



Protecting Marin Since 1934

July 22, 2014

Mr. Paul Modrell
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

SMART Supplemental Information for 401 Water Quality Certification for the Initial Operating Segment 2

Dear Mr. Modrell:

MCL requests the RWQCB, as a condition of approving 401 Water Quality Certification for SMART's Initial Operating Segment 2 (IOS-2), to require of SMART onsite, in-kind mitigation, including compensation, for the impacts of construction and operation of the railway on sensitive natural resources through the IOS-2.

In-watershed mitigation called for

In the *Mira Monte Restoration Project Joint Aquatic Resource Permit Application*, page 32, it states "The Mira Monte Marsh Restoration Project is . . . intended as compensatory **wetland mitigation** for many SMART projects listed below . . ." (emphasis added). Though water does flow through the site, the full length of the IOS-2 area of impact is not confined to wetlands; therefore, the Mira Monte Restoration Project does not fully address the in-watershed mitigation measures needed for other impacts within this segment.

Significant removal of established native oaks

A large number of native oak species are marked for removal from the Puerto Suello tunnel north to 300 feet north of the Gallinas Ave. footbridge. Many of these oaks are very old, well established trees. Oaks play a significant role in local ecosystems, as habitat and food sources for many wildlife species, and in nutrient cycling. These natural resources and the ecosystem services they will provide future generations of wildlife should not be removed without mitigation, including compensatory replanting. (The coyote bush individuals were not marked but, because they are adjacent to the tracks we assume they would also be removed.)

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<u>Marked for removal</u>	
Valley Oak	14
Coast Live Oak	53
California Bay	2
Buckeye	1
Willow	2
<u>Coyote Bush</u>	<u>8</u>
TOTAL	80

Marked for trimming (In cases with significant loss of large branches.)

Valley Oak	15
Coast Live Oak	4
<u>California Bay</u>	<u>1</u>
TOTAL	20

As mitigation, each of the trees should be re-evaluated by an experienced arborist prior to the removal, to evaluate the rationale for removal or trimming and to recommend means to minimize both the number of trees removed and the effects of disturbance from trimming on established vegetation.

Removal of invasive plant species

Several large stands of invasive non-native plant species occur along and on the tracks, including broom, star thistle, fennel, and blackberry, among others. Removal of these species requires care and timing to prevent seeds from spreading into new areas. We request that mitigation measures include best management practices based on integrated pest management protocols, including minimal but strategic use of herbicides as necessary.

Opportunity presented through appropriate mitigation

The mitigation measures recommended in this letter actually present SMART with an opportunity to make a positive contribution by restoring habitat along the corridor and buffering the community. By using best practices in removing invasive non-native species and working to prevent their return; by reducing the number of removed and heavily trimmed trees; and by replacing native trees in areas that will not obstruct the right of way of either the railway or Los Ranchitos roadway, SMART can contribute positively to the restoration of the rail corridor in this area. Compensation by replacing removed trees will serve as a buffer between the homes that back on to the rail corridor and between Los Ranchitos Road and the rail corridor in areas where space allows. This would benefit not only the ecology of the area but also to the community of residents who live nearby.

Of additional concern:

Segment near Civic Center Station is unaccounted for in IOS-2

On page 32, of *Mira Monte Restoration Project Joint Aquatic Resource Permit Application*,

included in the list of projects mitigated, are:

- IOS – 2 (downtown San Rafael station **to Marin Civic Center station**).
- IOS – 1 (**Marin Civic Center station to** the Petaluma River)

Yet the first page of SMART's *Supplemental information for Water Quality Certification for the Initial Operating Segment 2* states that the location of the northern Project limit for IOS-2 is 1,900 feet **south** of Civic Center Drive.

When and where will SMART provide information required for 401 Water Quality Certification pertaining to the segment that extends 1,900 feet south of Civic Center Drive to Civic Center Drive, including the Civic Center Station?

Thank you for the opportunity to comment.

Yours truly,

A handwritten signature in blue ink that reads "Jon Elam". The signature is written in a cursive style with a large, looping initial "J".

Jon Elam, President