

To: Bill Gamlen, SMART
From: Luke Evans, AECOM
File No: Sonoma-Marin Area Rail Transit Non-Motorized Pathway Phase 1 Project
From McInnis Parkway in San Rafael, California (SMART MP 20.1) to
Guerneville Road in Santa Rosa, California (SMART MP 55.3)
Federal Aid Project # RPSTPLE 6411 (005)
Date: August 28, 2015
Subject: Revised Wetlands Only Practicable Alternative Finding Memorandum. Pursuant to Executive
Order 11990 – Protection of Wetlands.

1 PROJECT DESCRIPTION

The Sonoma-Marin Area Rail Transit (SMART) District proposes to construct Phase 1 of a non-motorized pathway (NMP) that would extend from McInnis Parkway in San Rafael, California (Mile Post [MP] 20.1) north to Guerneville Road in Santa Rosa, California (MP 55.3). The portion of the pathway from MP 28.5 to MP 36.8 is already environmentally approved and will be built as part of the Caltrans Marin-Sonoma Narrows Project. The NMP is designed to add non-vehicular transportation options within the U.S. Highway 101 (US-101) Corridor through Sonoma and Marin Counties. Phase 1 of the NMP is an independent component of the overall SMART District multi-modal transportation program which includes a commuter rail system and NMP from Larkspur to Cloverdale (i.e., the SMART Project).

There is only one Build Alternative. This includes construction of approximately 23 miles of paved pathway (with two 4-foot-wide bicycle/pedestrian lanes and two associated 2-foot gravel shoulders), Twelve prefabricated bridges, numerous culverts, safety fences, retaining walls, and other minor project elements such as signage and pavement striping are also part of the project.

The SMART Project was evaluated under the California Environmental Quality Act (CEQA) in a series of Environmental Impact Reports (EIRs) and related technical studies (SMART 2006). Federal funding is now being sought (the federal action); therefore, Executive Order 11990 – Protection of Wetlands applies as part of National Environmental Policy Act (NEPA) analysis. Under NEPA, the project is proposed to be processed as a Categorical Exclusion (CE). Under NEPA delegation from the Federal Highway Administration (MOU, June 7, 2013), Caltrans serves as the federal lead agency for the SMART NMP Phase 1 project.

2 EXISTING WETLANDS

A wetland delineation was conducted in 2013 for those portions of the project within the SMART right-of-way (ROW) (see Appendix G of the Natural Environmental Study, July 2014). The delineation for those areas outside the SMART ROW has not yet been approved by the U.S. Army Corps of Engineers (USACE), although areas within the existing SMART ROW were reviewed and field verified by USACE as part of the permitting effort for the SMART Rail Project. Based on the revisions to the project described below, most of the proposed project is now located within the SMART ROW. Therefore, most of the wetlands that would be affected by the project have been verified by USACE. The area of permanent wetland impacts avoided/minimized was calculated by overlaying the previous and current Build Alternative alignments on the wetland areas identified in the previous delineations. Under the current Build Alternative, the wetland delineation and mapping estimates a permanent impact of 1.48 acres of wetlands along the 23-mile pathway alignment.

3 NO PRACTICABLE AVOIDANCE ALTERNATIVE

There is no practicable avoidance alternative that would result in total wetlands avoidance because the Build Alternative must meet the following overall SMART project objectives: 1) maximize the use of an existing, publicly-owned railroad ROW for rail services and as a bicycle/pedestrian pathway; and 2) provide a bicycle/pedestrian pathway, generally within the railroad ROW, from Cloverdale to Larkspur, as per the will of the 70 percent of Marin and Sonoma County voters that approved the SMART project. In order to provide a contiguous pathway, the pathway needs to cross the waterways that run through and continue on beyond the SMART ROW. Further avoidance of wetlands is not practicable because waters and wetlands occur on both sides of the railroad ROW at some locations. In addition, any alignment of the pathway would require crossing waterways at some location, and water crossings have already been reduced as much as possible while still allowing for pathway continuity. No impacts to wetlands would occur under the No-Build Alternative, except for the effects of routine maintenance within the SMART ROW, but the No-Build Alternative would not meet the stated project objectives. Measures taken to reduce impacts on wetlands are described in Section 4 below.

4 PRACTICABLE MEASURES TO MINIMIZE HARM TO WETLANDS

Subsequent to the CEQA evaluation and related technical studies and in compliance with Executive Order 11990 Protection of Wetlands, SMART undertook extensive efforts to avoid and minimize the wetlands impacts of the Build Alternative as much as practicable, resulting in the current design. The previous Build Alternative design stems from 2004, which was the alignment that was analyzed as part of the 2006 EIR. The initial refinements to the previous Build Alternative design and alignment began in 2011 based on available wetland information at that time. Since 2011, SMART's consultant has been updating and verifying the wetland data which has resulted in further refinements to the alignment, grades, and design. The refinements, described below, have reduced the need for additional ROW and minimized environmental impacts, especially on wetlands.

4.1 Alignment

The Build Alternative has been realigned more closely to the railroad than originally designed, and is generally within the SMART ROW. The alignment was refined by relocating the pathway to the opposite side of the railroad in many locations in order to address three main factors::

- 1) Avoid wetlands and/or avoid areas of higher valued wetlands (e.g., larger wetland areas or those exhibiting lesser amounts of disturbance) when total avoidance was not possible;
- 2) Avoid other environmentally sensitive areas, such as areas containing cultural resources; and
- 3) Comply with California Public Utilities Commission (CPUC) requirements restricting pathway crossings of the SMART rail to existing and approved crossing points only. These requirements mean that the pathway must remain exclusively on one side of the SMART ROW between authorized crossings.

As shown in Attachment 1, approximately 36,300 linear feet (6.88 miles) of the Build Alternative alignment was moved to the opposite side of the ROW to better respond to the above factors, but primarily to minimize wetland and environmental impacts. Locating the Build Alternative alignment as close as possible to the existing railroad alignment will allow the pathway to better conform to the natural terrain and minimize its footprint in sensitive areas. The side chosen for the pathway was generally that which most effectively avoided wetlands or met specific design requirements. Sheets 77 through 79 of Attachment 1 represent a pathway segment where the distance between authorized railroad crossing points is nearly 2.6 miles in length. In deciding which side of the railroad would be most appropriate for the pathway, the pathway was shifted from the west to the east side for the following reasons:

- 1) A pathway on the east side of the railroad would have less wetland impacts than a pathway entirely on the west side, since north of Miller Creek there are substantially more wetlands on the west side;
- 2) The area on the west side north of Miller Creek is the St. Vincent's Home for Boys. Many of the residents have troubled pasts and the school asked that the path not be located on the west side; and
- 3) At the north end of the segment there is no viable connection to Main Gate Road on the west side of the railroad nor for a connection to the SMART station at Main Gate Road which is on the east side of the railroad. In order to connect to Main Gate Road and to the SMART station, the pathway needed to be on the east side of the railroad.

It should be noted that for Sheets 64 through 69 of Attachment 1, no 2004 pathway footprint segments are shown in or near the SMART ROW. This is because those segments were planned to be located well outside of the ROW. The current Build Alternative would place these segments in or alongside the SMART ROW, as shown in the map sheets, and would reduce impacts to sensitive habitat.

Realignment of the Build Alternative as described above would more effectively meet the objectives of the project, and would also reduce impacts to wetlands and other environmental resources present in the original 2004 locations. As shown below in Table 1, the realignment represents a 24 percent reduction in permanent impacts to wetlands compared to the previous Build Alternative design. Refer to Attachment 1 which shows which segments of the Build Alternative were refined to avoid wetlands. Maps showing the wetlands areas, previous and current Build Alternative alignments of these segments are also included in Attachment 1.

Table 1. Wetland Impacts Under the Previous and Current Build Alternatives

Permanent Wetland Impacts Previous Build Alternative	Permanent Wetland Impacts Current Build Alternative
1.96 acres	1.48 acres
Data compiled by AECOM 2015	

4.2 Bridges

The bridges at Gallinas Creek were redesigned to eliminate one new bridge and to reduce the footprint of the bridge at MP 20.1. The bridge at Novato Creek was redesigned to be a clear span bridge which eliminates the need for bridge piers in the waterway, representing a reduction in 'fill' of wetlands compared to the previous Build Alternative. Additionally other bridges proposed over wetlands and waterways have been designed so that construction of support structures (e.g., abutments) would occur entirely outside of the waterways.

4.3 Retaining Walls

The finished grade of the current Build Alternative has been refined to minimize cuts and fills and where appropriate, retaining walls have been added to reduce the project footprint. The proposed retaining walls along the 23-mile pathway will avoid and/or minimize impacts to wetland and other sensitive habitats.

4.4 Construction Activities

In conjunction with the contractor, SMART will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) to control potential surface erosion and sedimentation during construction and stabilize areas of ground disturbance after construction. Construction Best Management Practices (BMPs) will be implemented such as hazardous materials spill prevention practices, storm water

pollution prevention practices, dust control, and installation of signage to protect adjacent sensitive habitats.

During construction, all wetland areas adjacent to the Build Alternative alignment will be designated as Environmentally Sensitive Area (ESA). SMART will develop a habitat restoration plan to replace impacted wetlands and waters. Though separate mitigation setting ratio checklists will be developed for the Build Alternative during permitting, for informational purposes, the final adjusted mitigation ratios for wetlands applied for the rail IOS ranged from 1:2.65 to 1:3.25. Mitigation of wetlands and water impacts will be achieved through the purchase of mitigation credits at the Mira Monte Marsh Restoration property or other established U.S. Fish and Wildlife Service (USFWS) and USACE-approved wetland banks which would ensure no net loss of jurisdictional wetland areas that would be permanently impacted by the project. All wetland areas temporarily disturbed by construction will be fully restored following construction activities. Implementation of these measures is expected to minimize potential impacts to wetlands

4.5 Other Design Features

Design features including bioswales, appropriately designed and located culverts and energy dissipators, and drainage inlets will help minimize the amount of sedimentation during and following storm events. The culverts have been sited to maintain hydrologic connectivity and limit the potential for the pathway to obstruct natural surface flows across the ROW.

5 PUBLIC COORDINATION

The Draft Wetlands Only Practicable Alternative Finding was circulated for public comment for 30 days, beginning February 13, 2015 and ending March 15, 2015. A total of eight comment letters/emails were received during the public review period. One letter was received immediately after the public comment period, on March 16, 2015. The letters/emails are listed below in Table 2 and are attached as Attachment 2. The principal issues raised in the comments that relate to the wetlands analysis are addressed following the table.

Table 2. Comments Received on the Draft Wetlands Only Practicable Alternative Finding

Commenter	Principal Issues Raised
Robert Elkjer	Gallinas Creek and other wetland impacts
Susan Ristow	Upland alternatives to the Proposed Action, Gallinas Creek and other wetland impacts (2 letters to SMART/Caltrans and agencies))
Martha Jarocki	Gallinas Creek and other wetland impacts
Susan Kelly	Gallinas Creek and other wetland impacts
Vicky Van Meter	Gallinas Creek and other wetland impacts
Las Gallinas Valley Sanitary District	District access to facilities
Marcia and Edward Nute	Upland alternatives to wetland impacts
Marin Audubon Society	Upland alternatives to wetland impacts, Gallinas Creek and other wetland impacts
San Francisco Bay Regional Water Quality Control Board	Upland alternatives to wetland impacts, compensation and mitigation, appropriate class of NEPA documentation

5.1 Impacts to Gallinas Creek and Other Wetland Areas

A number of commenters expressed concern that the entirety of the 1.48 acres of wetland impacts identified in the analysis would occur in the Gallinas Creek area. For the purpose of clarification, the 1.48 acres of wetland impacts would occur within the entire 23-mile-long pathway. On an average per-mile basis, less than 0.064 acre of wetland impacts would occur per mile along the 23-mile pathway. Within the Gallinas Creek segment, defined as the segment between McInnis Parkway and Smith Ranch Road (MP 20.1 to 20.9), impacts to wetlands would total only 0.008 acre.

As outlined in the analysis, SMART refined the project to minimize impacts along the Gallinas Creek segment. From McInnis Parkway to Main Gate Road, the pathway alignment was moved to the east side of the ROW to minimize wetland and environmental impacts. In many locations the pathway alignment has been placed as close as possible to the existing rail alignment, reducing the amount of ground disturbance and impacts. Where separated from the railroad grade, the pathway is allowed to meander and undulate to better conform to the existing terrain and minimize its footprint in sensitive areas. Where existing roadway or access roads can be utilized, the pathway has been located on these facilities, greatly reducing impacts.

Between McInnis Parkway and Smith Ranch Road, of the 4,820 feet of the pathway route; 1,400 feet (29 percent), on an existing gravel road adjacent to the airport; 1,000 feet (21 percent), on the existing airport access road from Smith Ranch Road; and 80 feet (less than 1 percent), on a clear-span bridge over the south fork of Las Gallinas Creek. The remaining 49 percent of the route in this segment could be considered *new footprint*, and of this *new footprint*, 1,900 feet would be located along the railroad to minimize impacts, 300 feet would be along the top of an existing levee to minimize impacts, and 140 feet would be transitions from railroad embankment to levee and to existing pathway and gravel roadway. Use of the existing airport access road from Smith Ranch Road allows elimination of the need to construct a 220-foot pathway bridge over the north fork of Las Gallinas Creek.

Concerning other wetland-related impacts associated with the pathway that could occur in the Gallinas Creek area and elsewhere, the project has received a Biological Opinion (BO) from the USFWS (USFWS Ref 08ESMF00-2014-F-0576-2). The BO contains specific provisions and mitigation/compensation requirements to minimize effects to sensitive species. The BO found that, with implementation of the required measures, the project may affect, and is likely to adversely affect federally listed species such as California Ridgway's Rail (Clapper rail) and salt marsh harvest mouse, but would not jeopardize these species.

5.2 Upland Alternatives to the Proposed Pathway

From the Marin Civic Center to the Hamilton Station location (MP 19.6 to 23.7), the SMART ROW is flanked by tidal marshes, wetlands, farmlands and development. The area is bounded by US-101 on the west and San Pablo Bay on the east and offers limited options for the pathway. There are constraints present in many locations that preclude the adoption of complete avoidance, as discussed further below. Of the suggested upland alternatives raised by the commenters, such as use of existing roads, pathways, and other disturbed areas, SMART has already considered these alternatives and has incorporated them into the design whenever feasible. These alternatives are addressed below.

Construction of New Pathway outside the SMART ROW. SMART investigated pathway alignments outside of, but parallel to, the ROW. However, much of the area on both sides of the ROW contains sensitive habitats such as tidal flats, wetlands and channels. In most instances, keeping the path adjacent to the rail embankment resulted in the least impact to sensitive habitat. Where possible, the proposed pathway uses existing paved and gravel roads and levees outside of the ROW to reduce impacts.

A pathway along on the west side of the rail was evaluated and found to have higher impacts on wetlands between McInnis Parkway and Smith Ranch Road, and from Smith Ranch Road to Main Gate Road in Novato.

Based upon existing land use, property ownership, and environmental constraints in the area, no other feasible pathway alignments have been identified.

Use of Existing Roadways to Accommodate a Pathway. There are no continuous existing routes available for pedestrian and bicycle use along the east side of US-101 between San Rafael and Novato. Redwood Drive connects Civic Center Drive to Smith Ranch Road but continues no further, and it does not provide a connection to Novato. In addition, the roadway does not have contiguous sidewalks, and has grades that do not meet state and federal accessibility requirements (commonly referred to as Title 24 and Americans with Disabilities Act (ADA) respectively). Further, use of the roadway would require southbound cyclists to cross uncontrolled US-101 ramps that would be extremely hazardous for cyclists. For this route to bypass the Gallinas Creek area between McInnis Parkway and Smith Ranch Road, non-motorized users would be required to travel a distance more than 2.8 times longer than the proposed alignment (2.6 miles compared to 0.9 miles). To connect to Novato, the bypass route would need to cross the freeway twice and would require an additional 1.71 miles of travel, making the complete connection to Novato over 2.4 miles longer. In summary, this alignment would not be a practicable alternative. There are no other roadways connecting McInnis Parkway to Smith Ranch Road.

Construction of New Roadways to Accommodate a Pathway. Construction of a new roadway would create impacts more than three times that of the proposed pathway. A new roadway would need to cross or circumnavigate two forks of Las Gallinas Creek, Miller Creek, the SMART railroad, wetlands, tidal marshes, and other obstacles. No practicable alternative has been identified due to the constraints present. Similar to the No-Build Alternative, discussed below, construction of a new roadway alternative would fail to meet State of California goals concerning carbon reduction, air and water quality objectives, and improved public health.

No-Build Alternative. Not constructing a pathway would fail to meet State of California goals concerning carbon reduction, air and water quality objectives, and improved public health, and would also fail to support State goals for Complete Streets and multimodal and non-motorized needs (SMART 2006).

The pathway between San Rafael and Santa Rosa is projected to have over 15,000 average daily users, with more than half of the users being new users who would otherwise be travelling by automobile. The pathway meets local economic, environmental and societal goals, and is widely supported. This support was demonstrated by 70 percent of the voters in Marin and Sonoma County voting to impose a sales tax on themselves to implement the SMART project and its associated pathway. The project has been widely endorsed by business, community, political, and environmental leaders. Not providing a pathway would be counter to the will of the voters, and would also negate the benefits identified for the project.

5.3 Permits

Construction of the project would result in a permanent impact of 1.48 acres of wetlands along the 23-mile pathway alignment, and would require a Clean Water Act (CWA) Section 404 authorization from the USACE and CWA Section 401 certification from the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB). Obtaining these permits were also part of Mitigation Measure WR-1b, which were previously adopted by SMART in the FEIR (SMART 2006) and incorporated into this project for the protection of wetlands and waters. SMART will obtain these permits from USACE and SFBRWQCB and will use the guidance provided in the SFBRWQCB's comments to draft these applications. SMART will also provide suitable wetlands mitigation compensation in accordance with the agreements reached with the relevant agencies during the negotiated permitting process.

5.4 Strategically Elevating Portions of the Pathway

The SFBRWQCB comments requested information on whether it would be possible to strategically elevate portions of the pathway to further avoid wetland impacts. As described in Section 4, SMART has endeavored to minimize environmental impacts to the greatest extent possible, and through the design process has substantially lessened the amount of wetland impacts that would have occurred under the original pathway plan. The design has taken into account elevated components in the form of the bridges

that are already incorporated into the project. All 12 of the bridges will be prefabricated and will not have piers or footings within the waterways. The clear span nature of the bridges eliminates the need for piers in the waterways, thus reducing the fill of wetlands compared to the previous Build Alternative.

6 FINAL WETLANDS ONLY PRACTICABLE ALTERNATIVE FINDING

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the current Build Alternative includes all practicable measures to minimize harm to wetlands which may result from such use.

ATTACHMENT 1

**TABLE AND MAPS SHOWING REFINEMENTS MADE TO THE BUILD ALTERNATIVE BY SEGMENT TO AVOID
WETLANDS**

Table 1-1. Refinements Made to the Build Alternative by Segment to Avoid Wetlands

Segment Length	Legacy MP		Location Descriptions		Corresponding Map Sheet Numbers	Change from Previous Build Alternative Design	Reason for Build Alternative Alignment Change
	Start	End	Start	End			
2,900	20.3	20.8	North end McInnis Parkway	Marin Airport Road	82, 83	Path moved to east, in ROW	Build Alternative moved to levee to minimize wetland impacts
600	20.8	20.95	Marin Airport Road	Smith Ranch Road	81, 82	Path moved to east, in ROW	Changed sides of ROW to avoid wetlands
1,500	20.95	21.25	Smith Ranch Road	San Rafael City Limits	80, 81	Path moved to east, in ROW	Changed sides of ROW to minimize environmental impacts
4,500	21.25	22.11	San Rafael City Limits	Miller Creek/St. Vincent's	77, 78, 79,	Path moved to east, in ROW	Changed sides of ROW to minimize wetland impacts and to meet operational and design requirements
2,400	22.11	22.56	Miller Creek/St. Vincent's	North end APN155-011-32	75, 76, 77	Path moved to east, outside of ROW	Changed sides of ROW to avoid environmental and cultural impacts
4,800	22.56	23.47	North end APN155-011-32	550' south of Main Gate Road	73, 74, 75	Path moved to east, in ROW	Changed sides of ROW to minimize environmental impacts
650	23.47	23.6	550' south of Main Gate Road	Main Gate Road	72, 73	Path moved to east, in ROW	Changed sides of ROW to minimize environmental impacts
7,090	24.2	25.55	North Hamilton Parkway	Bay Trail	64, 65, 66, 67, 68, 69	Path moved from locations outside the ROW to inside the ROW	Build Alternative moved to inside the ROW to minimize wetland and environmental impacts
5,300	48.5	49.4	Golf Course Drive	Scenic Avenue	21, 22, 23, 24	Path moved to west, in ROW	Changed to west side of ROW to reduce wetland impacts
4,600	51.3	52.2	Bellevue Avenue	Hearn Avenue	11, 12, 13, 14	Path moved to east, in ROW	Changed to east side of ROW to avoid wetlands and cultural resources impacts

Source: Coastland Civil Engineering 2014



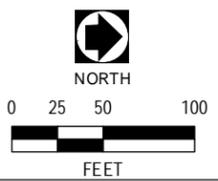
See Map Sheet 12

See Map Sheet 10

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|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Existing Pathway | 2004 Pathway Footprint |
| Bridge** | Other Proposed Pathway | Open Water |
| Culvert | SMART IOS-1 South Railway Impact Areas | Wetlands |
| Staging Area | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 11



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

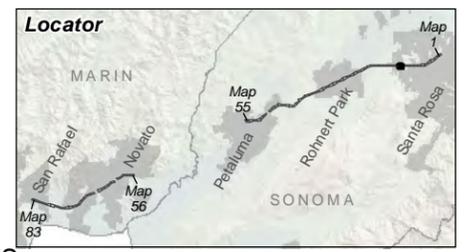
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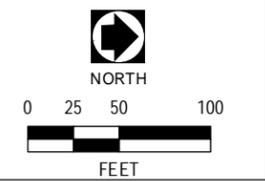
See Map Sheet 13

See Map Sheet 11

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|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 12



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Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 335 1/14

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



See Map Sheet 14

See Map Sheet 12

<p>Proposed Project Elements</p> <ul style="list-style-type: none"> Non-Motorized Pathway* Bridge** Culvert Staging Area 	<p> Right of Way</p> <p>Other Features</p> <ul style="list-style-type: none"> Existing Pathway Other Proposed Pathway <p>SMART IOS-1 South Railway Impact Areas</p> <ul style="list-style-type: none"> Permanent Impact Areas Temporary Impact Areas 	<p> Mileposts</p> <ul style="list-style-type: none"> 2004 Pathway Footprint Open Water Wetlands
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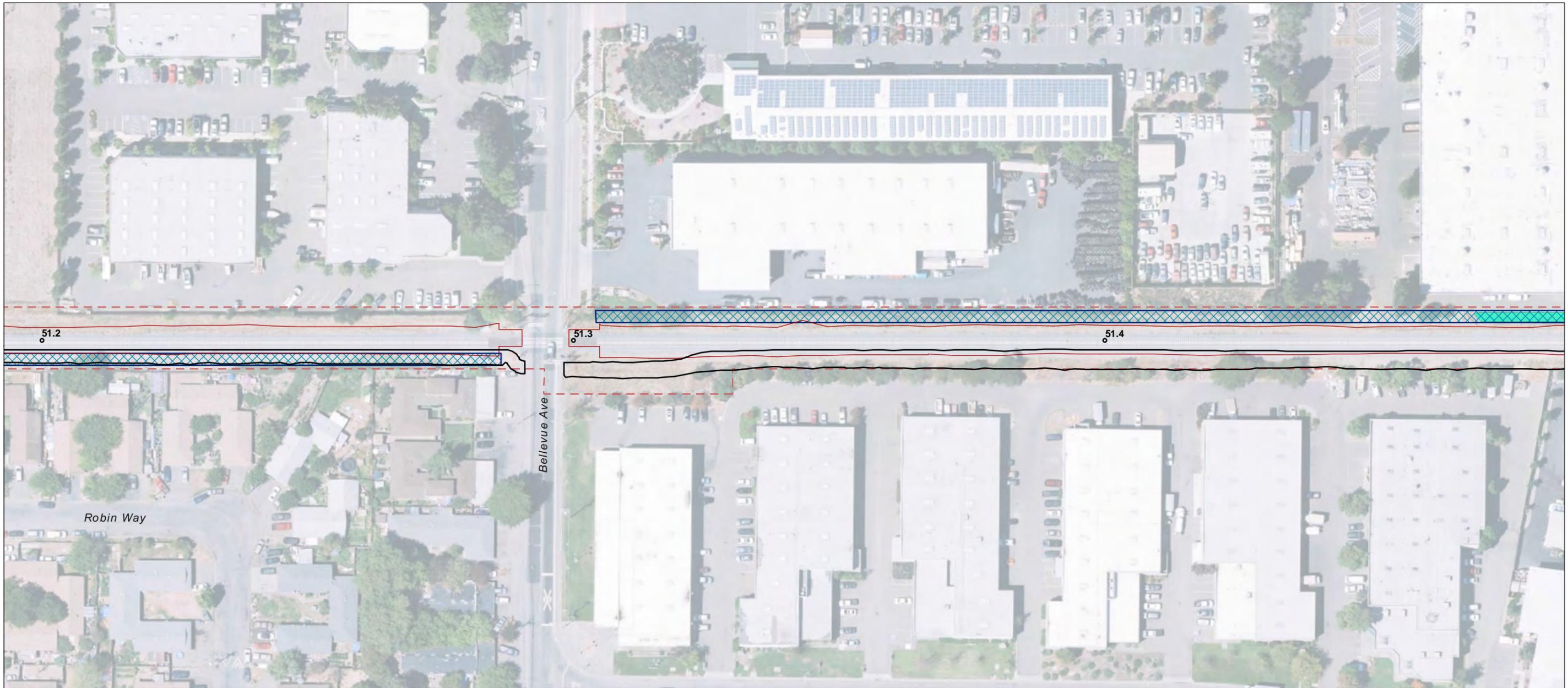
**SMART NMP
Wetlands Map**
Map Sheet 13

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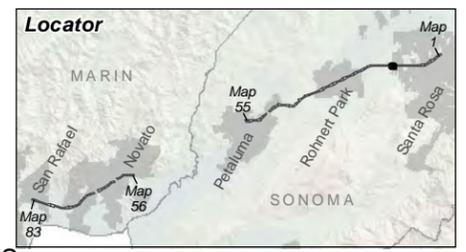
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See Map Sheet 15

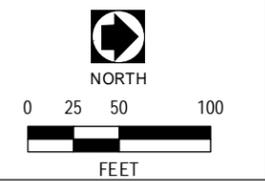
See Map Sheet 13



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|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 14



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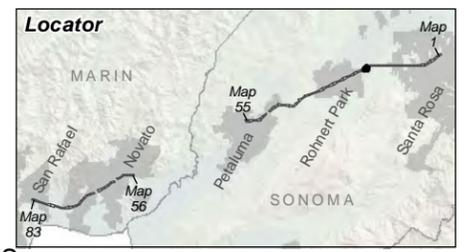
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See Map Sheet 22

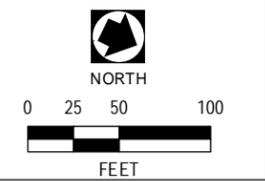
See Map Sheet 20



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|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 21



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 344 1/14



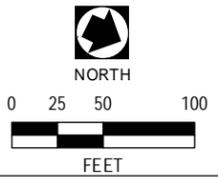
See Map Sheet 23

See Map Sheet 21

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|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
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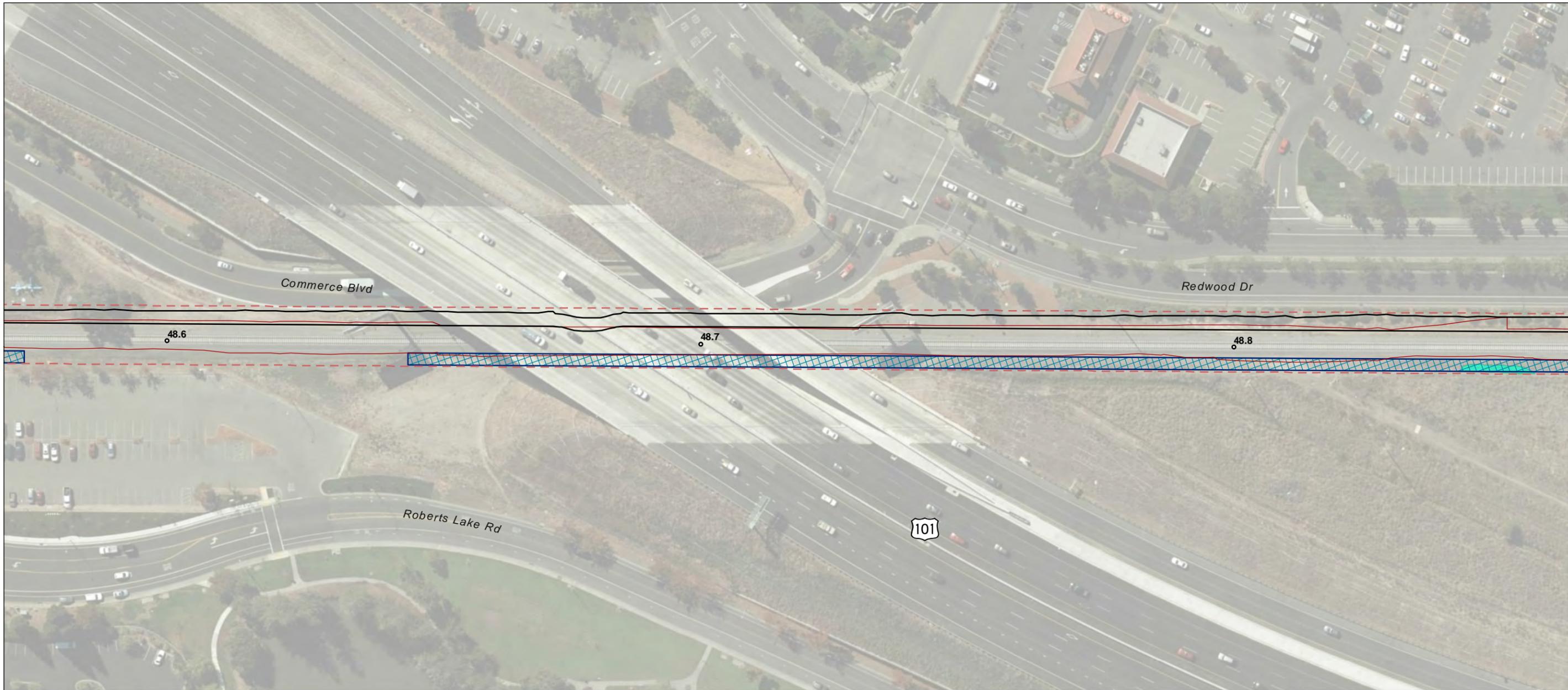
**SMART NMP
Wetlands Map**
Map Sheet 22



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
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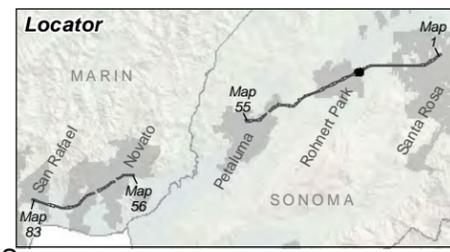
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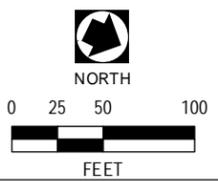
See Map Sheet 24

See Map Sheet 22

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|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Existing Pathway | 2004 Pathway Footprint |
| Bridge** | Other Proposed Pathway | Open Water |
| Culvert | SMART IOS-1 South Railway Impact Areas | Wetlands |
| Staging Area | Permanent Impact Areas | |
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**SMART NMP
Wetlands Map
Map Sheet 23**



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 346 1/14

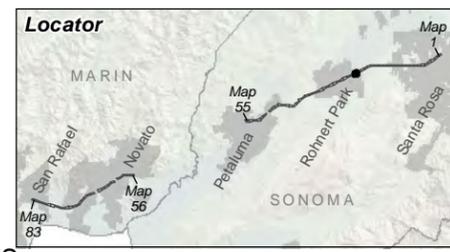
*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



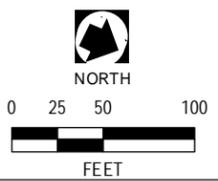
See Map Sheet 25

See Map Sheet 23

- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 24



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

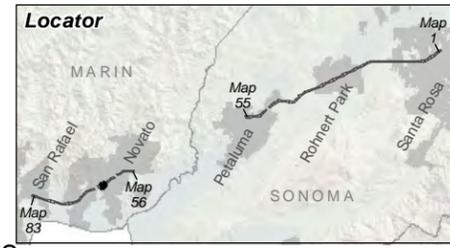
Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 347 1/14

See Map Sheet 65

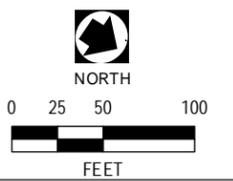
See Map Sheet 63



- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 64



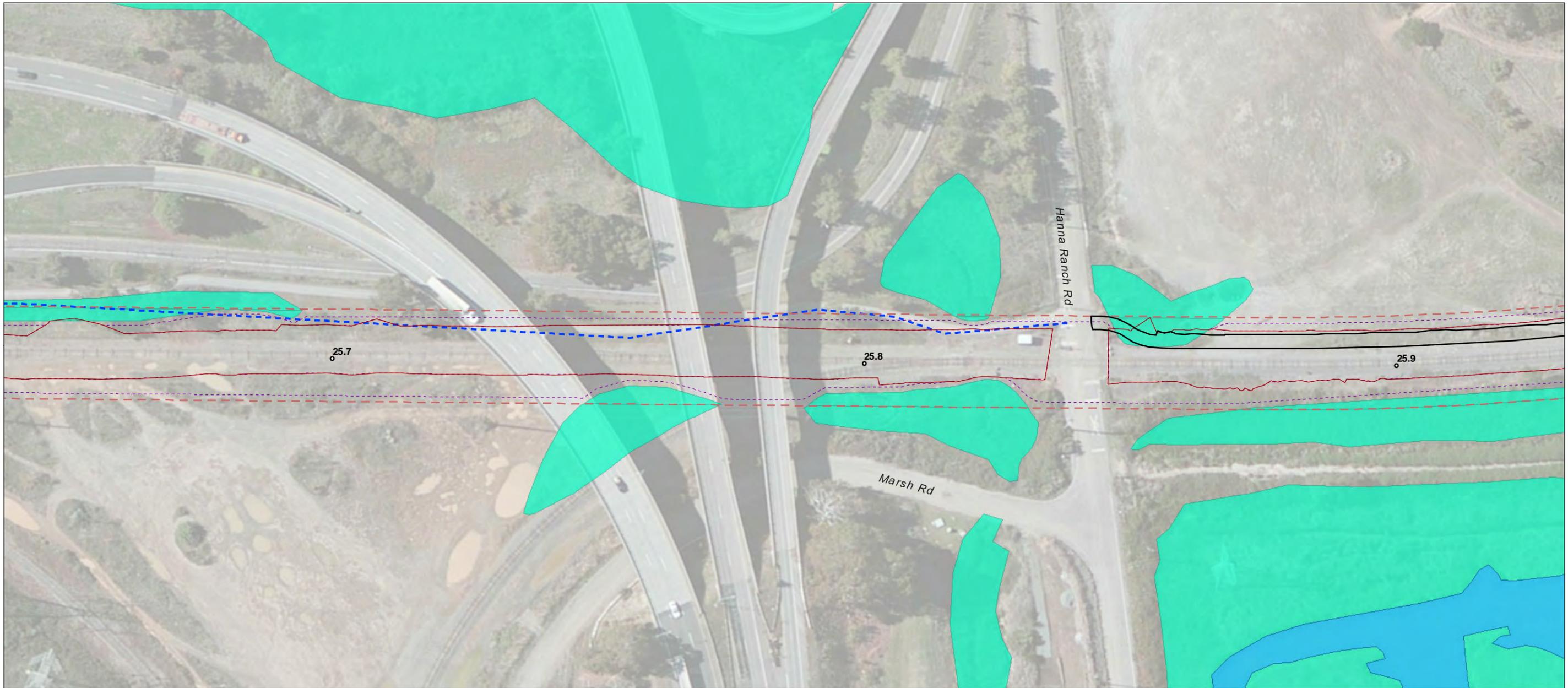
DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 387 1/14

See Map Sheet 66

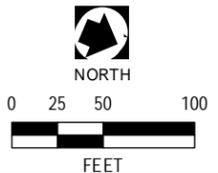
See Map Sheet 64



- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 65



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 388 1/14

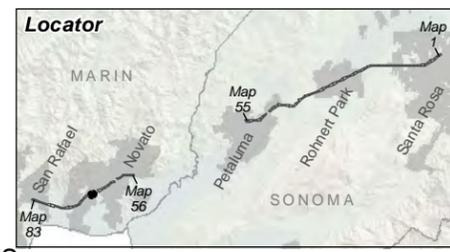
*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



See Map Sheet 67

See Map Sheet 65

- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 66

NORTH

0 25 50 100
FEET

DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 389 1/14



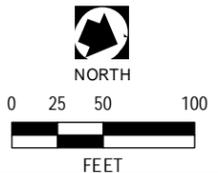
See Map Sheet 68

See Map Sheet 66

- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map
Map Sheet 67**



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 390 1/14

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



See Map Sheet 69

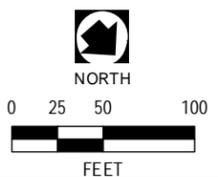
See Map Sheet 67

- | | |
|----------------------------------|---|
| Proposed Project Elements | Right of Way |
| Non-Motorized Pathway* | Existing Pathway |
| Bridge** | Other Proposed Pathway |
| Culvert | SMART IOS-1 South Railway Impact Areas |
| Staging Area | Permanent Impact Areas |
| | Temporary Impact Areas |

- | |
|------------------------|
| Mileposts |
| 2004 Pathway Footprint |
| Open Water |
| Wetlands |



**SMART NMP
Wetlands Map**
Map Sheet 68



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 391 1/14

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



See Map Sheet 70

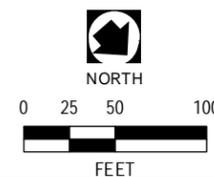
See Map Sheet 68

- | | |
|----------------------------------|---|
| Proposed Project Elements | Right of Way |
| Non-Motorized Pathway* | Other Features |
| Bridge** | Existing Pathway |
| Culvert | Other Proposed Pathway |
| Staging Area | SMART IOS-1 South Railway Impact Areas |
| | Permanent Impact Areas |
| | Temporary Impact Areas |

- | |
|------------------------|
| Mileposts |
| 2004 Pathway Footprint |
| Open Water |
| Wetlands |



**SMART NMP
Wetlands Map**
Map Sheet 69



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 392 1/14

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



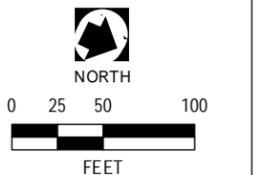
See Map Sheet 73

See Map Sheet 71

- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



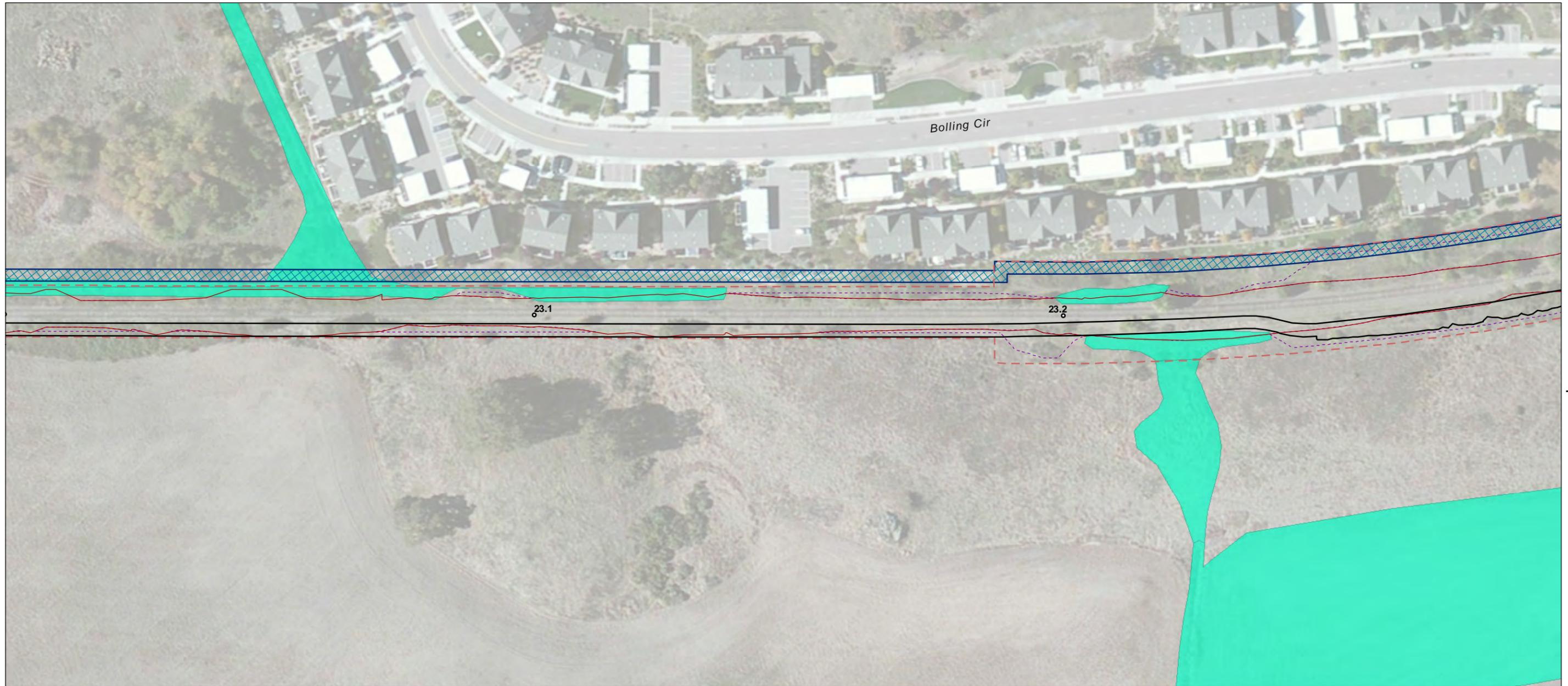
**SMART NMP
Wetlands Map
Map Sheet 72**



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 395 1/14

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



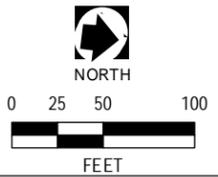
See Map Sheet 74

See Map Sheet 72

- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map
Map Sheet 73**



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 396 1/14

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



See Map Sheet 75

See Map Sheet 73

- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |

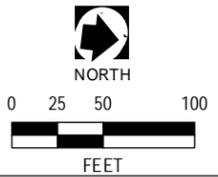
*Includes all areas of temporary and permanent impact.
 **only portions of the footprint associated with bridges will result in temporary and permanent impacts

DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.



Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
 Aerial Image: ESRI Online X 60191144 397 1/14

**SMART NMP
 Wetlands Map
 Map Sheet 74**



See Map Sheet 76

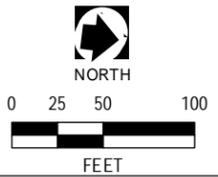
See Map Sheet 74



- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 75



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 398 1/14

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



See Map Sheet 77

See Map Sheet 75

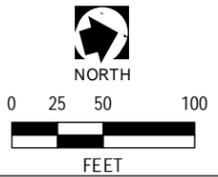
- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |

*Includes all areas of temporary and permanent impact.
 **only portions of the footprint associated with bridges will result in temporary and permanent impacts

DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.



**SMART NMP
Wetlands Map**
Map Sheet 76



Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
 Aerial Image: ESRI Online X 60191144 399 1/14

See Map Sheet 78

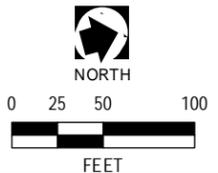
See Map Sheet 76



- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map
Map Sheet 77**



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 400 1/14

See Map Sheet 79

See Map Sheet 77

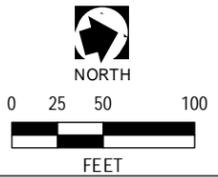


- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |

DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.



**SMART NMP
Wetlands Map**
Map Sheet 78



*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 401 1/14

See Map Sheet 80

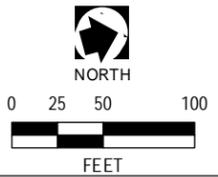
See Map Sheet 78



- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 79



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 402 1/14

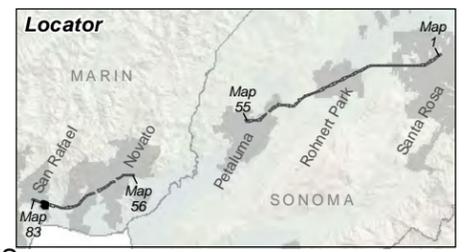
*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts



See Map Sheet 81

See Map Sheet 79

- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



**SMART NMP
Wetlands Map**
Map Sheet 80

0 25 50 100
FEET

DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 403 1/14



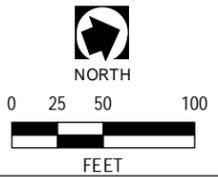
See Map Sheet 82

See Map Sheet 80

- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |



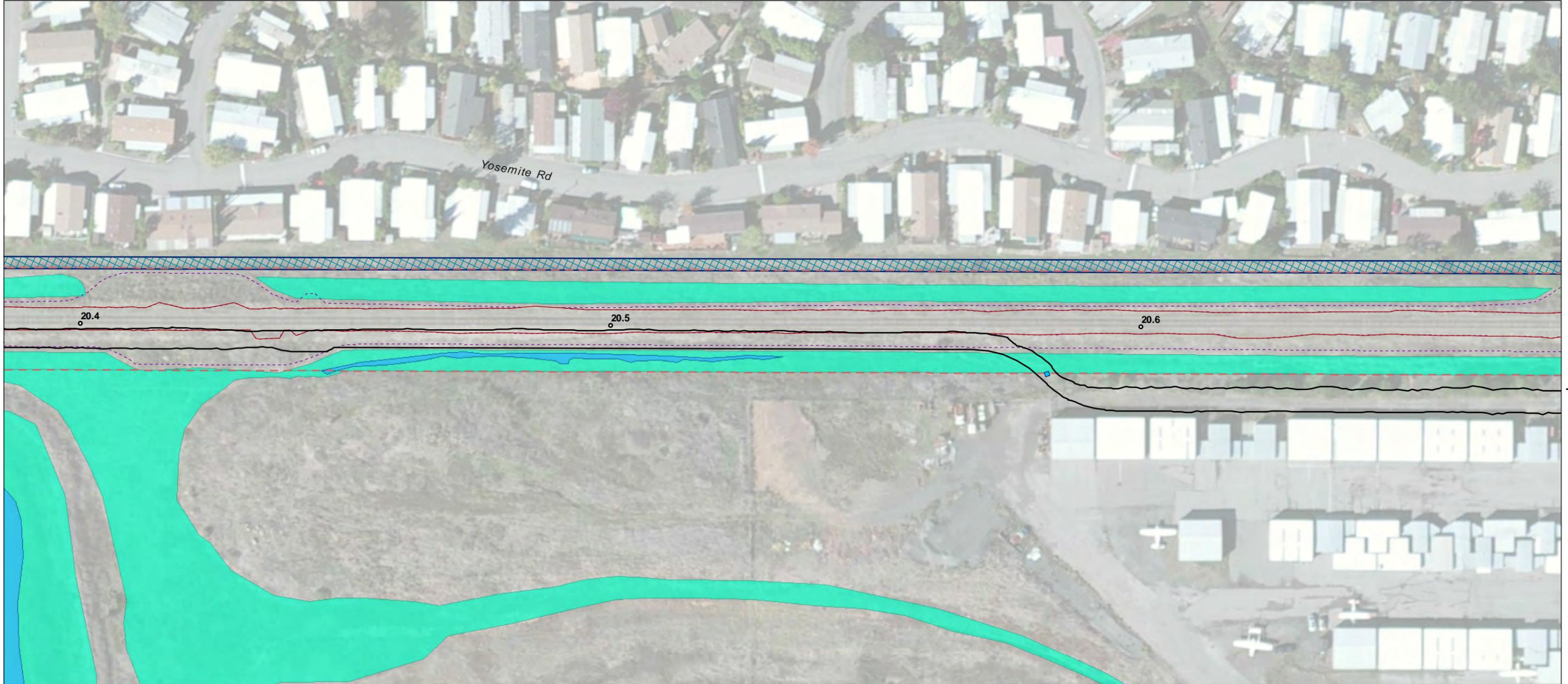
**SMART NMP
Wetlands Map**
Map Sheet 81



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 404 1/14



See Map Sheet 83

See Map Sheet 81

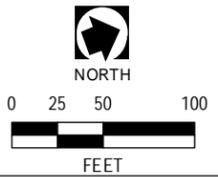
- | | | |
|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |

*Includes all areas of temporary and permanent impact.
 **only portions of the footprint associated with bridges will result in temporary and permanent impacts

DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.



**SMART NMP
Wetlands Map**
Map Sheet 82



Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
 Aerial Image: ESRI Online X 60191144 405 1/14

Begin Project

See Map Sheet 82

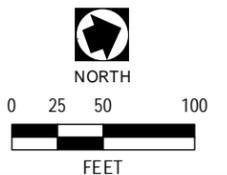


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|----------------------------------|---|------------------------|
| Proposed Project Elements | Right of Way | Mileposts |
| Non-Motorized Pathway* | Other Features | 2004 Pathway Footprint |
| Bridge** | Existing Pathway | Open Water |
| Culvert | Other Proposed Pathway | Wetlands |
| Staging Area | SMART IOS-1 South Railway Impact Areas | |
| | Permanent Impact Areas | |
| | Temporary Impact Areas | |

- Mileposts
- 2004 Pathway Footprint
- Open Water
- Wetlands



**SMART NMP
Wetlands Map**
Map Sheet 83



DRAFT - Map includes 2004 pathway footprint for comparison. Original habitat mapsheets part of SMART NMP NES.

Source: AECOM 2014, SMART 2014, JLP 2013, AWE 2013
Aerial Image: ESRI Online X 60191144 406 1/14

*Includes all areas of temporary and permanent impact.
**only portions of the footprint associated with bridges will result in temporary and permanent impacts

ATTACHMENT 2

**PUBLIC COMMENTS RECEIVED ON THE DRAFT WETLANDS ONLY PRACTICABLE ALTERNATIVE
FINDING**

-----Original Message-----

From: Robert Elkjer [<mailto:relkjer@att.net>]

Sent: Saturday, March 07, 2015 8:05 PM

To: Holstein, Thomas@DOT

Subject: NO bike path over Gallinas Creek

To Whom It May Concern-

I live in Contempo Marin and CHERISH the Gallinas Creek Habitat. Please STOP your plans to build a bike path over the creek. We already will suffer terribly from the soccer complex that is planned. Do not ruin sensitive wildlife habitat with any unneeded construction.

Thank you,

Robert Elkjer

-----Original Message-----

From: Martha Jarocki [<mailto:marthajarocki@comcast.net>]

Sent: Saturday, March 14, 2015 10:30 AM

To: pklassen@sonomamarintrain.org

Cc: Holstein, Thomas@DOT; BSalzman

Subject: SMART Bike/Pedestrian Path alignment along Gallinas Creek

Dear SMART Board of Directors:

I would like to urge the SMART Board not to adopt the conclusions of the "Wetlands the Only Practicable Alternative" assessment in selecting the alignment of the Bike/Ped path along Gallinas Creek. This area is extremely sensitive marshland, with one of the highest concentrations of endangered Ridgway's Rails in Marin County. To disturb this high value habitat when the path could be constructed at a another site is simply wrongheaded.

If the path is built along this stretch of the creek, more than an acre of wetlands will be lost - and even worse, the construction and culverting involved are likely to damage the critical web of meanders that feed the remaining marshlands.

Much of the success of Ridgway's Rails recover depends upon expanded habitat, in undisturbed locations. Siting this bike/ped path at Gallinas will compromise this effort in one of the locations of greatest value to this endangered species in our county.

SMART has access to other sites for the path where environmental impacts are less severe.

I live on a marsh in Corte Madera and this time of year, I hear Ridgway's Rails calling to establish and protect a nesting territory--- a process vital to their fledging's success. The area we have left them in the SF Bay is indeed small and finite. Let's not take more from them because it's deemed "Practicable".

Sincerely,

Martha Jarocki
129 Greenbrae Boardwalk
Greenbrae, CA 94904

Holstein, Thomas@DOT

From: Susan Kelly [s.kelly@sbcglobal.net]
Sent: Saturday, March 14, 2015 3:31 PM
To: pklassen@sonomamarintrain.org
Cc: Barbara Salzman; Fernandez, Xavier@Waterboards; bryan.t.matsumoto@usace.army.mil; Ryan_Olah@fws.gov; Holstein, Thomas@DOT; Dodson, Timothy@Wildlife; joseph_terry@fws.gov
Subject: SMART isn't smart enough to figure out a route for bicyclists that doesn't destroy marshlands?

March 14, 2015

Mr. Klassen:

This morning I read the file "Memorandum of Feb. 5, 2015" which was addressed to you and which claims that there is no other solution to building a 12-foot wide bike path than permanently wrecking 1.48 acres of our precious wetlands near Gallinas Creek (http://www2.sonomamarintrain.org/userfiles/SMART_NMP_WOPA_020515.pdf). It is a well-buried document that took some searching to locate on your website, and a great deal of patience and careful reading to understand (so much jargon!) The startling conclusion presented was that there is no practicable alternative to the proposed construction in our wetlands.

I disagree and request that you figure out a smarter way to do it so that the bike path is located in the uplands area, not the marsh.

One of the reasons given for not locating the path on the west side is the statement on page 3 that because the St. Vincent's Home for Boys has some residents with troubled pasts the school asked SMART not to locate the path on their side. There's no explanation as to why these residents might be problematic or what they might be expected to do (assault the bike riders? vandalize the bike path?) nor why a simple request from a private institution should be given so much weight.

There are existing streets, paths, and undeveloped lands between the rail line and the highway (101). Why can't the bike path be built close to the highway?

If an alternative is truly impossible and SMART intends to provide "mitigation," do you propose to capture and relocate all of the Ridgway's Rails, Black Rails, Salt Marsh Harvest Mice, and various other endangered and/or threatened mammals and birds that would be adversely affected? The answer: It's not possible and some will just have to die. Is it really "mitigation" when it's offered in the form of not destroying other marshlands in or near northern Novato (such as at Mira Monte) that support their own unique populations of these birds and animals?

I'm a 28-year resident of southern Novato. I spend a lot of time on the trails at Hamilton and Las Gallinas, birding, walking, and bicycling, and am in favor of multiple uses for the area. I'm truly unhappy about SMART's violation of ethical values (do no harm, especially to innocent wildlife) and possible violation of legal codes pertaining to the use of our wetlands.

- Mrs. Susan Kelly
Novato, CA
s.kelly@sbcglobal.net

From: Vicky Van Meter [<mailto:vicky.vanmeter@gmail.com>]
Sent: Saturday, March 14, 2015 4:42 PM
To: Paul Klassen; tom.holstein@dot.ca.gov
Subject: SMART's proposal for multi-use path along Gallinas Creek

Paul Klassen
Pathway Project Manager
SMART

Tom Holstein
Caltrans Office of Local Assistance

Comments on SMART's plan for multi-use path along Gallinas Creek

Dear Mr. Klassen and Mr. Holstein:

I am writing to object to the proposed plan for the 12- ft wide multi-use path within the wetlands of Gallinas Creek north to Hwy 37. The proposed route will result in yet another loss of wetlands. As stated in federal guidelines, avoidance is the preferred alternative.

The tidal marshes along Gallinas Creek support the major population of Ridgway's rails in the North Bay. The Salt marsh harvest mouse would also be impacted. The train itself will be disruptive to wildlife and the multi-use path will bring bikers, joggers, and dog walkers. Many of the dogs will be off leash. As with other public paths there will be little or no enforcement of leash laws.

Victoria Van Meter
Sonoma, CA

**DISTRICT BOARD**

Megan Clark
Russ Greenfield
Rabi Elias
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DISTRICT ADMINISTRATION

Mark R. Williams,
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District Engineer
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Greg Pease,
Collection System/Safety Manager

March 12, 2015

Paul Klassen
Pathway Project Manager
Sonoma-Marin Area Rail Transit District (SMART)
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

Tom Holstein
Associate Environmental Planner
Caltrans Office of Local Assistance – District 4
111 Grand Avenue
Oakland, CA 94623

RE: SMART Proposed Wetlands Only Practicable Alternative Finding

Dear Sirs:

It is our understanding that the main purpose of the memorandum is relocating parts of the proposed path, which was previously located on the west side of the railroad to the east side of the railroad, mainly within the existing SMART right-of-way. If this alternative is constructed the permanent wetland impacts will be reduced from 1.96 acres to 1.48 acres.

In general, we would like to see the new pathway constructed to standards that would allow Las Gallinas Valley Sanitary District (LGVSD) trucks to use the pathway for emergency vehicles. LGVSD has many gravity sewer and force mains that cross the SMART ROW or are in alignments parallel to the ROW.

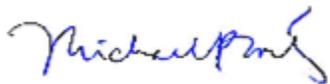
In additional, we are providing the following comments:

1. Map Sheet 77 Miller Creek: The plan shows a new alignment westerly and outside of the ROW to a new bridge crossing Miller Creek. The new bridge should be designed so as to not collect debris like the current railroad bridge does. LGVSD should have emergency vehicle access across the bridge from Saint Vincent's School.
2. Map Sheet 77 Miller Creek: The Marinwood Trunk Gravity Sewer crosses from the west to the east and then runs southerly in an easement immediately easterly of the ROW and the raised manholes are visible. LGVSD should have emergency vehicle access on the pathway from Saint Vincent's School to Smith Ranch Road.

3. Map Sheet 78: The Marinwood Trunk Gravity Sewer is located immediately easterly of the ROW and the raised manholes are visible. LGVSD should have emergency vehicle access on the pathway from Saint Vincent's School to Smith Ranch Road.
4. Map Sheet 79: The gravity sewer serving the Honor Farm area runs northerly to the Marinwood Trunk Sewer easterly of the tracks. LGVSD has force mains and valves southerly of the Honor Farm easterly of the tracks. LGVSD should have emergency vehicle access on the pathway from Saint Vincent's School to Smith Ranch Road.
5. Map Sheet 80: LGVSD has force main crossings at the old Smith Ranch Road and near the current Smith Ranch Road. Force mains and valves are located on both sides of the tracks. LGVSD should have emergency vehicle access on the pathway from Miller Creek to Smith Ranch Road.
6. Map Sheet 81: LGVSD has force mains and valves located on the easterly side of the SMART ROW. The proposed pathway looks like it will be located on the Airport property over LGVSD force mains and will be in existing LGVSD easements. LGVSD should have emergency vehicle access on this pathway from the Airport to McInnis Parkway.
7. Map Sheet 82: LGVSD has force mains and valves located on the easterly side of the SMART ROW. The proposed pathway looks like it will be located on the Airport property over LGVSD force mains and will be in existing LGVSD easements. The southerly portion will be within the SMART ROW. LGVSD should have emergency vehicle access on this pathway from the Airport to McInnis Parkway.
8. Map Sheet 82: LGVSD has force mains and valves located on the easterly side of the SMART ROW. The proposed pathway looks like it will be located over existing LGVSD easements and within the SMART ROW. LGVSD should have emergency vehicle access on this pathway and on the bridge to McInnis Parkway at Bridgewater Drive.

Please call me at (415) 472-1734 if you have any questions.

Sincerely,



Michael P. Cortez, PE
District Engineer

R:\PROJECTS\14000 Projects\14300-05 & 12200-01 SMART Crossings\SMART Letter 100214.docx

VIA EMAIL

Paul Klassen
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Associate Environmental Planner
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tom.holstein@dot.ca.gov

RE: Comments on SMART's Only Practicable Alternative Finding Memorandum.

Dear Mr. Klassen and Mr. Holstein:

The WETLANDS ONLY PRACTICABLE FINDING MEMORANDUM is inadequate and fails to demonstrate that the Wetlands Only path is the only practicable alternative route.

There are alternative routes other than routes within the SMART right of way which should be considered that will avoid a path through or near wetlands. We do not see a description of the extensive analysis claimed to consider avoidance first and minimizing impacts to the wetlands. The proposed bike path route through and near wetlands will lead to the direct destruction of endangered species habitat.

The wetlands north of San Rafael are well documented habitat for the Ridgway's Rail and the salt marsh harvest mouse are both endangered species. Bringing people into close proximity to their habitat is clearly a threat to these species. Discarded power bar wrappers, uneaten snacks, plastic water bottles and other trash will serve to attract rats that will also prey on these endangered birds and mice.

We could not find any mention on what kind of barrier will be provided to prevent people and off leash dogs from straying from the bike path and roaming on the adjacent properties. If fencing or some kind of barrier is to be provided it will need to allow for passage of wildlife.

There is no examination of alternatives other than constructing the bike path in wetlands. This proposal cannot be considered as a categorical exclusion because of the real impacts to endangered species.

We request that SMART go back to the drawing board and identify an alternate route for this path, which will avoid destroying wetlands and the habitat for the endangered Ridgway's Rail and salt marsh harvest mouse and which will remove the possibility of access for people and dogs to adjacent properties.

Thank you for considering our comments.

Sincerely,

Marcia Nute and W. Edward Nute, P.O. Box 314, Inverness, CA 94937

W. Edward Nute
M. P. Nute



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

March 15, 2015

VIA EMAIL

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RE: Comments on SMART's Wetlands Only Practicable Alternative" Memorandum.

Dear Mr. Klassen and Mr. Holstein:

The "WETLANDS ONLY PRACTICABLE FINDING MEMORANDUM" which addresses the plan for the multi-use path through the marshes of Gallinas Creek north to the Highway 37 area attempts to justify constructing the 12-foot-wide path through tidal and diked marsh. It is an apparent attempt to comply with CWA 404(b)(1) guidelines requiring an alternative sites analysis for non-water dependent projects proposing to discharge fill into wetlands. The Memorandum fails to demonstrate that the Wetlands Only path is the only practicable alternative and is flawed and inadequate in many respects

1. The Memorandum claims that the Wetlands Only path is the only practicable alternative by defining the project so narrowly that it can only be located "generally within the railroad ROW" (right-of-way). SMART claims that it undertook extensive efforts to avoid and minimize impacts by moving the path back and forth between the east and west sides of the railroad ROW "...as much as practicable, resulting in the current design." SMART does not, however, provide any description or analysis of these "extensive efforts" as required by the 404 Guidelines.
2. The memorandum fails to demonstrate that it has considered avoidance first and that no less environmentally damaging alternative exists that justifies this alignment. Even if "most" of the project is located within the ROW, as stated at section 2. of the Memo – that doesn't mean much because most of the project does not extend through wetlands.

SMART seems to want it both ways. It says it needs to stay within the ROW but then it diverges from the ROW in many locations along this segment as well as further north, including adjacent to MAS property north of Redwood Landfill. SMART explains that divergence by saying it was "planned earlier (whatever difference that should make). It justifies the current proposed divergences with other reasons: fewer wetland impacts; St Vincent's doesn't want it on the west side because their students have troubled pasts (is this an access issue?); and to make a connection at Hamilton. Wetlands have had troubled pasts also, but that doesn't seem to make

much difference. And again, SMART fails to address why the fewer wetland impacts can't be reduced to no wetland impacts.

3. Upland areas exist in the project vicinity - undeveloped hills, on existing streets, and adjacent to Highway 101 particularly in the St. Vincent's area - that should be considered and evaluated. By going through these areas, the path would avoid the wetland loss that would occur with the current proposal. Why these routes cannot be used must be demonstrated. Avoidance is the preferred alternative in the federal guidelines. Minimization should only be considered after there has been a thorough analysis of avoidance options.

4. SMART appears to have gone immediately to minimization in addressing filling of wetlands. The memorandum explains reduced impacts at bridges (section 4.2) "other bridges" and retaining walls (section 4.3) and acknowledges that the path diverges from the SMART ROW "along the 23-mile pathway," on sheets 64 through 69 because at these the path was "always planned to be located well outside of the ROW." Why that makes a difference is unclear. Minimization does not take the place of the preferred alternative - and should be considered only after thorough analysis of avoidance alternatives.

5. The SMART Memo fails to describe the nature and value of the wetlands that would be filled or otherwise impacted by the project along the route. The path alignment as proposed would fill and adversely impact both tidal and seasonal wetland. Yet, it is not even mentioned that this project would result in the direct destruction of endangered species habitat .

The tidal marshes along Gallinas Creek are the most environmentally sensitive stretch of marsh along the rail line in Marin County. This Creek, including these upstream reaches, support the major population of Ridgway's rails in the North Bay. The Salt Marsh Harvest Mouse would also be impacted.

The St. Vincent's Silveira properties are an expanse of diked baylands and, for many years, the environmental community has been interested in protecting them. The seasonal wetlands/agricultural lands are habitat for many waterfowl and shorebirds of the Pacific Flyway as well as resident species.

6. The Memorandum also fails to describe or mention the many other significant adverse impacts the trail would bring, in addition to directly filling wetlands.

Having the train travel through them is bad enough. The path will bring people on bikes, skateboards and other vehicles, running, jogging, and walking, many with dogs off leash probably going into the marshes and fields. It is doubtful that there would be any enforcement through this corridor because enforcement would be the responsibility of local jurisdictions which have little or no money to provide it.

The increased activity would severely limit Ridgway's rails' and salt marsh harvest mouse use of the marshes adjacent to the trail. Litter/trash would attract Norway rats and noise would create additional impacts. All of these uses are described in the USFWS's "***Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California***" as being impediments to the recovery of Ridgway's Rails. Lights would have additional impacts if the trail is to be lighted for night use.

It is not clear whether there would be any type of barrier that would prevent or restrict people from going off the paths and into the adjacent habitat, farmlands, or developments. If St Vincent's is worried about the path on the west side, they should be more worried about a lack of barriers because, without them, people can easily move across the train tracks to neighboring properties. Fencing, however, could also mean that wildlife cannot move between habitats. All of these potential impacts must be addressed.

Finally, it cannot be concluded that there is no practicable alternative, other than constructing this wide path in wetlands, because non-wetland locations do exist and these have not been examined. Further, SMART cannot process this project as a categorical exclusion because of its potential impacts to endangered species.

We request that when this proposal is revised and noticed for permitting by agencies, the maps be revised to: identify the location of each map; to more clearly show the location of the train tracks; show all of the structures proposed including existing and proposed retaining walls; and clearly show the proposed path route. It is hard to identify these features on the maps currently provided. Also, we also expect to be able to address significant adverse impacts in specific segments in a future public comment opportunity, after a more complete description of the project and the alternatives is provided by SMART.

Thank you for considering our comments.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

cc: Army Corps of Engineers
Regional Water Quality Control Board
U.S. Fish and Wildlife Service
California Department of Fish and Wildlife

Susan Ristow
677 Peach Street
Novato Ca 94945

March 13, 2015

Paul Klassen
Pathway Project Manager
SMART
5401 Old Redwood Highway, Suite 200
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Tom Holstein
Associate Environmental Planner
Caltrans Office of Local Assistance – District 4
111 Grand Avenue
Oakland CA 94623

Re: Wetlands Only Practicable Alternative Finding Memorandum
Notice of Proposed Wetlands Only Practicable Alternative Finding

The conclusion by SMART (in the above two referenced documents, of which the Notice is co-signed by Caltrans) that there is no practicable alternative to the current plan to destroy wetlands, in order to construct a bicycle / pedestrian path (Non-Motorized Pathway), is specious based on SMART's own prior actions. This conclusion is not supportable, based on the guidelines stated in Executive Order 11990 (Protection of Wetlands).

SMART cites Order 11990 to defend this decision, stating "There is no practicable avoidance alternative ... because the Build Alternative must meet the following overall SMART project objectives ..." SMART then defines the first referred to "objective" of the project: "...to maximize the use of an existing, publicly-owned railroad ROW for rail services and as a bicycle/pedestrian pathway;"

SMART has already ignored this "objective" by moving the path from the ROW in other places, such as at the Marin- Sonoma County line.

SMART cannot use, as justification for presenting no alternative, an objective that SMART has both created and ignored. SMART established the precedent that deviating from the ROW can indeed be deemed as meeting the project's objective. In effect, SMART demonstrated that rigorous adherence to using the ROW is not essential to the project.

Therefore, SMART is ignoring Order 11990 Guidelines which state clearly that the agency must find "that there is no practicable alternative to such construction" prior to undertaking new construction located in wetlands, or when the destruction or modification of wetlands is involved.

johnristow@comcast.net

SMART has shown that the project is not site specific in regards to the ROW and needs to address the fact that there are alternatives that would avoid wetland impacts, such as moving the path to upland locations. There are streets and areas near Highway 101 where the path could be located to avoid wetlands.

It is important to note that the wetland area being impacted by the path provides habitat for the largest population of endangered Ridgway's Rails in San Pablo Bay. SMART's proposal to use Mira Monte as mitigation is contrary to the health and survival of the endangered Rail. Mira Monte was never intended to be used to mitigate for habitat loss so far to the south. It is not realistic to suppose that Rails currently using the Gallinas creek habitat will transition to habitat so distant from their current home. If SMART proceeds with the current plan, the Rail population at Galinas Creek may be irreparably damaged.

It is also difficult to understand the purpose of the SMART/Caltrans memorandum. It is our understanding that no actual permit applications have been submitted. Are you simply putting the regulatory agencies on notice that you are not going to comply with Order 11990, even though you have failed to provide any justification for that decision?

We have earlier written to ask the regulatory agencies to hold SMART to a standard that will not result in damage to endangered species and loss of endangered species habitat and wetlands.

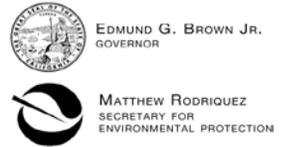
Thank you for your attention to this matter.

Respectfully,

A handwritten signature in cursive script that reads "Susan Ristow". The signature is written in black ink and is positioned above the printed name.

Susan Ristow

cc (via email)
Xavier Fernandez,
Regional Water Quality Control Board



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow

March 16, 2015
CIWQS Reg. Meas. 400229
CIWQS Place ID 813866

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111 Grand Avenue
Oakland, CA 94623
Attn.: Tom Holstein
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Subject: Comments on Wetlands Only Practicable Alternative Memorandum for the Sonoma-Marin Area Rail Transit Non-Motorized Pathway Phase 1 Project

Dear Mr. Klassen and Mr. Holstein:

We have reviewed the Wetlands Only Practicable Alternative Memorandum (Memo) for the Sonoma-Marin Area Rail Transit Non-Motorized Pathway Phase 1 Project (Project). The Memo was prepared pursuant to Executive Order 11990 as part of National Environmental Policy Act (NEPA) analysis. Currently, the Project is proposed to be processed as a Categorical Exclusion under NEPA.

The Project, as proposed, would construct a bicycle/pedestrian pathway generally within the Sonoma-Marin Area Rail Transit District (SMART) right-of-way (ROW) from McInnis Parkway in San Rafael, California, north to Guerneville Road in Santa Rosa, California. The Project's overall objectives are to: (1) maximize the use of an existing, publicly-owned railroad ROW for rail services and as a bicycle/pedestrian pathway; and (2) provide a bicycle/pedestrian pathway, generally within the railroad ROW, from Cloverdale to

Larkspur. Based on these objectives, the Memo concludes that there is no practicable alternative that would totally avoid impacts to wetlands.

The Memo also indicates that refinements to the Project design and alignment minimized impacts to wetlands as much as practicable. These refinements included: (1) relocating the pathway within the SMART ROW; (2) redesigning bridges; and (3) adding retaining walls to decrease the Project footprint. As a result of these minimization measures, permanent impacts to wetlands were reduced to 1.48 acres from 1.96 acres.

Based on the information provided in the Memo, we offer the following comments to advise SMART and the California Department of Transportation (Caltrans) of our concerns.

Comment 1 – Analysis and project design are not consistent with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan)

The Memo indicates that there will be significant impacts (1.48 acres) to wetlands under the jurisdiction of the U.S. Army Corps of Engineers (Corps). As a result, both a Clean Water Act (CWA) Section 404 Permit and a CWA Section 401 water quality certification will be necessary.

The San Francisco Bay Regional Water Quality Control Board (Water Board) adopted U.S. EPA's Section 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredge or Fill Material," dated December 24, 1980, in its Basin Plan for determining the circumstance under which filling of wetlands, streams or other waters of the State may be permitted. The Section 404(b)(1) Guidelines prohibit all discharges of fill material into regulated waters of the United States, unless a discharge, as proposed, constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose.

The basic project purpose of the Project is a pedestrian/bicycle pathway. The analysis of practicable alternatives to the SMART ROW, however, has been artificially constrained by the inclusion of the objectives to (1) maximize the use of an existing, publicly-owned railroad ROW for rail services and as a bicycle/pedestrian pathway and (2) provide a bicycle/pedestrian pathway, generally within the railroad ROW, from Cloverdale to Larkspur. As a result, the analysis of practicable alternatives in the Memo does not meet Section 404(b)(1) Guidelines and will not comply with the Basin Plan. To meet the Section 404(b)(1) Guidelines and comply with the Basin Plan, the analysis of practicable alternatives needs to be revised to evaluate: (1) whether existing pedestrian and bicycle routes are currently available within the transit corridor; (2) whether there are locations outside of the SMART ROW where a new pedestrian/bicycle pathway could be constructed with less impacts to wetlands and other waters of the State; and (3) whether it would be possible to design the proposed pathway differently, such as strategically elevating portions of it, to further avoid wetland impacts.

Comment 2 – Proposed compensation for wetland impacts is unlikely to be sufficient

The Memo indicates that impacts to wetlands will be compensated for by purchasing mitigation credits from a mitigation bank. Please note that it may not be possible to

purchase mitigation credits from a mitigation bank acceptable to the Water Board because, at present, only one mitigation bank has a service area encompassing the Project and this mitigation bank does not have enough credits available to compensate for impacts to 1.48 acres of wetlands.

Comment 3 – Categorical Exclusion under NEPA is inappropriate

We do not believe the Project qualifies for a Categorical Exclusion under NEPA because it does not meet the following regulations:

- 23 CFR 771.117(a) - Categorical exclusions (CEs) are actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which... do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts;... and do not otherwise, either individually or cumulatively, have any significant environmental impacts.
- 23 CFR 771.117(b) – “Any action which normally would be classified as a CE but could involve unusual circumstances will require the Administration, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:
 1. Significant environmental impacts;
 2. Substantial controversy on environmental grounds;
 3. Significant impact on properties protected by Section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
 4. Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

As currently proposed, the Project will impact 1.48 acres of wetlands, which is a significant environmental impact, and is inconsistent with Water Board requirements for determining whether filling of the wetlands may be permitted (see Comment 1). Further, the Water Board received numerous comments on the environmental impacts of other SMART projects, as well as comments on the impacts of placing the bicycle/pedestrian pathway within the SMART ROW, indicating that there is controversy on environmental grounds. This would require either an Environmental Assessment and Finding of No Significant Impact, or an Environmental Impact Statement under NEPA.

Closing

If you have any questions regarding the subject matter identified in this letter, please contact Xavier Fernandez of my staff via telephone at (510) 622-5685, or email to Xavier.fernandez@waterboards.ca.gov.

Sincerely,

for Bruce H. Wolfe
Executive Officer

Cc: SWRCB, DWQ, Stateboard401@waterboards.ca.gov
North Coast RWQCB, Kaete King, Kaete.King@waterboards.ca.gov
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