
San Francisco Bay Regional Water Quality Control Board

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U. S. Army Corps of Engineers
San Francisco District
Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-13978

Attn: Ms. Lisa Mangione
Email: lisa.mangione@usace.army.mil

SUBJECT: San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project, San Francisquito Creek Joint Powers Authority, U.S. Army Corps of Engineers Public Notice Number 2013-00030S

Dear Ms. Mangione:

San Francisco Regional Water Quality Control Board (Water Board) staff has reviewed U.S. Army Corps of Engineers (Corps) Public Notice Number 2013-00030S (PN) for the proposed San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project (Project). The Project applicant, the San Francisquito Creek Joint Powers Authority (JPA), proposes to increase flood flow capacity to contain the one percent rain event by (1) excavating sediment deposits within the channel; (2) constructing flood walls (upper reach); (3) setting back existing levees up to 125' and adjusting levee heights for consistent flood capacity elevations; (4) raising and grading a section of the levee between the creek and Faber Tract marsh; (5) removing the Bay levee located at the mouth of the creek; and (6) planting marsh vegetation. Additional activities proposed include constructing a boardwalk from the existing Friendship Bridge; re-locating some of the existing utility towers, one of which will be located within the creek post-project; and installing rock riprap in specific areas of the creek.

We are pleased to provide the following comments:

1. The PN correctly states that the Water Board must issue a Clean Water Act (CWA) section 401 certification prior to the Corps issuing its permit for the Project. The Water Board is planning to issue the certification shortly. It is likely that the certification will be conditioned to require submittal of a final Mitigation and Monitoring Plan (MMP) and the Operation and Maintenance Plan (O&M) to address comments submitted to the Corps by the National Marine Fisheries Service (NMFS) in its letter dated November 3, 2014, and comments submitted

to the Corps by the U.S. Fish and Wildlife Service (USFWS) in its letter dated December 2, 2014.

2. Operation and Maintenance: The PN does not indicate if the Corps expects to authorize post-construction maintenance activities under this permit. At its November 20, 2014, Board meeting, the JPA adopted a resolution that delegates responsibility to maintain the Project to the Santa Clara Valley Water District and the City of East Palo Alto. That resolution indicates that the District and the City plan to enter into an agreement to coordinate how maintenance activities will be funded and implemented. In adopting the resolution, the JPA noted that the City of Palo Alto may need to be added to the agreement. As such, we anticipate deferring any necessary approvals for Project maintenance to a subsequent permitting process. Should the Corps permit include authorization for maintenance activities, we would recommend that the Corps require a final O&M plan to be developed by the delegated agencies in coordination with the resource agencies prior to issuance of the permit.

If you have any questions, please contact Susan Glendening of my staff at (510) 622-2462 or by e-mail to susan.glendening@waterboards.ca.gov.

Sincerely,

Bruce H. Wolfe
Executive Officer

Cc: Len Materman, JPA, len@sfcjpa.org
Kevin Murray, JPA, kmurray@sfcjpa.org
Norma Camacho, SCVWD, NCamacho@valleywater.org
Michael Martin, SCVWD, Michaelmartin@valleywater.org
Bill Springer, SCVWD, bspringer@valleywater.org
Luisa Valiela, U.S. EPA, valiela.luisa@epamail.epa.gov
Melissa Scianni, U.S. EPA, Scianni.Melissa@epa.gov
Gary Stern, NMFS, Gary.Stern@noaa.gov
Amanda Morrison, NMFS, Amanda.Morrison@noaa.gov
Ryan Olah, USFWS, ryan_olah@fws.gov
Anne Morkill, USFWS, anne_morkill@fws.gov
Joseph Terry, USFWS, joseph_terry@fws.gov
Cay Goude, USFWS, cay_goude@fws.gov
Joy Albertson, USFWS, joy_albertson@fws.gov
Melisa Amato, USFWS, melisa_amato@fws.gov
Tami Schane, CDFW, Tami.Schane@wildlife.ca.gov
Brenda Blinn, CDFW, Brenda.blinn@wildlife.ca.gov