May 16, 2024

Sent via electronic mail: No hardcopy to follow

Alameda County Public Works Agency
ATTN: Amber Lo, Principal Civil Engineer (amberl@acpwa.org)
399 Elmhurst Street
Hayward, CA 94544

Subject: San Francisco Bay Regional Water Quality Control Board Comments on the *Draft Environmental Impact Report for the Niles Canyon Trail Project*, *Alameda County, California*
SCH No. 2021060647

Dear Ms. Lo:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Environmental Impact Report for the Niles Canyon Trail Project* (DEIR). The DEIR analyzes the potential environmental impacts associated with constructing a six-mile long, Class 1, multi-use trail for pedestrians, bicyclists, and equestrians between the unincorporated community of Sunol and the Niles District in the City of Fremont (Project). In addition, the Project would provide a critical link to Palomares Road bypassing State Route 84 (SR-84) and would expand the Alameda Creek Trail, which provides a direct connection to the 500-mile San Francisco Bay Trail. The proposed trail would consist of a 10-foot wide, all-weather surface with 2-foot shoulders on either side composed of decomposed granite. The trail would meet accessibility guidelines, and include different barrier options to separate trail users from railroad and highway traffic. In addition, retaining walls would need to be installed in some locations to accommodate slope cuts. These walls would be sculpted concrete with soil nail tiebacks. The project would include provisions of staging areas with sufficient parking to avoid impacts to surrounding neighborhoods from visitors' vehicles. Staging areas would be created at both Niles and Sunol, as well as Palomares Road. In addition, existing staging areas associated with the Alameda Creek Trail could support the need for parking. We have the following comments on the DEIR.

Summary. The Project will support the beneficial use of non-contact water recreation, which is one of the beneficial uses designated for Alameda Creek in the *San Francisco Bay Basin Water Quality Control Plan* (Basin Plan). We would like additional information on the removal of trees for the segment of the trail east of the intersection of Old

Canyon Road and Clarke Drive and additional information on the treatment of post-construction stormwater runoff from the extension to Downtown Niles, the extension to Vallejo Mill Historic Park, the bridge to Palomares Road, and the staging areas. Riparian tree removal and stormwater runoff from new or recreated impervious surfaces may impair some of the designated beneficial uses of Alameda Creek.

Comment 1. The DEIR does not provide sufficient detail on the proximity of removed trees to Alameda Creek or propose sufficient mitigation for impacted trees.

Many of the segments of the proposed trail are uphill from existing roads and railroad tracks. Trees removed along the right-of-way of the new trail in these segments of the trail are not likely to provide a significant amount of shade to aquatic habitat in Alameda Creek. However, the proposed trail segment east of the intersection of Old Canyon Road and Clarke Drive runs between Old Canyon Road and Alameda Creek. Some of the trees proposed to be removed along the right-of-way of this trail segment appear to be close enough to Alameda Creek to provide shade and allochthonous input to the Creek. In Section 4.3, Biological Resources, trees 28 through 48 and 80 through 112 in Figure 4.3-2, Sheet 1 of 3, and trees 105 through 200 in Figure 4.3-2, Sheet 2 of 3, may be close enough to the Creek to negatively impact aquatic habitat quality if they are removed. Please clarify if any of these trees are close enough to the Creek to contribute to aquatic habitat quality by providing shade and allochthonous input.

Mitigation for the trees listed in the prior paragraph should be provided by planting mitigation trees at a minimum ratio of 3:1. A 3:1 ratio is necessary to provide full mitigation for the removed trees when natural levels of mortality among the mitigation trees are considered. Mitigation trees for the impacted trees in the prior paragraph should be planted between the new trail and the toe of bank so that they contribute shade and allochthonous input to aquatic habitat in the Creek. Mitigation trees must be monitored for at least ten years to ensure that they have become successfully established, with a root system that reaches the local groundwater level.

Mitigation Measure BIO-10 must be revised to require the planting of mitigation trees at a 3:1 ratio of mitigation trees to removed trees and to require at least 10 years of monitoring of mitigation trees. The beneficial uses of Alameda Creek in the Basin Plan include cold freshwater habitat, fish migration, preservation of rare and endangered species, fish spawning, and wildlife habitat. The requested revisions to Mitigation Measure BIO-10 are necessary to sustain these beneficial uses.

Comment 2. The discussion of impacts to water quality in Section 4.7, Hydrology and Water Quality, should be expanded to discuss post-construction treatment of runoff from the Project's new and replaced impervious surfaces.

In Section 4.7, Hydrology and Water Quality, text in Section 4.7.1.7, Regulatory Context, correctly notes that, pursuant to Section 402 of the CWA and the Porter-Cologne Water Quality Control Act, municipal stormwater discharges in the City of

Fremont and County of Alameda are regulated under the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008, adopted July 1, 2022 (MRP). The MRP is enforced by the Water Board. MRP Provision C.3 addresses post-construction stormwater management requirements for new development and redevelopment projects that add and/or replace 5,000 square feet or more of impervious area. Provision C.3 requires the incorporation of site design, source control, and stormwater treatment measures into development projects in order to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharges and to prevent increases in runoff flows. Low Impact Development (LID) methods are required to be the primary mechanism for implementing such controls.

Compliance with the MRP is discussed on page 4.7-37 of the DEIR:

> **Threshold 4.7.3(iii): Stormwater.** The proposed project would not change the course of a stream or change the general direction of flow of stormwater. As previously discussed, the increase in impervious surfaces would not substantially increase runoff rates or volumes due to the gentle slope and narrow width of the proposed trail. Additionally, the proposed project would be required to implement LID design techniques that would emphasize the use of infiltration to mimic the site's pre-development hydrology, which includes directing stormwater runoff to the pervious areas on either side of the proposed trail. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sized such that drainage facility capacity would not be exceeded during a design storm. Therefore, this impact would be **less than significant**.

Much of the length of the trail itself will not require post-construction stormwater treatment measures, because runoff from the trail surface will flow over a significant amount of vegetated soil surfaces before reaching Alameda Creek. However, four components of Phase 1 of the Project will create or recreate significant amounts of impervious surfaces: the extension to Downtown Niles, the extension to Vallejo Mill Historic Park, the bridge to Palomares Road, and staging areas. The Project will need to provide stormwater treatment for runoff from these areas in properly sized bioretention areas. The DEIR should specify the surface area at each of these Project areas that must be dedicated to bioretention areas and confirm that the required surface area is available at each of these locations. Providing MRP-compliant stormwater runoff treatment from these components of the Project is necessary to improve water quality in stormwater runoff. Properly treated stormwater runoff supports the designated beneficial uses of cold freshwater habitat, fish migration, preservation of rare and endangered species, fish spawning, and wildlife habitat in Alameda Creek.

If you have any questions about these comments, please contact me at (510) 622-5680, or via e-mail at brian.wines@waterboards.ca.gov.

Sincerely,

Brian K. Wines

Brian Wines
Water Resource Control Engineer
South and East Bay Watershed Section

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)
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