

**MINUTES**  
SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY BOARD  
November 15, 2001

Chairperson Bay called the meeting to order at 6:07 p.m. at the City of East Palo Alto Council Chambers, 2415 University Avenue, East Palo Alto, California.

**1. ROLL CALL**

Members Present: Duane Bay, City of East Palo Alto  
Chuck Kinney, City of Menlo Park  
Jim Burch, City of Palo Alto  
Greg Zlotnick, Santa Clara Valley Water District

Members Absent: Dena Mossar, City of Palo Alto  
Rose Jacobs Gibson, San Mateo Co. Flood Control District

Associate Members Present: Michael Fox, Stanford University  
Chris Christofferson, Stanford University  
Jerry Hearn, SF Watershed Council

JPA Staff Present: Cynthia D'Agosta, Executive Director  
Kevin Murray, Staff  
Andrew Kloak, Staff

Others Present: Greg Stepanicich (JPA Legal Counsel); Jim Johnson, Susan Fizzell SF Watershed Council); Steve Rotherth (American Rivers); Ted Frink, Bill Bennett (California Dept. of Water Resources); Kris Schenk, Diane Dryer (City of Menlo Park); Philippe Cohen (Jasper Ridge Biological Preserve); Jason Christie, (Santa Clara Valley Water District); Walt Callahan, Brian Lee (San Mateo County Public Works); Joe Teresi, Kent Steffens (City of Palo Alto Public Works); Debra O'Leary (City of East Palo Alto/Army Corps of Engineers); Kent Dewell (Town of Woodside); Jeffrey Shore (Duvneck/St. Francis Neighborhood Association); Erik Wong (Palo Alto Weekly); Curt Myers (Palo Alto resident); Viv Blomenkamp (LWVPA); Mary Schaefer, John Schaefer (CPNA); Marge DeStabler (Portola Valley resident); Bill Pickering (Woodside resident); Anthony Bonora (Woodside Resident); K.S. Cooper (Woodside resident); Barbara Nopantak (Palo Alto resident); Jane Leech (East Palo Alto resident)

**2. SPECIAL ORDERS OF THE DAY** – Chairperson Bay introduced and welcomed Ms. Debra O'Leary of the U.S. Army Corps of Engineers. Ms. O'Leary is working with the City of East Palo Alto through a US Environmental Protection Agency program. Her presence and expertise has strengthened East Palo Alto's ability to participate on various flood management committees. He expressed that we are all delighted to have her join the work effort.

**3. PUBLIC COMMENT** – Jerry Hearn reported that Ms. Pat Showalter, the San Francisquito Watershed Council's (Council) coordinator, had left her position to join the Santa Clara Valley Water District staff. He said the Council is the process of selecting a new coordinator and that they hoped to have a selected candidate by

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the middle of December. He said this was important because the coordinator works closely with Ms. D'Agosta and the JPA.

**4. APPROVAL OF MINUTES FROM PREVIOUS MEETING OF October 25, 2001. Approved 4-0.**

**5. APPROVAL OF AGENDA**

Chairperson Bay said he would be taking agenda item 8.a.iii. Stanford Trails first because there were several people in attendance who needed to leave early to attend another meeting on this issue at 7:00 p.m. Change approved.

**6. CONSENT CALENDAR- None**

**7. PUBLIC HEARINGS - None**

**8. REGULAR BUSINESS**

**a. STAFF REPORTS**

**iii. Stanford Trails**

Ms. D'Agosta stated the Stanford Trails staff report was for information-only. Director Zlotnick said he was curious what the JPA's role in issue this was.

Ms. D'Agosta stated that there was no action to be taken on this item for this meeting. The item is being commented on independently by the jurisdictions that sit on the JPA Board. However, the issue may come to the JPA Board in the future if there are impacts to the creeks regarding trail alignment. She stated that currently there were not enough sufficient details on the proposed trails yet, and that it will likely come back to the JPA once the details become clearer.

Mr. Hearn commented that he has worked with the San Mateo County Trails Committee and wanted to explain why this issue would become important to the JPA. He said that Stanford is essentially asking to use an existing trail route along Alpine road to satisfy the terms of the General Use Permit (GUP.) He further elaborated that the concept of a connector trail is what they hope to achieve, and currently whole sections of the existing trail are along the San Francisquito Creek. There is a good chance that these sections could be washed out within the next few years. He said that if the creek corridor were selected, it would present a unique opportunity for the JPA to do some exciting restoration work with trails and the creek in the years ahead.

Chris Christofferson said that Stanford was spending a lot of time correcting minor misperceptions about the proposal. He said his commitment on the proposed trail section C1 that runs along the border of the county is to build a trail, restore it and maintain it in perpetuity (Alpine Road). He said Stanford proposes this particular alignment because of sensitivity to creek issues.

Director Zlotnick said he was aware that there was a controversy surrounding this issue and that Associate members of the JPA are involved in the current debate. He said he is concerned that the JPA not get involved in this controversy when it currently is not a JPA issue; understanding that it may become a JPA issue depending on where the trail may end up and how it impacts the creek.

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i. **Levee Project Update**

Ms. D'Agosta stated the JPA has asked for updates from each of the member agencies as the levee project moves ahead. Both the Santa Clara Valley Water District (SCVWD) and the San Mateo County Flood Control District (SMCFCD) had given updates on the progress of the Levee Project. A matrix which was developed to follow the different elements of the project was handed out.

Ms D'Agosta then read from the matrix.

ii. **Searsville Lake/Dam Workgroup**

Ms. D'Agosta stated that at the July 26, 2001 Board meeting, after a presentation of Stanfords' Draft Searsville Lake Sediment Study, the Board recommended that a workgroup be formed to look at the next steps for Searsville Lake/Dam. JPA staff formed and facilitated a group which met a total of four times. She thanked those workgroup members who were serving on the committee, stating that the group was highly qualified and worked together effectively to get through the process quickly. A staff report was presented with the workgroups' recommendations.

Chairperson Bay asked if members of the workgroup would have anything to add to Ms. D'Agosta reading of the Staff report. There were no additional comments.

Director Zlotnick expressed concern as to the level of involvement the JPA would have on the upper watershed flooding issues. Our interest is to stay engaged so that the regulatory agencies understand that a watershed wide approach is being taken. We need to recognize that Stanford and residents in the area have been dealing with this flooding issue for quite some time and would be concerned if JPA came in as an extra bureaucratic layer on this. He said it is not the JPA's direct interest to be involved in this as much as it is Stanford's obligation to the residents impacted.

Director Kinney asked about the wording in the second sentence of 1A in the staff report: "The draft study results do not present a roadblock to lowering or removal (of the dam) or other alternatives." He asked for clarification on "or the other alternatives".

Kevin Murray said that this was included to provide for further options that have not yet been identified, but may be identified in the next step studies.

Director Kinney asked which agencies are considered from a regulatory perspective.

Michael Fox said the regulatory agencies are Dept. of Fish and Wildlife, Department of Fish and Game, U.S. Army Corps of Engineers, State Regional Water Quality Control Board.

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Director Kinney said he wanted to hear a representative from Stanford give a status on talks on a possible memorandum of understanding between Stanford and the Dept. of Water Resources as it regards Searsville Lake/Dam.

Mr. Christofferson said that as Stanford's official representative he felt it was important to refocus the original discussion to one of the JPA's earliest meetings. He said Stanford agreed to fund a sediment study but because it was a regional issue, they felt it was appropriate for the JPA to sponsor the study and have a voice on the conclusions. He said he was concerned that it has gone past that. The Searsville Lake/Dam workgroup used language that is slightly different than the wording in the agreement dating back to when the study was proposed (June of 2000).

Citing the agenda item from June 2000, Mr. Christofferson said it states "The Board approved the scope of the work along with an addendum [Stanford's addendum to the consultants RFP] stating if the results of the Searsville Lake Sediment Impact Study indicate that downstream environment can tolerate the addition of upstream sediment load, a subsequent study will be requested from state or federal funds to study the feasibility of complete removal of the dam."

Mr. Christofferson said that the language the workgroup used is different enough from what the agreement states, that he is concerned about it. He said that Stanford is asking that the JPA render a decision whether the study results, showing a minor rise (2 inches over the course of 50 years) in the creek bed downstream of Pope-Chaucer Street Bridge as a result of removal of the dam are a tolerable increase in sediment in the downstream environment. If so, Stanford is committed to precede with the feasibility study.

He said a decision has not been made by Stanford as to a specific course of action. Stanford's attempt to find a way to give relief to the upstream neighbors being flooded by Corte Madera Creek was why we got involved in the first place and it is still our goal, he said.

Director Kinney said that even though the sediment study is complete and the workgroup has found that it presents no roadblocks to going forward, the findings need to be verified with independent sources.

Director Zlotnick said that it is premature for the Board to make a recommendation. The workgroup report is at pre-feasibility stage, which would involve getting more detail about what are the impacts of lowering or removing Searsville Dam. He said he was not clear what course of action Stanford was advocating. He asked Mr. Christofferson if he had any difficulty with developing the MOU with the Department of Water Resources to undertake a feasibility analysis.

Mr. Christofferson said he was not prepared to commit to it tonight and is willing to have discussions with DWR. The offer from DWR was appreciated and they

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are considering negotiations with them. He said Stanford has felt the issue of sediment was the overriding issue around this whole Searsville Dam question. They made a commitment to the residents of Family Farm Road and need to continue to take action to keep things moving forward. They would like to move expeditiously to get the answer to the question about what to do with Searsville Lake and Dam. He said he is concerned about the need for another year of work. The reality is that intermediate measure to provide flood relief for the residents of the Searsville Lake area needs to be addressed.

Director Zlotnick asked if this was a financial or staffing issue for Stanford University.

Mr. Christofferson said it was not either of those issues at this point. He said Stanford's commitment is based on the JPA's feedback.

Director Zlotnick said he did not feel that he had enough information to determine whether removal of the dam is acceptable. Nor was he clear on how the Searsville Lake and Dam workgroup came to their conclusions. He said making the details clearer is what the pre-feasibility study would start getting at.

Ms. D'Agosta stated that there are two issues that need to be completed before this returns to the Board. Firstly, response to comments on the draft Searsville Sediment Study that were forwarded to Stanford that have not been provided yet. Second, the Searsville Lake/Dam workgroup feels that there needs to be an outside review of the model evaluation from in the Study .

Chairperson Bay opened the floor to any public comments on the matter.

Jeff Shore said the discussion raises the question of what is the role of the JPA regarding this matter. He said that what is happening in the workgroup is an inadvertent co-opting of what Stanford wants to do. He said he had the opportunity of attending the lecture on the previous Monday which featured Professor David Freyberg from Stanford University's School of Engineering and Environmental Science Dept. in which he made a comment that cast doubt on the results of the study. Specifically, the parts that state that there would be little to no impact sediment released in the area of the dam now in question. Mr. Shore said Dr. Freyberg had some concern that once the sediment at Searsville is released, it would create a churning effect thereby causing the creek to slump and fill in. Mr. Shore said the impression he got is that all the data is not in. He asked if Professor Freyberg's input has been made a part of the process.

Director Kinney asked for clarification on the context of Professor Freyberg's lecture.

Ms. D'Agosta stated that Professor Freyberg was speaking to an audience of potential graduate students. The lecture was part of a series of brown bag lunches that Stanford puts on and the public was invited to attend. Also, Professor

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Freyberg was asked to sit on two JPA workgroups that were going on. One was the Searsville workgroup and the other was the Prop 13 Sediment Study Analysis Technical Advisory Committee. Ms. D'Agosta stated Professor Freyberg chose to participate in the later. She did agree with Mr. Shore that Professor Freyberg's work should be included in the next step analysis for the Searsville workgroup.

Director Zlotnick said that he saw no reason that the work should not be included in the next step analysis and that the JPA should be archiving the information that Mr. Shore has gathered.

Mr. Christofferson said Professor Freyberg has been studying the Searsville dam issue academically and has been a participant in a workgroup at Stanford to look at all these issues. He was aware that Professor Freyberg is very knowledgeable about the situation at Searsville.

Chairperson Bay asked Ms. D'Agosta what next steps should be taken.

Ms. D'Agosta stated that she was looking for the JPA Board to agree that: 1) the JPA should participate in a short-term Upstream Flood Relief subgroup, and 2) that we express support for the Department of Water Resources (DWR) and Stanford University partnership that would study the alternatives presented by the workgroup.

Director Zlotnick said he agreed with participation in the subgroup ,and felt that the JPA Board needed to take action on the next steps to study the alternatives by the DWR and Stanford. However, he said he saw Mr. Christofferson shaking his head in the back of the room to mean that Stanford did not agree with the Board taking action on this item. Director Zlotnick reiterated that the study needs to get done, and if Stanford does not want to do it he would like to know that. He offered that perhaps other parties should consider entering into the MOU with DWR.

Mr. Christofferson said that he would like to know what is the final view from the JPA Board on the sediment issue. He stated that he does not want invest more time and energy in additional studies.

Ms. D'Agosta said that the JPA can do that once the response to comments come back from Stanford regarding the Draft Study, and when finalized, a process to engage someone to do a peer review of the model is completed.

Director Zlotnick said that recommendation #3 from the staff report is not correct and should be modified.

Mr. Christofferson said he would have separate conversations with DWR. He said his reluctance came because he did not want to waste anyone's time if the conclusion is not agreed to by the Board.

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Ms. D'Agosta stated that Mr. Christofferson is asking that the JPA stay with the original agreement of June of 2000. The original language states the JPA and Stanford would support a subsequent study and request state and federal funding.

Chairperson Bay said he did not hear any disagreement in this. He asked if there is disagreement, where does it lie.

Ms. D'Agosta stated it lies in whether or not we can accept recommendation #3. She stated that the fact is that we cannot accept recommendation #3 from the workgroup because the details have yet to be worked out.

Director Zlotnick asked if this item would come back to the Board in the future.

Director Bay said Ms. D'Agosta should be summarize what just happened so that work can proceed on this.

Ms. D'Agosta said this item would come back to the JPA after two things occur. The comments to the draft study need to be responded to by Stanford and the JPA needs an opportunity to review those responses. A quick peer review needs to occur and DWR may be asked to do that. Once those items are complete it will come back to the Board to give Stanford acceptance of the completed study. This will allow Recommendation #2 and #3 to happen if necessary.

Anthony Bonora said this issue is very real for residents of the Family Farm Road area like himself. When flooding occurs, they lose access to their properties. The predictability of these events getting worse is well established due to the ongoing sedimentation. He said that it was important for the Board to seek the necessary answers and to proceed with some course of action in an expedited manner.

Director Kinney said he would like to know the timeframe for short-term relief for the Family Farm Road area.

Ms. D'Agosta stated that the need to expedite this process was discussed in the workgroup. There was a convening of the subgroup that did an onsite tour conducted by Michael Fox and several other members of the workgroup. The approximate time frame would be three months to complete this and come back to the workgroup with their recommendations.

Ken Cooper of Family Farm Road said Stanford has been cooperative in clearing out Corte Madera Creek and areas around Searsville Lake to alleviate some of the flooding problems. He understood that there is a need to balance the short-term flood relief with the long-term plan but said it is a fact that Corte Madera Creek is filling rapidly. He urged the Board to give Mr. Christofferson the incentive to move quickly as possible on this. He said the Family Farm Road area needs immediate action and he fears that waiting for even a period of two rainy seasons will be too late.

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**i. Park Bonds Grant Submittal**

Ms. D'Agosta stated a grant proposal was submitted on November 1<sup>st</sup> by the JPA and the City of Menlo Park for a trail interpretation within the city.

Director Zlotnick asked if the JPA was gathering letters of support to be submitted.

Ms. D'Agosta replied affirmatively.

**ii. 319 (h) Grant**

Ms. D'Agosta stated that a 319(h) grant was submitted in June and the State Water Resources Control Board recently notified the JPA that we are included on the priority list. She stated the resolution from the Water Resources Control Board was passed just today. It needs Environmental Protection Agency approval to be finalized. That determination will be made in December. The JPA is very close to getting this grant.

Director Burch left the meeting at this time (7:05 p.m.)

**c. OPEN FORUM/CONTINUING DIALOGUE**

Chairperson Bay said that this item is continued discussion from the October 25<sup>th</sup> meeting. He said the discussion will turn more informal and they would try to proceed from where they left off in October. He reminded everyone to take into account that JPA was down two Board members (Dena Mossar and Rose Jacobs Gibson were absent) and that only 3/5 of the Board was present. He said he knew this was not contemplated when the agenda item was put together, but felt the attempt to get everyone on the same page would be difficult if not all the Board members were present.

Ms. D'Agosta stated that the intention was indeed to further explore and more sharply focus some discussion items from the previous meeting, and that this would be difficult without full Board participation.

Ms. D'Agosta said that workgroups will be developed to focus on: Funding Strategies Workgroup; a Watershed-Wide Membership workgroup; a Public Information group; and a long-term Federal support workgroup.

Ms. D'Agosta said JPA legal counsel Greg Stepanicich provided legal review of the jurisdiction issues that begins the discussion where the jurisdictions lie and how that effects the choices we have. This information will be distributed to the Board with follow-up at the next meeting.

Chairperson Bay said we should be looking for opportunities to show upstream watershed jurisdiction the possibilities that working with the JPA present. He said the joint sediment study was certainly one of those cases where a direct connection in terms of dollars saved can be made.

Director Zlotnick said the SCVWD did not get funding in the Federal Budget for the Reconnaissance study. Last week he was in Charlotte, North Carolina at a

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conference of the National Association of Flood and Stormwater Management Agencies. He said he put a call into the Colonel from the Army Corps of Engineers to remind him of his commitment to free up staff in the spring of 2002. He stated he would start working with his staff to free up the \$100,000 needed for the recon study. If that is unsuccessful, we will have to go back to Congresswoman Anna Eshoo to get the money for the study.

Director Kinney asked Director Zlotnick if that \$100,000 amount would be reimbursed at some time.

Director Zlotnick said it would go into the balance book as part of what is required to be done as part of the long-term project. It would be considered the pre-feasibility/environmental work and hydrology. The feasibility study is different.

Director Kinney asked Director Zlotnick if the fact we were denied federal funding in this first step lowers the interest federal agencies have in our watershed.

Director Zlotnick said he did not feel this would be the case. Once the recon study begins, it becomes like a new start and things get rolling. The JPA is good shape with the COE especially with the watershed efforts. He said there is some sort of bureaucratic issue with paperwork. If we pay for the Recon study and the COE does not, it changes their process. The Port of Oakland paid for the Recon study first and have been successful in getting their money back. The Colonel at the COE has assured that we can do it so it looks like we will be okay.

Ms. D'Agosta stated that it was her understanding that the "new start" was the issue.

Director Zlotnick said that was correct. Mr. Parker was not confirmed as the assistant Secretary to the COE until October. There has been direction from the COE Budget office and OMB that if an assistant Secretary is not onboard there will be no new starts. Mr. Parker and General Griffin were very clear that they were ready to do battle with the OMB. They see these type of projects [Recon study on SF Creek] as economic stimulus.

Director Kinney asked Director Zlotnick for a timeline when the Recon could start.

Director Zlotnick said the actual spending itself would be a year. The next step would be feasibility. As the Recon is going that is when we are lobbying hard for feasibility dollars in 2002-2003 in the Federal Budget.

Director Zlotnick said that is why we are working with the Colonel now. Director Kinney asked how we could be more proactive in working with the COE.

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Ms. D'Agosta stated the Federal support workgroup would be an effort to combine our efforts in working with the COE. To date it has been primarily the SCVWD in contact with the COE. Everyone needs to get behind it. The commitment to get the Colonel here for the Seminar Series is also important.

Chairperson Bay said East Palo Alto is one of 16 Brownsfield communities in the U.S. The city's status as a Brownsfield community should be utilized as opportunity to get the Federal agencies involved. Ms. D'Agosta stated the Federal support workgroup would be the group that Debra O'Leary should be included in.

Ms. D'Agosta stated that there was a draft text for the Seminar Series in the board meeting packet. It was her intention to have a Regulatory Roundtable last year. Given the several things that needed to be done last year that was not possible. The date of December 14<sup>th</sup> was secured for the first of the seminar series events. She stated that the JPA would like to send out this to a number of groups to get the word out on this first seminar event. The panelists would be different each time.

Ms. D'Agosta stated that the first would look at environmental conditions. The second seminar would focus on regulatory issues. It would be great to tie the Colonel into that event.

Director Zlotnick said that not only the Colonel but the Assistant Secretary of the COE would be great to get as well. He said he will be back in Washington D.C. from Feb. 10-14<sup>th</sup>. If the seminar on regulatory issues could be set for later in February, we can get on their calendar to speak at the seminar.

Ms. D'Agosta stated the third seminar will include Federal, State and Local perspectives. A possible outdoor site for this seminar series could be at Windy Hill at the top of SF Watershed. It has a spectacular 360 degree perspective of San Francisco, Oakland, all bridges, Pacific Ocean and our entire watershed. It clearly illustrates the central position our creek and watershed have in their entire area. It is owned by MROSD.

Ms. D'Agosta stated the last seminar of the series would be a dialogue on Land Ownership and Management of the Watershed.

Director Bay said that since the full board was not in attendance, he would like to continue the discussion from October until the January board meeting. Getting the workgroups up and running, holding the first seminar during the month of many holidays (December) is no small accomplishment for the JPA. Much is going on in the next six weeks for the JPA so deferring this item until January is only reasonable.

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10. **BOARD MEMBER REPORTS**

Director Zlotnick said that the San Mateo County Creekside setback policy is something he would like to see on the agenda of January's meeting. He said he is mainly concerned with what they are trying to do and what kind of coordination there is with the JPA on this.

Ms. D'Agosta stated that this a good example of coordination not happening yet with each agency. That was done by the San Mateo County Planning Department and not through the San Mateo Flood Control District. It never came to the JPA. She is currently in contact with County Planning to sort this out.

Ms. D'Agosta congratulated Chairperson Bay in his recent election to Mayor of East Palo Alto.

11. **ADJOURNMENT**

Director Zlotnick motioned to close the meeting.

Director Kinney seconded.

Meeting Adjourned at 7:38 p.m.

**MINUTES PREPARED AND SUBMITTED BY:**

Andrew Kloak

San Francisquito Creek Joint Powers Authority