

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: Alameda

1106 Madison Street

Oakland, CA 94607

**From:** (Public Agency): East Bay Regional Park District  
2950 Peralta Oaks Court  
Oakland, CA 94605

(Address)

Project Title: Restore Hayward Marsh (Former USD Treatment Marsh) Project

Project Applicant: East Bay Regional Park District

Project Location - Specific:

The Project is adjacent to the SF Bay shoreline and directly north of US Hwy 92 (37.629346, -122.140079)

Project Location - City: Hayward

Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: East Bay Regional Park District

Name of Person or Agency Carrying Out Project: East Bay Regional Park District

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: \_\_\_\_\_
- ☒ Statutory Exemptions. State code number: 21080.56

Reasons why project is exempt:


Lead Agency

Contact Person: Chris Barton

Area Code/Telephone/Extension: 510/544-2627

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: Feb 22, 2023 Title: Chief of Planning, Trails, and GIS

Signed by Lead Agency

Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_



February 22, 2023

Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

## NOTICE OF EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

**LEAD AGENCY:** East Bay Regional Park District (EBRPD)

**PROJECT TITLE:** Restore Hayward Marsh (Former USD Treatment Marsh) Project

**PROJECT LOCATION:** 3050 West Winton Ave. Hayward, CA 94545

**PROJECT APPLICANT:** EBRPD, 2950 Peralta Oaks Court, Oakland, CA 94605

**PROJECT CONTACT:** Chris Barton, Restoration Projects Mgr., 510-544-2627, [cbarton@ebparks.org](mailto:cbarton@ebparks.org)

**DESCRIPTION:** The Project will create and enhance wildlife habitat and modify the site so that its habitats can accommodate sea level rise. To help achieve these goals, specific project activities include, but are not limited to, levee improvements and breaches, enhancements to existing and creation of new nesting islands, improvements to the channels within the Mouse Preserve to promote tidal flushing in the area, and the creation of new upland transition zones that will offer additional habitat for tidal marsh-dependent species as sea levels rise.

**DETERMINATION:** EBRPD has reviewed the project and determined it to be exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemption:

The project is exempt pursuant to CEQA Guidelines section 15025(a)(1), and this project meets all the requirements described in Public Resources Code section 21080.56. Pursuant to Public Resource Code § 21080.56 (e), the Park District obtained concurrence from the Director of the California Department of Fish and Wildlife, that the project qualifies as a statutorily exempt restoration project.

**Prepared by:** Brian Holt  
EBRPD Chief of Planning, Trails, and GIS  
[bholt@ebparks.org](mailto:bholt@ebparks.org)

Feb 22, 2023

**Date**

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# NOE Form + NOE for OPR

Final Audit Report

2023-02-22

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