Tab 25

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 11 2010

Mr. David Kelley
California Department of Transportation, District 3
703 B Street, P.O. Box 911
Marysville, CA 95901

Dear Mr. Kelley

We would like to thank you and your staff for organizing the wetland establishment site visits on July 26, 2010 that were attended by Caltrans, USEPA, USACE, North Coast RWQCB, DFG, Mendocino RCD, and Willits Environmental Center. During the field visit agency staff identified a number of concerns with some of the proposed wetland establishment sites. As outlined below, the field visit reinforced our concerns about (1) appropriate establishment goals and site selection for reference conditions; (2) the lack of sufficient hydrologic data to credibly argue those goals can be attained; and (3) appropriate site selection for establishment wetlands.

In general, the Mitigation and Monitoring Plan (MMP) and subsequent documents have not identified clear, site specific habitat goals for each establishment site. High-functioning reference sites can provide a guidepost for the MMP, but after visiting several of Caltrans' proposed reference sites, it appears they may not represent appropriate target conditions for wetland establishment. For example, some reference sites identified in the field are within areas also targeted for enhancement in the MMP, suggesting that these areas do not represent the highest function attainable. During the site visit regulatory and resource agency staff requested that Caltrans look into other suitable reference sites, such as the proposed preservation sites. Although the issue of reference site criteria and selection are not on the "punch list" of outstanding items for permit issuance, we believe that this issue needs further discussion and resolution as soon as possible.

Proposed establishment plans also suffer from a lack of adequate hydrological data to support the premise that establishment would be successful and naturally sustainable. The supplemental *Hydrology Wetland Establishment Memo* provided by Caltrans on August 2, 2010 provides only a general understanding of the conditions in the Valley, and does not address many of the site specific questions regarding hydrology at the proposed wetland establishment areas that EPA has been raising since the receipt of the draft MMP in March, 2010. For example, the June MMP identifies Outlet Creek overflow as a water source for the established wetlands on the Ford Parcel (MMP p. 7-24). But the hydrology report does not evaluate water inputs to any of the sites other than ground water and precipitation. We would like to schedule a staff-level conference call to discuss this report at your earliest convenience.

Meeting Handout

Finally, our field review highlighted substantial flaws at the Nieson property raising significant doubt as to its suitability as an establishment site. Once the new bypass is completed, this parcel will be surrounded by roads on three sides, and the existing wetlands around Nieson (including the proposed reference site) are dominated by non-native and invasive plants. To date, Caltrans has not provided the site specific hydrology and plant community information necessary to determine that the Nieson Property is ecologically appropriate for wetland establishment. Based on this lack of information and our interagency field review, we are recommending the Corps eliminate the Nieson property from consideration for wetland establishment.

Thank you for organizing this field meeting to allow agency staff the opportunity to further evaluate the proposed wetland establishment areas. EPA remains committed to working with Caltrans and the permitting and resource agencies to develop a mitigation plan that fully compensates for the impacts of the proposed bypass. Please ask your staff to coordinate with Melissa Scianni at (415) 972-3821 as soon as possible to discuss the August 2nd hydrology memo and our related concerns addressed above.

Sincerely,

Jason Brush, Supervisor
Wetlands Office

cc (via electronic mail):

Ms. Laurie Monarres, US Army Corps of Engineers San Francisco District
Mr. Jeremiah Puget, North Coast Regional Water Quality Control Board
Mr. Craig Martz, California Department of Fish and Game
Ms. Janet Olave, Mendocino County Resource Conservation District
Ms. Ellen Drell, Willits Environmental Center

Meeting Handout

WILLITS BYPASS PUNCH LIST

Outstanding Items (Updated on August 6, 2010)	Expected By	Provided On	Responsible Party	Agency Approval
401 Certification	8/6/2010	8/6/2010	RWB*	RWB
Revised Surface Water Monitoring Plan	8/6/2010	8/6/2010	RWB*	RWB
Site Specific TMDL Implementation Nexus	7/29/2010	8/4/2010	CT-NREE	RWB
Ryan Creek Fish Passage	6/30/2012		CT	
Monitoring and Reporting Program-QAPP	7/26/2010	7/26/2010	CT-NREE	RWB (shall revise per MRP)
Floodplain Analysis -WWTP	7/29/2010	8/3/2010	CT-DK	RWB
Revised Mitigation Plan	2012			
Mitigation Terms Consistent with Federal Rule	7/23/2010	7/23/2010	CT-SZ	comments provided on 7/27/2010
Corrected Table of Mitigation Acres	7/23/2010	7/23/2010 / 8/2/2010	CT-SZ	comments provided on 7/27/2010
Site Specific Baseline Information	2012	data collection has begun	CT	
Site Specific Performance Standards	2012		CT	
Revised WOUS Monitoring Plan	2012		CT	
100% designs for:				
Riparian Planting	8/2/2010	8/3/2010	CT-KM	
Erosion Restoration (Upland sites, creeks follow after baseline)	8/2/2010	8/3/2010	CT-KM/MA	
Wetland Establishment	8/2/2010	8/3/2010	CT-KM/MA	
Fish Passage Design	8/2/2010	8/3/2010	CT-SF	
Watershed Information				
Description of watershed land uses	8/10/2010		CT-SZ	
Description of landscape connectivity	8/10/2010		CT-SZ	
Relative aquatic resource area that the impact site represents	8/10/2010		CT-SZ	
Aquatic resources impairment type and status	8/10/2010		CT-SZ	
Revised Work Plan				
Wetland Establishment, including:				
Maps with location and size of establishment areas	7/29/2010	7/26/2010 / 8/3/2010	CT-SZ	comments provided on 8/5/2010
Site specific target functions, hydrology, plant community	7/29/2010	2 of 3, 7/29/2010	CT-SZ	
Site specific hydrology	7/29/2010	7/29/2010	CT-SZ	
Site specific water balance for wet and dry years	7/29/2010	7/29/2010	CT-SZ	
Site specific soil profiles and analysis	8/10/2010	7/29/2010	CT-SZ	
Existing plant community conditions	8/10/2010		CT-SZ	
Erosion and soil compaction control measures	8/2/2010	8/3/2010	CT-AH	
Revised Performance Standards	8/15/2010		CT-SZ	
WOUS & Riparian (Buffer) Enhancement, including:				
Site specific goals for each parcel	2012		CT	
Functions to be enhanced for each parcel	2012		CT	
Maps with location and size of enhancement areas	2012		CT	
Site specific target functions, hydrology, plant community	2012		CT	
Site specific hydrology and water quality	2012		CT	
Site specific water balance for wet and dry years	2012		CT	
Site specific channel geomorphology	2012		CT	

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Outstanding Items (Updated on August 6, 2010)	Expected By	Provided On	Responsible Party	Agency Approval
Existing plant community conditions	2012		CT	
WOUS Preservation				
Site specific information for criteria in Federal Rule	8/2/2010	8/2/2010	CT-SZ	comments provided on 8/5/2010
Comparison of functions lost and those provided by preservation	8/2/2010	8/2/2010	CT-SZ	comments provided on 8/5/2010
Watershed improvement gained through preservation	8/2/2010	8/2/2010	CT-SZ	comments provided on 8/5/2010
Site specific hydrology and water quality	2012		CT	
Site specific channel geomorphology	2012		CT	
Site specific plant community condition	8/2/2010	8/2/2010	CT-SZ	comments provided on 8/3/2010
Site Specific Grazing Management Plan				
Short Term Plan	2012		CT	
Long Term Plan	TBD		CT	
Adaptive Management Plan	2012		CT	
Long Term Management				
Parcel Ownership - Fee Title	12/31/2010		CT	
Long Term Manager	7/20/2010		CT-MCRCD	
Revised PAR Assumptions	7/16/2010	7/14/2010	CT-JK	comments provided on 7/27/2010
Revised PAR and Endowment Est.	8/9/2010		CT-CB	
Revised Long Term Management Plan	8/9/2010		CT-SZ	
Contingency Measures				
Initiation Procedures	8/15/2010		CT-SZ	
Funding Mechanism	8/15/2010	7/26/2010	CT-MB	
Mitigation Cost Estimate	8/9/2010		CT-KM/MA	
Responsible Party	8/15/2010		CT/MCRCD	
Items that are typically required with 404 and/or 401 permit application packages.				
Caltrans is requesting permits on a mitigation plan without owning all mitigation parcels.				
Items that are past due from dates agreed on during 7/13/10 meeting.				
*** - Items Caltrans is responsible for, but will be provided by RWB**				

CT - Caltrans
MCRCD - Mendocino County Resource Conservation District
RWB - North Coast Regional Water Quality Control Board
NREE - Caltrans North Region Environmental Engineering
DK - Dave Kelley
SZ - Shanna Zahner
KM - Ken Murray

MA - Mitch Andrus
SF - Scott Foster
JK - Jeremy Ketchum
AH - Abel Huerta
CB - Carolyn Brown
MB - Matt Brady

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