

Beth, Margarete@Waterboards

From: Alice Kaufman <alice@greenfoothills.org>
Sent: Friday, August 22, 2014 3:31 PM
To: Beth, Margarete@Waterboards
Cc: Eileen McLaughlin; High, Carin; Kerri McLean; lennie@darwin.ptvy.ca.us; ian@baykeeper.org
Subject: Section 401 Application for San Francisquito Creek
Attachments: RWQCB_joint_comments_8.22.14.pdf

Dear Ms. Beth,

The attached letter is submitted in reference to the Section 401 application for the San Francisquito Creek project.

Please contact me with any questions.

Thanks,

Alice Kaufman

Legislative Advocate, Committee for Green Foothills
650-968-7243 x. 313
3921 East Bayshore Road
Palo Alto, CA 94303
www.greenfoothills.org

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COMMITTEE FOR
GREEN FOOTHILLS



August 22, 2014

Margarete Beth
Region 2, State Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Section 401 certification for San Francisquito Creek Flood Reduction Project

Dear Ms. Beth:

This letter is submitted on behalf of the undersigned organizations concerning the above-referenced project. Our organizations have a strong interest in environmental and natural resource issues, including issues of environmental protection and restoration in and around San Francisquito Creek. This letter represents the joint views of the undersigned, and is in addition to any other comments and communications submitted by the organizations and individuals represented herein.

First, as several of our organizations' representatives stated at the August 13 Regional Water Board workshop on this project, we believe that the highest priority for this project should be achieving flood protection for the residents of East Palo Alto as soon as possible. It is in no way our intention to advocate for delaying this project unnecessarily.

There is a need for additional analysis of the potential impacts of the proposed project. Significant questions remain as to the respective heights of the levees on both sides of the channel, the location of the levee on the Palo Alto side, and the integration of this project with the Section 401 certification application for the Palo Alto Golf Course project.

The project proposes to overbuild the levee on the Palo Alto side by 1 foot and on the East Palo Alto side by ½ foot in order to allow for post-construction settlement of levee materials. (Letter dated June 30, 2014 from GEI Consultants to HDR.) This is based on a conclusion that the Palo Alto side will settle to a greater extent than the East Palo Alto side, since the Palo Alto levee will be a new levee while the East Palo Alto levee will consist of additional material added on top of an existing levee. Has the Regional Water Board evaluated the data on which this conclusion is based and concluded that the 6-inch difference comports with what is known about the characteristics of the Bay mud at this location? If there is any question as to the degree of differential settlement between the two sides, the Palo Alto side should be constructed to a lower height at the outset. If there is any uncertainty, it would be preferable for any overtopping to occur on the Palo Alto side, since the land use there is a golf course rather than residences as on the East Palo Alto side.

Additionally, questions still remain as to whether the flood risk may be further reduced by relocating the Palo Alto levee further back into the golf course property. Has the Regional Water Board determined that there could be no further flood reduction impact through widening the channel further? The decisions made in this project phase must not constrain the range of the available alternatives for Joint Powers Authority (JPA) flood control projects planned for upstream of Highway 101. For example, one alternative that has been mentioned for the upstream flood control project is a bypass culvert that would divert flood waters at some point below Middlefield Road and then rejoin the main channel at a point just above Highway 101, thereby reducing the need for construction of high floodwalls on upstream segments of the creek. However, if water elevations during projected flood events are too high in the downstream reach, a bypass culvert may not drain and therefore will not

be feasible. Thus, the decisions made in the course of certification of this project may have impacts on the feasibility of alternatives for the upstream project. Has the Regional Water Board determined that the projected flood elevations will not be a deterrent to the potential use of bypass channels in the upstream reach?

The proposed project is being considered in parallel with the Section 401 certification application for the Palo Alto Golf Course, which covers the portion of the golf course not included in the JPA application. We believe that the golf course application should not be certified before the regulatory approvals are complete for the JPA application. Should revisions to the Palo Alto levee be deemed necessary, it may be necessary to revise the golf course project to mitigate for the potential of flood waters overtopping into the golf course; e.g., the golf course design may need to provide for flood detention or for berms to protect the nearby airport and water treatment facility from flood waters.

It is unfortunate that a watershed approach, such as the coordination that is advancing on Belmont Creek, could not have been utilized in the flood control review process for San Francisquito Creek. The piece-meal nature of flood control permit applications along this creek has resulted in unfortunate delays as regulatory and resource agencies and the public have struggled to understand the cumulative effects of the individual projects and to ensure that one component of flood control along the creek does not unduly constrain future project alternatives. We hope the environmental benefits projected to result from this project as currently proposed come to fruition. However, if there is a way to improve flood protection for East Palo Alto residents, retain upstream options for flood protection, and provide or increase the environmental and wildlife benefits resulting from the project, now is the time to address these questions.

We appreciate the Regional Water Board's consideration of these comments.

Sincerely,



Alice Kaufman, Legislative Advocate
Committee for Green Foothills



Eileen McLaughlin, Board Member
Citizens Committee to Complete the Refuge



Carin High, Vice Chair
Citizens Committee to Complete the Refuge



Steve Rothert, California Regional Director
American Rivers