

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT
STAFF: Brendan Thompson
MEETING DATE: May 10, 2006

ITEM: 9

SUBJECT: CALIFORNIA DEPARTMENT OF TRANSPORTATION, PIGEON PASS
STATE ROUTE 84 REALIGNMENT, ALAMEDA COUNTY
Issuance of Waste Discharge Requirements and Water Quality Certification

DISCUSSION: Caltrans has applied for approval to realign an approximately two mile stretch of State Route 84 between Livermore and I-680 (Project). The Project will result in a straighter highway with truck-climbing lanes through the narrow and hilly terrain occupied by the existing highway. The Project has earned the highest-priority public safety status within Caltrans District 4 due to the high accident rate on the highway.

The Project would result in the permanent fill of a total of 2.21 acres of wetlands and creeks that include large reaches of mature oak riparian woodland. Additionally, the project will impact the federally- and state-listed threatened California red-legged frog and California tiger salamander, as well as the federally-listed threatened vernal pool fairy shrimp.

Caltrans' proposal for mitigating these impacts includes onsite wetland and creek creation and riparian enhancement. Additionally, it is proposing off-site creek enhancement and wetland creation on a private ranchland approximately 10 miles northeast of the Project site in Livermore, in collaboration with the Alameda County Conservation Partnership. Photos of both the Project site and Caltrans' proposed mitigation site are in Appendix D.

As described in the Staff Report (Appendix B), the mitigation Caltrans has proposed to date is not adequate mitigation for the Project's impacts. However, per Caltrans' request, instead of delaying this urgent public safety project until adequate mitigation is specified, Board staff is bringing the Order before the Board for approval with requirements for additional mitigation. These requirements are consistent with other recent approvals issued by the Board for similar projects with significant creek and wetland impacts. In response to Caltrans' comment that these requirements are excessive, we have revised the Tentative Order (Appendix A) to ensure that Caltrans receives full credit for the mitigation it actually implements and for the timing of this implementation relative to when the Project's impacts actually occur.

The Project will also impact beneficial uses through the discharge of stormwater containing automobile-related pollutants (e.g., oil, grease, heavy metals, etc.). Because the Project site is spatially constrained and provides limited opportunities for stormwater treatment, Caltrans has proposed an alternate, offsite treatment project as an option to onsite stormwater treatment; specifically, a project to capture and treat urban summertime flows in the City of Livermore. While Caltrans does not object to providing such offsite treatment in-lieu of onsite treatment measures, Caltrans has commented that it would rather offsite treatment be optional and not required. In response, the Tentative Order has been revised to provide more flexibility in what specific offsite treatment is implemented; however, appropriate treatment remains a requirement to ensure its implementation.

In addition to Caltrans, staff also received comments from the Ohlone Audubon Society, Citizens Committee to Complete the Refuge, and Libby Lucas. The latter three commenters support the mitigation requirements in the Tentative Order and request additional mitigation for special status species. Staff has prepared detailed responses to all comments and revised the Tentative Order as appropriate (Appendix C). In addition, staff has continued to meet with Caltrans to resolve its concerns and make further revisions and clarifications where appropriate.

RECOMMEN- Approval of the Revised Tentative Order
DATION:

FILE No. 2199.9457 (BJT)

APPENDICES: A: Revised Tentative Order
 B: Staff Report
 C: Response to Comments and Comment Letters
 D: Figures showing Project site and proposed offsite mitigation