From:	Glendening, Susan@Waterboards
To:	kmurray@sfcjpa.org
Cc:	Tess Byler; Matt Parsons (MParsons@valleywater.org); Bill Springer (BSpringer@valleywater.org); Doug Titus; Brown, Gregory G SPN; Joseph_Terry@FWS.gov; Lydon, Anniken@BCDC; morrison, amanda@noaa; Blinn, Brenda@Wildlife; Schane, Tami@Wildlife; Hurley, Bill@Waterboards; Lichten, Keith@Waterboards
Subject:	Water Board comments on July 7, 2016 MMP / RE: FW: July 2016 MMP uploaded to FTP site
Date:	Thursday, July 21, 2016 3:46:00 PM

Hello Kevin,
Please find below the Water Board's comments on the MMP we received on July 7, 2016:

1. The JPA's letters dated December 1, 2015, to the State Water Resources Control Board and the San Francisco Regional Water Quality Control Board (Water Board) states that the fish alcove feature would be part of the mitigation plan, but the MMP does not address this. In anticipation of amending the 401 Certification to revise the impacts in jurisdictional waters in accordance with the final 100% design plans and final MMP, the Water Board would appreciate the opportunity to consult with the JPA and the other agencies, as appropriate, to resolve this issue.

2. Pg. i:
The MMP, pg. I, states: "....22,000 cubic yards (cy) of rock slope protection (RSP) along 4,000 ln ft (3.71 acres of stream banks;" while the 401 certification states "....approximately 4,735 linear feet (5.86 acres) of RSP." The amount of RSP is a factor in determining the amount of permanent impact. The Certification states there is 0.49 acres of RSP not co-located with other permanent impacts. In an email dated July 11, 2016, Kevin Murray stated there is 0.49 acres of RSP "in jurisdictional waters" (though this is not mentioned in the MMP). Please clarify the amount of RSP in jurisdictional waters (i.e., 3.71 acres, 5.86 acres, or 0.49 acres, or other number), and the amounts in each water type. If there is a total of 3.71 acres, is the 0.49-acre portion of that going to be bare rock while the other portion will have vegetation?

3. Pg. ii:
The reference to a two-year project needs to be revised as being a three-year project (as others have noted). In addition, the MMP should include a project schedule to facilitate tracking of the occurrence of impacts and associated mitigation completion.

4. Pg. ii:
"This levee slope will help protect the toe from erosion due to flow overtopping as it transitions to a higher elevation closer to Friendship Bridge."
Water Board comment:
Please include monitoring details in the MMP to verify the levee slope is protecting the toe from erosion. The Water Board requires a minimum of annual monitoring, including visual observations. Please incorporate such monitoring into section 4.7 of the MMP.

5. Pg. 7, 4.c
"Any imported fill material, soil amendments, gravel, etc., required for construction and/or restoration activities that will be placed within the upper 12 inches of the ground surface will be free of vegetation and plant material."
Water Board comment:
The use of any imported soil needs to meet requirements of Condition 20 of 401 Certification. This requires submittal of a technical report to meet the compliance criteria in the two references in Condition 20.

6. Pg. 8, 2.c:
"Water will not drain directly into channels (outside of the work area) or onto public streets without providing water quality control measures."
Water Board comment:
Please add to this: "in accordance with the SWPPP."

7. Pg. 9, #4.d (top of page 9):
"Natural watercourse turbidity measurements will be made within 8 hours of the initiation of Project

discharges."
Water Board comment:
The discharge, and ambient turbidity conditions should be monitored at least once per 8 hours during each day discharges occur, pursuant to the 401 Certification. The way the MMP is written, it sounds like you would check turbidity once upon initiation of discharge. This would not fulfill the Water Board's requirements. The hand-written comment referencing "within 8 hours" that I gave to the JPA is taken out of context because that note was addressing that the original proposal was to monitor "within 2 days of…". Please note, that in some cases, dewatering discharges are continuous, and, according to the PG&E groundwater management plan, some discharge activities may occur for minimum of 10 hours. Please verify that monitoring and discharge criteria meet the 401 Certification requirements.

8. Pg. 10, #10:
"Runoff from soil stockpiles will be avoided. If soil is to be stockpiled, no runoff will be allowed to flow to a creek."
Please add: "and will be managed pursuant to the SWPPPP."
In addition, I suggest for you to consider consolidating this with item #2 which also addresses runoff from stockpiles.

9. Pg. 11, #12:
"If high levels of groundwater in a work area are encountered, the water will be tested to determine water quality prior to being pumped out of the work site."
Water Board comment:
The Water Board requires all groundwater dewatering flows to be managed in accordance with the project groundwater management plan; accordingly, any "high" and "low" levels of flows must be contained, and treated (if needed), and monitored, before discharging it to the stormwater system or into the creek downstream of the lower cofferdam.

10. Pg. 47, section 4.7:
Water Board comment:
The JPA must also include monitoring of the outboard side of the levee at the Faber Tract creek-marsh interface, to check that erosion is not occurring, and that the marsh habitat is not adversely impacted by the project. See also comment #4.

11. Attachment D, Sheet L-8:
Note 2 states: "Final species and individual quantities may vary from plans based on availability. Total quantities, will remain the same. "
Water Board comment:
Deviations from the proposed plant palette must be approved by the Water Board Executive Officer.

12. Sheet L-20, Irrigation Notes:
In previous conversations we discussed how Note 17 is a mistake and needs to be deleted. Please make sure that all the irrigation notes are accurate and consistent with the project. The project 100% design plans also need to be corrected.

13. Attachment D, Sheet L-20.
Note 12 states: "All irrigation components shall be purple."
Water Board comment:
This suggests that you plan to use only recycled water. However, the irrigation plans also include potable water elements. For example the irrigation legend (sheet L-22), first line item, references potable water elements. Please clearly explain the irrigation water supply sources, locations, and whether recycled water will preferentially be used and, if so, how this will be achieved (including trucking water to mitigation areas). The 100% design plans also need to be corrected for this issue.

14. The Water Board incorporates by reference the CDFW's comments regarding mitigation of riparian trees the project will impact (email from Tami Schane, July 20, 2016), and NMFS's comments regarding monitoring of the velocity refugia (email from Mandy Morrison, July 8, 2016).

Please let me know if you have any questions about the Water Board's comments.

Regards,

Susan

Susan Glendening
Environmental Specialist
San Francisco Estuary Partnership/
San Francisco Regional Water Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
510.622.2462
Susan.Glendening@waterboards.ca.gov

-----Original Message-----
From: Schane, Tami@Wildlife
Sent: Wednesday, July 20, 2016 8:25 AM
To: kmurray@sfcjpa.org
Cc: Tess Byler; Matt Parsons (MParsons@valleywater.org); Bill Springer (BSpringer@valleywater.org); Doug Titus; Brown, Gregory G SPN; Joseph_Terry@FWS.gov; Lydon, Anniken@BCDC; morrison, amanda@noaa; Glendening, Susan@Waterboards; Blinn, Brenda@Wildlife
Subject: RE: FW: July 2016 MMP uploaded to FTP site

Hi Kevin,

Below are CDFW's comments on the July 2016 MMP:

1. Pg ii - Please clarify the length of the existing levee that will be strengthened by raising the levee crest elevation to form a side slope into the Faber Tract Marsh. The project description in the Final Streambed Alteration Agreement says 400 linear feet, whereas the MMP states 850 linear feet.

2. Pg ii - Please clarify if the additional 0.2 of temporary impact to marsh for marsh island construction is accounted for in the 1.33 acres of temporary impact to tidal marsh.

3. Pg 9 - Bullet number 6 that addresses fueling at the job site should specify that double containment will be utilized to ensure that any fuel will not enter the waterway.

4. Pg 11 - Bullet number 2 that address bird nesting surveys - please define what is meant by "inactive bird nests". Language should be added that specifies that fledglings need to have left the nest and be able to forage independently.

5. Pg 12 - Bullet 4e - need to include language making it clear that there is no Incidental Take Permit for relocating or handling longfin smelt.
Pg 13 - Bullet 6ciii - language addressing holes or trenches surrounded by filter fabric fencing or similar barrier to prevent animal entrapment is not consistent with Measure 2.25 in SAA. May need to amend SAA to include this method of preventing entrapment of animals if escape ramps or covering of holes or trenches not feasible.

6. Pg 14-15 - Measure 2.17 of SAA includes pre-construction surveys for California black rail.

7. Pg 15 - Measure 2.16 of SAA states, "... For any project activities located in grassland or bare ground habitat, Permittee shall survey the surrounding work area and associated grassland habitat to identify any nests sites and/or any BUOW foraging habitat...". The language in Table 2 doesn't appear to address BUOW foraging habitat.

8. Pg 16 - Measure 2.17 of SAA states, "... The qualified biologist shall be present on site to monitor for these species during the operation of large equipment within 300 feet of brackish marsh areas...". A no-disturbance buffer of 50 for fully protected species (Ridgway's rails) is not sufficient to protect this fully-protected species from visual and auditory disturbances associated with the operation of large equipment.

9. Pg 17 - Longfin smelt should be assumed to be present between October 15-June 15 (not just January-March, as indicated in Section 2.2.3).

10. Pg 26 - Consistent with the mitigation ratios in Measure 3.5 of the SAA, and based on the number of oak trees to be impacted by the project, the number of oaks that need to be installed is 88 oaks, not 46 oaks as described in the document. 88 trees were calculated by referring to Table 5, where 46 oaks were needed for mitigation of the removal of native oak trees, plus 42 oaks trees needed for mitigation of the removal of the native oaks at the existing mitigation sites.

11. Pg 46 - Proposed riparian tree mitigation -

a. Arastradero Preserve is owned by the City of Palo Alto - why was it established? Was it for mitigation? If so, what type? Oak woodland? Riparian? Species-specific?

b. Is Arastradero Preserve owned in fee title, or is it protected under a permanent conservation easement, or is there a deed restriction?

c. Are there any restrictions on the Arastradero Preserve that would limit or prohibit planting of trees there now?

d. Is the Arastradero Preserve currently occupied by California tiger salamander (CTS), or within unimpeded dispersal distance of potential CTS breeding ponds?

e. Figure 8A shows a general area of possible planting areas, most of which appears to be located in the upland, away from Arastradero Creek. Planting in the upland would not be considered in-kind riparian mitigation. The MMP needs to identify specific riparian planting areas.

f. Please clarify what is meant by "The Project will install and/or protect approximately 320 native trees as mitigation for riparian tree removal at the Project site", as well as "The JPA will team with the City of Palo Alto to install/protect approximately 55 oaks...". It appears by the subsequent paragraphs in the document that part of the proposal is to protect existing oak trees, but it is not clear what is meant by "protect". Does this mean placement of a conservation easement for permanent long-term protection, or something else?

g. As mentioned in bullet 10 above, based on the mitigation ratios specified in Measure 3.5 of the SAA, in combination with the number of oak trees impacted by the project, 88 oak trees are required to be planted, not 46. This section needs to be revised to reflect the 88 oak trees to be planted. That would leave the 167 other native trees to be planted, not 221 as described in the document.

h. Due to the diversity of tree species that will be impacted by the project, the tree mitigation planting palette should include a diversity of native trees for replacement. The document currently proposes only willow trees for replacement of non-oak trees.

Thank you for the opportunity to comment. CDFW looks forward to seeing a revised draft of the MMP for further review.

Tami

-----Original Message-----
From: Schane, Tami@Wildlife
Sent: Monday, July 11, 2016 4:23 PM
To: kmurray@sfcjpa.org
Cc: Tess Byler; Matt Parsons (MParsons@valleywater.org); Bill Springer (BSpringer@valleywater.org); Doug Titus; Brown, Gregory G SPN; Joseph_Terry@FWS.gov; Lydon, Anniken@BCDC; Amanda Morrison - NOAA Federal (amanda.morrison@noaa.gov); Glendening, Susan@Waterboards
Subject: RE: FW: July 2016 MMP uploaded to FTP site

Hi Kevin,

Thank you for the clarification on the expected procedures for submitting this latest version of the MMP and other future documents. Consistent with measure 3.1 of the SAA (Mitigation and Monitoring Plan), CDFW will review and provide comments on this version of the MMP, to be incorporated into a revised draft, before providing written approval of the revised MMP. I should have comments to you either later this week or early next week.

Thanks,
Tami

-----Original Message-----
From: Amanda Morrison - NOAA Federal [mailto:amanda.morrison@noaa.gov]
Sent: Friday, July 08, 2016 12:42 PM
To: Glendening, Susan@Waterboards
Cc: kmurray@sfcjpa.org; Tess Byler; Matt Parsons (MParsons@valleywater.org); Bill Springer (BSpringer@valleywater.org); Doug Titus; Schane, Tami@Wildlife; Brown, Gregory G SPN; Joseph_Terry@FWS.gov; Lydon, Anniken@BCDC
Subject: Re: FW: July 2016 MMP uploaded to FTP site

Kevin,
Please find NMFS's comments on the MMP incorporated into the document via comment bubbles. The nature of our comments are mainly aimed at ensuring the MMP corresponds with the velocity refuge structure performance monitoring requirements and expectations listed in the Terms and Conditions of the NMFS BO.
-Mandy

On Fri, Jul 8, 2016 at 11:07 AM, Glendening, Susan@Waterboards
<susan.glendening@waterboards.ca.gov> wrote:
> Kevin,
> I don't recall stating that the MMP is a living document. I may have
> said that it's possible to amend or modify the MMP after it's
> finalized, but that's not the same thing as a living document.
>
> Thank you,
> -Susan
>
>
>
>
>
>
> _____
> From: kmurray@sfcjpa.org [kmurray@sfcjpa.org]
> Sent: Friday, July 08, 2016 8:29 AM
> To: Glendening, Susan@Waterboards; morrison, amanda@noaa; Schane,
> Tami@Wildlife; Brown, Gregory G SPN; Joseph_Terry@FWS.gov; Lydon,
> Anniken@BCDC
> Cc: Tess Byler; Matt Parsons (MParsons@valleywater.org); Bill Springer
> (BSpringer@valleywater.org); Doug Titus
> Subject: RE: FW: July 2016 MMP uploaded to FTP site
>
> Hi All,
> As Susan mentioned in her email below, the MMP for the San
> Francisquito Creek Project dated July 2016 has been submitted to the
> RWQCB via upload to their FTP site. All of you received the last
> "official" version of the MMP, dated December 2015. The RWQCB
> requested that we update that version of the MMP to consider comments
> received from CDFW, USFWS, NMFS, COE, and BCDC. A subsequent April
> 2016 "working" version of the MMP was delivered to the RWQCB based on
> that request. The intent of our preparation and submittal to the
> RWQCB of the April 2016 "working" version was to provide the RWQCB a
> document that incorporated your collective suggestions, and to solicit comments from the RWQCB for the next "official" version of the document.
> Many of you became aware of the April 2016 "working" version of the
> MMP through direct communications with RWQCB staff, and subsequently
> requested that I provide that version to you, which I did. I hope
> you'll recall that when I did send the April 2016 "working" version to
> you, I informed you that it was not an official submittal, and that an

> updated official version would be submitted once we received and incorporated suggestions from the RWQCB.
>
> The July 2016 MMP includes descriptions of the fish migration refuge
> features (which are not really mitigation, rather are included in the
> project design) as requested by NMFS, additional mitigation and
> predator management activities requested by USFWS resulting from the
> detection of Ridgway's Rail upstream of Friendship Bridge and the
> amended BO that followed, mitigations for riparian habitat impacts
> requested by CDFW, and accommodations for comments received from the
> RWQCB on the April 2016 "working" version of the MMP.
>
> We consider the July 2016 MMP to be the final pre-construction version
> of the document. As we all have agreed, and the RWQCB has
> consistently stated, the MMP is a living document that may undergo
> additional revisions during project construction and can only be
> finalized after construction is complete, and the true impacts are calculated.
>
> Because most of your agencies do not have a reliable FTP site, and
> since many of you cannot use Dropbox or other public fileshare sites
> due to security concerns, in the past I have had to mail hard copies
> or a cd to you when submitting large documents. The RWQCB has a very
> easy to use and reliable FTP site, so when I uploaded the July 2016
> MMP, I asked Susan if I could share the login information for the
> RWQCB's FTP site with you so that you could retrieve the document
> directly from it. My intent was to see if it was possible (legally)
> to take advantage of the RWQCB's user-friendly FTP site to make things easier for all of us to share files.
>
> For reasons that Susan explained to me in a separate email, and to be
> sure that there is a record of the JPA delivering documents required
> by your respective agencies' permits for the project, I now realize
> that this would not be a wise practice.
>
> Since Susan has already provided the login information to you, feel
> free to download the July 2016 MMP from the RWQCB's FTP site, but also
> please let me know if you would like me to deliver this document to you directly.
>
> In the future, all documents submitted to your agencies will come
> directly from me or one of our Project Team members and will not be
> relayed to you via the RWQCB's FTP site.
>
> Thanks,
> Kevin
>
> Kevin Murray
> Senior Project Manager
> San Francisquito Creek Joint Powers Authority
> 650-324-1972
>
>
> -------- Original Message --------
> Subject: FW: July 2016 MMP uploaded to FTP site
> From: "Glendening, Susan@Waterboards"
> <susan.glendening@waterboards.ca.gov>
> Date: Thu, July 07, 2016 12:20 pm
> To: "morrison, amanda@noaa" <amanda.morrison@noaa.gov>, "Schane,
> Tami@Wildlife" <Tami.Schane@wildlife.ca.gov>, "Brown, Gregory G SPN"
> <Gregory.G.Brown@usace.army.mil>, "Joseph_Terry@FWS.gov"
> <Joseph_Terry@FWS.gov>, "Lydon, Anniken@BCDC"

> <anniken.lydon@bcdc.ca.gov>
> Cc: Kevin Murray <kmurray@sfcjpa.org>, Tess Byler <tbyler@sfcjpa.org>,
> "Matt Parsons (MParsons@valleywater.org)" <MParsons@valleywater.org>,
> "Bill Springer (BSpringer@valleywater.org)"
> <BSpringer@valleywater.org>, Doug Titus <DTitus@valleywater.org>
>
> Hello,
> I am emailing you all to let you know that the JPA has uploaded the
> latest revision of the San Francisquito Creek Mitigation and
> Monitoring Plan to the Water Board's FTP site. Instructions for
> accessing the FTP site, and the MMP, are shown below.
>
> Please contact Kevin Murray directly if you have any questions about
> the MMP and to coordinate with him to receive hard copies and/or CDs of the MMP.
>
> 1. Type in the URL Address: https://ftp.waterboards.ca.gov
>
> You will see the ftp Water Boards Login screen.
> (NOTE: Be sure to use "https://" ... sometimes the browser
> automatically adds "ftp://" to the string, which will not work.)
>
> 2. You will need to login. Type the following:
> Username: rb2-ftp
> Password: Sanf@rb2
>
> 3. From there, go to the "RB2-Staff" folder, open it, and find the
> folder with my name (Susan_Glendening), then open it and you'll find a
> folder for the SF Creek project.
>
> 4. Download the MMP by using the menu options across the top.
>
>
> Thank you,
> -Susan
>
>
> Susan Glendening
> Environmental Specialist
> San Francisco Estuary Partnership/
> San Francisco Regional Water Board
> 1515 Clay Street, Suite 1400
> Oakland, CA 94612
> 510.622.2462
> Susan.Glendening@waterboards.ca.gov
>
>
>
>
> From: kmurray@sfcjpa.org [mailto:kmurray@sfcjpa.org]
> Sent: Thursday, July 07, 2016 12:01 AM
> To: Glendening, Susan@Waterboards; Tess Byler; Bill Springer
> (BSpringer@valleywater.org); Matt Parsons (MParsons@valleywater.org);
> Doug Titus
> Cc: Hurley, Bill@Waterboards; Lichten, Keith@Waterboards
> Subject: July 2016 MMP uploaded to FTP site

--
Amanda (Mandy) Morrison

Fisheries Biologist
NOAA Fisheries West Coast Region
U.S. Department of Commerce
Office: 707-575-6083
Amanda.Morrison@noaa.gov

Find us online
www.westcoast.fisheries.noaa.gov