San Francisco Bay Conservation and Development Commission
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August 8, 2025

Application Summary

Restore Hayward Marsh Project

(For Commission consideration on August 21, 2025)

Permit Application Number:	2024.005.00
Applicant:	East Bay Regional Park District
Project Description:	Restore and enhance the Hayward Marsh system and expand and enhance existing public access within an approximately 320-acre Project site.
Location:	In the Bay and within the 100-foot shoreline band, at Hayward Marsh (37.628295°, -122.14913°), along the Hayward Regional Shoreline, Hayward, Alameda County 94545.
Application Filed Complete:	August 5, 2025
Deadline for Commission Action:	November 3, 2025
Staff Contact:	Schuyler Olsson (415/352-3668; schuyler.olsson@bcdc.ca.gov)

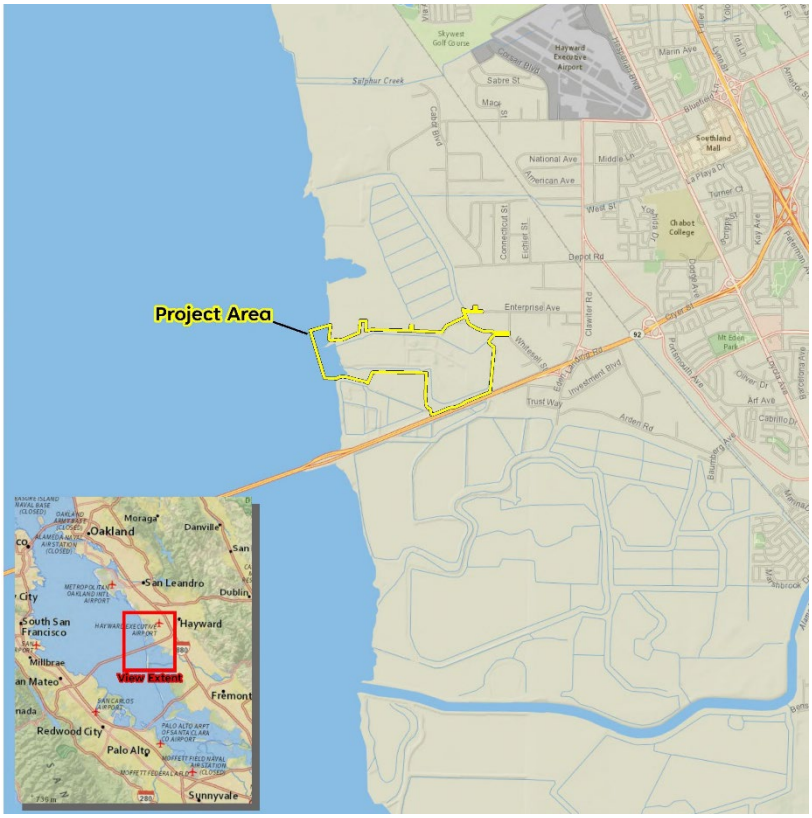

Figure 1. The Project site is located along the Hayward Regional Shoreline. Figure provided by WRA, Inc.

Project Overview

Project Description

The Restore Hayward Marsh Project (Project) will conserve, enhance, and restore sensitive coastal resources within the Hayward Marsh system and expand and enhance existing public access within a 320-acre Project site. It would implement a portion of the Hayward Area Shoreline Planning Agency Shoreline Adaptation Master Plan (HASPA Master Plan)—a multi-agency climate adaptation strategy for the Hayward shoreline area. The entire Project site would be managed for wildlife habitat and public access. The Project would restore Hayward Marsh to a more naturalized condition, improve habitat quality, and prepare the area for sea level rise.

The Project site is located within the City of Hayward, directly north of Highway 92, and is part of East Bay Regional Park District's (EBRPD) Hayward Regional Shoreline, a park consisting of 1,841 acres of marshes, seasonal wetlands, and public trails. The Project site includes: Hayward Marsh, a 145-acre pond and levee system constructed in the 1980s that is designed to treat wastewater effluent and provide brackish habitat for wildlife; portions of San Francisco Bay; a segment of the San Francisco Bay Trail; a portion of Cogswell Marsh to the north; a portion of the Hayward Area Recreation District (H.A.R.D.) Marsh to the south; and the Salt Marsh Harvest Mouse Preserve (Mouse Preserve) to the east, a muted tidal marsh area owned and managed by the applicant, EBRPD.

The Project would involve work both within and outside of the Commission's jurisdiction. Within San Francisco Bay, it would involve: construction of a living shoreline system along and adjacent to the site's outer Bayfront levee, composed of a tidal marsh area, a rock berm overlain with a coarse cobble/gravel beach, rocky headlands, and optional offshore breakwaters; construction of a portion of an "Interim Levee" designed to protect the Mouse Preserve, new marsh habitat created in Pond 2B, and avian nesting ponds and islands created in Pond 2A from future sea level rise, and which would be capable of supporting the Bay Trail in the future; breaching of two levees to restore full tidal action to Pond 3B; construction of a rock toe slope to protect areas of new and existing tidal marsh from erosion adjacent to the levee breaches; installation and removal of various water control structures to manage hydrology throughout the site for native shorebirds (including the federally endangered California least tern and federally threatened western snowy plover); channel excavations to improve tidal flows within the Mouse Preserve; and excavations in other areas to improve tidal flows throughout the site.

Within the 100-foot shoreline band, the Project would involve widening, improving, and possible raising of an existing Bay Trail segment along the shoreline; creation of transitional zone levee side slopes and optional levee height increases within the interior sides of Ponds 2A, 3A, and 3B; optional fill placement to increase the Pond 3B bottom elevation to facilitate development of marsh habitat; placement of fill within Ponds 2A and 2B to create a gently sloped (approximately 60:1, horizontal-to-vertical) upland transition area to provide areas for marsh transgression with future sea level rise; constructions of portions of temporary and permanent access roads; installation of two ditch plugs to manage tidal flows through the site; and portions of several of the in-Bay work elements described above.

Outside of the Commission's jurisdiction, the project would involve portions of many of the uses that would occur in the shoreline band, as well as modifications to avian nesting islands (island creations, enhancements, and removals) that would result in a net increase in quality nesting area for special status bird species, and removal of a dichlorination facility and baffles in Pond 1.

Bay Fill

New fill in the Bay would result from several of the elements described above, including the living shoreline system, the Interim Levee, the rock toe slope for tidal marsh protection, and water control structure installation. In total, the Project would result in a net placement of approximately 9.02 acres of Bay fill. However, through the proposed levee breaches, grading changes, and hydrology modifications throughout the Project site, the Project overall would result in a net increase in Bay jurisdictional areas by approximately 81.14 acres, including approximately 7.37 acres of tidal marsh, 18.29 acres of tidal open water, 6.78 acres of muted tidal marsh, 5.40 acres of muted tidal open water, and 43.30 acres of avian nesting ponds. The Project would include numerous avoidance and minimization measures to reduce the impacts to Bay resources of the Project and associated fill elements.

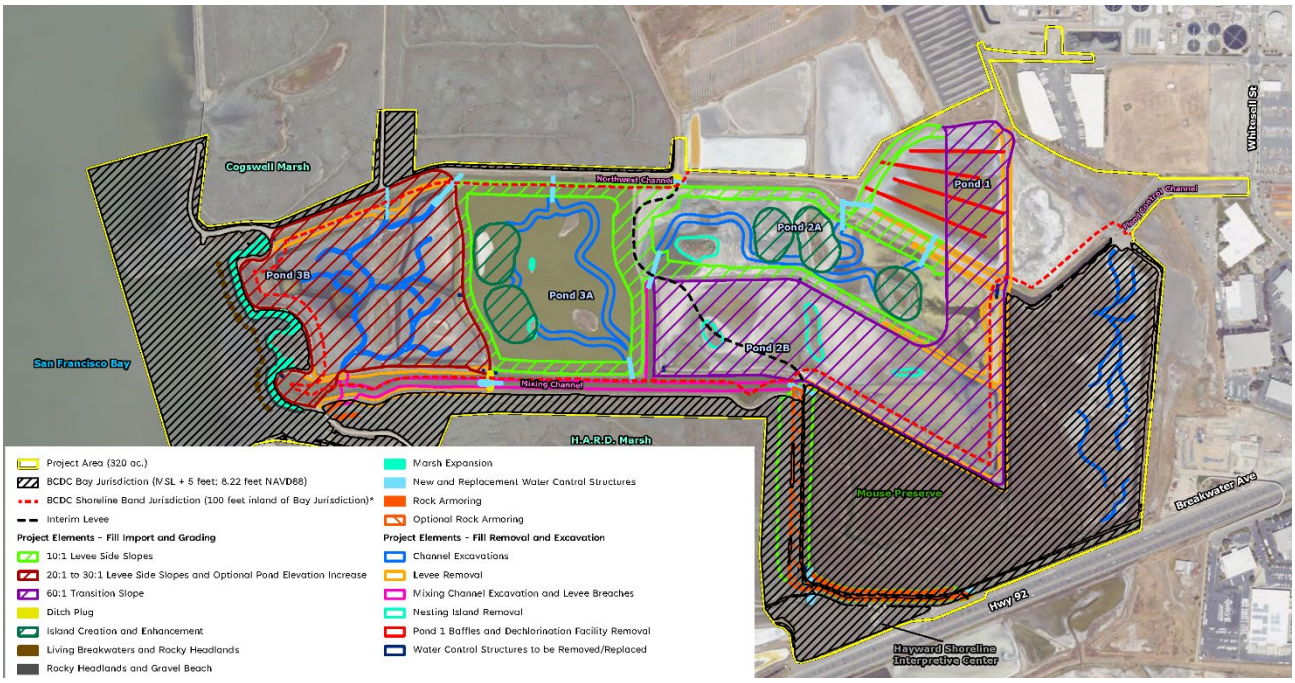

Figure 2. Project elements and BCDC jurisdiction. Figure provided by WRA, Inc.

Public Access

The Project would provide an approximately 1.13-acre (49,170-square-foot) public access area. This would include improving (widening, resurfacing, and optionally elevating) an existing 2,730-linear-foot Bay Trail segment along the shoreline, and would also provide seating, interpretive signage, and habitat protection fencing along the trail. The Bay Trail segment provided by the Project would overlap with and supersede two existing segments of Bay Trail required under previous BCDC permits, including a 1,000-linear-foot segment required under BCDC Permit No. M1982.119.00, and approximately 640 linear feet of a 0.8-mile segment required under BCDC Permit No. M1981.108.00.

Flooding and Sea Level Rise

The Project has been designed to enhance the site's resilience to future sea level rise. The Bay Trail within the Project site is currently at an elevation ranging from 10 to 11.5 feet North American Vertical Datum of 1988 (NAVD 88). Without any modifications to the Bayfront levee, at this elevation, during normal tidal conditions, the lowest levee portions would not be expected to overtop from daily tides (Mean Higher High Water, MHHW) until approximately 2080, based on an Intermediate-High scenario from the State of California Sea Level Rise Guidance – 2024 Science and Policy Update, produced by the California Ocean Protection Council, in partnership with the California Ocean Science Trust and a scientific Task Force (2024 State Guidance). However, portions of the Bayfront levee would experience overtopping during a 100-year storm today (stillwater elevation of 10.38 feet NAVD 88); by approximately 2050, most portions of the levee would experience overtopping in a 100-year storm (stillwater elevation of 11.38 feet NAVD 88). However, overtopping during extreme storms would be infrequent and would likely result in only short-term trail closures.

The Project would include constructing a living shoreline along the outboard side of the Bayfront levee as described above, which would be expected to increase the resilience of the levee to storms, wind waves, and erosion. Subject to funding and availability of fill material, the Project may also include raising the elevation of this levee up to a maximum of 13.5 feet NAVD 88, which would place it above projected MHHW elevations well beyond 2100, and above the 100-year stillwater elevation projected in 2080. The applicant also has stated that the Bayfront levee could be relocated further inland, such as to the Interim Levee (discussed below), in the future as needed to address sea level rise.

The Project also includes construction of an Interim Levee that would be designed to protect habitats as described above, and that could support the Bay Trail in the future. The Interim Levee would be built to an elevation of 16.3 feet NAVD 88, with a final elevation of 14.3 feet NAVD 88 expected after settlement. At this elevation, it would remain well above the projected 100-year stillwater elevation projected in 2050.

Other levees within Ponds 3B, 2A, and 3A would be built specifically to protect tidal marsh and avian nesting pond and island habitats. Current elevations of these levees range from 9.5 to 11 feet NAVD 88, and may be raised by up to two feet, to elevations ranging from 11.5 to 13 feet NAVD 88, depending on availability of funding and fill material. If the levees were not raised, the lowest portions of levees could experience some overtopping during extreme storms today, and this would increase in frequency with future sea level rise. However, the overtopping would be of limited duration and would not pose a risk to public safety or public access. If the levees were raised by two feet, even the lowest levee segments would be above the expected 100-year stillwater elevation projected in 2050.

Environmental Justice and Social Equity

Prior to applying for a BCDC permit, EBRPD conducted community engagement for the Project, which informed the Project design and proposed public access. EBRPD developed and implemented a Public Outreach and Participation Plan for the Project to provide local communities, residents, stakeholders, interested parties, and other affected agencies and/or individuals with opportunities to participate in development of the Project and the evaluation of

associated environmental issues. Pursuant to the plan, EBRPD implemented a public website and various brochures; an online public survey; a public workshop with a Spanish interpreter present; various public EBRPD Board and Board Executive Committee meetings; two public EBRPD Board site visits (public meetings); and two site visits at Hayward Regional Shoreline hosted by EBRPD's Legislative Affairs Department, with participants from the Governor's Office and other state and local elected officials. The public workshop was held virtually and promoted online through the EBRPD's social media accounts. The activities (including the survey and workshop) provided opportunities for input and comment and sought to understand what issues were most important to community members.

The public outreach built on prior public outreach conducted for the HASPA Master Plan, of which the Project is a key implementation action. According to EBRPD, input from the public outreach has been strongly in support of the Project. EBRPD plans to continue undertaking additional community outreach prior to and during project implementation, including with Native American tribes, the EBRPD's Board Executive Committee, HASPA Trustee Agencies, and local communities and park visitors.

Schedule and Cost

Construction could begin as early as 2025 and would occur over approximately ten years. The estimated total project cost is approximately $20 million.

Issues Raised

The staff believes the primary issues raised by the Project are:

(1) Whether it is consistent with the Commission's fill policies, including those related to water quality, safety of fills, natural resources, shoreline protection, and sea level rise;

(2) Whether the proposed public access is the maximum feasible consistent with the Project, and otherwise consistent with the Commission's policies related to public access, sea level rise, recreation, and scenic views, and a Bay Plan-designated Waterfront Park / Beach Priority Use Area; and

(3) Whether the Project is consistent with Commission's policies related to Environmental Justice and Social Equity.

Applicable Policies

The following laws and policies are applicable in the Commission's review of the proposed project:

- McAteer-Petris Act: Sections 66602 (Water-Oriented Land Uses and Public Access), 66605 (Allowable Bay Fill), and 66632.4 (Maximum Feasible Public Access); and
- San Francisco Bay Plan policies on: Appearance, Design, and Scenic Views; Climate Change; Environmental Justice and Social Equity; Fish, Other Aquatic Organisms, and Wildlife; Public Access; Recreation; Safety of Fills; Shoreline Protection; Tidal Marshes and Tidal Flats; and Water Quality.