

California Department of Transportation

DISTRICT 4

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April 6, 2022

Ms. Jennifer Stern
City of Oakland – Public Works
Watershed and Stormwater Management Division
250 Frank H. Ogawa Plaza, Suite 4314
Oakland, CA 94612

Attention: Ms. Jennifer Stern, Watershed Program Specialist

Subject: Courtland Creek Restoration Project – Letter of Intent

Clean Water Act Section 401 Water Quality Certification Permit CIWQC Place No. 857855;
Union Pacific Railroad Lake Merritt Channel Bridge Replacement Project, City of Oakland –
Alameda County (Caltrans Project EA 04-4A800).

Dear Ms. Stern:

The purpose of this letter is to serve as a letter of intent to initiate the process for the California Department of Transportation (Caltrans) to participate in the City of Oakland's (City) Courtland Creek Restoration Project by contributing \$190,000 to the City to be utilized for the Union Pacific Railroad Lake Merritt Channel Bridge Replacement Project (Caltrans Project). Caltrans Project mitigation funds in the amount of \$190,000 will be used to implement the City's Courtland Creek Restoration Project.

Caltrans Project Information

Project Description

The Union Pacific Railroad and Caltrans will remove an existing bridge and construct a new bridge over the Lake Merritt Channel (Channel) just south of Interstate 880 in Oakland. The existing bridge requires replacement because it was previously impacted by a Caltrans project. The bridge to be removed is located immediately south of an existing two-track railroad bridge over the channel. The new bridge will be constructed immediately north of the two-track railroad bridge.

The new bridge will be a 3-span precast prestressed box girder structure, approximately 21.5 feet wide by 98 feet long and will be supported by twelve 30-inch cast-in-steel-shell piles. Additionally, four 16-inch piles will be driven to support wing walls at each bridge abutment. The existing bridge to be removed is approximately 17 feet wide by 100.5 feet long.

In addition to the bridge removal and construction, Kinder Morgan Energy Partners will relocate a 10-inch and a 12-inch high pressure gas pipeline by horizontal directional drilling of new lines a minimum of 35 feet below the channel bottom. A fiber optic communication line owned by Century Link/Level 3 will be relocated beneath Lake Merritt Channel using jack and bore drilling. This would be placed at a minimum depth of 30 feet below the channel bottom.

Construction Dates

Caltrans proposes to begin construction in the Channel on June 1, 2022, and complete construction on December 30, 2022.

Caltrans Project Impacts

The Caltrans Project will permanently impact:

- Approximately 53 linear feet (0.013 acre) of the Channel; and
- 0.016 acre of tidal wetland associated with the Channel.

The Caltrans Project will temporarily impact:

- Approximately 65 linear feet (0.056 acre) of the Channel; and
- 0.066 acre of tidal wetland associated with the Channel.

Per discussion with the San Francisco Bay Regional Water Quality Control Board (RWQCB), the Caltrans Project will need to consider 0.012 acres of temporary impacts as permanent impacts. Therefore, the Caltrans Project will restore a total of 0.11 acres and mitigate for a total of 0.041 acres.

Caltrans Project 401 Certification

The San Francisco Bay RWQCB issued the *Water Quality Certification (WQC) for the Union Pacific Railroad Lake Merritt Channel Bridge Replacement Project, City of Oakland, Alameda County* to Caltrans on May 15, 2019.

The Mitigation section (Page 3) in the WQC states the following:

To mitigate for permanent impacts to the Channel, the Department [Caltrans] shall install two sheet pile walls in the location of the abutments of the removed bridge. The area between the walls and the channel will be graded to expand channel width and introduce tidal flows to approximately 0.04 acres, equivalent in size to the permanent project impacts. Fill in the channel will be reduced by approximately 34 cubic yards and the mitigation areas are expected to naturally revegetate (see Condition 2).

To mitigate for temporary impacts to the Channel, the Department shall restore temporarily impacted areas to previous or enhanced condition (see Condition 1).

Amendment #1 to the WQC was issued to Caltrans on December 16, 2020, due to changes to the Caltrans Project description and design.

The Mitigation Section (Page 3) in the amended WQC states that:

The Department [Caltrans] shall submit, within 60 days of the issuance of this Certification and acceptable to the Executive Office, a mitigation plan and schedule sufficient to mitigate the Project's impacts to Lake Merritt Channel. The mitigation plan and schedule shall describe the Department's proposal for on-site removal of fill and enhancement of Channel habitat, funding or implementation of an off-site mitigation project, or purchase of mitigation bank credits to mitigate for Project impacts. The mitigation proposal shall prioritize on-site creek channel habitat restoration and enhancement, which may include the complete removal of the abutments, piles, and wingwalls of the existing bridge to restore Channel habitat. If on-site restoration opportunities are infeasible, the Department shall evaluate possibilities of funding other creek enhancement projects within the City of Oakland or other nearby community. If both on-site and off-site mitigation options are deemed infeasible, the Department shall purchase at least 0.1 acre of wetland mitigation credits from the San Francisco Bay Wetland Mitigation Bank.

The temporary impacts will be restored on-site to match the pre-project conditions. Caltrans found that the on-site mitigation was not feasible because complete removal of these structures will impact the structural stability of the adjacent live railroad structure. Caltrans then coordinated with the City about potential off-site mitigation projects, including the Courtland Creek Restoration Project. A mitigation proposal letter was sent to the San Francisco Bay RWQCB in February 2021, and the San Francisco Bay RWQCB has approved of the Courtland Creek Restoration Project for off-site mitigation in March 2021.

Courtland Creek Restoration Project Information

General Project Description

The Courtland Creek Restoration Project will restore approximately 950 linear feet along three heavily degraded stretches of open creek channel that flow above-ground through the park. The Project goals include:

1. Improve riparian and creek channel habitat by restoring at least 0.05 acres of wetland habitat and 1.0 acre of riparian habitat with native vegetation, and by replacing large invasive vegetation, including at least 10 large eucalyptus trees, with native vegetation;
2. Reduce flood risk and help protect private and public property from creek bank erosion by stabilizing at least 200 linear feet of eroding creek banks using a combination of bioengineering techniques and hard solutions;
3. Improve hydrologic stability, sediment conveyance, and flow containment through

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creek bank and channel stabilization, riparian and wetland restoration, channel widening, installation of inset floodplain benches, and in the Brookdale Reach, grade control installation;

4. Improve creek water quality by removing trash in the creek during construction, and conducting trash cleanups in the project area;
5. Engage the community in the project design and long-term stewardship of Courtland Creek Park project area, improve access to nature-based amenities and green space, and connect the community to the creek in a visually appealing way.

Start Construction Date

Summer of 2023, perhaps later

Courtland Creek Restoration Project Coordination Needs

We intend to establish a contractual agreement with the City for its financial support on the Courtland Creek Restoration Project. Caltrans is willing to fund \$190,000 towards the Courtland Creek Restoration Project.

The agreement of participation needs to be executed by June 30, 2022. Caltrans will turn over the maintenance responsibility of the railroad bridge to UPRR after the construction is completed. Therefore, we would like to complete the mitigation funding transfer for the Courtland Creek Restoration Project by December 30, 2022, because it might not be available after the Caltrans Project is closed out.

We would like to know if the Courtland Creek Restoration Project is fully funded. If the Courtland Creek Restoration Project is not fully funded, we would like to know if the portion Caltrans will be funding for can be done without the other portions of the Courtland Creek Restoration Project being completed.

We would also like the City to provide the following information about the Courtland Creek Restoration Project:

- Detailed project description;
- Schedule;
- Permits/commitment to obtain permits; and
- Funding mechanisms.

We would like to receive a response within one to two weeks upon receipt of this letter of intent.

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If you have further questions or require additional information, please do not hesitate to contact me at (510) 715-9216.

Sincerely,



MICHAEL NGUYEN, P.E.
Project Manager
Caltrans District 4 – Project Management East

Attachment 1: Courtland Creek Project Overview