

## MEMORANDUM

DATE: January 13, 2011

TO: Terry Noonan, EBRPD

FROM: Malcolm Sproul, LSA

SUBJECT: Pt. Molate Bay Trail  
Permit/Mitigation Requirements

1. **Potential Wetland Impacts.** A trail following the old railroad alignment will result in impacts to several seasonal wetlands and one area within the high tide line of San Francisco Bay.

**Seasonal Wetlands.** The trail alignment would cross through four small areas of seasonal wetland and is adjacent to three others (Table 1, Figures 1 and 2). Fill of all or portions of these wetlands within the trail corridor would be subject to permitting requirements of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and the Regional Water Quality Control Board under Section 401 of the Clean Water Act (401 Certification). The seasonal wetlands are small, the seven total 0.34 acre (Table 1) and a trail would not fill the entire amount identified. We estimate a 10' wide trail following the existing railroad alignment would result in the fill of 0.14 ac. of seasonal wetland. Permitting with the Corps of Engineers could likely be done under Nationwide Permit. The Regional Board would require application for Water Quality Certification.

**San Francisco Bay Limits.** A segment of the trail alignment is located on a levee/berm built for the railroad which separates the bay from an area of brackish marsh (most likely former tidal saltmarsh) which still has a hydrologic link to the bay. The levee has an opening which allows bay waters to enter the brackish marsh at higher tides, probably associated with storm surges or high winds. The berm has been undercut by wave action for a distance of approximately 300 feet. Repair of this berm would require placing a minimum of 0.07 acre and likely more of fill in a jurisdictional water and would require Section 404 authorization and Section 10 authorization under the Rivers and Harbor Act. Additional repair work on the bay side of the berm would increase this amount. The Regional Board would also need to issue Water Quality certification for this work.

This estimate of fill does not include any impacts to Wetland G (the brackish marsh) which is subject to both Section 404 and Section 10 jurisdiction by the Corps. If project plans resulted in any fill to the marsh additional fill would occur.

It appears that over half the total length of the two trail segments is located within 100 feet of the shoreline and would be subject to the jurisdiction of the Bay Conservation and Development Commission (BCDC).

**Table 1: Point Molate Bay Trail Segments - Potential Jurisdictional Features**

WETLANDS		Width (feet)	Length (feet)	Area (sq. ft.)	Area (acres)
<b>Wetlands</b>	Type				
SW A	Seasonal Wetland			740	0.02
SW Seep B1	Seep Wetland			1,770	0.04
SW Seep B2	Seep Wetland			3,010	0.07
SW Seep C	Seep Wetland			1,680	0.04
SW Seep D	Seep Wetland			2,605	0.06
SW Seep E	Seep Wetland			1,225	0.03
SW F	Seasonal Wetland			3,845	0.09
SW G	Brackish Marsh/Pond			110,710	2.54
<b>Total Wetlands</b>				<b>125,585</b>	<b>2.89</b>
<b>OTHER WATERS</b>					
<b>Streams</b>					
S 1		2	35	70	0.002