



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
SFCJPA.ORG

**Notice of Regular Meeting of the
BOARD OF DIRECTORS
City of Palo Alto Council Chambers
250 Hamilton Avenue, Palo Alto, California
June 25, 2015 at 4:00 p.m.**

AGENDA

- 1) ROLL CALL
- 2) APPROVAL OF AGENDA
- 3) APPROVAL OF MEETING MINUTES – May 28, 2015 Board meeting
- 4) PUBLIC COMMENT – *Individuals may speak on any topic for up to three minutes; during any other Agenda item, individuals may speak for up to three minutes on the subject of that item.*
- 5) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT
 - a) Presentation by Stanford University regarding the Searsville Alternatives Study on the future of the Searsville Dam and Reservoir
 - b) S.F. Bay-Highway 101 project construction planning
 - c) Resolution 15.6.25 of the Board of Directors adopting the 2013 Bay Area Integrated Regional Water Management (IRWM) Plan to enable the SFCJPA to obtain an IRWM grant from the California Department of Water Resources
 - d) Caltrans' San Francisquito Creek Highway 101 Bridge Replacement Project update
- 6) BOARD MEMBER MATTERS - *Non-agendized comments, requests, or announcements by Board members; no action may be taken.*
- 7) ADJOURNMENT

PLEASE NOTE: This Board meeting Agenda can be viewed online by 4:00 p.m. on June 22, 2015 at sfcjpa.org -- click on the "Meetings" tab near the top. Supporting documents related to the Agenda items listed above will be available at the same online location by 6:00 p.m. on June 23, 2015.

NEXT MEETING: Regular Board meeting, July 23, 2015 at 4:00 p.m., Menlo Park City Council Chambers.

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Director Pine called the meeting to order at 4:09 p.m. at the City of East Palo Alto City Council Chambers, East Palo Alto, CA.

DRAFT

1) ROLL CALL

Members Present: Director Keith, City of Menlo Park (not present at roll call)
Director Abrica, City of East Palo Alto (not present at roll call)
Director Burt, City of Palo Alto
Director Kremen, Santa Clara Valley Water District (SCVWD)
Director Pine, San Mateo County Flood Control District

JPA Staff Present: Len Materman, Executive Director
Kevin Murray, Staff
Miyko Harris-Parker, Staff

Legal Present: Greg Stepanicich

Others Present: Brian Schmidt, Mountain View resident; Jim Wiley, Menlo Park resident;
Dennis Parker, East Palo Alto resident; Jerry Hearn, Portola Valley resident;
Saied Hosseini, Santa Clara Valley Water District; Joe Teresi, City of Palo Alto;
Maziar Bozorginia, City of East Palo Alto; Ann Stillman, San Mateo County Flood Control District;
Eileen McLaughlin, Citizens Committee to Complete the Refuge

2) APPROVAL OF AGENDA

Agenda approved 3-0. Director Keith and Director Abrica not present at time of approval.

3) APPROVAL OF MEETING MINUTES - April 23, 2015

April 23, 2015 Meeting minutes approved 3-0. Director Abrica and Director Keith not present at time of approval.

4) PUBLIC COMMENT

Jerry Hearn, Portola Valley resident, spoke about Stanford's recent decision regarding Searsville dam, Acterra's plans to create a San Francisquito Creek group and he thanked Board and staff members from the SFCJPA and its member agencies and Stanford for all their hard work through the Searsville process.

Jim Wiley, Menlo Park resident, spoke about emergency preparedness, El Nino and determining what can be done now to prepare for El Nino.

5) REGULAR BUSINESS

Resolution 15.5.28 of the Board of Directors to amend the San Francisquito Creek Joint Powers Authority Conflict of Interest Code to revise the disclosure categories and designated positions
Mr. Materman presented Resolution 15.5.28 of the Board of Directors to amend the San Francisquito Creek Joint Powers Authority Conflict of Interest Code to revise the disclosure categories and designated positions.

Director Keith arrived at 4:15 pm.

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Director Burt made a motion to approve Resolution 15.5.28 of the Board of Directors to amend the San Francisquito Creek Joint Powers Authority Conflict of Interest Code to revise the disclosure categories and designated positions. Director Pine seconded. Motion to approve Resolution 15.5.28 of the Board of Directors to amend the San Francisquito Creek Joint Powers Authority Conflict of Interest Code to revise the disclosure categories and designated positions approved unanimously 4-0. Director Abrica not present at time of approval.

S.F. Bay-Highway 101 project construction planning

Mr. Materman and Mr. Murray provided updates on the S.F. Bay-Highway 101 project construction planning.

Saied Hosseini, SCVWD, provided an update on the project-related property acquisitions being handled by the SCVWD.

Director Abrica arrived at 4:34 pm.

Authorize the Executive Director to execute an agreement among the SFCJPA and Santa Clara Valley Water District for management of the construction of the S.F. Bay-Highway 101 project

Mr. Materman asked the board for authorization to execute an agreement among the SFCJPA and Santa Clara Valley Water District for management of the construction of the S.F. Bay-Highway 101 project.

Mr. Wiley asked if the agreement included the reports that were requested with the Water Quality Certification. Mr. Murray explained that the Certification was not specifically related to this agreement.

Director Burt made a motion to authorize the Executive Director to execute an agreement among the SFCJPA and Santa Clara Valley Water District for management of the construction of the S.F. Bay-Highway 101 project. Director Abrica seconded. Motion to authorize the Executive Director to execute an agreement among the SFCJPA and Santa Clara Valley Water District for management of the construction of the S.F. Bay-Highway 101 project approved unanimously 5-0.

6) BOARD MEMBER MATTERS

Director Burt spoke about the benefits and uncertainty of the decision made regarding the Searsville Dam. Director Burt requested that a discussion regarding Searsville be agendaized for Board discussion. Chairperson Keith concurred and asked staff to ask Stanford to attend the meeting as well. Director Abrica commented that Stanford has offered to make the report of the Searsville findings available.

Joe Teresi, City of Palo Alto, shared with the Board that Caltrans has awarded a contract to begin construction of the Highway 101 bridge replacement project.

7) ADJOURNMENT

Chairperson Keith adjourned the meeting at 5:17 pm.

Minutes Prepared by Clerk of the Board: Miyko Harris-Parker.

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Executive Director's Report

With the help of Kevin Murray and Miyko Harris-Parker, I am pleased to submit the following:

a. Presentation by Stanford University regarding the Searsville Alternatives Study on the future of the Searsville Dam and Reservoir

For the past several years, Stanford University and its consultants have studied alternatives related to the future of the Searsville Dam and Reservoir. During this time, many SFCJPA Board meetings included agenda items and public comments related to this issue, and SFCJPA Board members and its Executive Director served on the Searsville Alternatives Study Advisory Group. In April of 2015, the University released a report of recommendations from the Study's Steering Committee composed of senior campus faculty and administrators. This report included the following (directly quoted) recommendations and next steps:

1. Develop and evaluate, in collaboration with the resource agencies and the SFCJPA, two alternative ways to achieve fish passage, while avoiding an increase in downstream or upstream flooding and also preserving/providing riparian and wetlands habitat in the vicinity of the Dam and Reservoir and in Corte Madera Creek. The first of these two alternatives, preferred by the Steering Committee, would modify the Dam with an opening at its base to provide fish passage and attenuation of high flows. This alternative depends on the availability of feasible and acceptable methods to stabilize much of the coarse accumulated sediment and to transport much of the accumulated fine sediment from behind the Dam to San Francisco Bay through flushing/sluicing. If transporting significant amounts of the accumulated sediment to the Bay in streamflow is not feasible or acceptable to the local communities, the regulatory agencies, or Stanford, then a second alternative would allow the Reservoir to ultimately fill completely, with coarse and fine sediment retained behind the Dam. Fish passage would be provided by either a fish ladder over or around the Dam or a fish way or rerouted creek around the Dam.
2. Develop and evaluate, in collaboration with the resource agencies and the SFCJPA, an approach that allows the natural annual sediment loads to flow downstream.
3. Create a replacement water diversion downstream, and relocate the Searsville water storage functions to an expanded Felt Reservoir.

The April 2015 report lists the following next steps for Stanford to determine a course of action for Searsville:

- proceed with intensive discussions with the appropriate resource agencies and local watershed interests regarding these alternatives;
- identify and conduct more detailed engineering design and cost analyses of the specific actions to be taken regarding water supply and storage, sediment management, flood-risk management, fish passage, and habitat preservation, leading to a preferred project; and
- consider the sequence and timing of their implementation.

Many issues have made the development of a long-term plan for Searsville difficult and contentious. These include the habitat – or lack thereof – currently provided to sensitive species, concerns regarding flooding upstream and downstream of the Dam, the decades of accumulated sediment within the Reservoir, the University's desire to store water, and cultural resources at the site. Most of these issues are still a concern and are being analyzed by Stanford and its consultants, and outside organizations and agencies, including the SFCJPA. Because Searsville currently provides a flood protection benefit to communities downstream by detaining and delaying flows in Corte Madera Creek from reaching San Francisquito Creek beyond the Dam, and because maintaining and potentially increasing the upstream detention and delay of water is part of our overall strategy to provide flood protection, the SFCJPA will continue to discuss with Stanford the opportunities and constraints associated with their future development of this project. At this Board meeting, Stanford representatives will discuss the campus' preferred alternatives and their next steps to move this forward, and be available to answer questions.

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b. S.F. Bay-Highway 101 project construction planning

At SFCJPA Board meetings for over the past year, we have discussed our efforts to prepare for construction, including the relocation of utilities, in order to improve public safety and increase marsh habitat in the Creek between S.F. Bay and Highway 101. Below is a summary of construction planning activities since the last Board meeting.

Permitting

Our efforts to secure regulatory permits for the Project have been disproportionately dominated by the Regional Water Quality Control Board's permit, known as Water Quality Certification. At the May 28, 2015 SFCJPA Board meeting, I provided an update on our efforts to revise items in the April 7, 2014 Certification for the project, including:

- A requirement to remove a PG&E pipeline under the creek that has been abandoned for 56 years,
- A requirement that 19 future submittals by the SFCJPA must be acceptable to the Regional Water Board's executive officer with no delineated process and no standards to define what "acceptable" means,
- A requirement that the SFCJPA report on operations and maintenance beyond the period for which these activities are covered under this Certification, and
- The need to correct and update the listed impacts and mitigations based on discussions with Regional Water Board staff.

At this SFCJPA Board meeting, I will provide a verbal update regarding our efforts to revise this permit.

At the May 28 SFCJPA Board meeting, I also provided an update on the Corps of Engineers permit (known as a 404 permit, named after that section of the Clean Water Act), saying that we had provided requested materials to the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), and that staff had met with USFWS and NMFS to discuss the materials and to seek re-initiation of the 135-day period allotted to these federal agencies to provide to the Corps their respective Biological Opinions for the project. Biological Opinions from both NMFS and USFWS are required for the Corps to issue its permit. Currently, the SFCJPA and Santa Clara Valley Water District (SCVWD) staff are preparing the contract documents needed to design additional project features which will serve as mitigation for impacts of project construction that are likely to be included in Corps' 404 permit.

Land/Easement Acquisition

On the Palo Alto side of the creek, the SCVWD is working to secure the necessary land and easements, and SCVWD can provide an update at the SFCJPA Board meeting. On the East Palo Alto side of the creek, the SFCJPA has led the effort to secure the necessary easements to construct the project. Last month, the American Self Storage property along the creek on East Bayshore Road in East Palo Alto was sold to Public Storage. This week, SFCJPA and Public Storage staff are meeting to discuss our proposal regarding the required easement on that property. At this Board meeting, we will provide an update regarding this or other properties requiring easements for the project.

c. Resolution 15.6.25 of the Board of Directors adopting the 2013 Bay Area Integrated Regional Water Management (IRWM) Plan to enable the SFCJPA to obtain an IRWM grant from the California Department of Water Resources

SFCJPA and SCVWD staff members are currently compiling information for a collaborative regional proposal to the California Department of Water Resources (DWR) for Proposition 84 funding through the Integrated Regional Water Management program. The application will be submitted by the Association of Bay Area Governments (ABAG) on behalf of the California State Coastal Conservancy. The projects contained within the application represent the Bay Area Integrated Regional Water Management (IRWM) Plan's "Shoreline Resilience" program, which includes the SFCJPA's S.F. Bay-Highway 101 project.

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Our S.F. Bay-Highway 101 project has been designated as a priority project in the Bay Area IRWM Plan, and as such enjoys support from a coalition of agencies throughout the Bay Area. This coupled with the Project's multiple benefit objectives of flood protection and ecosystem restoration with accommodation of future Sea Level Rise make it well suited for this grant program.

The proposal is due in August of 2015, and we plan to request almost \$1.1 million in funding to augment existing resources from the Construction Funding Agreement (including the SFCJPA's previously secured State funding) to cover additional construction costs associated with the project and SFCJPA overhead costs to administer the project, construction, and outreach.

In order to apply for and receive money from DWR's IRWM grant program, a local agency must adopt the regional IRWM Plan and all associated updates. In 2011, the SFCJPA Board adopted the Bay Area IRWM Plan in order to be eligible for grant funding from Proposition 1E. At this time, the Board must approve the 2013 update to the Bay Area IRWM Plan in order to be eligible for the future funding, including a 2015 round of Proposition 84 funding.

Staff and I have reviewed the 2013 update to the Bay Area IRWM Plan, and recommend that the Board adopt it. As the enclosed Resolution 15.6.25 states, adopting the Plan does not commit the SFCJPA to provide resources or to implement any project proposed by another agency, and the 2013 Bay Area IRWM Plan is exempt from the California Environmental Quality Act because would not result in the disturbance of an environmental resource and it involves studies for possible actions that the participating agencies have not yet approved.

Proposed Board Action: Approve the enclosed Resolution No. 15.6.25 adopting the 2013 update to the San Francisco Bay Area Integrated Regional Water Management Plan.

d. Caltrans' San Francisquito Creek Highway 101 Bridge Replacement Project update

Earlier this month, Caltrans began construction on their project to replace the Highway 101, East Bayshore Road and West Bayshore Road bridges over San Francisquito Creek. This project was initially proposed to improve traffic flow over the bridge as part of a regional auxiliary lane project, and to improve the structural integrity of the bridge constructed in 1931 and widened in 1957. Because the Highway 101 bridge has caused flooding several times in the past and has the lowest creek flow capacity of any bridge in the flood prone channel, in late 2008 the SFCJPA approached Caltrans about improving the flow of water beneath the roadway in addition to improving the flow of traffic above. Caltrans agreed, and began working with the SFCJPA to enable the new bridge to accommodate a 100-year creek flow.

Since 2008, Caltrans has implemented its auxiliary lane project, and this month began work to replace the structure. Caltrans' new structures, which will include an additional, fourth conveyance barrel, have been designed to conform to the SFCJPA's desired level of flood protection, and will perform at the same standard as the downstream Bay-Highway 101 creek project. Once construction of the Caltrans project is completed, these structures will safely convey a 100-year creek flow coupled with a high tide and over two feet of future Sea Level Rise.

Construction of the project has already resulted in substantial traffic on Highway 101 and adjacent roadways. During this agenda item, we will discuss the need for the project, the nature and anticipated schedule of construction activities, and public outreach efforts by Caltrans and local cities.

Submitted by:



Len Materman
Executive Director



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DRAFT RESOLUTION NO. 15.6.25

A RESOLUTION OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY ADOPTING THE BAY AREA INTEGRATED REGIONAL WATER MANAGEMENT PLAN UPDATED IN 2013, TO ENABLE THE AUTHORITY TO OBTAIN AN INTEGRATED REGIONAL WATER MANAGEMENT GRANT FROM THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES

THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY DOES HEREBY FIND AND RESOLVE:

Section 1. The State electorate approved statewide bond measures since 2000 to fund water and natural resource projects and programs identified in Integrated Regional Water Management (IRWM) Plans; and

Section 2. The benefits of integrated planning for water management activities include increased efficiency or effectiveness, enhanced collaboration across agencies and stakeholders, and improved responsiveness to regional needs and priorities; and

Section 3. State statute and guidelines require that an IRWM Plan must be adopted by the governing boards of participating agencies before IRWM grant funds will be provided for projects that are part of the IRWM Plan and the San Francisquito Creek Joint Powers Authority (SFCJPA) adopted the 2006 Bay Area IRWM Plan prior to receiving funding for its Flood Reduction, Ecosystem Restoration and Recreation Project from S.F. Bay-Highway 101 in a previous grant round; and

Section 4. As a condition of receiving additional funding, the Bay Area IRWM Plan was updated in 2013 following a public review process and approved by the California Department of Water Resources in 2014; and

Section 5. Adoption of the 2013 Bay Area IRWM Plan by the SFCJPA allows the SFCJPA to obtain future IRWM grants from the California Department of Water Resources, including grants funded by statewide bond measures; and

Section 6. Adoption of the 2013 Bay Area IRWM Plan does not entail a commitment of resources by the SFCJPA or a commitment to implement any project proposed by another agency, and the IRWM Plan does not supersede or effect in any way participating agencies' separate plans and programs; and

Section 7. The SFCJPA Executive Director has reviewed the 2013 Bay Area IRWM Plan and determined that it is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines §15262 and §15306 because the IRWM Plan consists of data collection that would not result in the disturbance of an environmental resource and it involves studies for possible actions that the participating agencies have not yet approved.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisquito Creek Joint Powers Authority does hereby adopt the 2013 Bay Area Integrated Regional Water Management Plan.

PASSED and ADOPTED by the Board of Directors of the San Francisquito Creek Joint Powers Authority on this 25th day of June, 2015.

ATTEST:

APPROVED:

Executive Director

Chairperson

APPROVED AS TO FORM:



General Counsel