

**From:** [Schane\\_Tami@Wildlife](mailto:Schane_Tami@Wildlife)  
**To:** [kmurray@sfcjpa.org](mailto:kmurray@sfcjpa.org)  
**Cc:** [Tess Byler](mailto:Tess.Byler); [Matt Parsons \(MParsons@valleywater.org\)](mailto:MParsons@valleywater.org); [Bill Springer \(BSpringer@valleywater.org\)](mailto:BSpringer@valleywater.org); [Doug Titus](mailto:Doug.Titus); [Brown, Gregory G SPN](mailto:Brown.Gregory.G.SPN); [Joseph Terry@FWS.gov](mailto:Joseph.Terry@FWS.gov); [Lydon, Anniken@BCDC](mailto:Lydon.Anniken@BCDC); [morrison.amanda@noaa](mailto:morrison.amanda@noaa); [Glendening, Susan@Waterboards](mailto:Glendening.Susan@Waterboards); [Blinn, Brenda@Wildlife](mailto:Blinn.Brenda@Wildlife)  
**Subject:** RE: FW: July 2016 MMP uploaded to FTP site  
**Date:** Wednesday, July 20, 2016 8:24:44 AM

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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