Beth, Margarete@Waterboards

From: Kerri McLean <kmclean@americanrivers.org>
Sent: Friday, August 22, 2014 2:29 PM
To: Beth, Margarete@Waterboards
Cc: 'Matt Stoecker' (matt@stoeckerecological.com) (matt@stoeckerecological.com); Steve Rothert
Subject: Comments on JPA 401 Application
Attachments: JPA 401 comment. American Rivers and BSD. Final.docx

Dear Ms. Beth,

On behalf of American Rivers and Beyond Searsville Dam, please accept the attached comments to the JPA 401 application for its flood control project. Thank you for your consideration.

Best,
Kerri McLean
American Rivers

August 21, 2014

Mr. Bruce Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments to Revised Application Package for Section 401 Water Quality Certification for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project, San Francisco Bay to U.S. Highway 101

Dear Mr. Wolfe:

I am writing to express concern regarding certain insufficiencies in the Joint Powers Authority's ("JPA") 401 permit application pending before the Regional Water Quality Control Board ("Water Board"). I respectfully request that the Water Board: 1) facilitate expedited permitting of flood measures on the northern and western side of the creek which directly protect the residents of East Palo Alto and 2) require additional information and potentially design modifications for the southern and eastern levees and floodwalls which border the golf course.

As discussed at the August 13, 2014 workshop, East Palo Alto residents are currently exposed to significant risk associated with flooding of residential areas. It is clear that these residents need protection as soon as possible.

By contrast, the configuration of the floodwalls and levees proposed for the southern and eastern side of the creek create overall channel dynamics that have not been sufficiently analyzed to support permitting at this time. American Rivers and Beyond Searsville Dam are very concerned that the proposed location of the infrastructure on the golf course side of the creek would eliminate or significantly impair the natural functions of the creek tidal zone with significant impact to threatened and endangered species.

Although the project is proposed as a multi-objective project, the project will not "increase and improve ecological habitat" as stated in the project purpose. From our perspective, the unresolved environmental issues associated with the proposed project primarily involve the width of the channel. Because no room is available to set back flood control infrastructure on the East Palo Alto side, and

because the golf course is an obvious location to further set back flood control measures on the southern and eastern side of the creek, we recommend proceeding with permitting of flood measures on the East Palo Alto side of the creek while requiring additional analysis of the proposed project for the golf course side of the creek.

Insufficient Information Regarding Impacts to Steelhead

San Francisquito Creek is one of the last semi-natural, urban streams in the Bay Area and supports one of the region's last wild steelhead runs. In 2007, the Center for Ecosystem Management and Restoration (CEMAR) completed the San Francisco Estuary Watersheds Evaluation that identified locations with the greatest potential for steelhead restoration in tributaries of the San Francisco Estuary. Of the 58 tributaries that were assessed, eight were deemed to be "anchor watersheds" to reflect their importance for steelhead restoration. San Francisquito Creek is one of these eight watersheds and this project must carefully consider impacts to this significant ecological resource.

The proposed width between the levees and floodwalls for this project is radically lower than in comparable projects that have been developed in the region. This narrow corridor will result in very high water velocities and will significantly reduce ecosystem function.. The resulting loss of tidal zone habitat may sever the San Francisquito Watershed from the San Francisco Bay, at least during key flows, which could be very harmful to migratory species, including the federally protected steelhead trout. The confined channel and increased velocities would continue to limit critical slough and freshwater/saltwater acclimation habitat for steelhead and would be expected to increasingly flush steelhead past this habitat during high flows, reducing acclimation opportunities. In addition, this confined flushing may increase predation by species such as non-native striped bass, which often take advantage of such confined outlets.

It is customary when developing a large-scale project such as the proposed project to informally consult relevant agencies early in the design process to avoid delays and unnecessary redesign at later stages of the project. I understand that the JPA failed to engage in these types of conversations with several agencies, and as a result, certain environmental protection design elements were not considered and not incorporated into the review.

In particular, I understand the National Marine Fisheries Service ("NMFS") has not provided meaningful input to the project designs to date. Furthermore, it is likely that additional information would need to be collected regarding potential impacts to steelhead in order for NMFS to render its opinion. Until this information is made available and until NMFS provides input on the proposed project, it is impossible to determine whether the proposed project is the least environmentally damaging practicable alternative ("LEDPA").

Insufficient Information Regarding Sediment Load and Management

The proposed project does not sufficiently consider and manage known changes to the sediment load of the creek which will occur in the foreseeable future. Searsville Dam, owned by Stanford University,

currently traps the majority of sediment that would naturally flow through the watershed to the bay. Searsville Reservoir is more than 90% filled in with sediment at this time, and will fill in completely in the near future. When the reservoir fills in with sediment completely, additional sediment will flow down San Francisquito Creek to the bay.

Stanford University is currently undertaking a study to analyze potential alternatives to the dam. Naturally, the JPA is not responsible for assessing each possible alternative, and the JPA should not wait for Stanford to make a decision before acting on this issue. However, the JPA must consider and prepare for the status quo, including foreseeable changes occurring within the creek system. If Stanford takes no action whatsoever, a predictable and significantly higher quantity of sediment will flow downstream through the project. The JPA has not sufficiently analyzed the impacts of that known sediment load and altered channel hydrology, nor has it outlined its sediment management practices and proven the adequacy of channel carrying capacity It is not permissible for the JPA to rely on the assumption that Stanford will actively choose and then implement an alternative which will address the sediment and resulting channel capacity issues for them. Furthermore, such assumption would be misguided because almost every alternative being considered by Stanford (including no action, dam removal, and dam modification) will likely result in increased sediment transport downstream.

Conclusion

East Palo Alto residents need protection from serious flood risks as soon as possible. From our perspective, the unresolved environmental issues associated with the proposed project primarily involve the proposed narrow channel width, lack of assessment of impacts to steelhead, and failure to consider imminent, documented sediment and hydrologic changes occurring in the watershed. Because of existing land uses, potential solutions to these issues focus on the golf course side of the creek. For this reason, we respectfully request that the Water Board facilitate expedited permitting of flood measures that will protect residents on the East Palo Alto side of the creek and require additional information and potentially design modifications for the southern and eastern levees and floodwalls which border the golf course. We request that the analysis include an adequate assessment of steelhead impacts in coordination with NMFS, DFW, and stakeholders. We further recommend coordination between this project and the pending golf course permit application to enable the development of a broader ecosystem and flood protection project for the creek mouth.

Thank you for your consideration.

Sincerely,

Steve Rothert
California Regional Director
American Rivers

Matt Stoecker
Director
Beyond Searsville Dam