

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**Sulphur Creek Levee Restoration and Habitat Enhancement, Hayward, Alameda County, California  
Alameda County Flood Control and Water Conservation District (District)**

**Contact: James Yoo, Environmental Compliance Specialist, (510) 670-6632, [jamesy@acpwa.org](mailto:jamesy@acpwa.org)**

In accordance with Public Resource Code and CEQA Guidelines, the Alameda County Flood Control and Water Conservation District provides notice to agencies and interested parties that it is releasing a final Initial Study and Mitigated Negative Declaration (IS/MND) for the project. The IS/MND did not find potential environmental impacts that could not be mitigated to a less-than-significant level.

**Project Description:** The District is proposing to repair an existing severely eroding levee embankment and service road, and restore and enhance aquatic habitat along Sulphur Creek in Hayward, with construction access from West Winton Avenue. The Project proposes to repair and restore the existing southern bank of Sulphur Creek from the San Francisco Bay to 2,800 feet upstream. The project will repair slope failure along the levee, provide minor gravel replacement along the levee top to enable vehicle access, and restore disturbed wetlands adjacent to the levee. The ponded area south of the project, known as Frank's Dump West (FDW) is owned by Hayward Area Recreation District (HARD) and has provided nesting habitat for the Federally listed as Threatened western snowy plover (*Charadrius nivosus nivosus*; snowy plover) when surface water elevations are low enough to allow for exposed islands. The pond is routinely monitored as part of the South Bay Restoration Project, which surveys managed ponds and other habitats for Snowy Plovers in the San Francisco Bay. If the Sulphur Creek levee fails, this ponded habitat will likely revert to open water fringed by tidal marsh along the levees and shoreline and would likely become unsuitable as a continuing high value Snowy Plover nesting and breeding habitat. The IS/MND describes the proposed Project, analyzes whether the Project would result in any potential significant environmental impacts, describes measures that would avoid, minimize and mitigate any potential significant impacts to less than significant level, and determines that the Project, which incorporates a number of mitigation measures, will not have a significant adverse effect on the environment. The IS/MND is available for public review at the following locations during normal business hours:

ACFCWCD Offices  
399 Elmhurst St., Room 201  
Hayward, CA 94544

Hayward Public Library  
888 C St,  
Hayward, CA 94541

Union City Library  
34007 Alvarado-Niles Rd. Union  
City, CA 94587

In addition, the IS/MND is available online at <http://acgov.org/pwa/library/environmental.htm>.

**Public Comment Period:** The required 30-day public review period on the IS/MND is **October 25, 2024, to November 25, 2024**. Comments on the IS/MND must be received by **November 25, 2024, at 4:30 PM**. All comments received after the review period will be included in the public record for consideration and provided to the decision-making body prior to or at the public hearing scheduled as above. Any comments must be in writing or e-mail and submitted to the following address:

**Alameda County Flood Control And Water Conservation District  
399 Elmhurst St., Room 201  
Hayward, CA 94544**

Attn: James Yoo; Email: [jamesy@acpwa.org](mailto:jamesy@acpwa.org)

After the close of the IS/MND public review period, the Board of Supervisors of the Alameda County Flood Control and Water Conservation District is *tentatively* scheduled to hold a public hearing on or after **December 10, 2024**, to consider the adoption of the IS/MND.

