
San Francisco Bay Regional Water Quality Control Board

TO: Keith Lichten, Chief
WATERSHED MANAGEMENT DIVISION

FROM: A.L. Riley and Setenay Bozkurt Frucht
PLANNING and TMDL DIVISION

DATE: June 15, 2016

SUBJECT: SAN FRANCISQUITO CREEK PROJECT DRAFT OPERATIONS AND MAINTENANCE MANUAL, CONTENT REQUESTS

We have the following comments on the San Francisquito Creek Joint Powers Authority (JPA) revised Operations and Maintenance (O&M) Manual, received by Water Board staff on April 18, 2016. The JPA revised the manual to address Water Board staff's comments dated December 29, 2015, in addition to comments by other agencies.

1. Influence of Searsville Dam Modifications

There have been new legal developments since the certification was completed for this project that will influence the maintenance issues facing the project area and the Water Board's involvement. A settlement agreement filed January 25, 2016, between Our Children's Earth Foundation and Ecological Rights Foundation (Plaintiffs) and Stanford University (Stanford) requires Stanford and state and federal resources agencies to make progress in modifying the dam to re-establish fish passage. Stanford is required to file progress reports every two months with the Plaintiffs, who are monitoring progress. Alternative dam modification scenarios are being reviewed, but any modification scenario will entail connecting upstream of the dam with downstream reaches. Modification scenarios include an initial large volume sediment release to vacate fine sediments trapped behind the dam. A later-phase sediment condition will be characterized by longer term increase in both coarse and fine sediments transported downstream. Greater volumes of coarse sediments and fines from the upper watershed, currently trapped behind the dam, will now be connected to the lower watershed, thereby establishing a new, long term sediment regime below the dam. Therefore, any Searsville project can no longer be characterized as unpredictable in terms of sediment conditions as there will be significantly more sediment that will be transported downstream under any future scenario. Increased sediment loads in the future are foreseeable and maintenance activities must be anticipated and planned for. Neither Stanford nor the JPA can abrogate short- and long-term responsibilities to manage for this inevitability. Planned sediment removal areas, both above and below Highway 101, need to be identified, and pre-planned responses to the initial phase sediment release need to

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be an appendix to the O&M manual. This aspect of the O&M Manual must be completed before the adoption of the reservoir modification plan because this will need to be part of the environmental review and planning process for this related project. Because reservoir modifications are certain, we recommend the Water Board to require the JPA to submit this O&M appendix for approval by the Executive Officer no later than 18 months after the start Project construction. This should include, but not be limited to, the JPA and Stanford collaborating on designing and implementing a turbidity and suspended sediment monitoring plan to establish baseline water quality conditions before the initial discharge of sediment fines occurs.

2. Faber Tract Creek-Marsh Area

A clarification is required concerning the JPA's comment that the Faber Tract is in the National Wildlife Refuge and therefore not in the jurisdiction of the Water Board. This is not accurate. The Water Board is obligated under federal and state regulations to protect all wetlands of the state. The Certification, Condition 31, requires the JPA's O&M Manual to be updated at least once every five years to address potential sedimentation and erosion and other impacts to ensure: (1) long-term habitat protection and enhancement; (2) flood protection performance; and (3) long-term sustainability of the creek channel and the creek-marsh interface along the Faber Tract Levee in face of sea level rise. This will require monitoring both hydrology and sedimentation over time to inform adaptive management and maintenance to assure the proper rejuvenation of the marsh sediment supply and topographic complexity, as well as continued protection of the Ridgeway's (formerly Clapper) rail, salt marsh harvest mouse, and steelhead. In addition, Condition 32 requires the JPA to prepare a technical report at least once per five years to make recommendations about O&M based on the most current understanding for each five-year cycle of climate change effects within the Project, including the creek-marsh interface. The draft O&M Manual does not currently address the requirements of Conditions 31 and 32 and must be revised to address them.

3. Assumption That No Sedimentation Will Occur Below Highway 101

The JPA's response to Water Board staff's comments regarding sedimentation in the Project is that the new widened trapezoidal channel will assure better sediment transport because the trapezoid side slope angles are steeper. This assertion is not a concept supported by any known science. The low flow channel will be the primary fluvial sediment conduit and it is currently designed to emulate the existing low flow dimensions. Presumably this channel will adjust to larger dimensions as it accepts the increased flows from the second culvert under Highway 101. The maintenance plan should include monitoring for the stability of this low flow channel to assure sediment transport associated with fluvial flows.

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