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Assembly
California Legislature

KANSEN CHU

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CHAIR: ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT,
SPORTS, TOURISM, AND INTERNET MEDIA
ASSEMBLYMEMBER, TWENTY-FIFTH DISTRICT



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CALIFORNIA CHILD WELFARE COUNCIL

October 4, 2016

Terry Young, Ph.D.
Chair, San Francisco Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Chair Young and Members of the Board:

As State Assemblymember of the 25th District, encompassing the area in and around the Upper Berryessa Creek Flood Risk Management Project (Berryessa Project), I would like to express my views on the tentative order for waste discharge requirements (WDR) related to it. I find it imperative that the Regional Board authorize the implementation of the Berryessa Project excluding the proposed WDR requirements.

The Berryessa Project will ensure flood protection for the entire community, including the new BART Silicon Valley Milpitas Station, from a 100-year flood event. This protection will prevent over \$528 million in potential flood damages, ensuring Silicon Valley's regionally-significant BART extension network can open and operate without interruption.

Adoption of the tentative order could, at a minimum, cause significant delays for the project leading to long-term waste of public funds and, at worst, result in the U.S. Army Corps of Engineers (the project's construction lead) to cancel the Berryessa Project. This would leave not only my district's residents, schools, businesses and the new BART station and rail lines vulnerable to flood damages, but also could put the BART station out of service during times of flooding, significantly impacting this crucial Silicon Valley transportation network.

The WDR focuses on mitigating loss of habitat with the aim of providing potential habitat for rare or endangered species in the future. However, the U.S. Fish and Wildlife Service found that the creek does not presently support any rare or endangered species. Furthermore, although the project will not change the creek hydrology in the long term and will result in a net increase in area of grassland and aquatic habitat, there is little evidence present to indicate that the creek would be capable of supporting rare or endangered species in the future.

For the reasons above, I urge the Regional Board to authorize the implementation of this project without the WDR requirements, and continue under the 401 certification agreed upon in March 14, 2016, thus allowing the Berryessa Project to proceed without interruption. This will immensely benefit our communities and the region as a whole. Please feel free to contact my office at (408) 262-2501 if you have any questions.

Sincerely,

Kansen Chu
California State Assemblymember

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