

# San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

August 1, 2016

Kevin Murray  
San Francisquito Creek Joint Powers Authority  
615 B Menlo Park Avenue  
Menlo Park, CA 94025

**SUBJECT:** BCDC Permit No. 2013.007.00, Draft Mitigation and Monitoring Plan for San Francisquito Creek Flood Reduction Ecosystem Restoration, and Recreation Project, dated June 21, 2016

Dear Mr. Murray,

Thank you for submitting the Draft Mitigation and Monitoring Plan (DMMP) titled "San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project from San Francisco Bay to Highway 101 Mitigation and Monitoring Plan" dated June 21, 2016, and received in this office on July 8, 2016. BCDC reviewed the DMMP and has the following comments:

## **General Comments and Consistency with the BCDC Permit.**

1. In the DMMP submitted, the JPA is proposing success criteria of 60% cover for wetland restoration areas (as is mentioned to be consistent with the USACE National Wetland Plant List using the Arid West Region (USACE 2008)) and 70% cover for the refugia islands achieved over a minimum five-year period. For other restoration and mitigation projects, BCDC has previously required 90-95% cover in comparison to a reference site as appropriate success criteria for marsh restoration/mitigation projects. In addition, BCDC required that the monitoring be conducted for a minimum ten-year period or until success criteria have been met or other adaptive measures are proposed for the site. Please revise the monitoring period to a ten-year timeframe for the tidal marsh restoration efforts. We recognize that the metric of meeting the success criteria may extend the monitoring timeframe beyond the minimum five-year period currently proposed in the DMMP, but we think that at least a ten-year monitoring timeframe is appropriate to evaluate the success of the restoration and mitigation areas and ensure the long-term success and sustainability of these areas.

Further the quantitative assessment does not appear to be using a reference site for comparison and assessing relative percent cover in relation to the reference site, but rather appears to be proposing assessing the percent cover at the restoration/mitigation sites without comparison to a reference or control site

Per Special Condition II-D-1-c of the BCDC permit, there should be a reference site that is being monitored simultaneously with the restoration areas. Please identify the reference site location in the Final MMP and the extent of monitoring at this location, or request an amendment to the BCDC permit to clarify the monitoring program.

2. The 100% Design set dated May 2016 and more specifically the landscaping drawings Sheets L-1 through L-3, estimate the total acreage of habitat types/planting zones within the channel for the overall project. However, in order to make an assessment of permit compliance, please let us know what areas (in acreage) of restoration and mitigation, as required by the permit, are within BCDC's jurisdiction (Bay and 100-foot shoreline band). In addition, please clearly show and define the acreage for each specific habitat required as restoration and mitigation pursuant to the BCDC's permit requirements and its jurisdiction (Bay and 100-foot shoreline band). As an alternative, you could provide the acreage specific to each plan sheet (L1 to L3) and BCDC's staff can estimate whether the restoration/mitigation requirements are being met.
3. Please indicate and label on the construction plans where the steelhead passage features occur. The design of the steelhead passage features needs to be approved by BCDC's engineer prior to construction; therefore, it should be reflected in the final 100% Design plans and should include a cross-section of the structure.
4. Please submit all information, and more specifically cross-sections and elevation profiles for the berm enhancement areas showing existing topography and proposed modifications, as required per Special Condition II-D-1-a(2) under "Site Conditions and Modifications" and "within and adjacent to Faber Tract Marsh...," respectively, for BCDC staff review.
5. BCDC authorized the temporary placement of the irrigation system under Special Condition II-D-4 to assist with the initial success of the vegetation growth and restoration efforts. Please note that all portions of the irrigation system should be removed once the plants have been established and the irrigation system is no longer needed. If the irrigation system is to remain in place after plant establishment/success, you are required to request an amendment to the BCDC permit to authorize its permanence.

**Requested Edits to the DMMP.**

1. Per other agency comments regarding the need to update the MMP on page ii stating, "Construction of project elements will likely occur over 2 years", BCDC's authorization for construction is valid for two years. If construction work within

BCDC's jurisdiction takes three years, a time extension would be needed to reflect the new project timeline.

2. Pg. 6 states, "In-stream work may extend later than October 15 with prior authorization from the resource agencies." However, per Special Condition II-E of the BCDC permit, BCDC also needs to provide authorization for work outside of the approved work window. Please include BCDC in the list of agencies that must provide approval for work outside of the window.
3. Pg. 38 references Appendix A, Figure 7. This figure shows a conceptual cross-section of anticipated tidal habitats and plant species by elevation and tidal extent. In looking for this figure, I noticed that there are two Appendix A's. Please re-label the Berm Revegetation Area Soil Sample Results as Appendix C and be sure the Appendices are appropriately labeled in the Final MMP.
4. Although out of BCDC's jurisdiction, pg. 46 Section 4.4 states, "The project will install and/or protect approximately 320 native trees as mitigation for riparian tree removal at the Project site." However, the number of trees appears to be different than the numbers reported elsewhere in the document. Other numbers estimate about 267 trees for mitigation. Please check the numbers or provide clarifying statements for the differences in the number of trees mentioned in different parts of the document.
5. Pg. 47, Section 4.7 discusses monitoring of the creek geomorphic stability and velocity refuge structures. Please provide the monitoring results to BCDC and note that if the creek or velocity structures are determined to be unstable, and need remedial measures, such measures would likely require an amendment to the BCDC permit. Please add a statement to this section stating the permitting agencies will be consulted prior to undertaking remedial measures.
6. Pg. 49-50 discusses weed management for the Project and that such measures will be conducted in accordance with the SMP (Stream Maintenance Program). BCDC permit Special Condition II-E-5 limits the use of herbicides, please be sure that the herbicide use is also in compliance with the conditions of the BCDC permit.
7. Please note, on Pg. 51 in Section 6.1 "Biological As-built Report," the designs contained in the MMP are conceptual. To assess conformance with the conceptual designs, BCDC requires a copy of the as-built report for all biological features mentioned in this section be submitted as soon as it is available.

In addition, BCDC requires the pre-construction plans for features within Faber Tract Marsh to be submitted 90 days prior to construction for staff review, per Special Conditions II-D-1-a(2), II-A-1 and II-A-2.

8. BCDC concurs with comments regarding adding a section to the DMMP discussing monitoring of the Faber Tract levee fill and an evaluation of the fill success in

preventing the erosion of the toe of the levee into Faber Tract Marsh. It would be helpful for all the agencies to have consistent and complete information about the project evolution. Please include a sentence stating the agencies that will receive the monitoring reports related to Faber Tract levee integrity and include BCDC in that list.

BCDC also agrees with and supports the comments and revisions provided by the Regional Water Board, CDFW, USFWS, and NMFS. Please address these comments and make any necessary changes to the Final MMP, resubmit it and request final approval of the MMP from BCDC staff. If you have any questions regarding these comments or the BCDC permit requirements, please contact me at 415.352.3624 or via email at [anniken.lydon@bcdc.ca.gov](mailto:anniken.lydon@bcdc.ca.gov).

Sincerely,



ANNIKEN LYDON  
Coastal Program Analyst

AL/cj  
Cc.

Ms. Susan Glendening, San Francisco Bay Regional Water Quality Control Board  
Mr. Bill Hurley, San Francisco Bay Regional Water Quality Control Board  
Mr. Terry Joseph, US Fish and Wildlife Service  
Ms. Tami Schane, California Department of Fish and Wildlife  
Ms. Amanda Morrison, NOAA National Marine Fisheries Service  
Mr. Greg Brown, US Army Corps of Engineers, Regulatory Branch