

## **Beth, Margarete@Waterboards**

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**From:** Ian Wren <ian@baykeeper.org>  
**Sent:** Thursday, August 21, 2014 8:05 PM  
**To:** Beth, Margarete@Waterboards  
**Subject:** Baykeeper comments re: Lower San Francisquito Creek 401 Certification  
**Attachments:** San Francisquito Creek Comments 08222014.pdf

Dear Margarete,

Please find attached Baykeeper's comment on the 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.

Please contact me with any questions.

Kind regards,

Ian Wren

Staff Scientist

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August 21, 2014

Dr. Terry Young, Chair  
Attn: Margarete Beth  
Region 2, State Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

via electronic mail to [margarete.beth@waterboards.ca.gov](mailto:margarete.beth@waterboards.ca.gov)

**RE: Comments on 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 Dr. Young,

Please accept these comments to the 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 (Proposed Project). In support of efforts to protect vulnerable communities from flood risk through multi-benefit, multi-purpose flood protection schemes, Baykeeper respectfully submits these comments on behalf of our 2,300 members that live, work, and recreate in and around San Francisco Bay. Baykeeper is a 501(c)(3) non-profit organization with the mission of protecting and enhancing water quality of San Francisco Bay for the benefit of its ecosystems and surrounding communities.

This Proposed Project comes after years of planning regarding the scope, funding and design of a flood protection effort conceived through the San Francisquito Creek Joint Powers Authority (SFCJPA). The SFCJPA formed soon after the 1998 flood event, suggesting ample time available to conceive a project in consideration of cumulative impacts under a range of scenarios. Instead, it appears flood control engineers have championed a project that merely bolsters existing levees and floodwalls. The current application fails to address cumulative impacts associated with foreseeable activities within the watershed, with consequences for sediment transport and peak flows. In addition, hydrologic modeling was carried out through relatively simplistic approaches under a narrow range of design standards, precluding determination of whether surrounding residences are truly afforded long-term protection under a range of conceivable tidal and fluvial flood scenarios.

Baykeeper and other local groups are fully supportive of immediate efforts to protect vulnerable residents in East Palo Alto - and believe the northern floodwalls and levees should be conditionally approved, as few other flood control alternatives are available to protect this area. We are opposed, however, to the fact the SFCJPA proposes to afford the same level of protection to the adjacent golf course as it does to the thousands of residents in East Palo Alto. In fact, flood control structures shall be elevated 6 inches higher on the southern banks of San Francisco Creek, based on crude geological estimates of soil settling. In the event of fluvial and/or tidal flooding in excess of the modest design standard of the 100-year fluvial flow and 10-year tidal height, East Palo Alto would flood prior to an underutilized golf course to the south. Since this information is buried within the volumes of appendices supporting the application it is not clear whether East Palo Alto residents have been fully informed of this fact.

The era in which flood management is carried out through hardened linear channels and rip-rapped shorelines has long been abandoned in the San Francisco Bay region. Managers, engineers and scientists



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largely recognize the benefits of redesigning major flood control channels and harnessing sediments as resources for healthy bay habitats and improved water quality. Although the SFCJPA has committed to such tenets, though participation in the Flood 2.0 Project<sup>1</sup> and the Bay Area Integrated Regional Water Management Plan (BAIRWMP)<sup>2</sup>, this project does not live up to those ideals. Habitat restoration, through vegetation of a narrow space between flood walls and the channel, is plainly an afterthought for this project and alternatives for significant channel widening or naturalization appear to never have been considered.

While the failure to consider project alternatives with less damaging impacts is cause for rejection from a water quality perspective, the cause for concern for residents and civic leaders should be the failure to consider a range of flood scenarios beyond the minimal standards of the 100-year fluvial flow and 10-year tidal height. Given the dense residential developments located in close proximity to San Francisquito Creek and the Bay, a more protective design standard is appropriate. Based on historic hourly tidal data, during the flooding that occurred in early-February 1998, tidal stage reached as high as 10.38 feet on February 3 at the Redwood Creek tide gauge, 2.62 feet higher than the predicted height.<sup>3</sup> When coupled with intense storms, communities surrounding San Francisquito Creek were significantly impacted. It is unclear from the available documents how the design standards used for the project were derived and whether an adequate degree of uncertainty is assumed, such as tidal surges well in excess of the expected tidal range. The project must appropriately factor in tidal height plus El Niño-associated surges, sea level rise anticipated over the full life of the project, as well as fluvial flows and anticipated rates of sedimentation. These various scenarios should also be modeled using more sophisticated models than the 1-d tool used here.

As suggested by the multiple application rejections or requests for additional information from Regional Board staff, this Proposed Project fails to meet multi-benefit, multi-purpose objectives expected to satisfy water quality concerns. In addition, significant uncertainty surrounds whether implementation of the Proposed Project will meet stated flood risk management goals, due to the area's existing vulnerability and variability in sea level rise projections. Finally, the application for the Proposed Project completely omits any consideration of cumulative impacts associated with the various projects SFCJPA is involved in within the San Francisquito Creek watershed.<sup>4</sup> It is unknown how the 'Caltrans Highway 101' or the 'Upstream of U.S. Highway 101' projects, for example, would affect the downstream project in question, or whether management of Searsville Dam will change in a manner that affects peak flows and sediment transport. The piecemeal strategy of project approvals is disturbing in its failure to satisfy environmental review processes and in whether the many millions of taxpayer dollars required for these projects are being spent accordingly.

Failure to include discussion of cumulative impacts defies existing case law, which finds the Section 401 certification process "involves, among other things, consideration of impacts of the project in light of other activities in the watershed".<sup>5</sup> In addition, California regulations identify the contents of a complete 401 certification application to include: "A brief list/description, including estimated adverse impacts of any projects implemented by the applicant within the last five years or planned for implementation by

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<sup>1</sup> Details of Flood 2.0 project available at [www.sfestuary.org/our-projects/watershed-management/floodcontrol/](http://www.sfestuary.org/our-projects/watershed-management/floodcontrol/)

<sup>2</sup> Details of the BAIRWMP available at <http://bairwmp.org/projects/san-francisquito-watershed-plan>

<sup>3</sup> Historic tide data for Redwood Creek tide station (9414523) available at <http://tidesandcurrents.noaa.gov/>

<sup>4</sup> For an overview of SFCJPA projects visit <http://sfcjpa.org/web/projects/projects-overview/>

<sup>5</sup> Ohio Valley Env'tl Coalition v. Aracoma Coal Co., 556 F.3d 177, 208 (4th Cir. 2009)

the applicant within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity." <sup>6</sup> Given the SFCJPA's planned implementation of activities associated with the 'Highway 101' project and initiation of the environmental review process for the 'Upstream of Highway 101' project, applicants must consider the cumulative impacts of these on the Proposed Project.

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We ask that you operate within your authority to approve protections for East Palo Alto and encourage staff to work with the SFCJPA to develop a multi-benefit solution resulting in an appropriate level of flood protection for the golf course and adjacent lands. Consistent with standard flood risk management practice, the obvious solution is to permit flooding of such open-space lands under instances of extreme flood events for the protection of communities and extremely sensitive habitat. Alternatively, the creek mouth and channel could be widened or reconfigured to reduce velocities, permit higher flood flows and dampen tidal surges. Regardless of the solution, we hope the Board uses this decision as an opportunity to discourage hardscape channelization of our region's waterways and encourage restoration to achieve water quality benefits wherever possible.

Sincerely,



Ian Wren  
Staff Scientist  
San Francisco Baykeeper

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<sup>6</sup> 23 Cal. Code Regs § 3856(h)(8)