inland and Southern Ponds would be improved for added flood risk management. Along these improved backside levees, habitat transition zones would be constructed, and the Bay Trail spine would be extended on raised levees. Bottom elevations would be raised in the Bay and Inland Ponds, and there would be pilot channel excavation, water control structures, and a number of other habitat improvements to achieve the various restoration goals.

The project area currently functions as open space managed by CDFW. Implementation of Phase 2 project actions associated with Eden Alternative B would retain the open space nature of the project area, and enhance its habitat value. It would also add public access opportunities and retain and improve existing ones bordering the project area. As such, the proposed conversion of the project area to tidal marsh would remain similar to and consistent with its existing land use definition. This alternative would not result in the development of any uses (*e.g.*, residential, commercial or industrial uses) that would be incompatible with the existing uses of the site. The proposed project would preserve the open space nature of the area, while improving habitat value and increasing recreational use. The proposed function as tidal marsh is an allowed use within the Baylands zoning district and is envisioned by the future land use plan in the Hayward, Union City, and Fremont General Plans. Alternative Eden B would be consistent with the governing land use plans, the CDFW Eden Landing Land Use Management Plan, and the AMP. The beneficial reuse of dredge materials at the site is also consistent with the regional LTMS for dredge material. Therefore, the proposed use as dominantly tidal marsh is consistent with existing land use plans and impacts associated with land use compatibility would be less than significant.

Alternative Eden B Level of Significance: Less than Significant

Alternative Eden C. Under Alternative Eden C, a combination of tidal marsh restoration and enhanced managed ponds would be constructed within the project area. Bottom elevations would be raised and the

Bay Ponds would be restored to tidal marsh, similar to Alternative Eden B; however, the Inland and Southern Ponds would transition from ponds to enhanced managed ponds. This alternative would include a mid-complex levee that would provide de-facto flood protection to the adjacent inland cities. Current levels of de-facto flood protection would be maintained through levee raising and other improvements. Habitat transition zones and other habitat features (e.g., pilot channels, islands, water control structures) would be added, and recreational opportunities would be increased through construction of new trail(s), a viewing platform, and interpretive recreation facilities in addition to those included in Alternative Eden B.

The CDFW currently manages this portion of Eden Landing as open space and would not alter its use of the project area under Alternative Eden C. This alternative would not result in the development of any uses (*e.g.*, residential, commercial or industrial uses) that would be incompatible with the existing uses of the site. The proposed project would preserve the open space nature of the area, while improving habitat value and increasing recreational use. Similar to Alternative Eden B, explained above, under the Hayward Land Use Element, the Baylands are expected to be restored to tidal marsh, which would improve the nearby wetland habitats. The CDFW, along with the cities of Hayward, Fremont, and Union City, express the intention of restoring this area and enhancing the habitat value. Alternative Eden C would be consistent with the governing land use plans, the CDFW Eden Landing Land Use Management Plan, and the AMP. The beneficial reuse of dredge materials at the site is also consistent with the regional LTMS for dredge material. As such, implementation of this alternative would not result in any land use compatibility conflicts and impacts would be less than significant.

Alternative Eden C Level of Significance: Less than Significant

Alternative Eden D. Under Alternative Eden D, a two-staged approach would be employed to restore the entire Eden Landing Phase 2 project area to tidal marsh. The first step of this project would restore the Bay Ponds to tidal marsh and construct a temporary mid-complex levee to separate the Bay Ponds from the Inland and Southern Ponds. Bottom elevations would be raised in the Bay and Inland Ponds and the Inland and Southern Ponds would be managed ponds until the Bay Ponds are established as tidal marsh, after which, the rest of southern Eden Landing could be restored to tidal marsh as well. Current levels of de-facto flood protection would be maintained through levee raising and other improvements. Habitat transition zones and other habitat features (e.g., pilot channels, islands, water control structures) would be added, as well as the same Bay Trail spine and other recreational opportunities described in Alternative Eden B.

The CDFW currently manages this portion of Eden Landing as open space and would not alter its use of the project area under Alternative Eden D. This alternative would gradually convert the southern portion of Eden Landing into tidal marsh, which is consistent with the existing land use designation of the project area. Similar to Alternative Eden B, explained above, under the Hayward Land Use Element, the Baylands are expected to be restored to tidal marsh, which would improve the nearby wetland habitats. The CDFW, along with the cities of Hayward, Fremont, and Union City, express the intention of restoring this area and enhancing the habitat value. Alternative Eden D would be consistent with the governing land use plans, the CDFW Eden Landing Land Use Management Plan, and the AMP. The beneficial reuse of dredge materials at the site is also consistent with the regional LTMS for dredge material. Therefore, proposed use as dominantly tidal marsh is consistent with existing land use plans and therefore and impacts associated with land use compatibility would be less than significant.

Alternative Eden D Level of Significance: Less than Significant

Impact Summary

Phase 2 impacts and levels of significance are summarized in Table 3.8-1. The levels of significance are those remaining after implementation of program-level mitigation measures, project-level design features, Eden Landing Land Management Plan, the Adaptive Management Plan, and other CDFW management documents and practices. The land use analysis required no project-level mitigation measures in order to reduce the impacts to a level that was less than significant.

Table 3.8-1 Phase 2 Summary of Impacts – Land Use

IMPACT	ALTERNATIVE EDEN A	ALTERNATIVE EDEN B	ALTERNATIVE EDEN C	ALTERNATIVE EDEN D
Phase 2 Impact 3.8-1: Land use compatibility impacts	NI	LTS	LTS	LTS

Notes:

Alternative A is the No Action (No Project Alternative under CEQA).

LTS = Less than Significant; NI = No Impact

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