

San Francisco Bay Conservation and Development Commission

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September 13, 2019

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Brad McCrea, Regulatory Program Director (415/352-3615; brad.mccrea@bcdc.ca.gov)

SUBJECT: Listing of Pending Administrative Matters
(For Commission consideration on September 19, 2019)

This report lists the administrative permit applications, federal consistency actions, marsh development permits in the Secondary Management Area of the Suisun Marsh, regionwide permit actions, minor amendments to the Suisun Marsh Local Protection Program, and emergency permits that are pending with the Commission. The staff members to whom the matters have been assigned are indicated at the end of the projects' description. Inquiries should be directed to the assigned staff member prior to the Commission meeting.

Administrative Permits and Federal Consistency Actions

The following administrative permit applications have been filed and are presently pending with the Commission. The Executive Director will take the action indicated on the matters unless the Commission determines that it is necessary to hold a public hearing.

Applicants: Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3686

State Coastal Conservancy
1515 Clay Street, 10th Floor
Oakland, California 94612

BCDC Permit Application No. M2017.026.00

Filed: 08/20/19

90th Day: 11/17/19

Location: Within the Commission's Bay and 100-foot shoreline band jurisdictions, along the inland berms of former salt ponds 12, 13, 16, 18 from Coyote Creek to Alviso Slough, and within former salt ponds 9 -15, 17 and 18, in south San Francisco Bay, in Santa Clara County.

Description: The proposed project, the South Bay Shoreline Project, involves constructing 3.8 miles of levees to replace existing salt pond berms with a flood protection levee system, installing a flood gate at the Union Pacific railroad tracks, installing a tide gate at Artesian Slough, constructing an approximately 245-foot-wide ecotone bayward of most of the new flood protection levees to create



transitional habitat, installing ditch blocks, excavating pilot channels through fringing tidal marsh, breaching outer levees to allow tidal marsh establishment in the majority of these former salt ponds, constructing a multiuse public access trail on the top of the new flood protection levees, constructing new pedestrian bridges across the Union Pacific Railroad tracks and Artesian Slough, installing seating areas with benches and interpretive signs, and connecting the levee trail to adjacent trails.

This is a multi-partner project, with the U.S. Army Corps of Engineers (USACE) constructing the project on primarily the U.S. Fish and Wildlife Service's (USFWS) property, and small portions of private and municipally owned properties. The Commission conditionally concurred with the federal agencies and issued an amended Letter of Agreement (C2015.006.02) for the first three levee reaches of the project. This administrative permit will authorize the local project sponsors, the Santa Clara Valley Water District and the State Coastal Conservancy, to monitor and maintain portions of the project once construction has been completed, including the flood protection levee and public access features outside of the USFWS's purview, as well as other ancillary project features.

Tentative Staff Position: *Recommend Approval with Conditions.*
(Brenda Goeden; 415/352-3623 or brenda.goeden@bcdca.gov)

Applicant: California Department of Transportation (Caltrans)
111 Grand Avenue
Oakland, California 94612

BCDC Permit Application No. M2019.014.00

Filed: 09/09/19
90th Day: 12/08/19

Location: In the Bay and within the 100-foot shoreline band, at three locations along the northeast side of the northbound lane of U.S. Highway 101: (1) Smith Slough/Bair Island, in the City of Redwood City, San Mateo County (Post Miles 6.6 – 7.7); (2) Belmont Slough, in the City of Belmont, San Mateo County (Post Miles 9.8 – 10.2); and (3) Sanchez Creek/Burlingame Lagoon, in the City of Burlingame, San Mateo County (Post Miles 15.25 – 16.45).

Description: The activities proposed are associated with Caltrans' U.S. Highway 101 Managed Lanes Project, which creates new express lanes along approximately 16 miles of Highway 101, from Whipple Avenue, in the City of Redwood City, north to approximately the Interstate-380 interchange. These express lanes allow single-occupancy vehicles to use the available capacity in a High-Occupancy Vehicle (HOV) lane, for a toll, during commute times. These lanes are also known as High-Occupancy Toll (HOT) lanes.

Within the Bay, no permanent fill or impacts would occur, but temporary construction access would be required. Within the 100-foot shoreline band, work at all three locations would widen the roadway within the existing paved freeway and roadway shoulders, including grading, repaving, restriping, and installation of associated elements (e.g., new barriers, cabinets, medians, poles, etc.), as well as temporary construction staging.

The project includes replacement of a 42-inch-tall median barrier with a 56-inch-tall barrier in certain locations to comply with highway safety standards, with the potential to degrade certain views of the Bay from the southbound lanes of Highway 101. However, these views are already impaired or unavailable in many locations. Near Bair Island/Smith Slough, where significant Bay views do exist, a modified median barrier design would be required to minimize the potential view impacts.

At each of the three project locations within the Commission's jurisdiction, public access to the Bay and shoreline exists at a location outside the project area. The project occurs entirely within Caltrans' right of way, predominately in an active freeway, and there are no areas with potential space for public access within that right of way. The nature of the project precludes the provision of public access within its footprint due to safety considerations. Because there is no safe option to provide additional public access within the project site, Caltrans has agreed contribute an in-lieu monetary contribution of \$1.5 million to fund nearby Bay Trail improvements. The transfer of these funds to an appropriate project or projects, including the Midpeninsula Regional Open Space District's Ravenswood Bay Trail Project, San Mateo County Parks' Coyote Point Eastern Promenade Rejuvenation Project, or another suitable project, would be required as a condition of approval of the project.

Tentative Staff Position: *Recommend Approval with Conditions.*
(Morgan Chow; 415/352-3654 or morgan.chow@bcdca.gov)