

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR

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March 04, 2011

Dale Bowyer
SF Bay Water Quality Control Board
1515 Clay Street
Oakland, Ca. 94623

Re: Niles Canyon State Route 84 widening

Dear Mr. Bowyer:

As per your request, we are providing you with the following information to address the revision of the Water Quality Certification (NO. 02-01-C0849 (BT)) for the project noted.

Item No. 1, 'Certification' page 4 of the permit should be revised to identify an alternative site for the mitigation of impacts to riparian habitat on-site. The targeted site at Granada High school is withdrawn for mitigation due to issues related to foot traffic through the site. We tried to work with the High school to propose a footbridge to span the creek, but the proposal was rejected. Attached are some transmittals from the school Board rejecting our proposal. We had earlier notified the Board of the school's rejection and outlined our intent to seek an alternative site.

As an alternative, we are currently partnering with Zone 7 to secure approval to mitigate along the Arroyo Mocho by Stanley Avenue in Livermore. The mitigation work will provide roughly 5,000 LF (6 acres) of riparian tree plantings, the removal of existing grouted rock grade control structures and replacement with grade control structures more conducive to fish passage.

The goals of the project include;

- A. Reduce water temperature
- B. Restore natural stream channel dynamics
- C. Enhance/create riparian and aquatic habitat
- D. Public outreach
- E. Do not create conflicts with flood protection, water supply or water quality goals and standards

We understand that addressing the full needs of the Arroyo Mocho reach at the Stanley Blvd. site as a single project is desired by Zone 7. The Department is willing to work with Zone 7 in developing the

Addressee

Date

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following with the understanding that the Department will only fund portions of the project specific to the Caltrans mitigation area (see attachment);

- a. Design of stream channel to determine what geomorphic alterations are needed to make the Arroyo a fully functional riparian system, per the Zone 7 goals.
- b. Design of the riparian plantings, including a description of the plant palette to be installed with the approximate number and type of trees. To the extent that the local conditions are appropriate, maximize opportunities to match the tree types being impacted at Niles Canyon.
- c. The designs under items a) and b) will be carried out for the entire Arroyo reach, above and below the Caltrans mitigation area by others. However, the Department will only fund the design, construction and maintenance portions of the improvements applicable to the tree replacement mitigation and stream channel geomorphic alterations located within the Caltrans mitigation area.
- d. Other requirements such as environmental clearances (CEQA), mitigation and monitoring plans, project management...required to carry out the Zone 7 concept for the entire reach will be funded by the Department on a pro rated basis specific to the Caltrans mitigation area.

Attached is a planting palette developed by the Urban Creeks Council noting the various native plants and trees proposed for the site. Many of the plant species are the same as those impacted along route 84/Niles Canyon. We will provide you more details as they become available.

We are currently in negotiation with Zone 7. Our intent is to secure a resolution from Zone 7 supporting our proposal for mitigation at the Stanley site. With the resolution in hand, we can begin the process of developing a Cooperative Agreement (COOP) with Zone 7. Zone 7 intends to begin construction / planting work in July of 2012. The Niles Canyon project is scheduled to complete planting in December of 2012. We will work diligently to execute the COOP in order to meet the targeted beginning of construction.

We will submit to you a 35% Mitigation and Monitoring plan (MMP) by July 1, 2011 and a final MMP by November 2011 that includes the information outlined in condition number 8 of the permit.

If you have any questions, please feel free to contact Hardeep Takhar at 510-286-7182.

Sincerely,



JAMES B. RICHARDS

Deputy District Director

Division of Environmental planning and Engineering