California Regional Water Quality Control Board
San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612
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Linda S. Adams
Secretary for
Environmental Protection

Edmund G. Brown, Jr.
Governor

January 26, 2011
CIWQS Place ID. 241815 (gk)

Sent via email only

Mt. View Sanitary District
Attn: Michael Roe, District Manager, mroe@mvsd.org
3800 Arthur Road
P.O. Box 2757
Martinez, CA 94553

Re: Approval of Peyton Slough Hydraulic Relief Project
Alternate Supplemental Environmental Project for Order No. R2-2009-0066

Dear Mr. Roe:

The District's proposal dated December 14, 2010, for an alternate supplemental environmental project (SEP) for Order No. R2-2009-0066 is approved effective immediately. The alternate SEP was noticed for public comment on December 20, 2010, and we received no comments. The District is replacing the Peyton Slough Levee Sealing Project (original SEP) with the Peyton Slough Hydraulic Relief Project SEP (alternate SEP). The District will be responsible for securing the additional funds needed to complete the alternate SEP, which has been estimated at $1.5 million. This amount is significantly higher than the $125,000 original SEP. If adequate funding is not available by November 15, 2013, the entire SEP amount ($125,000), plus interest from May 1, 2010, must be deposited into the State's Cleanup and Abatement Account.

Please note that quarterly progress reports are required. The next quarterly progress report is due April 1, 2011. Also, please note that a final certification of completion is due no later than May 1, 2015. Please send these to the contacts shown below:

Athena Honore
San Francisco Estuary Partnership
Association of Bay Area Governments
1515 Clay St, Suite 1400
Oakland, CA 94612
ahonore@waterboards.ca.gov

Lola Barba
Division of Financial Assistance
State Water Resources Control Board
1001 I Street
Sacramento, CA 94244
LBARBA@waterboards.ca.gov

If you have any question, please contact Athena Honore with the San Francisco Estuary Partnership, at the email shown above or at (510)622-2325.

Sincerely,

Digitally signed by Bruce Wolfe
Date: 2011.01.26 09:50:27 -08'00'

Bruce H. Wolfe
Executive Officer

Attachment: Alternate SEP: Peyton Slough Hydraulic Relief Project (December 14, 2010)

Copy to (via email):

Athena Honore, ahonore@waterboards.ca.gov
Lola Barba, lbarba@waterboards.ca.gov
Neal Allen, Mt. View Sanitary District Services, nallen@mvsd.org

Request for Alternate Supplemental Environmental Project

Project Name: Peyton Slough Hydraulic Relief Project

Project Developed by: Peyton Slough Wetlands Advisory Committee and Mt. View Sanitary District

Project Performed by: Mt. View Sanitary District[1]

Contacts: Michael Roe, District Manager
Neal Allen, Assistant District Manager
Mt. View Sanitary District
P.O. Box 2757
3800 Arthur Road
Martinez, CA 94553
925.228.5635 x 32
mroe@mvsd.org
nallen@mvsd.org

Introduction and Rationale for Request for Alternate SEP

The Mt. View Sanitary District (MVSD), in accordance with the Settlement Agreement and Mutual Release for Complaint No. R2-2009-0027, initiated a Supplemental Environmental Project identified as the Peyton Slough Levee Sealing Project. The purpose of the levee sealing project is to ensure that waters in McNabney Marsh can be hydraulically isolated from the waters in Peyton Slough to minimize the dilution of saline waters in the Marsh with MVSD's treated effluent within Peyton Slough.

MVSD, in coordination with Rhodia, Inc., and the Contra Costa Mosquito Vector Control District, and with support of the Peyton Slough Wetlands Advisory Committee, re-introduced tidal action to McNabney Marsh through operation of the Peyton Slough Tide Gates in 2009, introducing saline waters to the Marsh for the first time in nearly a century. During initial salinity monitoring to evaluate the extent to which tidal action changed salinity conditions within the Marsh, comparative analysis between the Marsh and the slough demonstrated that the slough is in fact, hydraulically isolated from the Marsh, negating the need for the Peyton Slough Levee Sealing Project.

MVSD and the Peyton Slough Wetlands Advisory Committee identified a potential alternate SEP identified as the Peyton Slough Hydraulic Relief Project. This project is intended to remove a hydraulic restriction in Peyton Slough caused by the Union Pacific Railroad Bridge over the slough. The bridge structure is both too narrow and too shallow to provide optimal water exchange between McNabney Marsh and Suisun Bay/Carquinez Straits. During operation of the Tide Gates in 2009 and again in 2010, this hydraulic restriction significantly reduced the flows out of McNabney Marsh during periods of low tide, resulting in a "pumping up" of the marsh.

[1] MVSD shall have ultimate responsibility for the entire project, but may use a third-party implementer, such as the Union Pacific Railroad, to actually complete the work.

This pumping up phenomena has the effect of creating high water levels within McNabney Marsh, threatening flooding of adjacent infrastructure including Waterfront Road, existing petroleum pipelines, Arthur Road, existing local storm-drainage channels and waterfowl nesting habitat. The lack of proper drainage also increases the natural tendency of the marsh to develop areas of nearly stagnant water, impacting the water quality and habitat values within the marsh.

MVSD is requesting replacement of the original Peyton Slough Levee Sealing Project SEP with the Peyton Slough Hydraulic Relief Project SEP. The proposed relief project would replace the Union Pacific Railroad Bridge with a wider and deeper structure. A detailed project description is included in Appendix A. The proposed construction project represents a significant increase in total project cost over that of the original project. As such, MVSD is further requesting the following, consistent with direction provided by the Water Board in May 2010 regarding conditions required for consideration of a project alternative:

- MVSD shall be responsible for securing the additional funds needed to complete the project, which has been estimated at up to $1.5 million. This amount is significantly higher than the $125,000 SEP (penalty amount). Therefore, the proposed project scope includes a fundraising component and raising funds shall represent major milestones in the project work plan.

- To accomplish the fund raising, MVSD is requesting a 5-year time-frame beginning May 1, 2010 to obtain the necessary additional funds, design the project, perform necessary environmental review, obtain any additional regulatory permits and/or rights-of-way, and to complete construction. Should funding become available earlier, every effort will be made to accelerate design and construction. **No further time extensions or revisions will be requested.**

- The acknowledged weak link in this proposed alternative is bridging the financial gap between the penalty amount of $125,000 and the estimated total project cost of approximately $1.5 million. To this end, MVSD has committed the SEP amount ($125,000) to an account so that it accrues interest If this project fails, the entire SEP amount ($125,000), plus interest from May 1, 2010, shall be deposited into the Cleanup and Abatement Account. No credit will be requested for expenditures to date on the original, abandoned SEP project and interest will accrue at a rate of 2.5% APY.

- MVSD shall fund the San Francisco Estuary Partnership's staff time to further develop the work plan for this proposed alternate SEP as necessary so that it is acceptable to the Water Board as part of the third party oversight provided by SFEP.

- As part of the fund-raising effort MVSD will request the Water Board draft a resolution asking for the Cleanup and Abatement Account to fund portions of this project. MVSD understands that an award is not guaranteed and this request will not substitute for funding commitments from other parties such as the Railroad or other identified beneficiaries.

- The Union Pacific Railroad was prepared to undertake this project in 2008/2009 as mitigation for other railroad projects within the State, but ultimately decided not to

- Until the revised project is approved, MVSD will maintain baseline levels of effort (quarterly reports, deliverables) towards the current project. MVSD understands that all conditions of the ACL order, including the current project, remain in effect until they are revised. MVSD further understands that this request, if approved, will result in a revision or amendment to the SEP only, without modification to the ACL order. MVSD is requesting the revised project because the current project has been determined to provide no benefit. If the revised project is not approved, staff will recommend payment of the ACL penalty amount to the Clean Up and Abatement Account to the MVSD Board of Directors in lieu of completing the current project.

Compliance with SEP Criteria:

1. The proposed alternate SEP directly benefits the McNabney Marsh located immediately east of I-680 between the Pacheco Boulevard and Marina Vista exits in Martinez by providing improved hydraulic exchange between McNabney Marsh and Suisun Bay/Carquinez Strait. The improved hydraulic exchange will enhance wildlife habitat, promote native vegetation, improve water quality, and further the planned restoration of McNabney Marsh to tidal influence and estuarine conditions.

   McNabney marsh is a water of the State of California fed and drained by Peyton Slough. The Peyton Slough watershed is composed of urban Peyton Creek and some minor tributaries, managed runoff from the Shell Oil Refinery located west of I-680, urban runoff from the relatively small Arthur Road neighborhood east of I-680, as well as drainage from portions of I-680 itself. The watershed includes Martinez Reservoir, the terminal reservoir of the Contra Costa Canal. Martinez Reservoir has a spillway connected to Peyton Creek. Peyton Creek is a highly modified urban creek with a combination of open concrete channels, natural channels, and a 1,000-foot long underground concrete culvert through the Shell Oil Refinery property. Peyton Creek is an intermittent stream, mostly drying up by the summer.

   The proposed hydraulic relief project is in the watershed immediately adjacent to the impacted watershed. McNabney Marsh is a very similar setting of creek-marsh interface under the potential influence of spills from industry and sanitary sewers. The improved water management capacity enabled by the SEP will improve water quality control in McNabney Marsh.

   Peyton Slough conveys natural drainage flows from Peyton Creek and treated effluent from MVSD through McNabney marsh, under Waterfront Road and the Union Pacific Railroad, through existing marshes maintained by Rhodia, Inc. and other, to Suisun Bay/Carquinez Strait. Flows to McNabney Marsh from Peyton Slough are controlled by MVSD utilizing two gate structures constructed on the east and west sides of the slough just south of Waterfront Road. Until the summer of 2009, waters in McNabney Marsh

consisted of advanced secondary treated effluent from MVSD and urban runoff from the surrounding watershed. In 2009, as part of a continuing adaptive management effort, tide gates owned and operated by Rhodia, were opened with the intent of returning McNabney Marsh to a tidally influenced, estuarine condition. The tide gates were closed during the winter of 2009/2010 and opened again in August of 2010[2] and closed in late October. These initial operational cycles of the tide gates confirmed a predicted hydraulic bottleneck located at the Union Pacific Railroad Bridge over Peyton Slough. This hydraulic restriction severely limits the water exchange between McNabney Marsh and Suisun Bay/Carquinez Strait. Improved water exchange will greatly enhance estuarine habitat by introduction and maintenance of native salt water species (fauna and flora) and improved cover for resident and migratory waterfowl. The water exchange will also improve overall water quality of the marsh as measured by salinity, pH and dissolved oxygen as the primary water quality indicators.

2. The proposed SEP contains only measures that go above and beyond applicable obligations of MVSD as a discharger. MVSD has overall management responsibility for McNabney Marsh. For years, the marsh was managed as a freshwater marsh. In cooperation with the other members of the Peyton Slough Wetlands Advisory Committee, MVSD began working toward restoring McNabney Marsh to its historical condition as an estuarine marsh. Although much work has been funded and performed by MVSD, much more has been accomplished through the work of the Committee as funding by grants and donations was available. These activities have and continue to exceed MVSD's obligation for marsh management. The proposed Peyton Slough Hydraulic Relief project has long been identified as a key project to achieve completion of the restoration of McNabney Marsh to a tidally influenced estuarine marsh.

3. The proposed SEP does not directly benefit, in a fiscal manner, the Water Board's functions, its members, or its staff. The project consists of construction to eliminate a hydraulic constriction in Peyton Slough to improve water quality and habitat within McNabney Marsh.

4. The proposed hydraulic relief project is in the watershed immediately adjacent to the impacted watershed. McNabney Marsh is a very similar setting of creek-marsh interface under the potential influence of spills from industry and sanitary sewers. The improved water management capacity enabled by the SEP will improve water quality control in McNabney Marsh. The proposed project will benefit biological resources similar to those affected by the Pump Station No. 4 spill. As the spill impacted brackish habitat and associated resources, the proposed SEP will benefit an adjacent brackish habitat and its associated resources. Projects that aid in water management of the Peyton Slough-McNabney Marsh complex are considered a priority for effective brackish marsh management. The proposed SEP will contribute to expanding and sustaining available

[2] Current tide gate operation goals include opening the gates for the dry season (mid-April through mid-October) and closing the gates to accommodate local drainage systems through the wet weather season (mid-October to mid-April). The late season opening in 2010 was required to provide dry conditions within the Rhodia marsh to accommodate remediation activities by Rhodia. Once the gates were opened, they were left open until threat of severe wet weather, to facilitate pickleweed growth at the Rhodia site.

habitat for plant, fish, and wildlife typical of brackish or estuarine marshes. The improved water management capacity enabled by the SEP will improve water quality control in McNabney Marsh.

Description of Project:

The proposed Peyton Slough Hydraulic Relief Project consists of removing an existing hydraulic restriction in Peyton Slough to improve water exchange between McNabney Marsh and Suisun Bay/Carquinez Strait. The project includes a fund-raising component to bridge the financial gap between the $125,000 required of MVSD and the approximately $1.5 million total project cost estimate to replace the Union Pacific Railroad Bridge. Final construction and project acceptance will be completed by May 1, 2015. If sufficient funding is obtained earlier, the project will be accelerated to be completed at the earliest date possible. Detailed descriptions, budgets and schedules are included in the Appendices to this request.

1. The goal of the SEP is to remove a hydraulic restriction or bottle-neck in Peyton Slough caused by the Union Pacific Railroad Bridge over Peyton Slough. The UPRR Bridge is too narrow and too shallow to provide sufficient water movement in the Slough to achieve optimal water transfer between McNabney Marsh, located on the south side of the railroad, and the Strait located north of the railroad. Optimal water transfer is necessary to complete the restoration of the marsh to a tidally influenced estuarine ecosystem. The improved water transfer resulting from this SEP will provide higher quality habitat and improved water quality within the marsh by increasing the volume of saline water introduced into the marsh and improving drainage of the marsh during low tide. Tidal influence is necessary to pump sufficient salinity and dissolved oxygen into the marsh. Removal of the restriction will increase drainage of the marsh during low tides, minimizing conditions with the marsh resulting in depletion of dissolved oxygen associated with areas of little water movement. Improved drainage from McNabney Marsh is anticipated to also minimize potential flooding of adjacent infrastructure and may ultimately lead to year-round operation of the tide gates.

2. Key personnel involved in the SEP are Michael Roe, MVSD District Manager, Neal Allen, MVSD Assistant District Manager, and Kelly Davidson Chou, MVSD District Biologist.

3. MVSD will provide continued operation and maintenance of the constructed facilities as part of its existing marsh management responsibilities. As identified above, MVSD has existing management responsibilities within McNabney Marsh, including operation and maintenance of water control structures, dredging as necessary to improve water movement and/or establish habitat, water quality monitoring and habitat preservation. On-going maintenance following completion of the SEP will consist of minor erosion control/management and would be a minor extension of existing marsh management activities.

4. This project is strongly supported by the members of the Peyton Slough Wetlands

Advisory Committee as documented in Appendix B to this proposal.

Project Milestones and Budget:

Table 1 – Project Schedule

TASK	DURATION	START	FINISH
Initial Deposit From MVSD	Milestone	5/1/2010	5/1/2010
Submit Request for Alternate SEP	Milestone	11/1/2010	11/1/2010
Anticipated Approval of Alternate SEP by Water Board	Milestone	1/2/2011	1/2/2011
Fundraising			
Apply for San Francisco Bay Area Water Quality Improvement Fund Grant	80 days	11/1/2010	1/28/2011
Establish Fundraising Committee	90 days	1/2/2011	4/2/2011
Identify funding sources	On-going	1/2/2011	11/15/2013
Targeted application for grants	On-going	1/2/2011	11/15/2013
Targeted marketing for matching funds	On-going	1/2/2011	11/15/2013
Targeted marketing for corporate sponsorship	On-going	1/2/2011	11/15/2013
Mitigation Banking Application			
Research feasibility of establishing Mitigation Bank	90 days	3/15/2011	6/13/2011
Develop Mitigation Bank if found feasible	200 days	6/14/2011	12/31/2011
Market Mitigation Bank if developed	360 days	1/2/2012	12/27/2012
Funding Milestones			
75% Funded – Decision Point for Selecting Design Consultants	Milestone	9/1/2012	9/1/2012
100% Funded - Decision Point for Bidding Construction Project	Milestone	11/15/2013	11/15/2013
Quarterly Reports	Due in Jan, Apr, Jul & Oct each year,		
Consultant Selection			
Design Consultant	120 days	9/4/2012	1/2/2013
Environmental Consultant	120 days	9/4/2012	1/2/2013
Outreach Consultant	90 days	10/4/2011	1/2/2012
Design (Includes Permitting)	300 days	1/19/2013	11/15/2013
Permitting			
404 Certification	180 days	3/3/2013	8/30/2013
401 Certification	180 days	3/3/2013	8/30/2013
1603 Streambed Alteration Agreement	180 days	3/3/2013	8/30/2013
Temporary Construction Easements	180 days	5/19/2013	11/15/2013
UPRR Encroachment Permit	90 days	6/1/2013	8/30/2013
Construction Bidding	60 days	11/15/2013	1/14/2014
CEQA	200 days	4/29/2013	11/15/2013
Construction	180 days	3/15/2014	10/1/2014
Project Monitoring (pre and post construction)	On-Going	5/01/2012	5/01/2015
Project Completion and Acceptance	Milestone	5/1/2015	5/1/2015

A detailed project timeline is included in Appendix A.

Table 2 – Replace Railroad Bridge Construction Cost Estimate

Item No.	Description	Quantity	Unit	Total
1	Mobilization and Demobilization	1	Lump Sum	$ 100,800.00
2	Remove Existing Structure and Support Rail	1	Lump Sum	$ 201,600.00
3	Reconstruct Channel, Entry and Exist	1	Lump Sum	$ 151,200.00
4	Construct New Bridge	1	Lump Sum	$ 554,500.00
			Subtotal	**$1,008,100.00**
			Construction Contingency (10%)	$ 100,800.00
			Subtotal	**$1,108,900.00**
			Allowance for Engineering, Environmental, Legal, and Administration (35%)	$ 388,100.00
			Total Estimated Project Cost[3]	**$1,497,000.00**

MVSD will fund and provide all necessary project management and marsh monitoring necessary to complete the SEP.

Project Performance Measures:

In general, the ground level of McNabney Marsh is subsided and relatively distant from Suisun Bay and Carquinez Strait; therefore, water control and management of Peyton Slough and McNabney Marsh are important considerations in restoring the water quality and habitat of the area to as much of its natural state as possible. Proper water management of the entire McNabney Marsh system is necessary to restore and enhance wetland habitat for the benefit of resident and migratory fish and wildlife, including the endangered salt marsh harvest mouse. Water management is equally necessary to restore and maintain native plant species such as pickleweed, which provides habitat for the salt marsh harvest mouse. To achieve the goal of a more natural state, the marsh should be managed to maintain a diverse assemblage of brackish to salt tolerant vegetation adapted to a brackish marsh. In McNabney Marsh, a more natural state will better support the four beneficial uses of warm freshwater habitat, estuarine habitat, wildlife habitat and preservation of rare and endangered species.

The development of management objectives for Peyton Slough and McNabney Marsh have been the focus of the Peyton Slough Wetlands Advisory Committee (Committee) since its inception as the McNabney Marsh Management Committee. The proposed Peyton Slough Hydraulic Relief Project has been discussed and approved by the Committee since 2003. MVSD facilitates and co-chairs the Committee. In addition, the Committee is composed of many interested parties, some of which are most notably the California Department of Fish and Game Office of Spill Prevention and Response (OSPR) and Bay Delta Region, the San Francisco Bay Regional Water Quality Control Board, the East Bay Regional Park District, the Contra Costa Mosquito Vector Control District, Shell Oil Company, Rhodia Inc., and Mt. Diablo Audubon Society. The Committee has developed detailed marsh management plans and implemented restoration projects to enhance the habitat of the Peyton Slough marshes. The hydraulic relief project was identified by the Committee as a key project to allow marsh managers to proactively control water flow between the marsh and Suisun Bay/Carquinez Strait with the intent of achieving the

[3] Project performance monitoring consists of activities currently performed by MVSD in conjunction with on-going marsh management activities and will be funded outside of the SEP project budget.

hydraulic and biological objectives as outlined in the *Peyton Slough Wetlands Complex Natural Resources Management and Monitoring Plan*, September 2008 (Marsh Management Plan).

A recent survey of the channels in McNabney Marsh found only two native fish species. A potential long term benefit of effective tidal water management could be increased species diversity with saline tolerant species such as Sacramento Splittail (found in the tidal portion of Peyton Slough). With the bidirectional operation of the Peyton Slough tide gates which commenced in June 2009, the conditions in McNabney Marsh are on the cusp of change. The hydraulic relief project will better facilitate this positive change and will enhance the effect of operation of the tide gates on McNabney Marsh. The 130-acre marsh already provides important habitat for both resident and migratory water birds, including ducks, shorebirds, large wading birds as well as passerine species (Edgar 2008). In the long term, the marsh has the potential to expand its native fish population. Since these benefits are long term and represent a potential benefit, no performance monitoring for fish is included in this project.

Water Quality Performance Measures

The hydraulic relief project is intended to increase the re-introduction of saline waters to McNabney Marsh, which will in turn stabilize the pH of the waters within the marsh and increase the dissolved oxygen of the waters within the marsh. As such, the proposed water quality performance measures are salinity, pH and dissolved oxygen. The performance goal for salinity is to equal the salinity concentration of Suisun Bay/Carquinez Strait during seasonal tide gate operation. This would indicate that the primary source of water within the marsh is Suisun Bay/Carquinez Strait. The performance goal for pH is to stabilize the pH within the Marsh to the naturally occurring range of 6.0 to 9 and to demonstrate that pH fluctuation during seasonal tide gate operation is consistent with those found in Suisun Bay/Carquinez Strait. Similarly, the performance goal for dissolved oxygen (DO) is to maintain DO concentrations of at least 7.0 mg/L which is consistent with DO concentrations in Suisun Bay/Carquinez Strait.

Water Quality Monitoring

MVSD staff will continue to monitor water quality within McNabney Marsh as continuation of MVSD's marsh management activities and existing sampling program. Grab samples for salinity, pH and DO will be collected and analyzed monthly. Composite samples for the same parameters will be collected quarterly. This represents MVSD's on-going marsh sampling program, so pre-project sampling will continue through construction. Post project sampling will continue as a component of MVSD's marsh management activities at no cost to the SEP. Pre-project results will be reported in the quarterly reports to the Regional Water Board, with post project results and performance analysis included in the Project Final Report.

Vegetation Performance Measure

The establishment of effective water management control in the marsh, in part through

the proposed hydraulic relief project, is anticipated to provide benefit to the marsh plant habitat. In particular control of invasive cattails and perennial pepperweed and encouragement of other salt tolerant native plant species such as pickleweed. In such a dynamic marsh system, these biological benefits will take time to manifest. A performance indicator of the overall water management would be to monitor the change in vegetation in the marsh. Since the potential biological benefits can only be confirmed over long periods of time, any final report describing project performance would fall outside the SEP timeline, unless the project can be accelerated by early receipt of funding. Vegetation monitoring is anticipated to require two years after completion of construction to determine measurable results. It should be noted that this vegetation performance indicator is influenced by recent construction projects in the marsh – the recent dredging and flap/sluice gate installation performed in 2007, and the opening of the tide gates this year. Any observed changes in vegetation reported in accordance with this SEP cannot be solely attributed to the hydraulic relief project. The following proposed vegetation performance measures and subsequent monitoring are consistent with current MVSD marsh management activities and will be performed by MVSD outside of the SEP.

The specific vegetation performance goals for this project are a 10% decrease in cattails, a 10% decrease in perennial pepperweed, and a 10% increase in pickleweed within McNabney Marsh over pre-project conditions based on the latest Vegetation Mapping available prior to actual project construction. The District will continue its current biennial program of Aerial Imagery Collection and Vegetation Mapping as part of its on-going marsh management activities.

The McNabney Marsh 2007 Aerial Imagery Collection and Vegetation Mapping, which focused on nine (9) vegetation types including cattail and pickleweed, will provide a valid baseline from which to measure the above stated performance goals. The October 2007 vegetation mapping will be more than adequate for a vegetation cover baseline because the water regime has been consistent in the intervening years since the installation of the water control structures in November 2007. The Rhodia tide gates allowed outflow of Peyton Slough flow but prevented tidal flow upstream. This has resulted in marsh vegetation types slowly changing from salt tolerant to freshwater species. Conducting the vegetation monitoring one year after the completion of the hydraulic relief project will allow for one growing season between completion of the project and vegetation mapping.

Vegetation Monitoring

To assess the anticipated plant habitat improvements, vegetation monitoring will be performed through mapping. Aerial photographs will be taken of the McNabney Marsh system. These aerial photographs will closely follow the image processing that was performed in the 2007 aerial images. The 2007 images were taken at a scale of 1:8400, between the hours of 2:00-4:00pm. The photography included two tiles of both true color and color infrared imagery and was scanned at 1200 dots per inch (dpi), giving the resulting imagery a pixel size of 0.67 feet or 0.2 meters. Other details are contained in the

attached 2007 aerial images report. The 2007 aerial maps will be used as a baseline for vegetation monitoring. Another set of aerial maps will be taken one year after the project construction is complete and will closely follow the same process. If the construction project can be accelerated, a report comparing the two sets of maps will be generated and included with the final report for this SEP, otherwise vegetation monitoring results will be provided outside the schedule of the SEP. The vegetation monitoring will be performed as part of MVSD's continuing marsh management activities at no cost to the SEP

Water Movement Performance Measure

The project proposes to remove a hydraulic restriction in Peyton Slough to improve water exchange between McNabney Marsh and Suisun Bay/Carquinez Strait. The project's goal is to improve and proactively maintain water management over the waters that enter McNabney Marsh and therefore effectively manage water quality in the McNabney Marsh. Peyton Slough carries approximately 1.5 million gallons per day (mgd) of dry weather flow consisting primarily of secondary treated effluent from the Mt View Sanitary MVSD wastewater treatment plant. When the tide gates are open, rising tides drive water from Suisun Bay/Carquinez Strait up Peyton Slough and into adjacent marshes including McNabney. This tidal flow represents a tremendous amount of energy, sufficient to overcome the hydraulic restriction at the railroad. As tides recede, flows from McNabney Marsh do not have the same energy or hydraulic head to drive flows past the hydraulic restriction. With incoming flows exceeding outflows, McNabney Marsh experiences a "pumping up" effect, resulting in higher water elevations that threaten adjacent infrastructure and habitat, and reduced water exchange that impacts marsh water quality. Therefore, one of the measures of performance of the hydraulic relief project is to monitor water movement between Suisun Bay/Carquinez Strait to the marsh. The specific water movement performance goal for this project is relatively equal flows from the marsh as into the marsh. A secondary goal would be to demonstrate sufficient drainage from McNabney Marsh to alleviate flooding concerns, potentially allowing for year-round operation of the tide gates.

Water Movement Monitoring

MVSD staff will observe the performance of the hydraulic relief project based on differential water levels at locations within Peyton Slough and McNabney Marsh, including locations on both sides of the railroad. This level information will be compared to pre-project level information and will confirm increased inflow and drainage of McNabney Marsh. MVSD staff will also observe and record changes to the cross-section and depth of Peyton Slough as tidal action and increased bi-directional water flow establish a new physical equilibrium within the slough itself. MVSD is committed to observing the project's performance as part of its regular surveillance activities at no cost to the SEP.

Reports to the Water Board

MVSD will prepare and submit quarterly reports on the progress of completion of the SEP to the Regional Water Board, the third party oversight organization identified below, and the State Water Board's Division of Financial Assistance. Additionally, upon project completion, MVSD will prepare and submit a final report documenting completion of the SEP and how performance measures were met. The project final report will include a copy of accounting records of expenditures.

Third Party Oversight Organization

To ensure completion of commitments and appropriate expenditure of funds, oversight and audit of the project will be conducted by the San Francisco Estuary Partnership (SFEP). All reports must be sent to the following:

Athena Honore
SFEP
1515 Clay Street, Suite 1400
Oakland, CA 94612
(510) 622-2325
ahonore@waterboards.ca.gov

APPENDIX A

Appendix A to Request for Alternate SEP

Project Description for the Peyton Slough Hydraulic Relief Project

Project Goals:

The goal of the Peyton Slough Hydraulic Relief Project is to increase water exchange between the McNabney Marsh and Suisun Bay/Carquinez Strait to improve habitat and water quality in McNabney Marsh.

Project Location:

Latitude = 38.0259, Longitude = -122.1027
Lat = 38 degrees, 1.6 minutes North
Long = 122 degrees, 6.2 minutes West

Project Description:

The Peyton Slough Hydraulic Relief Project replaces the previously approved Supplemental Environment Project (SEP) titled Peyton Slough Levee Sealing Project. The Levee Sealing Project, with a total estimated project budget of $125,000, has been determined unnecessary. Mt. View Sanitary District will commit the entire $125,000 penalty amount toward the Hydraulic Relief Project and will further commit to pursuing fund-raising activities to raise the entire total estimated project budget of up to $1,500,000 to perform the preferred construction project. The project would replace the Union Pacific Railroad Bridge over Peyton Slough to increase the capacity and depth of Peyton Slough under the railroad. This project was selected over other potential construction methods for the following reasons:

- Provides optimal increase in capacity and depth of Peyton Slough under the railroad;
- Minimizes construction related impacts in and/or adjacent to existing wetlands; and,
- Minimizes temporary environmental impacts during construction.

A more complete description of this project is provided later in this discussion.

The project has been scheduled based on the following project steps:

- Fundraising
- Project Design, Environmental Review and Construction Permitting
- Project Construction

Fundraising

A key component of this project is bridging the financial gap between the penalty amount of $125,000 to be provided by Mt. View Sanitary District and the $1,500,000 estimated total project budget. Therefore, fundraising will be a key initial element of the project. The project plan includes the immediate preparation of a grant application for the 2011 San Francisco Bay Area Water Quality Improvement Fund Grant. If successful, this grant could provide the majority of funding required to complete the project. The project plan also includes requesting the Water Board to adopt a resolution to apply Cleanup and Abatement Account Funds toward the Hydraulic Relief Project.

Beyond these immediate actions, the project also calls for establishment of a Project Fundraising Committee to help identify, direct, and perform some of the fundraising activities required for the project. It is currently anticipated that Mt. View Sanitary District will rely on existing relationships through the Peyton Slough Wetlands Advisory Committee to identify willing and motivated partners for this Committee. Anticipated Committee activities include identification of potential funding sources including government and non-profit grants, potential corporate sponsors, and potential private sponsors. The Committee would also assist MVSD in preparing a fundraising/financing plan including strategic grant applications, teaming or partnering opportunities for joint applications, and other fundraising opportunities.

At this point, UPRR is still evaluating their potential financial participation in the project. MVSD and the Peyton Slough Wetlands Advisory Committee remain hopeful that UPRR will participate by contributing to the overall construction project financing at some level. MVSD will continue to work with UPRR to persuade them to join in the financial responsibility for this project. MVSD is committed to completing this project with or without the railroad's financial participation and will work with the UPRR Industry and Public Projects (IPP) group which serves as the main point of contact for local communities and public agencies developing and working on Public Projects affecting the railroad. Public Projects may typically include public or private crossings, crossing surface renewals, road reconstruction at crossings, over- or underpasses, signalized crossing projects, recreational trails, etc. After initial contact with the UPRR Industrial Development section the IPP group will assist with the progress of industry track projects from an engineering design and construction perspective.

Key milestones include securing 75% of the necessary funding prior to authorizing final project design and securing 100% of the necessary funding prior to calling for bids for construction.

Project Design, Environmental Review, and Construction Permitting

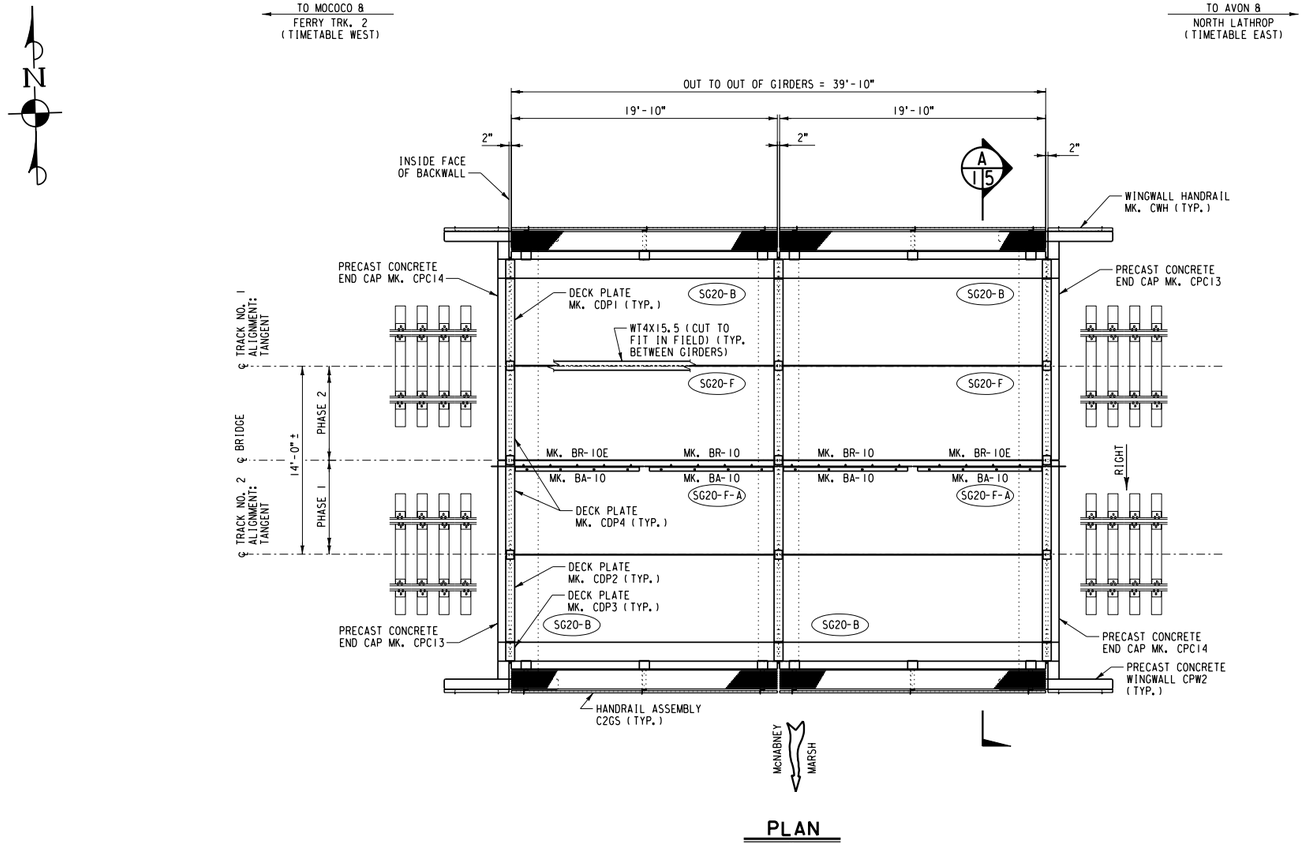
This project includes removing the existing bridge structure, which is really a concrete box structure, and replacing the structure with a new railroad bridge. The existing Peyton Slough channel would be reconstructed into a conventional trapezoidal channel, with a new channel bottom elevation of -3.5 feet. Construction will likely be performed from the existing tracks, minimizing construction impacts on the surrounding property. See attached design drawing.

It is not clear at this time, whether this project as currently envisioned has been previously considered environmentally. The project budget and schedule is based on performing an Environmental Impact Report for this project.

With construction anticipated to be performed from the rails, construction permitting is anticipated to be minimized, however the project schedule and budget includes securing an USACE Section 404 permit, 401 Water Quality Certification, and CDFG 1603 Streambed Alteration Agreement. This project is not anticipated to require additional right-of-way, but may require acquisition of temporary construction permits.

Project Construction

Construction of the project is anticipated to require approximately six months and would be most efficient during the typical construction season of March/April to October/November. This may require modification of tide gate operation to accommodate construction activities. To provide the maximum time to secure the necessary funding and to reflect the preferred construction window construction completion is scheduled for November 2014, allowing for 6 months to perform the water quality monitoring necessary to demonstrate the success of the project. Should funding become earlier, design, construction and performance measuring will be accelerated to the earliest possible completion date. The schedule provided allows for some flexibility to address unanticipated project delays and still meet the SEP completion deadline of May 1, 2015.



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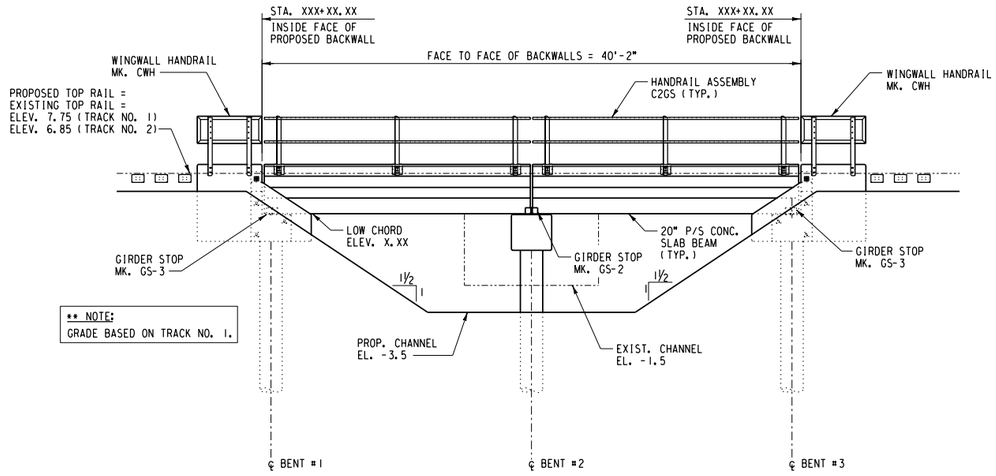

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NO.	DATE	REVISIONS
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UNION PACIFIC RAILROAD
Office of AVP Engineering Design

LOCATION: BR. 36.44 — TRACY SUB.
1.74 MILES EAST OF MARTINEZ, CA

FACILITY: 2-20' PCS SPANS REPLACING 1 SPAN STRUCTURE (2 TRACKS)

DWG TITLE: GENERAL ARRANGEMENT

PROJECT ID:	UP ENGINEER: SLC	LATITUDE: XX° XX' XX"N
WORK ORDER:		LONGITUDE: XXX° XX' XX"W
DESIGN BY: SLC		
CHECKED BY: SLC	DWG. SEQUENCE	C E NUMBER
DRAWN BY: GVS	1 of 1	
CHECKED BY: SLC		
SCALE: AS SHOWN		

APPROVED

FOR AVP ENGINEERING DESIGN — DATE

FILE NAME: p:\detail\dgn\brdd0644.bca

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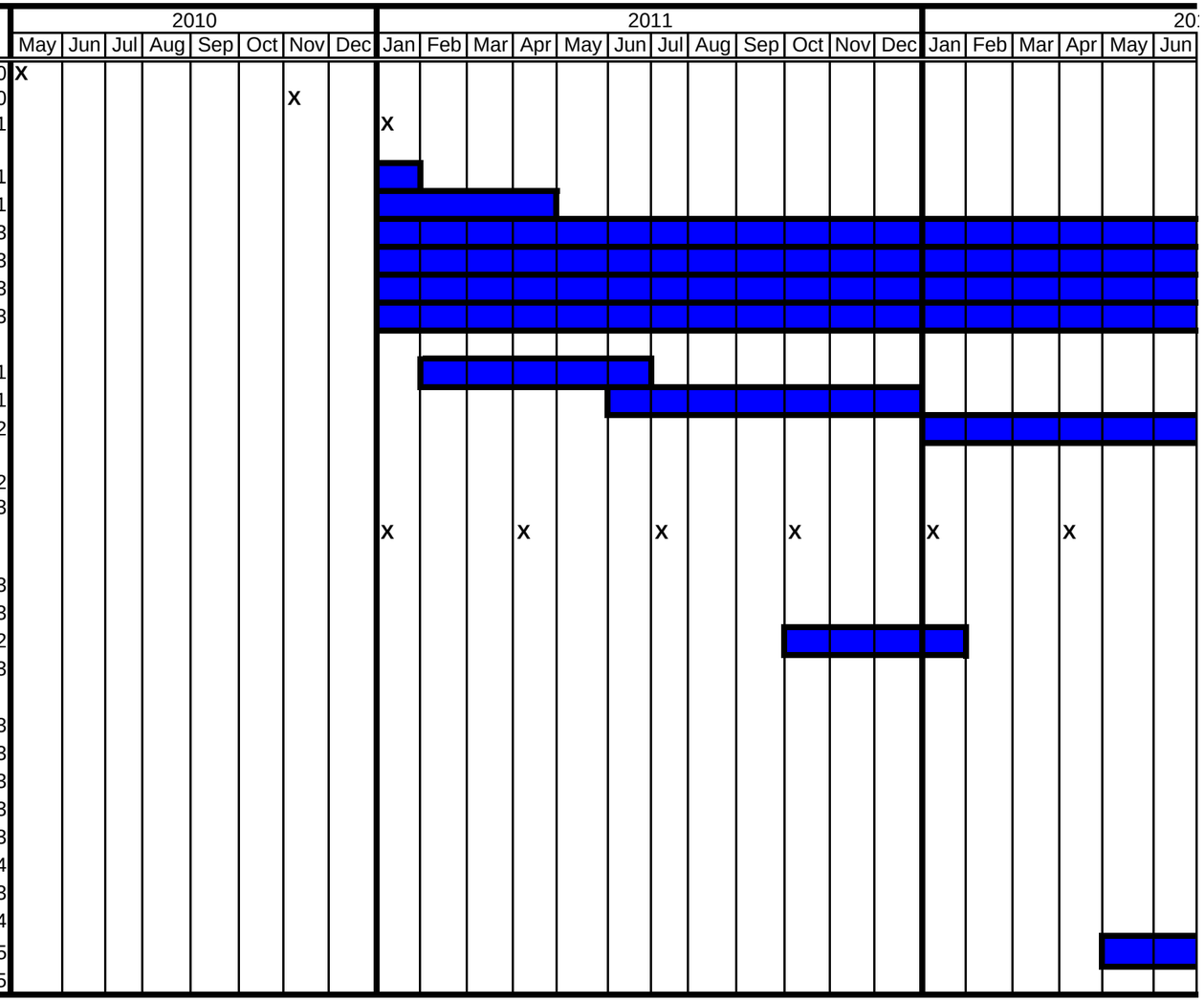
TASK	DURATION	START	FINISH
Initial Deposit From MVSD	Milestone	5/1/2010	5/1/2010
Submit Request for Alternate SEP	Milestone	11/1/2010	11/1/2010
Anticipated Approval of Alternate SEP by Water Board	Milestone	1/2/2011	1/2/2011
Fundraising			
Apply for San Francisco Bay Area Water Quality Improvement Fund G	80 days	11/1/2010	1/28/2011
Establish Fundraising Committee	90 days	1/2/2011	4/2/2011
Identify funding sources	On-going	1/2/2011	11/15/2013
Targeted application for grants	On-going	1/2/2011	11/15/2013
Targeted marketing for matching funds	On-going	1/2/2011	11/15/2013
Targeted marketing for corporate sponsorship	On-going	1/2/2011	11/15/2013
Mitigation Banking Application			
Research feasibility of establishing Mitigation Bank	90 days	3/15/2011	6/13/2011
Develop Mitigation Bank if found feasible	200 days	6/14/2011	12/31/2011
Market Mitigation Bank if developed	360 days	1/2/2012	12/27/2012
Funding Milestones			
75% Funded - Decision Point for Selecting Design Consultants	Milestone	9/1/2012	9/1/2012
100% Funded - Decision Point for Bidding Construction Project	Milestone	11/15/2013	11/15/2013
Quarterly Reports	Milestones		
Consultant Selection			
Design Consultant	120 days	9/4/2012	1/2/2013
Environmental Consultant	120 days	9/4/2012	1/2/2013
Outreach Consultant	90 days	10/4/2011	1/2/2012
Design (Includes Permitting)	300 days	1/19/2013	11/15/2013
Permitting			
404 Certification	180 days	3/3/2013	8/30/2013
401 Certification	180 days	3/3/2013	8/30/2013
1603 Streambed Alteration Agreement	180 days	3/3/2013	8/30/2013
Temporary Construction Easements	180 days	5/19/2013	11/15/2013
UPRR Encroachment Permit	90 days	6/1/2013	8/30/2013
Construction Bidding	60 days	11/15/2013	1/14/2014
CEQA	200 days	4/29/2013	11/15/2013
Construction	180 days	3/15/2014	10/1/2014
Project Monitoring (Pre and Post Construction)[1]	On-going	5/1/2012	5/1/2015
Project Completion and Acceptance	Milestone	5/1/2015	5/1/2015



[1] Proposed project monitoring is identical to existing MVSD Marsh Monitoring, first pre-project monitoring results will be included in July 2012 Quarterly Report

Schedule assumes final Water Board approval by 01/02/2011 and includes 6 months float at end of project

TASK	DURATION	START	FINISH
Initial Deposit From MVSD	Milestone	5/1/2010	5/1/2010
Submit Request for Alternate SEP	Milestone	11/1/2010	11/1/2010
Anticipated Approval of Alternate SEP by Water Board	Milestone	1/2/2011	1/2/2011
Fundraising			
Apply for San Francisco Bay Area Water Quality Improvement Fund G	80 days	11/1/2010	1/28/2011
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100% Funded - Decision Point for Bidding Construction Project	Milestone	11/15/2013	11/15/2013
Quarterly Reports	Milestones		
Consultant Selection			
Design Consultant	120 days	9/4/2012	1/2/2013
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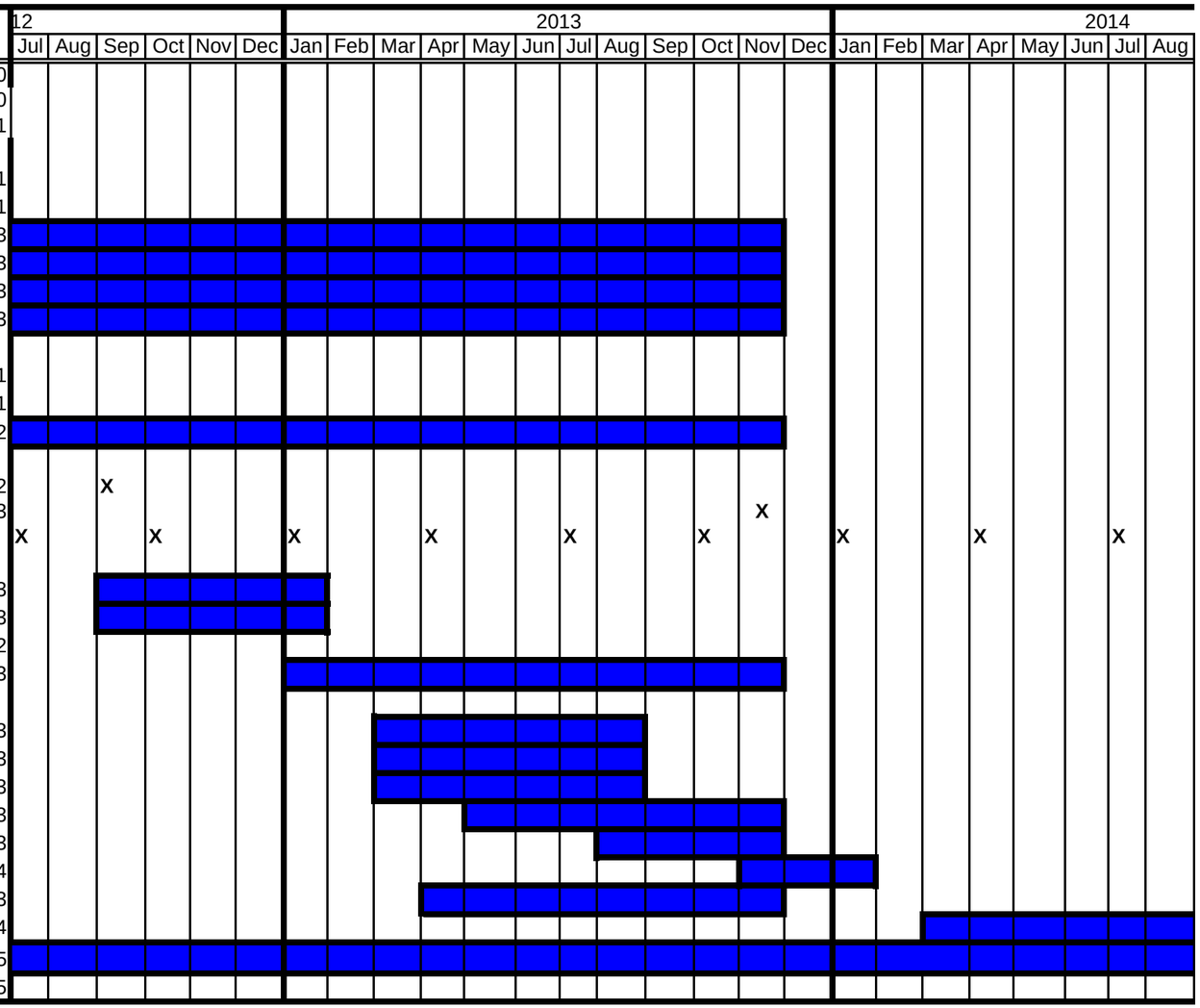
Construction	180 days	3/15/2014	10/1/2014
Project Monitoring (Pre and Post Construction)[1]	On-going	5/1/2012	5/1/2015
Project Completion and Acceptance	Milestone	5/1/2015	5/1/2015



[1] Proposed project monitoring is identical to existing MVSD Marsh Monitoring, first pre-project monitoring results wi

Schedule assumes final Water Board approval by 01/02/2011 and includes 6 months float at end of project

TASK	DURATION	START	FINISH	2015									
				Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Initial Deposit From MVSD	Milestone	5/1/2010	5/1/2010										
Submit Request for Alternate SEP	Milestone	11/1/2010	11/1/2010										
Anticipated Approval of Alternate SEP by Water Board	Milestone	1/2/2011	1/2/2011										
Fundraising													
Apply for San Francisco Bay Area Water Quality Improvement Fund G	80 days	11/1/2010	1/28/2011										
Establish Fundraising Committee	90 days	1/2/2011	4/2/2011										
Identify funding sources	On-going	1/2/2011	11/15/2013										
Targeted application for grants	On-going	1/2/2011	11/15/2013										
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Targeted marketing for corporate sponsorship	On-going	1/2/2011	11/15/2013										
Mitigation Banking Application													
Research feasibility of establishing Mitigation Bank	90 days	3/15/2011	6/13/2011										
Develop Mitigation Bank if found feasible	200 days	6/14/2011	12/31/2011										
Market Mitigation Bank if developed	360 days	1/2/2012	12/27/2012										
Funding Milestones													
75% Funded - Decision Point for Selecting Design Consultants	Milestone	9/1/2012	9/1/2012										
100% Funded - Decision Point for Bidding Construction Project	Milestone	11/15/2013	11/15/2013										
Quarterly Reports	Milestones				**X**			**X**			**X**	**Final Report**	
Consultant Selection													
Design Consultant	120 days	9/4/2012	1/2/2013										
Environmental Consultant	120 days	9/4/2012	1/2/2013										
Outreach Consultant	90 days	10/4/2011	1/2/2012										
Design (Includes Permitting)	300 days	1/19/2013	11/15/2013										
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404 Certification	180 days	3/3/2013	8/30/2013										
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Construction	180 days	3/15/2014	10/1/2014										
Project Monitoring (Pre and Post Construction)[1]	On-going	5/1/2012	5/1/2015										
Project Completion and Acceptance	Milestone	5/1/2015	5/1/2015										**X**

[1] Proposed project monitoring is identical to existing MVSD Marsh Monitoring, first pre-project monitoring results wi

Schedule assumes final Water Board approval by 01/02/2011 and includes 6 months float at end of project

APPENDIX B

At the July 20, 2010 meeting of the Peyton Slough Wetlands Advisory Committee, Mt. View Sanitary District requested the Committee to endorse MVSD's request for an alternate SEP. The Union Pacific Railroad bridge replacement was unanimously agreed to at the meeting and the Committee suggested a letter to the UPRR that would be copied to all of the members as a sign of support for the project. The minutes from the July meeting and the letter that was sent to UPRR are included in this appendix.

PEYTON SLOUGH WETLANDS ADVISORY COMMITTEE

JULY 20, 2010 at 10:00 a.m.

Mt. View Sanitary District Classroom

MINUTES

(Accepted on October 12, 2010)

Attendees:
Neal Allen, MVSD
Irene Chang, MVSD
Laura Hanson, The Watershed Nursery
Greg Howard, Contra Costa Mosquito Vector Control District (CCMVCD)
Kathleen Jennings, California Department of Fish and Game, Office of Spill Prevention and Response (OSPR)
Steve Moore, Nute Engineering
Brian Murphy, Mt. Diablo Audubon Society (Audubon)
John-Paul Nepote, Plains Product Terminals (Plains)
Steven Overman, Shell Martinez Refinery (Shell)
Mike Roe, MVSD
Lindsay Whalin, CA Regional Water Quality Control Board (Water Board)

Introductions

1. Acceptance of May 2010 minutes

There will be a new format for minutes. Items discussed will be summarized and action items will be listed. The May 11, 2010 minutes will be re-formatted to this new version and sent for everyone's review.

Action Item:

- Irene will re-format the May 11, 2010 minutes and send them out.

2. Water Management Update (Rhodia)

Rhodia plans to start the grading work in the South Spread Area on Monday, July 26th with completion in about 2 weeks. The committee discussed the possibility of the tide gates being opened as early as mid-August. If the project is delayed and the tide gates are

operated later, maintenance will need to occur on an interim basis. This interim maintenance will account conservatively for the potential of flooding.

An emergency contact list was developed and will be circulated.

Action Items:

- Greg Howard to work with Rhodia on interim maintenance of the tide gates, if needed.
- Irene to add Peter Carroll of Tesoro to contact list. *[7/21 completed]*
- Irene to send contact list to Committee.
- Committee to let Irene know of any desired additions to list.

3. Union Pacific Railroad (UPRR) bridge project (MVSD)

a. Update

Update from last Committee meeting: MVSD sent a letter proposal to Deb Schafer, the UPRR General Director of Environmental Maintenance of Way c/o LynneDee Althouse of Althouse and Meade to gauge UPRR's interest in partially funding and performing the bridge replacement over Peyton Slough. UPRR's first level of review - the Engineering management team and its Director – "decided that now is not a good time for Union Pacific Railroad to participate in the bridge replacement project, and the Engineering Department has no plan to replace the bridge in the near future."

Deb Schafer subsequently submitted the letter to the UPRR Director of Public Relations. Ms. Schafer anticipates a response in about two weeks.

The Committee discussed keeping the positive momentum in pursuing the UPRR bridge replacement project by sending a letter to the UPRR Public Relations Department from the Committee. Developing a PSWAC letterhead was discussed as was forming an informal charter. Lindsay developed a mission statement, agreed to by the Committee, as follows: "To restore and enhance the Peyton Slough Wetlands for the benefit of residents and wildlife."

Action Items:

- Irene to contact LynneDee Althouse regarding benefit of letter written and signed by Committee. *[7/21 contact with LynneDee Althouse made. Email received night of 7/23 with a contact to see if a letter would be helpful.]*
- If considered beneficial, Irene to draft letter on behalf of the Committee members subject to content review by the Railroad Subcommittee, for Committee review and signatures. The objective is to complete the letter and send it by the end of the week to the Public Relations Department before their review period is over.
- Lindsay Whalin to check with the Watershed Division of the Water Board regarding usage of mitigation credits within 5 years. This may be incorrect information.

- John-Paul Nepote to send Irene contact information for Nina Cavett-Cox, US Army Corps of Engineers. *[7/20 completed]*
- Lindsay to create a sample letterhead. *[7/21 completed]*
- Kathleen and Steve to draft charter or other for consideration by Committee. *[7/21 made contact about drafts]*
- Irene to add an agenda item regarding a charter for the next PSWAC meeting. *[Moved to November meeting]*

b. water level monitoring equipment
- **quotes, funding**
- **locations, schedule for installation and collection of data**

Steve Moore presented thoughts on "Water Level Measurement" in the Peyton Slough wetlands complex, identifying goals of understanding of water level changes when the tide gates are open, answering questions of potential effects of changing water levels, refinement of the tide gate operation plan, justifying the expense of removing obstructions such as the UPRR bridge, and potentially making marsh projects more competitive when applying for grants by demonstrating measured benefit.

The Committee agreed to three main locations: north side of the railroad bridge (C-3-3), south side of the railroad bridge (C-3-2) and the east channel gates of the water control structures in McNabney Marsh/Peyton Slough. The fourth location to collect data could potentially be the data already being collected at the tide gates by Rhodia's Stillwell equipment supplemented by the NOAA data from Port Chicago.

MVSD and Plains Terminal agreed to purchase one YSI Level Scout instrument each, in addition to one existing MVSD unit. MVSD also agreed to install all three units.

Questions of operations and maintenance costs and data management responsibilities still remain.

The Committee agreed to look into grant monies from Contra Costa Fish and Wildlife Committee, San Francisco Bay Joint Venture (SFBJV), and The YSI Foundation. The other recommended agency to contact was San Francisco Estuary Partnership. Contra Costa Fish and Wildlife Committee's regular application deadline will be October 25, 2010. The YSI Foundation will have applications and information for requests for proposals (RFPs) available later this year. Irene will look into applications for these two agencies and opportunities with the SFBJV. Lindsay will check on opportunities that San Francisco Estuary Partnership might have.

Action Items:
- Irene to ask Mary Brown about the Stillwell data and making it accessible to Committee members. *[7/21 email request was sent to Mary]*

- Greg Howard to look into the equipment he has at the District but is not sure the existing equipment will be ready to use that soon.
- MVSD to purchase one YSI Level Scout unit and its peripherals. MVSD to also coordinate the installation of all three units. *[7/22 purchase complete. Sonde installation completed in September, several week after Tidegate initially opened.n details.]*
- Plains Terminal to purchase one YSI Level Scout unit and its peripherals. [P*urchase completed and delivered to MVSD. Installation complete in September]*
- After the meeting, Shell Martinez Refinery agreed to purchase one YSI Level Scout unit and its peripherals. *[7/22 purchase complete.]*
- Irene to look into applications for Contra Costa Fish and Wildlife Committee and The YSI Foundation and opportunities with the SFBJV. *[pending]*
- Lindsay will check on opportunities that San Francisco Estuary Partnership might have.

4. Matters From The Floor

a. Peyton Slough Wetlands complex projects

Time ran out to discuss projects in detail.

The list will be added to a future agenda.

b. Other items

The Committee agreed that future presentations such as cattails and management of them and a historical overview of Peyton Slough would be beneficial. Kathleen is working with Abby Fateman of Contra Costa County, Department of Conservation and Development to give a presentation on the Contra Costa Watershed Atlas for the November 2010 meeting.

Action Item:

- Irene to schedule presentations for September and November meetings

Contra Costa Water District performed their discharge in several rounds towards the end of May and beginning of June. Basic measurements of dissolved oxygen (DO) indicated no abnormal DO levels.

Next regularly scheduled meeting: **Tuesday, September 14, 2010, 10:00a-12:00p**.
[Subsequently rescheduled to October 12, 2010]

MT. VIEW SANITARY DISTRICT
Martinez, California • Founded 1923

BOARD OF DIRECTORS
Stanley R. Caldwell
David P. Maggi
Gregory T. Pyka
Elmer "Al" J. Schaal
Randell E. Williams

Michael D. Roe
DISTRICT MANAGER
Sheri L. Riddle
BOARD SECRETARY

J. Daniel Adams
LEGAL COUNSEL

Randolph W. Leptien
ENGINEER

June 14, 2010

VIA ELECTRONIC MAIL

Debra Schafer, Director M/W Environmental
Union Pacific Railroad Company
c/o
LynneDee Althouse, Agent for UPRR
Althouse and Meade, Inc.
Biological and Environmental Services
1875 Wellsona Road
Paso Robles, CA 93446

RE: UPRR Tracy Subdivision Mile Post 36.44
Peyton Slough Railroad Bridge

Dear Ms. Schafer,

Mt. View Sanitary District (the District) is requesting that the Union Pacific Railroad (UPRR) bridge located at Tracy Subdivision Mile Post 36.44 be replaced with a larger structure to improve habitat conditions in McNabney Marsh. Attached is a preliminary bridge plan designed by Steve Cheney in 2007.

With its narrow width and shallow depth, the existing UPRR bridge has been a hydraulic bottleneck impeding drainage through Peyton Slough for many years. Now that water control structures allow tidal exchange into the marshlands upstream of the structure for the first time in over 100 years, the need to remove this bottleneck is even more critical. Attached is an aerial photograph of the bridge bottleneck over Peyton Slough.

Outlined below are specific reasons for replacing the bridge with a new structure:

- Ecological Benefits: The current railroad bridge structure, which is narrow and shallow relative to the channel it crosses, significantly impedes water flows in Peyton Slough, and this has severely limited the potential ecological benefits of a long-term Shell Marsh Restoration Project that is nearing completion. In recent years, Peyton Slough has been redredged with substantially greater flow capacity, a set of new high volume tide gates has been installed, other water control structures have been installed, and pipelines crossing the slough have been lowered or removed, all with the goal of enhancing wildlife habitat through improved water movement in Peyton Slough. Reintroducing seasonal tidal action and improving winter storm drainage will, over time, largely restore the site's historic conditions, with the associated diversity of salt marsh and wetland organisms.

- Water Quality: The increasing flows that could result from a new UPRR structure would substantially reduce the residence time of water in the McNabney Marsh, improving the water quality for aquatic species (e.g. dissolved oxygen and pH).

- Maintenance and Protection of Channel Capacity: The increased flow capacity in the proposed structure would help prevent siltation of the newly dredged channels, both upstream and downstream of the bridge structure. In addition, the existing

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bridge structure was built around a previous timber pile bridge, and has old upright wooden posts obstructing flow and providing an ideal anchoring point for beavers to construct dams. In recent years these dams had to be removed weekly by local agencies to minimize the impediment to flow. The labor costs and associated risk of working in and around the railroad tracks would be minimized with a new structure that included removal of the old piles.

- Health and Safety: Increased seasonal tidal action and winter drainage would reduce mosquito production and the local potential for West Nile virus transmission. Increased winter drainage would also minimize flood risks in this low elevation area. Finally, replacement of this structure would minimize the possibility of a catastrophic release of hazardous materials from staged and passing train tank cars into Peyton Slough, the marshes it supports, and the built-up area which is in close proximity to several refineries and the Contra Costa County government seat.

- Public Relations: Many federal, state and local agency representatives and nonprofit organizations (including a very active local Mt. Diablo Audubon Society) are familiar with, and advocates for, the Peyton Slough marshes and have been involved with different aspects of the ongoing restoration of these marshes. Any improvements to these marshes are strongly supported, promoted, and publicized within the area. Such a project would improve public relations between UPRR and the communities in which the UPRR tracks are located.

The District was subject to an administrative civil liability related to a pump station overflow and worked with the California Regional Water Quality Control Board San Francisco Bay Region (Water Board) to perform a supplemental environmental project (SEP) in partial fulfillment of this liability. The District is exploring the possibility of redirecting $125,000 of SEP funds to the UPRR bridge replacement project that was originally committed to another SEP project. As envisioned, the amended project would create a project fund and the District would commit to further fundraising efforts beyond the original $125,000 seed funds. Additionally the District will request a time extension to the original SEP to facilitate this project. If granted, this would give the District a full five years to find additional funding and work with UPRR to complete the bridge replacement project. The amount the District would eventually provide depends on the success of fundraising efforts. In order to finalize and submit the project proposal to the Water Board, the District is interested to know what funding level, if any, the UPRR might contribute to this worthwhile project and if project completion within five years appears feasible should the Water Board decide to proceed with the project. The difference between the remaining $875,000 estimated project cost and the amount the UPRR would be willing to contribute to this project would represent the District's fundraising goals and would be defined in the SEP project proposal to the Water Board.

In addition, the District is a co-chair, along with California Department of Fish and Game – Office of Spill Prevention and Response (DFG OSPR), of the Peyton Slough Wetlands Advisory Committee (PSWAC), a group of local and state agencies and other stakeholders collaborating to restore marshlands east of Martinez, CA. At the regularly scheduled March 9, 2010 meeting of the PSWAC, the group unanimously expressed support for the UPRR Tracy Subdivision Mile Post 36.44 bridge replacement project with the task to find out if UPRR would perform the project and how much funds UPRR would

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commit. Committee members present that day included, amongst others, the following: Water Board, DFG OSPR, Contra Costa Mosquito Vector Control District, Rhodia Inc., Shell Martinez Refinery, CalTrans, and The Watershed Nursery.

We are therefore requesting that a representative or agent of UPRR for the Tracy Subdivision Mile Post 36.44 bridge replacement project attend the next PSWAC meeting on July 20, 2010 to further discuss our mutual interests in this project.

We appreciate the time spent to date by UPRR staff and consultants evaluating our proposals, and we look forward to a productive project. Please do not hesitate to contact me (925-228-5635 x32, mroe@mvsd.org) with any questions or concerns regarding this matter.

Sincerely,
MT. VIEW SANITARY DISTRICT

Michael D. Roe
District Manager

MDR/IMC

Attachments

CC: Kathleen Jennings, Ph.D.
California Dept. of Fish and Game, Office of Spill Prevention & Response

Lindsay Whalin
California Regional Water Quality Control Board

Greg Howard
Contra Costa Mosquito Vector Control District

Mary Brown
Rhodia Inc.

Steven Overman
Shell Martinez Refinery

Rachel Cotroneo
CalTrans

Laura Hanson
The Watershed Nursery

Athena Honore
San Francisco Estuary Partnership

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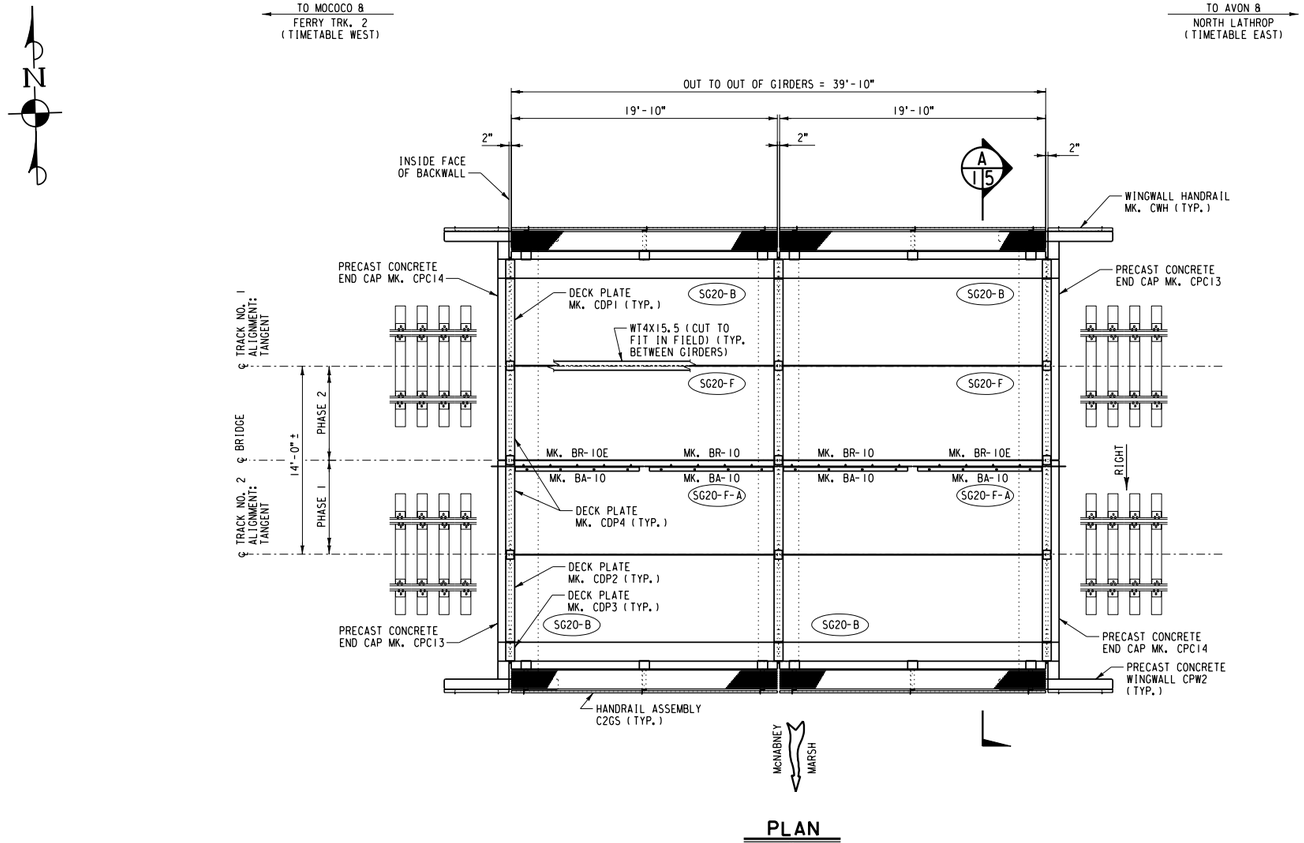
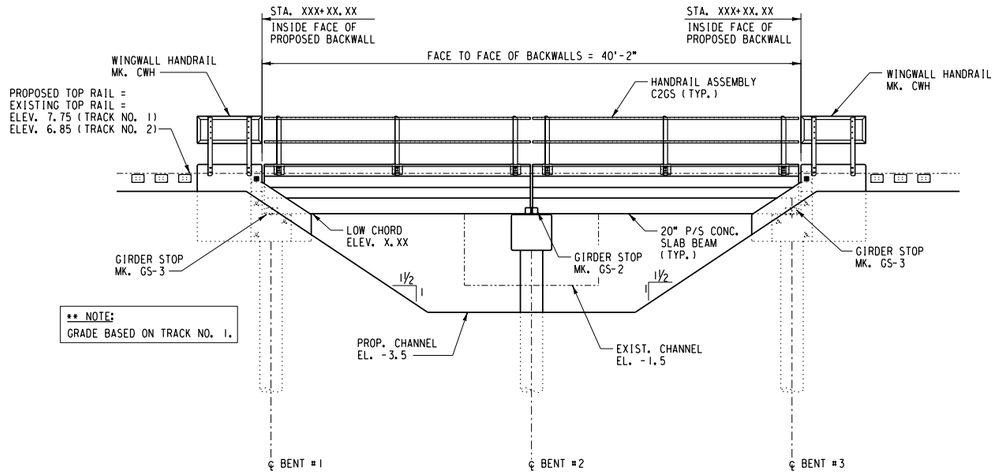


PLAN
SCALE: 3/16"=1'-0"



ELEVATION
SCALE: 3/16"=1'-0"

NO.	DATE	REVISIONS
	/ /	
	/ /	
	/ /	
	/ /	

UNION PACIFIC RAILROAD
Office of AVP Engineering Design

LOCATION: BR. 36.44 — TRACY SUB.
1.74 MILES EAST OF MARTINEZ, CA

FACILITY: 2-20' PCS SPANS REPLACING 1 SPAN STRUCTURE (2 TRACKS)

DWG TITLE: GENERAL ARRANGEMENT

PROJECT ID:	UP ENGINEER: SLC	LATITUDE: XX° XX' XX"N
WORK ORDER:		LONGITUDE: XXX° XX' XX"W
DESIGN BY: SLC		
CHECKED BY: SLC	DWG. SEQUENCE	C E NUMBER
DRAWN BY: GVS	1 of 1	
CHECKED BY: SLC		
SCALE: AS SHOWN		

APPROVED

FOR AVP ENGINEERING DESIGN — DATE

FILE NAME: p:\detail\dgn\brdd0644.bca

PLOTTED: 9/12/2007 12:02:56 PM

Attachment: Aerial Photograph of the Bridge Bottleneck over Peyton Slough