Appendix E. Table 1. Key to comments received for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project San Francisco Bay to Highway 101 Draft EIR

Letter	Commenter	Letter	Commenter
1	Eric Mruz, U.S. Fish and Wildlife Service		
2	Margarete Beth, S.F. Regional Water Quality Control Board, S. F. Estuary Partnership		
3	Transcript of Public Hearing, East Palo Alto Government Center, Wednesday, August 15, 2012		
4	Transcript of Public Hearing, East Palo Alto Government Center, Wednesday, August 29, 2012		
5	Libby Lucas		
5b	Libby Lucas		
6	Shani Kleinhaus, Ph.D., Santa Clara Valley Audubon Society		
7	Eileen P. McLaughlin, Board Member, CCCR		
8	Brandon Huerta, Chair of East Palo Alto Public Works and Transportation Commission, Planning Commission		
9	Eric Alms, Caltrans		
10	City of Palo Alto September 12 Planning and Transportation Commission Meeting		
11	Scott Wilson, California Department of Fish and Game Bay Delta Region		

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1	1-1	Eric Mruz, USFWS	As I was skimming through the document I noticed that there are still plans to remove/lower the levee for the Faber Tract. (FT) As you know, the Faber Tract is owned by the City of Palo Alto, but managed as part of the Don Edwards NWR through an MOU with the City. Is this the plan to lower this levee, what you call the right bank in the DEIR? Clapper rails and salt marsh harvest mice are located in this property at high levels for the Bay area, removal of this levee may impact these species with hydrology, vegetation, sediment, and loss of refugia, may impact this sensitive area. This concerns me as this DEIR is considering removal of an important levee on US Fish and Wildlife Service managed property and was not consulted during design phase.	The Project still includes plans to degrade the levee between San Francisquito Creek and the Faber Tract to an elevation of 8 feet. This elevation would enable the Creek to flow into the Faber Tract with increased regularity during fluvial flood events. The lowering of the levee is not intended to change the dominant tidal processes that currently occur in the Faber Tract. As discussed in Section 3.3 of the DEIR, *Biological Resources*, the Project would result in a net increase of approximately 14.5 acres of high marsh and transitional high marsh habitat that support clapper rail, black rail, salt marsh wandering shrew, and salt marsh harvest mouse. This net increase in habitat would support additional refugia and habitat for the species. Flows into the Faber Tract would spill slowly into the area as sheet flow at the point where flood flows reach the lowered levee elevation. The SCFJPA actively engaged with the U.S. Fish and Wildlife Service (USFWS) during initial Project design and heard USFWS concerns during scoping. The SFCJPA will coordinate with the refuge and USFWS Endangered Species group to ensure Endangered Species Act compliance and that the refuge is comfortable with the proposed design.
2	2-1	Margarete Beth, SFRWQCB, S.F. Estuary Partnership	The SFCJPA should design the Project that avoids and minimizes impacts within the bed and bank and riparian corridor to the maximum extent practicable. Compensatory mitigation should be proposed where impacts are unavoidable. The SFCJPA must identify and include all impacts to waters of the State in the final EIR and the CWA Section 401 application.	The Project seeks to improve the beneficial uses of San Francisquito Creek by increasing flood control capacity, instream and tidal habitat, and flow conditions for steelhead. The proposed design also seeks to avoid altering the existing low-flow channel, and the new wider floodplain would allow ongoing natural channel migration to occur during the Project life cycle. The SFCJPA will apply for 401 certification and will comply with the terms and conditions of that certification.
2	2-2	Margarete Beth	The EIR should include a discussion on geomorphic and hydraulic impacts downstream and upstream of the Project Site due to Project design. These should be included in the Final EIR.	The Project is anticipated to have negligible upstream and downstream impacts on geomorphology. Upstream of the Project, the channel is highly constrained, including by highway culverts immediately upstream of the Project. Downstream of the Project, there is negligible fluvial influence within the tidal influence of San Francisco Bay beyond existing flood flows that would continue to occur following Project construction. Hence, the Project would not result in significant changes to sediment mobility or geomorphic function upstream or downstream of the Project. This detail is found in the basis of design report for the project and has been added to EIR Section 3.8, *Hydrology and Water Resources*. Additionally, as described in Section 3.8, *Hydrology and Water*

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				Resources, while the Project is designed for conveyance of a maximum 9,400 cubic feet per second (cfs) event concurrent with a 100-year tide event and projected Sea Level Rise, the Project itself would not receive this level of flood event until future projects upstream of the Project are implemented. Following construction, a maximum of approximately 4,500 cfs could be delivered to the Project reach, and therefore this Project would result in immediate hydraulic changes that would impact geomorphology outside the Project reach. The Project would not receive any additional flood flow conveyance until such time that upstream improvements are completed and those projects would address upstream geomorphic processes.
2	2-3	Margarete Beth	The Draft EIR states specific measures will be implemented to reduce and minimize pollution during "maintenance activities." The Draft EIR should include BMPs to avoid and minimize impacts to water quality during construction activities, post-construction, and maintenance activities.	As described in Section 2.6, *Environmental Commitments*, of the DEIR, the Project will incorporate water quality measures specific to both construction and maintenance. BMPs are referenced under the separate "Construction" and "Operation and Maintenance" impact discussions in Section 3.8, *Hydrology and Water Resources*.
2	2-4	Margarete Beth	The SFCJPA should propose adequate BMPs associated with stockpiles and protecting water quality.	Measures associated with stockpiles and water quality protection is described in Section 2.6, *Environmental Commitments*, of the DEIR.
2	2-5	Margarete Beth	The Draft EIR states the dump truck would tilt the truck to drain water, but does not indicate where this activity would occur.	Bed tilting would initially occur at the identified wash down stations. Appropriate specificity had been added to the text.
2	2-6	Margarete Beth	The Draft EIR states "Natural watercourse turbidity measurements will be made in the receiving water 100 feet upstream of the discharge site." Natural watercourse turbidity measurements are typically taken upstream of the diversion structure and not the discharge location. Also, baseline measurements are typically taken at the beginning of construction, after a rain event, and/or a change in construction activity with daily water quality monitoring conduct at least twice per day.	This sentence in the FEIR has been corrected to accommodate the San Francisco Bay Regional Water Quality Control Board's (RWQCB's) requested changes to construction turbidity measurements.
2	2-7	Margarete Beth	Coffer dams constructed of gravel shall be covered with material to prevent seepage. Coffer dams shall not be constructed of earthen fill due to potential adverse water quality impacts in the event of a failure.	Requirements to cover gravel cofferdams were added to the FEIR. Allowance for earthen cofferdams in tidal areas was removed from the FEIR.
3	3-1	Annette Ross	Have you had experience with traffic control, because that's my concern?	Construction management for the SFCJPA would be the responsibility of the Santa Clara Valley Water District, which has extensive experience with construction traffic plans for flood control projects. Additionally, both the cities of Palo Alto and East Palo Alto would vet the traffic plan and contribute expertise regarding local traffic

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				patterns and timing of construction traffic.
3	3-2	Bob Gomez	One thing that I'm concerned about is that the trucks are going to be coming into the East Palo Alto area, the town. Why not the golf course, since you're going to be working on remodeling that?	Because some material for Project construction on the Project right bank would need to be stored and hauled through East Palo Alto, haul routes into East Palo Alto are necessary. The SFCJPA is committed to keeping truck trips out of the neighborhoods of East Palo Alto to the maximum extent practicable.
3	3-3	Bob Gomez	What about Cooley Landing? How would that [truck traffic] affect Cooley Landing?	Neither University Avenue nor Bay Road is identified as a haul route for the Project, and thus no impact on access to Cooley Landing is anticipated.
3	3-4	Nancy Edelson	Well, it's my understanding that -- well, you said that the levee will be torn down or reconfigured in a way so that the creek will flow out into the Baylands right there -- the wetlands. So the concern of the Public Works Commission was that, if you configure it like that, then all that water going into the Baylands will be a threat to the homes that are east of the Friendship Bridge in East Palo Alto, because the levees that protect the Baylands from those homes are not in great shape. So we were told that after you do the project then you will study those levees that are protecting the homes in the gardens from the Baylands. So it was our concern and it's my concern that as part of the project you include the reconstruction of the levees that are east of the Friendship Bridge that protect the city of East Palo Alto from the Baylands. [M]y concern is just that at the same time that you're configuring everything -- my concern is that it's happening at the same time, not just to maybe build up those levees to East Palo Alto, but to make sure that they're safe, they're doing their job.	As described in Section 3.8, *Hydrology and Water Resources*, while the Project is designed for conveyance of a maximum 9,400 cubic feet per second (cfs) event concurrent with a 100-year tide event and projected Sea Level Rise, the Project itself would not receive this level of flood event until future projects upstream of the Project are implemented. Following construction, a maximum of approximately 4,500 cfs could be delivered to the Project reach, and therefore this Project would not induce impacts on the Faber Tract. As improvements are made upstream of the Project reach, the SFCJPA will improve the levee between the Faber Tract and East Palo Alto, and thus no future potential impacts on this levee are expected.
3	3-5	Bob Gomez	I'm not too worried about the golf course, but I can't see how this is going to help Palo Alto with the new levees if you don't utilize more of the golf course land. So can you maybe redirect the flow of the water more into the golf course instead of East Palo Alto?	Both sides of the Creek will be equally protected in accordance with U.S. Army Corps of Engineers (USACE) standards. The amount of land on the Golf Course acquired by the Project is only what was deemed necessary to provide that level of protection. Design of the Project is such that flood flows would not spill into the developed areas of East Palo Alto or Palo Alto.
3	3-6	Bob Gomez	I'm more concerned about East Palo Alto. In your planning, is there going to be any digging making the runoff deeper and maybe not -- to make it deeper and wider? In a way this is the same thing more or less that the Chicago River back in Illinois had the problem with too.	The Project is designed to accommodate local runoff equal to or greater than the existing condition. No changes in local runoff points are anticipated to result from the Project.
3	3-7	Dennis Parker	I just wanted to verify that the hydrologic monitoring for the Faber Tract was within a frame of reference of the hundred-year tidal flow and sea-level rise, the calculations that yielded the two-inch increase.	Modeling for the Faber Tract flows were done for the design flow of the hundred-year fluvial event coincident with the hundred-year tide and twenty-six inches of accommodated Sea Level Rise. This metric is the basis for the entire Project design and modeling of the efficacy

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			Is that [*the hundred-year fluvial event at the same moment as the hundred-year tide with twenty-six inches of accommodated sea-level rise over the life of the project*] constant through all of your modeling?	of the design.
3	3-8	Robert Allen	One of your diagrams showed the elevation for the new levee for the golf course seemed to be higher than the other side of the Friendship Bridge. Wouldn't it be more important to protect the housing on the East Palo Alto side than the golf course? And so why wouldn't the levees be higher on the East Palo Alto side?	The left levee (Palo Alto Side) is a setback levee and is expected to experience 1 foot of settlement. The right levee (East Palo Alto Side) is a raise of the existing levee and therefore will experience less settlement, anticipated to be 0.5 feet. After settlement both levees will be the same height.
3	3-9	Robert Allen	What's freeboard?	*Freeboard* is the increment of levee height added to the design flood height to increase the likelihood of the design flood event being contained without the levee overtopping. Freeboard is added primarily to provide a buffer in height to accommodate uncertainty in the estimated design flood level.
3	3-10	Annette Ross	Is there any impact on the airport? Nothing is happening -- just around the golf course, but nothing around the airport?	The Palo Alto Airport is downstream of the Project's proposed flood control improvements. Therefore, there would be no impact on the airport or airport-related activities.
3	3-11	Dennis Parker	I think you may want to do more public outreach on this perception of one side being higher than the other, because at this point a lot of people in East Palo Alto feel as though the golf course side is higher. And I know it's difficult to site across the turn of that, but the perception, especially with the riprap or whatever it's called, where you have the caged rocks and so forth, that erosion on one side and not the other side. The perception is that that side will maintain itself and the East Palo Alto side will settle just from the natural forces of nature. What I'm hearing from you is there's some hydrologic forces that would cause the water level to be higher or lower, not necessarily aligned with the natural height or the perceived height. But that is a selling point, because at this height a lot of East Palo Alto people feel as though the golf course side will never flood and the East Palo Alto side will always flood because of what appears to be a difference in the height of the levee.	The SFCJPA held another scoping meeting on August 29th to hear and address any concerns within the community. The SFCJPA is also going before the appropriate commissions and staff in both East Palo Alto and Palo Alto in order to further inform both communities on the details of the Project design. As previously discussed, both sides of the Creek will be equally protected in accordance with USACE standards.
3	3-12	Bob Gomez	[T]here's a study on utilizing well water here in East Palo Alto. And I just wonder whether that would make any effect on the quality of the water that's already in there in the wells.	The Project would not impact existing wells or local groundwater levels.
4	4-1	Shani Kleinhaus, Santa Clara Audubon	You're showing the trail and it talks about trails on both sides. Is the trail part of the project?	The Project includes the equivalent replacement of all trails impacted by the proposed Project. No new trails are proposed as part of the Project.

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		Society		
4	4-2	Shani Kleinhaus	The impact of traffic on that trail and the endangered species that they're trying to restore and other species, like the clapper rail, will not like a lot of traffic there.	The Project includes the equivalent replacement of all trails impacted by the proposed Project. No new trails are proposed as part of the Project. Hence, the Project is not anticipated to result in increased trail use.
4	4-3	Shani Kleinhaus	It [the trail] is paved already?	The Project would replace trails with equivalent surfaces. Hence, only existing paved areas would be paved after Project implementation.
4	4-4	Bernardo Huerta, chair of East Palo Alto Public Works and Transportation Commission, Planning Commission	I was on the Public Works and Transportation Commission two years ago. I've been there for eleven years. But this project came through and it did not include -- what we approved was the removal of the levee beyond the San Francisquito Bridge -- I mean the Friendship Bridge. It should have been brought to us at that time, not included afterwards. Our commission had a very hard time trying to find out what it was. We don't always have enough information from our staff because they don't have enough time. To put in that afterwards is not dealing with us straight. [Moderator response: *What part of the city facility was put in after?*] The removal of the levee beyond Friendship Bridge down to the Bay.	The August 2010 Notice of Preparation for the EIR stated, "[r]emoving an unmaintained levee-type structure downstream of Friendship Bridge to allow flood flows from the Creek channel into the Palo Alto Baylands Preserve north of the Creek". This Project element has been one of the primary elements dating back to the SFCJPA's preliminary alternatives analysis and has been a part of the engineering plans since the design work began in 2009.
4	4-5	Bernardo Huerta	[T]here was a call for where there could be a weir there instead, just beyond the pump house as the creek turns toward the Bay that was in it. I remember that. And I remember previously there was an iteration of that when this -- the worries with the community about flooding began. I've seen that twice, but I did not see it in what was presented to the Public Works and Transportation Commission to degrade that levee. I think that levee should be saved. I think East Palo Alto should make a trail out of it some day in the future when these birds and mice are less endangered. To me, maybe the City of East Palo Alto should not be looking for it as far as its planning, as far as making more habitat for the clapper rail or the salt-water harvest mouse, because I don't see other communities doing the same. I'm not, like, against flooding the Faber Tract. I'm for it, because I jog along there. I've been jogging for thirty-four years. And I've seen this dry up more and more over the years. All those waterways used to be very wide. Now they're filled in with vegetation. I think it needs a lot more water. I'm for a weir. But I would like to see the City of East Palo Alto to one day make a trail out of it, though it probably wouldn't be used -- that levee -- very much, as people going out there, because they don't use the end of Runnymede very much at all. So it would be something for	The Project would result in the degradation of the levee to an elevation lower than its current elevation, but higher than the interior tidal marsh elevation. This would allow the fluvial flood flows to spill into the Faber Track during high flow events, but not under normal flow conditions. This would perform similarly to a weir. The existing land on which that levee occurs is part of the preserved baylands and is managed by the USFWS. The USFWS does not allow that area to be used as a trail.

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			the community in the future.	
4	4-6	Bernardo Huerta	And like you were saying about the clapper rail and habitat restoration, not many other cities are doing this. We have the dredging of a canal right on -- just north of the levee that runs to Runnymede to the pump station; and that took us another year and a half just because of the mitigation with the harvest mouse. That's us, just the city, you know. Other cities don't have this habitat restoration for the harvest mouse or the clapper rail, because it is a planning impediment. I'm for East Palo Alto should do more if the other communities do more because it only allows us to have more problems in the future when we want to develop or anything. But I'm talking about adding more. It has its habitat right now; but increasing its habitat more when other cities are not increasing those specific endangered species habitat more, it impacts us more -- this community.	The Project is required to comply with the requirements of state and federal regulations that require the protection of special-status species and the habitats those species use. The net gain of approximately 14.5 acres of marsh habitat is a beneficial consequence of widening the Creek floodplain to increase channel capacity and provide the necessary flood conveyance.
4	4-7	Bernardo Huerta	You have the sixty-five-foot power poles. I guess they're going to be new power poles. [Moderator response: *It's replacement of the existing power poles. One of them is being relocated.*] But are they sixty-five feet? Or is that new? Are they going to be higher than they are now? As a planning commissioner, I'm going to hear it from the community. So keep that in mind what you can do to mitigate that. I know one of them is like a grounding line for the gas line down there. So try to get that -- I mean I hoped our planning commissioners would be here to explain that to you because we get a lot of heat from people for anything.	Existing electric utilities would be relocated or raised as part of the Project, in order to accommodate the widened channel. No new utility lines would be constructed as part of the Project; only the replacement of existing facilities would occur. All 65- to 75-foot poles would be replaced with a tower of equivalent height. Existing 125-kilovolt transmission towers would be raised by 15 to 25 feet. As described in Section 3.1, *Aesthetics*, towers of that height are visually common in the baylands, and similar increases in height are not usually visually perceived by trail users.
4	4-8	Bernardo Huerta	And I am also wondering about the storm outflow for the pump station here in East Palo Alto. Why would it be dumping its water into the new canal?	Stormwater conveyance at East Palo Alto's O'Connor Pump Station would not be maintained as part of the Project and would not be reconfigured.
4	4-9	Bernardo Huerta	And I'm also worried sometimes about, when there's projects like this, we don't know what kind of signage is going to go up. We should know, hey, no horses. People do ride horses through there. And there's a place right here just in East Palo Alto that says no horses and people do have horses here in East Palo Alto. So we would like to know what the signage is going to look like.	Signage would be developed in advance of the Project and would be coordinated with both the City of East Palo Alto and Palo Alto to meet local codes for construction signage and notification of the public regarding construction.
4	4-10	Bernardo Huerta	[A]s far as the levee that runs between Runnymede and the pump station, for it to be enhanced or rebuilt by the Army Corps of Engineers, didn't Feinstein work on that to about 2006 and then found that it was too expensive and the Army Corps of Engineers said no? And that's	The SFCJPA's mission includes the repair of coastal levees, and the SFCJPA has already secured grant money to begin studying the needs of the coastal levees.

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			where we're at now, because of that. So, you know, to me, I don't think it's going to be done, because they're going to again say it's too expensive or they need to come up with a lot more money than before. But what's to stop this organization from stepping away from that when they find it's just too expensive?	Additionally, as described in Section 3.8, *Hydrology and Water Resources*, while the Project is designed for conveyance of a maximum 9,400 cubic feet per second (cfs) event concurrent with a 100-year tide event and projected Sea Level Rise, the Project itself would not receive this level of flood event until future projects upstream of the Project are implemented. Following construction, a maximum of approximately 4,500 cfs could be delivered to the Project reach, and therefore this Project would not induce impacts on the Faber Tract. As improvements are made upstream of the Project reach, the SFCJPA will improve the levee between the Faber Tract and East Palo Alto, and thus no future potential impacts on this levee are expected.
4	4-11	Bernardo Huerta	Will there be some barrier down below underneath the soil where the ground squirrels can't cross through and maybe poke a hole to the other side?	The USACE soil compaction requirements for levees are anticipated to inhibit ground squirrel activity. No additional barriers to ground squirrel activity are associated with the Proposed Project
4	4-12	Shani Kleinhaus	What type of towers are going to be raised? Are those like big transmission towers? Can I ask to mitigate against bird strikes? If you're going across the creek and increase the height, it's -- maybe. Did you study flight patterns of egrets and other large birds over that area to determine – That's why I'm worried, because of those trees and because you're crossing the creek here. It's not a huge mitigation. What you need to do is a few of those round aviation balls on the -- It helps. And it would be really, really nice, because it will -- In some places where they have records of strikes they do, but you're increasing the height, which may cause a problem; and we don't know. I don't see this as a mitigation that is so expensive and outrageous that it's not good to do to be safe. Sometimes it [placing balls on the wires] is for aviation purposes, which is also something that can hurt birds in this area, since there's an airport. But also it's for bird strike. And usually it's for the large birds like egrets, storks, cranes -- all these guys with the long necks. And it's not really a difficult thing to do. It's not like outrageously expensive difficult maintenance, whatever. It's just put one of those balls there.	The towers are large PG&E existing transmission towers. As described in Section 3.3 of the EIR, *Biological Resources*, the raising of the existing towers was not considered significant given that the towers are already part of the environmental and are not being substantially raised by the Proposed Project and are in an area with already significantly tall trees that would move the likely flight path of bird above the towers. The SFCJPA will coordinate with PG&E as necessary to include any additional measures that may contribute to reducing the existing issue of bird strikes.
5a	5a-1	Libby Lucas	Any proposal to induce San Francisquito Creek to overbank into the Faber Tract in high storm flow events runs counter to previous flood flow reports and analysis and therefore it appears there is a critical deficiency in this Draft EIR in presenting such a design as the only alternative. As technical reference please review the 1984 Hydrologic Analysis of	The Proposed Project was brought forward as part of the SFCJPA's Preliminary Alternatives Analysis (Philip Williams and Associates, 2008) and is consistent with the 2003 U.S. Army Corps of Engineers Continuing Authorities Program 205 Report for the watershed (SFCJPA, 2003) that identified preliminary flood control alternatives

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			the Palo Alto Flood Basin - by Linsley Kraeger Associates Ltd. which states "a careful analysis of the effects of time of occurrence and magnitude of the 100-year flood demonstrated that the most critical conditions occurred when the peak flow of a 100-year flood coincided with time of occurrence of mean sea level on the rising tide of the design tide cycle." The report goes on to note that it is not uncommon to see a combination of deluge and high tide and low barometric pressure. "A composite flood hydrograph for the three streams (Adobe, Barron and Matadero) was used as the inflow flood to the Basin. It was also found that the most critical condition existed when a tide peak occurred 4 hours after the inflow peak." (The tidal cycle Plate 4, Inflow hydrograph of composite 100-year flood Plates 3 and 5). It is these same high storm event conditions that will constrain San Francisquito Creek from alleviating peak flood flows by overbanking into Faber Tract, because the Faber Tract will already be inundated by high tides. Please include in this EIR detailed records of tide elevations during recent twenty years of high stream flows. This is critical data that must be used in levee design, either in build-up height or in lowering of levee height. In the recent US COE Napa River flood control project EIR hydrologic analysis of stream and bay inter-tidal flow was carefully documented and resulted in an extensive wetlands holding basin adjacent to Highway 12. This was a complicated analysis which restructured land but which seemed to be supported by hard data. I do not find equivalent hydrologic data to support a 'Faber Tract alternative' that appears to be only EIR option.	throughout the watershed. As required under CEQA, the EIR also evaluates potential feasible alternatives to the Proposed Project, including alternatives that do not inundate the Faber Tract. The project is designed to accommodate the 100-year fluvial flow, coincident with a 100 year tide event, plus 26 inches of predicted Sea Level Rise and required freeboard of 3 feet (increased to 4 feet at Friendship Bridge). As part of the design hydraulic analysis (HDR 2010), this condition was modeled including 100-year tidal conditions in the Faber Tract and accounts for the maximum probable flood condition.
5a	5a-2	Libby Lucas	In view of the Palo Alto Flood Basin's recent degradation of levee and substrata at the flood gates' structure it confirms my concern that San Francisquito Creek is bound to reestablish its historic alignment to S.F. Bay. Believe it is an accepted fact that underflow of a stream will persist in river bed gravels that were created over centuries even though its surface flows may be redirected. This was only too evident in February 1998 flood flows from San Francisquito Creek that extended to Matadero Creek and attempted exit at Mayfield Slough.	As described in the San Francisco Estuary Institute's Historical Ecology of Lower San Francisquito Creek Phase 1 (SFEI, 2009), the creek channel within the Proposed Project area is a geologically recent occurrence with the pre-1850 fluvial channel terminating into bay tidal marsh at Highway 101. Alluvial fill within the tidal areas was mostly fine sediments and not gravels. While the current channel alignment directed the channel away from its outlet near Mayfield Slough to its present location in the 1920's, flood flows diverge to both the north and south of the primary channel with no sole preferred flow path. The Proposed Project would capture fluvial flows that currently escape the channel and the levees would meet USACE standards to prevent failure. For these reasons, there is no evidence to suggest that the channel would reestablish its pre-1920's alignment, especially post project.

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5a	5a-3	Libby Lucas	The inevitable degradation by flood flow sediment will mean ultimate loss of the Faber Tract marsh and a marsh of equivalent viability needs to be created for the endangered species of Salt Marsh Harvest Mouse and California Clapper Rail to compensate for mitigation marsh loss mitigation in an EIR proposal alternative. Is it feasible in this location to establish an equivalent marsh with continuity of high caliber wetlands habitat? Mitigation riparian corridor and wetlands for SCVWD's Matadero Creek project will be lost in levee upgrade? EIR needs to say how mitigation requirements for all wetlands and vegetation loss will be accommodated?	Flood flows currently spill into the Faber Tract without deleterious sediment inputs because sediment drops out when flow velocities drop as the flow passes over the remnant levee between the channel and the Faber Tract. The Proposed Project would not eliminate this function. Degradation of the Faber Tract levee would lower the elevation, but would only allow fluvial flood flows to access the Faber Tract with increased frequency. The Faber Tract would still be dominated by tidal action and San Francisquito Creek sediments would still primarily be contained in the creek channel. Both SCVWD and City of Palo Alto mitigation areas could be impacted by the project. The SFCJPA is working with those agencies and the permitting agencies to mitigate for any impacts to those areas. Impacts to special status plants, riparian habitat, wetlands, and trees would be mitigated consistent with Mitigation Measures BIO 1.1, BIO 1.2, and BIO 1.3 for plants; Mitigation Measures BIO 11.1 and BIO 11.2 for riparian habitats; Mitigation Measure BIO 12.1 for wetlands; and Mitigation Measure BIO 13.1 and BIO 13.2 for trees.
5a	5a-4	Libby Lucas	Also, any alteration of the Faber Tract levee adjacent to East Palo Alto might further endanger their outboard levee interface with Bay tidal action and erosion. Are such possible impacts fully addressed in this EIR?	The Faber Tract levee adjacent to East Palo Alto is not part of the Proposed Project. As discussed in Section 3.8 of the EIR, *Hydrology and Water Resources*, flows into the Faber Tract could impact the levee between the Faber Tract and East Palo Alto based on modeling of flows into the Faber Tract (HDR 2010) at the design criteria conditions of the 100-year creek flows coincident with the 100-year tide plus 26 inches of Sea Level Rise. At this condition, the maximum increase in water surface elevation in the Faber Tract is estimated to be a 0.2 feet (approximately 2 inches). The Project is designed so that the creek can contain a 9,400 cubic feet per second (cfs) flow concurrent with a 100-year tide event and projected Sea Level Rise. The Project area itself would not be subject to this level of flood event until future projects upstream of the Project are implemented. Until that time, a maximum of approximately 4,500 cfs could be delivered to the Project reach, which is not enough for this Project alone to create additional tidal flooding risks. Before improvements upstream of the Project reach are implemented and creek capacity of 9,400 cfs becomes possible in the Project area, the SFCJPA will work with the City of East Palo Alto to improve the levee between the Faber Tract and East Palo Alto. Thus, no future impacts on this levee are expected.
5a	5a-5	Libby Lucas	As an adjunct to the feasibility of San Francisquito Creek returning to its	The reestablishment of the Pre-1920's San Francisquito Creek

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			historic alignment under extreme 100-year flood flow conditions it would seem advisable for utilities along this old stream channel to pad up to at least a ten-foot elevation. In particular this would affect upgrade of the Palo Alto Water Treatment Plant.	channel is not reasonably foreseeable and thus infrastructure improvements associated with such an outcome are not considered.
5a	5a-6	Libby Lucas	Would it also be a conservative measure to address choke points upstream where San Francisquito Creek has historically overbanked to the southeast, in this EIR alternative, to avoid CEQA conflict in piecemealing of the project? I suggest this in consideration of an increase in estimated 100 year level of flows to 9400 cfs from 7860 cfs.	Due to the presence of Highway 101 and the differences in the system upstream and downstream of Highway 101, the Highway represents a logical terminus for the Proposed Project under CEQA. The SFCJPA is also studying alternatives for fluvial flood control upstream of Highway 101, but ultimately all fluvial flows captured upstream of Highway 101 would pass through the Highway 101 crossing of San Francisquito Creek and need to be accommodated by a distinct project downstream of Highway 101. Therefore, the Proposed Project is a necessary first step to accommodate the ultimately selected upstream alternative and is a viable uniquely defined project regardless of the outcome of future analysis.
5b	5b -1	Libby Lucas	Attachment A: California Department of Water Resources Groundwater Resources of South Bay, Groundwater Areas map depicts San Francisquito Creek historic channel to Mayfield Slough and San Francisco Bay, with watershed retention reservoirs and lakes showing Lake Lagunita as a percolation resource in unconfined aquifer zone, while Searsville Lake and Felt Lake lie over confined geologic strata. EIR 3-106 analysis is imprecise on this aspect of Santa Clara Valley groundwater resources in general and these reservoirs in particular. It needs to be pointed out Los Trancos Creek diversions to Felt Lake do not retain beneficial uses of winter stream flows in San Francisquito Creek for endangered steelhead trout to degree historic diversions to Lake Lagunita did.	The EIR analysis of beneficial uses is specific to the Proposed Project and the Project's area of impact. The noted areas are significantly upstream of the Proposed Project, and while important in terms of beneficial uses within the overall watershed, are not relevant in the context of the Proposed Project or the Project's setting.
5b	5b -2	Libby Lucas	Also fencing at fish ladder on Los Trancos Creek is likely to impound storm flow woody debris.	The Los Trancos Creek diversion is not part of the Proposed Project nor within the vicinity of impacts associated with the Proposed Project.
5b	5b -3	Libby Lucas	Attachment B: SCVWD 1990 map of 100-year saltwater flood zone in Palo Alto appears to follow original parameters of San Francisco Bay shoreline. This and an updated version of saltwater intrusion should be included in EIR, plus perhaps map of projected saltwater flood zone and intrusion as anticipated for bay rise in 50 years.	Attachment B represents areas of tidal flooding, not saltwater intrusion. Saltwater intrusion is not an issue within the area for the Proposed Project and is thus not considered. The 100-year tide is one of the key design criteria addressed by the project and is considered in Section 3.8 of the EIR, *Hydrology and Water Resources*.
5b	5b -4	Libby Lucas	Attachment C SCVWD Report on Flooding and Flood Related Damages in Santa Clara County, February 2-9, 1998 map of San Francisquito Creek flood zone	It is not uncommon for the historic tidal shoreline to create a topographic contour above which modern day flooding would not encroach. This is informative, but is not considered within the context of the Proposed Project.

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			appears to bear strong resemblance to contours of historic shoreline.	
5b	5b -5	Libby Lucas	Not attached is drawing of Peter Coutts, Esq. Ayrshire Farm (1876 Thompson's Atlas of Santa Clara County) of 1242 acres and an historic map showing reservoir as part of extensive water features adjacent to foothills, previous to Leland Stanford's acquisition of 'the farm'. Coutts was a highly prosperous agriculturist from Bordeaux region who ran racing stable and extensive stock farm relying solely on local watershed supply.	The Proposed Project is not anticipated to alter local watershed supply and thus is not considered within the context of the Proposed Project.
5b	5b -6	Libby Lucas	Missing from San Francisquito Creek EIR: Map of SCVWD Matadero mitigation riparian vegetation and wetlands impacted by project levee redesign	The EIR recognizes in Section 3.3, Biological Resources, that the Proposed Project will impact SCVWD and City of Palo Alto mitigation areas. In the current context, adding mapping of the mitigation areas does not provide additional insight or information. During permitting and final design these areas will be precisely mapped against the final design take lines as necessary to coordinate appropriate protection and replacement of these resources.
5b	5b -7	Libby Lucas	Missing from San Francisquito Creek EIR: Map of upstream habitat that supports endangered species of Tiger Salamander and Red-Legged Frog, or Western Pond Turtle that might be washed into project area from upper watershed by winter storm flows.	The EIR recognizes in Section 3.3, Biological Resources, that potential habitat for California Tiger Salamander, California Red-Legged Frog, and Western Pond Turtle occurs upstream of the Proposed Project and that all of these species could potentially be found in the Project area during construction. As such, it is not materially relevant where these species occur outside of the project area, but important to understand and recognize that the species could be carried into the project reach from upstream sources.
5b	5b -8	Libby Lucas	Missing from San Francisquito Creek EIR: Map of COE feasible super levee alignments in proposed San Francisquito Creek flood project area September 2000, San Francisquito Creek Bank Stabilization and Revegetation Master Plan Report (This is a professional guide for best management practices along San Francisquito Creek's natural riparian corridor and needs to be referenced in this EIR. High western banks in San Mateo County erode under storm flows, while lower Santa Clara County banks overflow. 1998 emergency conditions were challenging in this regard.)	The U.S. Army Corps of Engineers alignments proposed in 2000 were superseded by the Continuing Authorities Program 205 Report for the watershed (SFCJPA 2003), which identified preliminary flood control alternatives for the Project reach. The San Francisquito Creek Bank Stabilization and Revegetation Master Plan Report, while informative on good design practices, was intended for smaller landowner projects upstream of Highway 101 (upstream of tidal influence). While useful, the Master Plan is not up to date with current USACE guidance on levee construction and is not intended to guide large flood control efforts in the tidal reach of San Francisquito Creek.
6	6-1	Shani Kleinhaus	California clapper rail and California black rail Lowering of the levee on the right bank (From the mouth of the Creek at San Francisco Bay to 200 feet downstream of the existing Friendship Bridge) would allow fluvial flows, depending on the concurrent tide, to overflow into the Faber Tract during storm events. Additionally the 100-	As discussed in Section 3.8 of the EIR, *Hydrology and Water Resources*, modeling of flows into the Faber Tract are based on the design criteria conditions of the 100-year creek flows (9,400 cubic feet per second (cfs)) coincident with the 100-year tide plus 26 inches of Sea Level Rise. The Project area, and thus the Faber Tract, would not be subject to this level of flood event until future

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			year tide would connect the channel to the Faber Tract. The DEIR states that fluvial inputs could potentially result in habitat changes detrimental to California clapper rail and California black rail. The DEIR analysis proposes that the maximum increase in water surface elevation in the Faber Tract would be 0.2 feet (approximately 2 inches) and that periodicity of inundation events would increase. The DEIR describes this increase "negligible" (page 3-49) yet provides no biological evidence or analysis in support of the conclusion that a more frequent 2-inch increase is not significant to the California clapper rail and the California black rail. SCVAS recommends that additional mitigation should be provided to reduce the risks associated with inundation, including risk of depredation as individual rails are deprived of shelter. Please consider creating additional cover such as floating islands studied by USGS for this purpose, see http://www.werc.usgs.gov/outreach.aspx?RecordID=106	projects upstream of the Project are implemented. Until that time, a maximum of approximately 4,500 cfs can be delivered to the Project reach and therefore this Project would not induce impacts on the Faber Tract. Thus, in the early years of the project the degradation of the Faber Tract levee would have no effect on habitat in the Faber Tract. Even with the full fluvial input of the Project design when projects are completed upstream of the Project, the water surface elevation in the Faber Tract is increased only 0.2 feet (approximately 2 inches). Furthermore, while the frequency of flows into the Faber Tract are increased, these inputs would be similar in nature to the fluvial floods that enter the Faber Tract under current conditions and potential impacts only occur under the highly improbable coincidence of two 100 year flood events (fluvial and tidal). Given that the likelihood of both the 100-year fluvial and 100-year tidal event occurring at the same time is statistically negligible, and that under this scenario with Sea Level Rise there is only a 2 inch increase in water surface elevation, it is reasonable to conclude that impacts to rail habitat and refuge would also be negligible.
6	6-2	Shani Kleinhaus	Risk of bird collision with power lines Please evaluate the potential for bird collision and/or electrocution as the Project modifies power towers and powerlines, and consider mitigation. Please consider marking distribution and transmission lines, similar to the marking at Don Edwards Wildlife Refuge.	The towers are large PG&E transmission towers. As described in Section 3.3 of the EIR, *Biological Resources*, the raising of the towers was not considered significant given that the towers are already part of the environment and are not being substantially raised by the Proposed Project and are in an area with already significantly tall trees that would move the likely flight path of bird above the towers.
6	6-3	Shani Kleinhaus	Use of Herbicides and Insecticides The Environmental Commitments related to use of biocides are general to Santa Clara Water District properties (page 2-21.) Please analyze the potential of herbicides, insecticides and rodenticides to impact the Project's footprint and adjacent habitat value. Please list all the biocides that may be used on the Project site. Please analyze potential for direct and secondary poisoning of birds and wildlife by rodenticides. Please consider disallowing use of rodent baits and other rodenticides onsite.	The SFCJPA Environmental Commitments, consistent with SCVWD guidelines, are applicable to construction and maintenance throughout the Proposed Project footprint. The SFCJPA has also determined to further strengthen these measures to provide additional protection for Salt Marsh Harvest Mouse and California Clapper Rail. The following conditions will be added to project Environmental Commitments related to Safe Use of Herbicides and Pesticides. 1. In areas where rodenticides are used, carcass retrieval surveys will be conducted daily for acute toxins and weekly for anticoagulants to minimize secondary poisoning impacts. Any spilled bait will be cleaned up immediately. 2. No rodenticides or fumigants will be used within the range of the Salt Marsh Harvest Mouse or California Clapper Rail as identified on District range maps.

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				3. Methods of rodent control within Salt Marsh Harvest Mouse or California Clapper Rail habitat will be limited to live trapping. All live traps shall have openings measuring no smaller than 2 inches by 1 inch to allow any SMHM that inadvertently enter the trap to easily escape. All traps will be placed outside of pickleweed areas and above the high tide line.
6	6-4	Shani Kleinhaus	Floodwall SCVAS considers the replacement of existing levees with a floodwall built of metal and reinforced concrete a significant, unmitigable and irreversible adversity that serves to degrade the visual character of the Project area and reduce its usefulness for birds and wildlife. We ask that the Project consider alternative floodwalls that are better suited in texture and feel to the natural environment. In addition, we ask that the Project /EIR consider improvements that would facilitate nesting by swallows and other cavity nesting birds as an integral part of the floodwalls design, for the benefit of both ecosystem (habitat restoration for avian species) and recreation (bird watching.)	Based on the analysis presented in the EIR, the SFCJPA has determined that the aesthetic impact of the floodwall is less than significant under CEQA. The SFCJPA has evaluated many options for the floodwalls and concluded that the currently proposed design is cost effective and not visually intrusive. As the Proposed Project is a flood control facility, no elements can be added that could contribute to the long-term degradation or inhibit maintenance of the facility, including elements that increase wildlife use. Substantial new habitat for wildlife is provided in the marshplain within the channel. Recreational areas for standing and watching the environment are proposed along the existing trail along with appropriate educational signage regarding wildlife and habitat.
6	6-5	Shani Kleinhaus	Bird watching on trails, boardwalk SCVAS community of birder watchers frequently uses the trails along creeks and the Bay Trail, and watches birds in the riparian vegetation, the marshes and the wetlands along the trails. To minimize conflicts among user groups on the trails, we request construction of areas where small groups can safely stand without impeding bicycle traffic on trails. Please consider construction of “blinds” for bird watching as part of the proposed boardwalk in the new island and Friendship bridge/ platform, and potentially additional locations along the trail.	While bird watching blinds are not proposed as part of the project, open “landings” on the new boardwalk at the island and new levee will be created and will allow for wildlife viewing without impacting trail use. Additionally, the SFCJPA is considering an additional viewing area and signage within the Baylands Preserve at the end of the levee spur near the northern footing of the Friendship Bridge.
7	7-1	Eileen P. McLaughlin	Endangered Species While CACR [California clapper rail] presence has become fairly stable in the Faber tract, its numbers at large remain highly unstable and sensitive to impacts of human actions such that this Project will produce. While their numbers are harder to monitor, these tracts have also become highly suitable habitat for the federally-endangered salt marsh harvest mouse (SMHM) and salt marsh wandering shrew (SMWS). It is critical then that the Project meet the highest level of monitoring and mitigation compliance that ensures protection of these species. It was good to read in the DEIR that the Army Corps of Engineers (ACOE) will require Section 7 analysis by the US Fish & Wildlife Service	As stated in the EIR, the SFCJPA will consult with both the National Marine Fisheries Service and the U.S. Fish and wildlife Service to meet their obligations under the Endangered Species Act as part of the Project’s USACE 404 permit. Additionally, the SFCJPA will work with the California Department of Fish and Game in conjunction with the required Lake and Streambed Alteration Agreement that will be required for the Proposed Project. The SFCJPA recognizes that additional requirements may come out of these permitting processes that could be required to construct the Project. The SFCJPA is also coordinating with U.S. Fish and Wildlife Service who manage the Faber Tract as part of the Don Edwards National Wildlife Refuge.

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			(FWS) and the National Marine Fisheries Service (NMFS) prior to issuance of any permit. We expect the Project will seek to fulfill the full implementation and mitigation requirements that those assessments will prescribe. As such, **CCCR [Citizens Committee to Complete the Refuge] asks that the Project amend the DEIR's biological mitigation measures (MM BIO) to assert that the MM BIO proposals are subject to change and additions per the final Mitigation and Monitoring requirements of the FWS and the NMFS.**	
7	7-2	Eileen P. McLaughlin	As an example, and referring to MM BIO5.1, it is our recent experience that the FWS will require that no construction or major, planned operations/maintenance work occur during CACR breeding and nesting season within 700' of habitat, not 500' as proposed in the DEIR. Similarly it cannot be assumed at any time that CACR, (or for that matter SMHM or SMWS) will not exist in brackish areas. Documented instances of CACR in these locations are not unusual. It should be noted too that there is no CACR breeding/nesting distance restriction included under the discussion of routine or planned operations and maintenance under MM BIO5.1. There is a documented record (J. Albertson, FWS, 1995) when a CACR in the Laumeister tract abandoned its nest due to nearby repair activity, producing breeding failure for that individual bird's entire season. It is expected that Section 7 findings will provide final, explicit guidance. **CCCR asks that the Project modify MM BIO5.1 in order to embed greater awareness of potential endangered-species impacts and, whenever appropriate, to incorporate that same awareness into all construction, operations and maintenance actions.**	The SFCJPA is aware of the 700 foot buffer requirement being increasingly required by the U.S. Fish and Wildlife Service for some projects. As such the 500 foot requirement will be corrected to 700 feet in the Final EIR. The EIR, as discussed in Section 3.3 of the DEIR, *Biological Resources*, recognizes the potential presence of salt marsh harvest mouse, salt marsh wandering shrew, and California Clapper Rail could occur in the Project Area and has included mitigation measures to ensure no harm comes to these species. Maintenance activities are similar to those currently in place and are not anticipated to rise to the level that would induce impacts on species using tidal habitat in the project reach or the Faber Tract. More substantial repair activities are not reasonably foreseeable and would be subject to new approvals if and when such activities occur.
7	7-3	Eileen P. McLaughlin	Biological Consultation involving Faber Marsh or any lands of the Refuge The Project would do well to recognize that one of its greatest resources will be the staff of the Refuge for anything that involves the Faber tract or any Refuge land. Refuge staff members have day-to-day responsibility for these lands and its management. That means that any actions affecting or involving those lands must start with the Project contacting the Refuge. The Refuge staff has exceptional expertise that, many times, will be a no-cost resource for the Project. Examples are instances when a qualified biologist must be on site to make a judgment for construction, operations or maintenance regarding the presence of a special-status species on or near Refuge land. In practice these are services the Refuge routinely provides as a partner to neighboring landowners and agencies.	The SFCJPA is already coordinating with U.S. Fish and Wildlife Service's Mr. Mruz at the Don Edwards National Wildlife Refuge and will continue to coordinate with Refuge staff throughout construction.

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			We recommend that the Project contact the Refuge (Manager Eric Mruz: eric_mruz@fws.gov, 510-792-0222 ext 125) to explore this topic. **CCCR asks that the Project review all instances in the DEIR where it proposes to hire a qualified biologist and, when appropriate, to revise the DEIR to incorporate routine coordination with the Refuge.**	
7	7-4	Eileen P. McLaughlin	Disturbance and Invasive Species It is of some concern that the only reference to management of invasive plants is under operations and maintenance and that the need is not considered for construction (Example: MM BIO1.3). Disturbance produced by construction, operations or maintenance often results in the wider distribution of invasive species. That distribution can result in the degradation of existing habitats and exacerbation of the underlying invasive problem. An example is Lepidium latifolium (perennial pepperweed) described in the DEIR as present in the Faber Marsh. This invasive plant succeeds in a wide variety of habitats and is very likely to be present elsewhere in the Project. It is known to often overwhelm established native plant communities and could easily be dispersed by disturbance, vehicles and worker transport into all of the ecotones of the Project and into neighboring lands. Rather than focus restoration action solely on planting native species, it is important to manage the non-native competition. Currently the City of Palo Alto is preparing an update of its General Plan. In its Natural Environment Element, the Update is including policy that would establish city-wide invasive plant management, for all habitats. While the Update has not yet received final approvals, **CCCR asks that the Project include invasive plant identification and management using qualified botanists whenever land will be disturbed during construction, operations or maintenance.**	The EIR does include measures to prevent invasive plant recruitment during construction to minimize the post project non-native seed bank and create amenable conditions to promote native growth. These measures are incorporated into the project as the Environmental Commitments found under “General Construction Site Housekeeping”. Additionally, the Project tree survey identified opportunities to remove non-native vegetation in the immediate Project vicinity, but outside the construction footprint. The SFCJPA intends to work with project stakeholders and local jurisdictions to coordinate maintenance and invasive species management as part of the post project maintenance of the facility to the maximum extent practicable.
7	7-5	Eileen P. McLaughlin	Flood impact on Faber Tract The Santa Clara Valley Audubon Society (SCVAS) has submitted comments on this Project that CCCR has reviewed and gives its full agreement. That letter raises significant questions about the biological and hydrological analysis used to conclude that fluvial inundation of Faber Marsh would have “negligible” impacts on CACR and the federally-endangered black rails. CCCR adds to it concern for SMHM and SMWS in the same place and conditions. Given the cumulative impact possible on four endangered species, it is critical and essential that the most thorough and appropriate analyses be performed to fully substantiate conclusions and subsequent actions of this impact. **CCCR asks that the Project seek additional analyses such that the DEIR**	The Project still includes plans to degrade the levee between San Francisquito Creek and the Faber Tract to an elevation of 8 feet. This elevation would enable the Creek to flow into the Faber Tract with increased regularity during fluvial flood events. The lowering of the levee is not intended to change the dominant tidal processes that currently occur in the Faber Tract. Creek flows into the Faber Tract would spill slowly into the area as sheet flow at the point where flood flows reach the lowered levee elevation at velocities which would not be detrimental to small mammals seeking upland refuge. As discussed in Section 3.3 of the DEIR, *Biological Resources*, the Project would result in a net increase of approximately 14.5 acres of

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			can adequately demonstrate significance of impacts and identify appropriate mitigating actions.	high marsh and transitional high marsh habitat that support clapper rail, black rail, salt marsh wandering shrew, and salt marsh harvest mouse. This net increase in habitat would support additional refugia and habitat for the species.
8	8-1	Brandon Huerta	The degradation of the levee from the Friendship Bridge to the San Francisco Bay on the East Palo Alto side is an inequity for the residents of East Palo Alto. Alluvial water to this section of the Faber Tract, wanted by SFCJPA, can be accomplished by the use of weir and not degrade the levee.	The Project would result in the degradation of the levee between the creek and Faber Tract to an elevation lower than its current elevation, but higher than the interior tidal marsh elevation. This would allow the fluvial (creek) flood flows to spill into the Faber Track during high flow events, but not under normal flow conditions. This would perform similarly to a weir. As described in Section 3.8, Hydrology and Water Resources, while the Project is designed for conveyance of a maximum 9,400 cubic feet per second (cfs) event concurrent with a 100-year tide event and projected Sea Level Rise, the Project itself would not receive this level of flood event until future projects upstream of the Project are implemented. Until that time, a maximum of approximately 4,500 cfs could be delivered to the Project reach, which would not induce impacts on the Faber Tract levees. Additionally, the SFCJPA has already secured grant money to evaluate the current Bay levee separating East Palo Alto from the Faber Tract, and to design and secure permits to construct an improved levee. This work would be done before improvements are made upstream of the Project reach, and thus before any impacts from the Project are felt on the Bay levee.
8	8-2	Brandon Huerta	I also feel the need to replace electrical poles on the East Palo Alto side has nothing to do with ecosystem restoration and recreation.	In order to accommodate the Proposed Project, PG&E needs to relocate or modify gas and electrical utility infrastructure. At the same time, PG&E is also upgrading infrastructure within the Project vicinity to meet current standards. PG&E and the SFCJPA have reached a cost share agreement on the upgrading of these facilities.
8	8-3	Brandon Huerta	In the DEIR I did not find why the mostly affluent residents of Portola Valley and Stanford University are opposed to service Searville Lake with a dredging operation to repair the flood controls in the San Francisquito Creek. This key information would be useful proving environmental justice, where an economically challenged community is affected by the decisions of an affluent community. East Palo Alto would be losing a potential trail, when it has so little parks space available.	The Proposed Project does not currently include any work at Searsville Reservoir. Searsville Reservoir and Dam are owned by Stanford University, and were originally built by a private company for water supply, not as a flood control facility. The University is currently studying feasible options for how to deal with the dam and reservoir, but no reasonably foreseeable outcome has been determined.
8	8-4	Brandon Huerta	When the San Francisquito flood control design came before the East Palo Alto Public Works and Transportation Commission twice in late 2010 this degradation of the levee was not included. It is unfair to afterword's add the levee degradation as the SFCJPA did not return to the Commission for input. Please, do not degrade or remove this levee.	The August 2010 Notice of Preparation for the EIR stated, "[r]emoving an unmaintained levee-type structure downstream of Friendship Bridge to allow flood flows from the Creek channel into the Palo Alto Baylands Preserve north of the Creek". This Project element has been one of the primary elements dating back to the

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				SFCJPA's preliminary alternatives analysis and has been a part of the engineering plans since the design work began in 2009.
9	9-1	Eric Alm	As the lead agency, the San Francisquito Creek Joint Powers Authority (SFCJPA) is responsible for all project mitigation, including any needed improvements to the state highways. The project's scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document.	The SFCJPA is coordinating with Caltrans staff to ensure that the project and Caltrans' planned replacement of the Highway 101 and frontage road crossings over San Francisquito Creek are designed to accommodate each other. The SFCJPA has coordinated the connections between the floodwalls at the upstream extent of the Proposed Project with the Caltrans project. The SFCJPA looks forward to continuing coordination with Caltrans during final design and the encroachment permit process.
9	9-2	Eric Alm	Since an encroachment permit is required for work in the state right of way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the SFCJPA work with Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.	The SFCJPA recognizes the need to apply for an encroachment permit for work adjacent to Caltrans right-of-way and looks forward to continuing coordination with Caltrans staff.
9	9-3	Eric Alm	Cultural Resources The Cultural Resources studies and mitigation measures in the Cultural Resources Section (Section 3.4) of the DEIR satisfy environmental legal compliance for cultural resources within the state ROW. Should ground-disturbing activities take place as part of this project within state ROW and there is an inadvertent burial discovery, in compliance with California Environmental Quality Act, Public Resources Code5024.5 and 5097 and Caltrans Standard Environmental Reference, Chapter 2 (at http://ser.dot.ca.gov), all construction within 50 feet of the find shall cease. The Department's Cultural Resource Studies Office, District 4, shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact.	The SFCJPA will add to the final EIR measures the following: Should ground-disturbing activities within Caltrans ROW make an inadvertent burial discovery, all construction within 50 feet of the find shall cease. Caltrans' Cultural Resource Studies Office, District 4, shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact.
9	9-4	Eric Alm	Encroachment Permit Work that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660.	As noted previously, the SFCJPA recognizes the need to apply for an encroachment permit for work adjacent to Caltrans right-of-way and looks forward to continuing coordination with Caltrans staff.
9	9-5	Eric Alm	Traffic-related mitigation measures should be incorporated into the	The SFCJPA recognizes the need to coordinate the Traffic Plan with

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			construction plans during the encroachment permit process. See the website link below for more information. http://www.dot.ca. gov /hq/traffops/developserv /permits/	Caltrans in addition to the Local Authorities and will add the appropriate text to the Final EIR text for the Traffic Study requirements.
10	10-1	Eduardo Martinez	The proposed sheet pile floodwalls to be constructed along the top of bank would have a negative aesthetic impact on the creek, as compared to existing conditions, and are not adequately mitigated. Consider alternative materials or aesthetic treatment of the sheet piles to lessen the visual impact of the floodwalls.	Based on the analysis presented in the EIR, the SFCJPA has determined that the aesthetic impact of the floodwall is less than significant under CEQA. The SFCJPA has evaluated many options for the floodwalls and concluded that the currently proposed design is cost effective and not visually intrusive.
10	10-2	Eduardo Martinez	The EIR should discuss the positive steps taken in the project design to adapt to climate change and future sea level rise.	The EIR discloses that the Project has assumed 26 inches of Sea Level Rise. The SFCJPA believes it is prudent to design the Project to provide a substantial level of protection throughout the 50-year Project lifetime, which is why the Project provides greater protection against Sea Level Rise than is required.
10	10-3	Mark Michael	Concrete with architectural treatment should be considered as an alternative material to the proposed sheet piles for the floodwalls to be constructed along the top of bank, particularly in the most visually sensitive areas.	Floodwall facing elements were evaluated during preliminary design and were not considered to bring enough aesthetic value to justify the cost. Concrete treatments were determined to be equally visually intrusive as the basic floodwalls themselves.
11	11-1	Scott Wilson	Please note, Table 3.3.2 . Special Status Fish and Wildlife with Potential to Occur in Project Footprint does not acknowledge the saltmarsh harvest mouse as a fully protected species under Section 4700 of the DFG Code or the California clapper rail as Endangered under CESA.	Fully protected species have been identified in Table 3.3.2 in the Final EIR. The correct CESA status for California clapper rail has also been added to the Final EIR.
11	11-2	Scott Wilson	The DEIR states the Project will only affect the top of the existing levee on the right hand side of the creek and other habitat providing forage and cover for the California clapper rail and California black rail will not be impacted. The DEIR does not adequately address impacts from the increased inundation of the tidal marsh to tidal marsh species including but not limited to California clapper rail, California black rail, saltmarsh harvest mouse, least tern, and western snowy plover. It has been shown when tides are higher in the winter, clapper rail survival rates are lowest, mostly due to the resulting lack of cover when the water is high (Melissa Farinha, DFG, personal communication). Clapper rail nests and saltmarsh harvest mice nests can be destroyed by very high spring tides flooding their habitat. Increased inundation may change vegetation communities which in turn can reduce forage and cover habitat for bird and mammal species utilizing the marsh habitat.	At no point do the flows increase the areal extent of affected habitat over existing conditions, and the habitat of the Faber Tract would still be tidally dominated, with episodic fluvial inputs as currently occurs under existing conditions. The only change induced by the project is the frequency of fluvial flood events spilling into the Faber Tract. Modeling suggests that fluvial flows above the 5-year event currently enter the Faber Tract. Lowering of the remnant levee between the Creek and Faber Tract would increase the frequency to roughly the 2-3 year event. This change in frequency is not anticipated to result in significant changes in the vegetation communities within the Faber Tract.
11	11-3	Scott Wilson	The DEIR states with Project implementation, the maximum water surface elevation increase is estimated to be a negligible 0.2 feet. This appears to calculate the loss of habitat impacted by the increase in water surface elevation after the expected rise in sea level and not calculated based on current conditions. The tidal marsh habitat that is there now should serve as the baseline for the calculations of habitat	As discussed in Section 3.8 of the EIR, *Hydrology and Water Resources*, modeling of flows into the Faber Tract are based on the design criteria conditions of the 100-year flood flows coincident with the 100-year tide plus 2.17 feet of Sea Level Rise. At this condition, the maximum increase in water surface elevation in the Faber Tract is estimated to be a 0.2 feet (approximately 2 inches). The

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			loss and habitat that will be impacted by the Project. The DEIR should calculate the habitat that will be inundated as a result of this project under seasonal tidal influences and the 20 and 100-year flood event scenarios as well as after the sea-level rise predictions. The DEIR should then adequately describe the impacts to the species utilizing this habitat currently and address what direct and indirect effects the project will have on all life history stages of all species utilizing the habitat and how the project will affect population dynamics of those species.	maximum 0.2 foot increase only occurs at the point flow enters the Faber Tract and dissipates, moving out from the flow entry point. While the project is designed for conveyance of a maximum 9,400 cfs event concurrent with a 100-year tide event and projected Sea Level Rise, under current conditions the Project itself would not receive this level of flood event until future projects upstream of the Project are implemented. Hence under the existing baseline, a maximum of approximately 4,500 cfs can be delivered to the Project reach and would have no impact on the Faber Tract. Both conditions are considered in the EIR, but the analysis of effect is more concerned with the ultimate design baseline, as the existing condition would not impact on the Faber Tract, with or without the Project. As such, the degradation of this levee would have no effect on habitat in the Faber Tract. Even with the full fluvial input of the ultimate design, the water surface elevation in the Faber Tract is negligibly influenced, thus it is reasonable to conclude that impacts to rail habitat and refuge are also negligible. While the frequency of flows into the Faber Tract would increase, these inputs would be similar in nature to the current fluvial floods that enter the Faber Tract under current conditions. Potential impacts only occur under the highly improbable coincidence of the 100-year fluvial and 100-year tidal flood events. Given that the likelihood of both the 100-year fluvial and 100-year tidal event occurring at the same time is statistically negligible, it is reasonable to conclude that commensurate habitat impacts would also be negligible. As discussed above, at no point do the flows increase the areal extent of affected habitat over existing conditions and the habitat of the Faber Tract would still be tidally dominated, with episodic fluvial inputs. The only change induced by the project is the frequency of events.
11	11-4	Scott Wilson	The DEIR states the proposed activities are expected to affect 0.21 acres of high quality rail habitat, 0.80 acres of medium quality rail habitat and 2.30 acres of low quality rail habitat. Please describe how the quality of habitat is defined, density of rails in each habitat type and how each habitat is utilized by rails. Because marsh habitat has decreased significantly, high densities of rails are forced to use lower quality habitats and the loss of even low quality habitat may have a significant impact to the overall population. Direct and indirect impacts by the loss of habitat should be adequately described so that mitigation measures included can be analyzed how they will avoid, minimize or mitigate those impacts to a less than significant level.	Salt Marsh habitat suitability was evaluated for the entire Project area, including the Faber Tract and was classified as follows: • Low quality habitat—small size (<0.1 acre), isolated (> 0.25 mile from occupied habitat), and/or highly degraded (generally surrounded by non-native species and in an area of high use by humans) • Moderate quality habitat—moderately sized (>0.1 acre but <0.5 acre), proximate to occupied habitat (< 0.25 mile), of moderate quality (i.e., some degree of degradation, edge, or fragmentation), or some combination of these three characteristics that creates

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				some potential for species presence • High quality habitat—Larger contiguous habitat currently known to be occupied or is so proximate to occupied habitat (<0.1 mile) that connectivity is likely. This classification is consistent with the habitat descriptions for California clapper rail and California black rail, as described in the *San Francisco Bay Tidal Marsh Recovery Plan* (USFWS 2010). As described in Section 3.3 of the EIR, Biological Resources, impacts to approximately 3.3 acres of rail habitat in the Project Footprint would be mitigated with the restoration of 18 acres of habitat in the Faber Tract and the Proposed Project area.
11	11-5	Scott Wilson	The DEIR states approximately 18 acres of tidal marsh will be restored to offset these impacts. A restoration plan was not included and it appears the habitat that will be restored is located from just downstream of Friendship Bridge extending upstream to the Upper Reach and Bayshore Road. This habitat restoration area is surrounded by a golf course and housing development in the Middle Reach and floodwalls in the upper Reach. Please include a detailed restoration plan with plant species to be planted, methodology, success criteria, monitoring and management including measures to ensure success and describe how this restoration will mitigate for the loss of habitat incurred with Project implementation.	The approximately 18 acres that will be restored in the Faber Tract and the Proposed Project area all occur adjacent to the substantially developed cites of East Palo Alto and Palo Alto. A detailed mitigation and monitoring plan is in development that would be submitted to DFG as part of the permitting process and will include the requested mitigation details. Overall, current planting design includes 7 acres of pickleweed dominated high marsh and 11 acres of high marsh/upland transition that would mitigate for impacts associated with the Proposed Project.
11	11-6	Scott Wilson	Also, it appears this mitigation area is within the operations and maintenance area and may be dredged in the future. Dredging this area will have impacts to the habitat that will be created for mitigation. Mitigation sites must be preserved and protected in perpetuity and cannot incur future impacts that would result in the destruction or adverse modification of the habitat specifically created to offset habitat loss elsewhere.	The channel has been designed to roughly maintain sediment equilibrium over time while allowing natural processes to maintain the channel. Dredging during the Project lifetime is not proposed and if determined to be necessary in the future would be subject to separate approvals.
11	11-7	Scott Wilson	The DEIR states the California clapper rail and California black rail will be protected during construction by conducting surveys for nesting raptors and migratory birds and installing nesting exclusion devices. Please explain how surveys for other species will protect the rails and how nesting exclusion devices will be installed for the rails and how this will reduce disturbance to the rails to a less than significant level.	As described in Section 3.3 of the EIR, *Biological Resources*, under Mitigation Measure BIO5.1 "*If individuals are routinely observed in the work area, a species avoidance plan will be developed in coordination with USFWS and DFG*". Exclusion measures proposed would be specific to the identified presence of the species and relation of the location to the project. As stated in the Mitigation Measure BIO5.1 the SFCJA would coordinate with DFG to identify appropriate exclusion measures if rail nests are identified in the proposed construction area.
11	11-8	Scott Wilson	Both rail species are listed as fully protected under Section 3511 of the DFG Code. Because of this, DFG cannot issue a CESA take permit unless it aids in the recovery of the species or for scientific research. A	The SFCJPA recognizes the importance of fully protected status and that the designation applies to multiple species that could be potentially impacted by the Project without mitigation. The SFCJPA

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			project that has the potential to impact a fully protected species must include avoidance measures so that take, as defined under Section 86 of the DFG Code, will not occur. The Project proponent should consult with DFG prior to commencement of Project activities to determine if measures to be taken will avoid take of the California clapper rail and California black rail.	recognizes the need to consult with DFG prior to commencement of Project activities to determine if measures to be taken will avoid take of the California clapper rail, California black rail, and Salt Marsh Harvest Mouse.
11	11-9	Scott Wilson	Please also include the following minimization measures for rails: • Protocol level surveys shall be conducted at the Project site including rail call surveys and rail-track surveys. Survey protocols can be found at: http://www.spartina.org/project_documents/clapper_rails/2011_CLRA_Rpt_smaller.pdf • An annual search for and subsequent destruction of any cat feeding stations along public walkways shall be conducted • Before the onset of winter high tides, an annual capture and removal effort of feral cats and rats in the surrounding disturbed areas shall be conducted.	The SFCJPA will add the measures to the Final EIR for the construction phase of the project. If maintenance activities would occur in potential habitat or restored marsh areas, appropriate protocol level surveys would be conducted. Given the urbanized nature of the areas adjacent to the Project and the infrequent expected periodicity of maintenance actions, measures associated with feral cat management would have minimal value within the local context over the Project lifetime.
11	11-10	Scott Wilson	The saltmarsh harvest mouse is also listed as fully protected under the DFG Code. DFG recommends Project proponents consult with DFG prior to commencement of Project activities to determine if other avoidance measures need to be included. The following avoidance and minimization measures should be incorporated into the Project description to avoid taking saltmarsh harvest mice: • Hand vegetation removal shall start at the edge farthest form the largest contiguous salt marsh area and work it way towards the salt marsh, providing cover for salt marsh harvest mice and allowing them to move towards the salt marsh as vegetation is being removed. • In consultation with DFG, exclusion fencing shall be placed around a defined work area immediately following vegetation removal and before Project activities begin. The final design and proposed location of the fencing shall be reviewed and approved by DFG prior to placement. • Prior to initiation of work each day within 300 feet of tidal or pickelweed habitats, the qualified biologist shall thoroughly inspect the work area and adjacent habitat areas to determine if saltmarsh harvest mice are present. The biologist shall ensure the exclusion fencing has no holes or rips and the base remains buried. The fenced area will be inspected daily to ensure that no mice are trapped.	The SFCJPA recognizes the importance of fully protected status and that the designation applies to multiple species that could be potentially impacted by the Project without mitigation. The SFCJPA recognizes the need to consult with DFG prior to commencement of Project activities to determine if measures to be taken will avoid take of the California clapper rail, California black rail, and Salt Marsh Harvest Mouse. The SFCJPA will add the requested measures to the Final EIR for the construction phase of the project to further ensure impacts to fully protected species dot not occur and to strengthen the efficacy of currently proposed mitigations.
11	11-11	Scott Wilson	Mitigation Measure Bio 9.1 states that in-channel work will be avoided during the steelhead migration season (Oct 01-April 30). Steelhead migration continues through June 30 when there is enough flow in the	Based on studies of steelhead activity in the watershed described in the *Lower San Francisquito Creek Watershed Aquatic Habitat Assessment and Limiting Factors Analysis* (Jones & Stokes 2006)

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			channel, therefore, in-channel work should be avoided prior to June 15.	steelhead migration and spawning is regularly finished by March. Hence, the proposed construction window has been determined to be sufficient to protect steelhead within San Francisquito Creek. The SFCJPA will coordinate with the DFG and the National Marine Fisheries Service during permitting of the Project to determine if the work window needs to be modified in above average water years that could modify the local steelhead movement patterns.
11	11-12	Scott Wilson	The DEIR does not include hydraulic or hydrologic modeling that would support the basis of conducting this Project. Monitoring the flow regime and predicting flow patterns, sediment deposition, tidal influence, and water circulation could aid in forming Project alternatives and help understand the impacts to species utilizing the marsh as well as steelhead utilizing San Francisquito Creek. DFG recommends conducting modeling studies and analyzing the results to determine long-term impacts the change in flow regimes would have on rearing steelhead habitat, stranding steelhead in the marsh, change in vegetative communities in the tidal marsh, change of foraging, roosting, nesting and cover habitat for tidal marsh species and change in upland habitat for terrestrial species.	The DEIR is supported by hydraulic modeling by the design engineer and preliminary alternatives studies that are referenced in Section 3.8 of the EIR, *Hydrology and Water Resources*. As discussed in Section 3.3 of the EIR, *Biological Resources*, long-term impacts to marsh and instream habitat have been determined to be less than significant. These conclusions are based on the background studies and the conclusions of hydraulic analyses are presented and discussed in the DEIR in both Sections 3.3 and 3.8.