

Santa Clara Valley Water District  
Stream Maintenance Program  
SFRWQCB Tentative Order  
Public Comments and SFRWQCB Response to Comments

Comment #	Commentator	Comment Date	Page #	Finding	Provision	Comment Type	Comment (Proposed changes are indicated by <u>blue strike-out</u> (delete text) and <u>red underline</u> (insert text))	RESPONSE TO COMMENT
1	EPA - Luisa Valiela	10/2/2012	12		D.10	Geomorphology	1) I am wondering about this part of condition 10 under Sediment Removal- "sediment removal shall not expand the channel capacity beyond the natural contours."- is this precluding something we might want at some point, like overexcavating to create a pool, put a rock vein in, etc..? Is this really getting at bank work rather than sediment removal?-- I like how it is framed in condition 12 better: 1. After sediment removal, the District shall restore channel geometry at sediment removal sites to a natural state based on the channel geometry, and slope upstream and downstream of the project site. The channel geometry shall be designed to enhance post-maintenance sediment transport through the excavated reach.	See Response to comment #46 and #47. If maintenance guidelines exist then the stream reach will be re-graded in accordance to the maintenance guidelines. If maintenance guidelines do not exist for the reach, then the stream reach should be re-graded as to not expand beyond the natural contours of the channel in order to protect habitat and beneficial uses.
2	EPA - Luisa Valiela	10/2/2012	13		D.19	Sediment	2) Order #19 under Sed Removal, it says "Proposed disposal and reuse locations shall be submitted by District annually in the NPWs and approved by the Regional Water Board's Executive Officer." Is that the most efficient process at the EO level? Also may benefit from a check with BCDC- what if sediment reuse approval changes in the course of the next 10 years given agencies efforts on working towards Regional Sediment Management Plan?	Provision No. 18. The Water Board must review the proposed disposal and reuse locations to determine if such activity would adversely impact waters of the State and beneficial uses.
3	EPA - Luisa Valiela	10/2/2012				grammar	3) terminology spelling of "stormwater" and "storm water" varies throughout document	changes accepted
4	EPA - Luisa Valiela	10/2/2012	22		D.57	Reporting	4) new item g) in Mit/Monitoring Report?- "a) The District is required to use the standard California Wetlands form to provide a summary of all individual SMP projects reported in the PCRs. Regional Water Board staff will assist the District in completing the standard California Wetlands form using the information provided in the PCRs. The District shall electronically submit the completed standard form and map(s) showing the locations and boundaries of all SMP projects to habitatdata@waterboards.ca.gov." Just curious what Water Board staff is committing to do to "assist"- not recommending changes in your wording- just wanting to know how this is going to work?	Water Board staff shall enter the following information, which will be provided in the SMP Post Construction Report: 1. Total area of impacts 2. Total area of mitigation completed 3. Map indicating total area of impacts and mitigation completed.
5	SCVWD	12/6/2012	1			Tentative Order Formatting	Inserted "Findings"	change accepted
6	SCVWD	12/6/2012	1	3		Tentative Order Language Clarification	Finding No. 3: The goals of the SMP include: (1) maintain the design flow conveyance capacity (or the appropriate capacity when no design capacity exists) of District facilities; and (2) maintain the structural and functional integrity of District facilities ( <u>SMP Manual pg 1</u> ). The objectives of the SMP include: (1) remove sediment to maintain the hydraulic, safety, and habitat functions of the creeks systems; (2) manage vegetation to maintain the hydraulic, safety, and habitat functions of the creek systems, and to allow for levee inspections and maintenance access; (3) stabilize beds and banks of creeks and canals to protect existing infrastructure, maintain public safety, reduce sediment loading, protect water quality, and protect habitat values; and (4) avoid, minimize, or mitigate impacts on the environment by incorporating stream stewardship measures into maintenance activities ( <u>SMP Manual pg 2</u> ).	It is not clear why the District would like to reference the SMP Manual page number
7	SCVWD	12/6/2012	1	4		Tentative Order Language Clarification	Finding No. 4: In August 2012, the District's Board revised and adopted its Natural Flood Protection and Water Resources Stewardship goals and objectives in its Governance Policies under the Ends Policy 1 Natural Flood Protection . The SMP is consistent with the following objectives: <u>Goal 3.1. Provide natural flood protection for residents, businesses, and visitors.</u> <u>Objective 3.1.2. Preserve flood conveyance capacity and structural integrity of stream banks, while minimizing impacts on the environment and protecting habitat values.</u>	change accepted
8	SCVWD	12/6/2012	2	4		Tentative Order Language Clarification	Finding No. 4: Water Resources Stewardship <u>Goal 4.1. Protect and restore creek, bay, and other aquatic ecosystems.</u> <u>Objectives</u> 4.1.1. Preserve creeks, bay and ecosystems through environmental stewardship. 4.1.2. Improve watersheds, streams, and natural resources. 4.1.3. Promote the protection of creeks, bay and other aquatic ecosystems from threats of pollution and degradation.	change accepted
9	SCVWD	12/6/2012	2	7		Habitat	Finding No. 7: <del>This Order does not authorize disturbance of the stream bed and banks in reaches where there is a reasonable possibility of anadromous fish spawning.</del>	Comment not accepted. This finding was a place holder as discussion continued between the Water Board and the District to resolve issues related to maintenance activities in steelhead streams. The Water Board is still waiting for additional information from the District demonstrating how the District's maintenance activities will avoid and minimize impacts in steelhead streams. Also, the Water Board is awaiting the Biological Opinion from NMFS.

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10	SCVWD	12/6/2012	5	23		Tentative Order Language Clarification	Finding No. 23: The District conducts an annual inventory and assessment of the routinely maintained channel and canals in its SMP maintenance jurisdiction. Understanding stream resources, their locations, and interactions is fundamental to the District's approach to avoid, minimize and mitigate environmental impacts of routine maintenance activities. The District will develop these channel characterizations to provide adequate detail and photo documentation <del>to support the programs described in Findings No. 21 above</del> as required in Provision Nos. 62-64 of this Order.  District Comment: Requirements should be for the proposed project, the SMP 2012-2022 and not a directive to other District programs.	change accepted
11	SCVWD	12/6/2012	6	26		Tentative Order Language Clarification	Finding No. 26: ...The annual PCRs will describe maintenance activities conducted during the <del>pre</del> <u>ceding</u> <del>vious</del> maintenance season, descriptions of mitigation implemented, and monitoring results....	change accepted
12	SCVWD	12/6/2012	7	31		Tentative Order Language Clarification	Finding No. 31: The Guadalupe River and San Francisco Bay are identified as impaired by mercury on the CWA section 303(d) list. The Total Maximum Daily Loads (TMDLs) for the Guadalupe River and the San Francisco Bay is 0.2 milligram mercury per kilogram suspended sediment dry weight annual median (0.2 mg/kg dry wt., annual median).	change accepted
13	SCVWD	12/6/2012	7	32		Tentative Order Language Clarification	Finding No. 32: San Francisco Bay is identified as impaired by polychlorinated byphenyls (PCBs) on the CWA section 303(d) list. The TMDLs is an average fish issue concentration of 10 mg total PCBs per kg of typically consumed fish, on a wet weight basis ( <del>10µmg</del> /kg wet weight).	1) change "303(d)" is accepted. 2) Change "(10 µmg/kg wet weight)" is not accepted as the Basin Plan reads "(10 µg/kg wet weight)" - 10 micrograms total PCBs per kilogram of typically consumed fish.
14	SCVWD	12/6/2012	8	35		Regulatory language	District Comment on Finding No. 35: Finding No.7, excluding areas of reasonable fish spawning is not supported by the District FSEIR. Regional Bd would have to make its own revised findings.	Comment noted. See response to comment #9.
15	SCVWD	12/6/2012	9		A.2	Regulatory language	Provision A.2: The District shall not cause degradation of <del>any</del> water supply <u>as identified in the Basin Plan</u> .	Change not accepted. This is a standard Provision in all certifications and WDRs
16	SCVWD	12/6/2012	10		B.4	Regulatory language	Provision B.4: ...An adverse condition includes, but is not limited to, a violation or threatened violation of the conditions of this Order <u>as detailed in the Water Characterization Plan</u> , spill of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance....	It appears the proposed change references the Water Quality Monitoring plan, which is a process to verify and document regulatory compliance associated with water quality monitoring during maintenance activities. Also, the Water Quality Monitoring Plan does not include a detailed description of all the Provisions of the Order related to violation or threatened violations, therefore, the proposed changes cannot be accepted.
17	SCVWD	12/6/2012	14		D.23	Tentative Order Language Clarification	Provision D.23: For all proposed sediment removal and vegetation management, the District will follow the Maintenance Guidelines and principles as described in the SMP Manual and pursuant to Provision Nos. 62- <del>63</del> to justify maintenance needs based on the analysis of channel capacity, hydraulic constrictions and roughness....	change accepted
18	SCVWD	12/6/2012	15		D.33	Tentative Order Language Clarification	Provision D.33: Minor maintenance activities shall not impact more than 0.05 acre of wetland and/or riparian habitat per activity site and <u>no more than 0.2</u> acre total per year for all activities. Minor maintenance projects resulting in impacts equal to or greater than 0.01 acre shall be included in annual reporting (pursuant to Provision No. 57.f).	change accepted
19	SCVWD	12/6/2012	15		D.35	Tentative Order Language Clarification	Provision No. 35: The District shall visually observe (inspect) stormwater discharges at all discharge locations, within <del>the</del> <u>an</u> active <u>District</u> project site, during business hours, within two business days (48 hours) prior to each qualifying rain event...	change accepted
20	SCVWD	12/6/2012	18		D.50	Regulatory language	Provision No. 50: The District may propose mitigation credit for channel bank stabilization projects that provide an environmental benefit beyond expected bank stabilization measures. Mitigation credit shall be approved <u>by via</u> the <u>annual Notice of Proposed Work</u> <del>Regional Water Board's Executive Officer</del> on a case-by-case basis.	change accepted
21	SCVWD	12/6/2012	19		D.54	Reporting	Provision No. 54: Annual maintenance plans and NPWs shall be developed by an interdisciplinary team <u>including as appropriate, staff</u> with expertise in hydraulic engineering, <u>horticulture planning, and appropriate subject matter</u> , and biology.	Change not accepted. The District's SMP jurisdiction contains a multitude of beneficial uses as identified in the Basin Plan. It would seem necessary that during the planning phase of individual projects for the annual NPW, hydraulic engineers, and staff with expertise in horticulture and biology would provide a scientific perspective to identify any potential impacts to water quality and beneficial uses as a result of the SMP project and recommend appropriate protective measures.

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22	SCVWD	12/6/2012	19		D.54	Regulatory language	Provision No. 54.a)v.: <del>A determination by the District whether the proposed projects would impact any channels identified as functioning as potential habitat for threatened or endangered species, or providing habitat for different life cycles for salmonids (i.e., migration, spawning, rearing, or refugia).</del> District comment: ESA is not a jurisdiction of Regional Bd, as stated in D. 78	Change not accepted. The habitats identified in Provision No. 54.a.v are to be protected as beneficial uses in our Basin Plan and include the following: RARE, WARM, COLD, WILD, MIGR, and SPWN.
23	SCVWD	12/6/2012	19		D.54	Tentative Order Language Clarification	Provision No. 54.a)vi: Where the information is available, the rationale shall be based on numeric maintenance guidelines and thresholds developed in accordance with Provision Nos. 64 and <del>65</del> of this Order	change accepted
24	SCVWD	12/6/2012	21		D.57	Tentative Order Language Clarification	Provision No. 57.a: Project Description - The PCR shall include a detailed description of maintenance activities conducted during the <del>previous</del> <u>preceding</u> maintenance season at each maintenance site, including:	change accepted
25	SCVWD	12/6/2012	23 and 24		D.63 and D.64	Tentative Order Language Clarification	Provision Nos. D.63 and D.64: Remove the word "Principles" from the "Maintenance Guidelines and Principles"	change accepted
26	SCVWD	12/6/2012	24		D.64	Regulatory language	Provision No. 64: The workplan shall be submitted to the Regional Water Board by April 1, 20 <u>13</u> .	Change not accepted. It is not clear why the District requires an additional year to develop the workplan.
27	SCVWD	12/6/2012	24		D.64	Regulatory language	Provision No. 64: The workplan shall include a 10-year implementation schedule that addresses <del>all</del> <u>the high priority</u> channels covered by this Order. District comments: It may take longer than 10 yrs with 3 FTE's developing MG's, to cover ALL creeks within the SMP area.	Change not accepted. Maintenance Guidelines should be developed for all streams within the SMP jurisdiction.
28	SCVWD	12/6/2012	24		D.64	Maintenance Guidelines: methods	Provision No. 64.a.i: Estimates of stage-discharge relationships will be developed for channel reaches. These estimates should be based on actual field measurements <u>and/or observations</u> .	Proposed change: measurements and observations
29	SCVWD	12/6/2012	24		D.64	Regulatory language	Provision No. 64.a.ii: <del>For channels which may be subject to sediment removal, estimate active (bankfull) channel dimensions or dimensions which can best establish quasi-stable hydrogeomorphic conditions that do not cause nuisance or excessive erosion or deposition. These dimensions shall be developed using combination of information from regional stream restoration curves, reference reach data, computation of effective discharges, shear stresses and other assessments, as well as addressing different reach conditions and constraints. These active channel dimensions shall guide the management approaches contained in the Maintenance Guidelines and inform how to finish grading in reaches undergoing sediment removal.</del> District comment: Potentially confusing with directive of 64b) and conflicting with requirements for 64 c). These requirements are too prescriptive and does not incorporate district professional judgment.	change not accepted. This Provision does not conflict with Provision No. 64.b/c as this provision requires the District to "estimate active (bankfull) channel dimensions". Provisions No. 64. b/c requires the development of roughness, sediment, and vegetation objectives. These are the basic information that the professional judgment needs to be based on to "estimate" the active bankfull dimensions.
30	SCVWD	12/6/2012	24		D.64	Maintenance Guidelines: methods	Provision No. 64.a.iii: <del>A map that shows all maintained channels for modified and unmodified channel types, and identifies salmonid habitat and migration corridors, other sensitive habitats and areas with high ecological values, and those channels for which minimum flow capacity and corresponding maintenance requirements are specified with the U.S. Army Corps of Engineers.</del> District comment: This had been deleted with the understanding that the MG for specific reaches would include ecological resource information needed for management of that particular reach.	Change not accepted. This Provision has been included to ensure the Maintenance Guidelines include this information as is being done with the other elements of Provision No. 64. The District has informed the Water Board that these maps are readily available.
31	SCVWD	12/6/2012	25		D.64	Regulatory language	Provision 64.a.iii.3: Channel reaches that do or potentially could function as <del>migration, spawning, or high flow refugia habitat for salmonids</del> <u>quality habitat suitable for the reproduction and early development of fish</u> and District comment: Match basin plan language	Change not accepted as original language is consistent with Basin Plan language.

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32	SCVWD	12/6/2012	26		D.68	Regulatory language	<p>Provision No. 68: The fee amount for the WDRs portion shall be in accordance with the current fee schedule, per California Code of Regulations, section 2200(a), based on the discharge's Threat to Water Quality and Complexity rating of the Discharge to Land or Surface Waters, plus applicable surcharge(s). The Threat and Complexity rating shall be rated as <u>3CB</u>, and shall remain at this level throughout the period of this Order.</p> <p>District comment: The SMP has neither treatment systems or waste mgmt units, and should be listed at Category C. <a href="http://www.swrcb.ca.gov/resources/fees/docs/wdrfaq.pdf">http://www.swrcb.ca.gov/resources/fees/docs/wdrfaq.pdf</a> "Category (b) includes those dischargers (not included in (a)) who have physical, chemical, or biological treatment systems, and Class II or Class III waste management unit, etc. Category (b) treatment systems exclude septic systems with subsurface disposal. All other dischargers are ranked in Category (c)."</p>	Change accepted as current Order is 3C
33	SCVWD	12/6/2012	27		D.74	Regulatory language	<p>Provision No. 74: The following activities are not included in the SMP Manual and, therefore, are not covered in this Order: capital improvement projects; projects that would alter the designed flood conveyance capacity of a channel or facility; maintenance work in channel reaches that are above 1,000-foot elevation level; maintenance work of dams, reservoirs and other water supply facilities, such as pipelines outside of channel corridors, groundwater percolation ponds, and instream summer dams; installation of new or major modification of fish ladders; hazardous tree removal; work conducted on private property by owners or other agencies; work performed by other agencies; area-wide intensive maintenance, or rehabilitation of large [<math>&gt;0.05</math> acre] mitigation projects installed as part of a capital improvement project; work activities specifically excluded from the SMP; and emergency activities and procedures. A situation is considered an "emergency" if it is a sudden, unexpected occurrence involving a clear and imminent danger that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage (Pub. Res. Code § 21060.3).</p> <p>District comment: This is a Finding per the Program definition and is not a Provision of the permit.</p>	Change accepted
34	SCVWD	12/6/2012	28		D.78	Tentative Order Language Clarification	<p>Provision No. 78: This Order does not allow for the take, or incidental take, of any special status species. The District shall use the appropriate protocols, as approved by the CDFG, <u>NOAA Fisheries</u>, and USFWS, to ensure that Project activities do not impact the Beneficial Use of the Preservation of Rare and Endangered Species.</p>	change accepted
35	SCVWD	12/6/2012	28		D.80	Tentative Order Language Clarification	<p>Provision No. 80: The District shall conduct SMP maintenance work during the dry season or low-flow season, June 15 – October 15, as shown in the work windows below. Depending on channel conditions (i.e. dry channel conditions) and whether the channel supports anadromous fish, The District may conduct <u>limited</u> SMP maintenance work activities per the work windows below.</p>	change accepted
36	SCVWD	12/6/2012	32		D.96	Tentative Order Language Clarification	<p>Provision No. 96: The authorization of this Order for SMP activities expires on December 31, 20<u>18</u><sup>7</sup>. Mitigation and monitoring requirements that extend beyond the term of this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.</p> <p>District comment: Should be consistent with Finding 1, 10-yr RGP and D. 64 requiring a 10-yr workplan.</p>	<p>1) Change "December 31, 2018" is accepted. 2) Although the District has applied for a ten-year permit, the Corps has stated it will issue a five-year Regional General Permit (RGP). Provision D. 64 identifies the duration of the workplan and not the Order. 3) Change for further clarification of this Provision: "Mitigation and monitoring requirements that extend beyond the term of this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable <u>in accordance with Provision Nos. 53 and 57 of this Order.</u>"</p>
37	Carson Cox (River Right Consultants)	12/14/2012				gravel augmentation	<p>We believe the Order should stipulate that the SMP Manual be updated and revised as appropriate to incorporate gravel management measures included in the final Upper Guadalupe River Flood Control Project Gravel Augmentation Plan. This plan is currently being completed by the US Army Corps of Engineers and SCVWD with the goal of addressing gravel shortages, improving aquatic habitats, and improving channel stability in Upper Guadalupe River Flood Control Project Reaches. It is important that gravel augmentation and management measures contained in the Gravel Augmentation Plan be incorporated into the SMP Manual to ensure that SMP activities complement rather than conflict with Gravel Augmentation Plan measures, and vice versa.</p>	Any activity related to maintenance of a gravel augmentation feature must be a covered activity in the SMP Manual. The gravel augmentation component of the Mitigation and Monitoring Reporting Plan. The TO includes a provisions indicating that any substantive changes acceptable to the Water Board's Executive Officer may be implemented.

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38	Carson Cox (River Right Consultants)	12/14/2012	13		D.16 - D.18	sediment reuse	Provision D16-18: We recommend that the Order include provisions for re-introducing excavated gravels into specified re-introduction areas (including those identified in the final UGRFCP Gravel Augmentation Plan) that will not conflict with identified SMP activities. Best Management Practices should be developed to address processing, cleaning, testing, and other steps necessary for re-introduction of gravel excavated during maintenance activities. The goal is to encourage the reuse of native gravels in SMP area stream channels exhibiting signs of gravel deficits due to the effects of upstream water supply dams and increasingly urbanized watersheds. We recommend that Order Provision 16-18 be revised to identify mechanisms for encouraging the re-introduction of excavated gravels and identify any additional provisions necessary to address the gravel re-introduction process.	Comment Noted. The SMP includes a Sediment Characterization Plan that includes a process to test and characterize sediment for potential reuse. The proposed sediment reuse is subject to Water Board's Executive Officer approval.
39	Carson Cox (River Right Consultants)	12/14/2012	23 - 25		D.64	Vegetation management	Lastly, we request that Order Provision 64 be revised to include requirements that maintenance schedules and protocols be periodically assessed, and revised as appropriate, to ensure that vegetation clearing is conducted only where operationally necessary (e.g. to protect adequate flood conveyance capacity) and is compatible with habitat protection and other natural resource management objectives.	The purpose of the Maintenance Guidelines is to clearly identify when, how, and where maintenance is conducted, which includes establishing thresholds and criteria, and a schedule for maintenance. Therefore, the District will follow the Maintenance Guidelines to determine when maintenance is necessary for flood protection while avoiding and minimizing impacts to the habitat and beneficial uses. Also, the language in Provision No. 64 will be revised to reflect the accepted changes by the Central Coast Regional Water Quality Control Board for clarification.
40	Central Coast Regional Water Quality Control Board	12/14/2012	23		D.62	Tentative Order Language Clarification	Provision D.62 (p. 23) This provision requires the District to use Maintenance Guidelines and Principles described in the SMP Manual. However, it is not clear what principles are intended. Since the Tentative Order requires the District to develop maintenance guidelines acceptable to the Regional Water Board Executive Officer, the phrase "maintenance guidelines and principles" seems redundant and confusing. Therefore we recommend deleting the words "and Principles" here and throughout the Tentative Order.	change accepted
41	Central Coast Regional Water Quality Control Board	12/14/2012	23		D.63 and D.64	Regulatory language	<i>Comment:</i> <i>Provision D.63 (p. 23)</i> <i>This provision requires the District to modify existing maintenance guidelines, but does not specifically require the District to develop maintenance guidelines for channels where such guidelines do not yet exist. In addition, the Tentative Order does not specifically require the District to submit new and updated maintenance guidelines for Regional Water Board approval, though this is the clear intent of Provision D.64. New and updated maintenance guidelines should be subject to Regional Water Board Executive Officer approval. Therefore we recommend making the following changes to Provision D.63:</i>  <i>The District shall modify the <u>existing</u> Maintenance Guidelines (MGs) <u>and Principles</u>, and shall develop new MGs for channels where they do not yet exist, so that quantifiable information will inform when maintenance is needed to provide for flood protection to incorporate numeric maintenance guidelines and thresholds to meet District goals and objectives while minimizing impacts to channels and natural resources. These <u>Maintenance Guidelines and Principles</u> MGs shall be developed <u>and submitted for Regional Water Board Executive Officer approval</u> according to the workplan description and implementation schedule described in Provision Nos. 64 <u>and 65</u>. <u>The Regional Water Board Executive Officer will approve the new and modified MGs or indicate needed modifications.</u></i>	change accepted

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42	Central Coast Regional Water Quality Control Board	12/14/2012	24		D.64	Regulatory language	<p>Comment: Provision D.64 (p. 24) This provision requires the District to develop a schedule for developing new and updated maintenance guidelines, but does not specifically require the schedule to include submitting the guidelines for Regional Water Board Executive Officer approval. In addition, this provision refers to channel maintenance needed due to the level of flood protection required to meet FEMA requirements. However, FEMA does not establish requirements for channel design or maintenance. Rather, FEMA sets requirements for development within floodplains and floodways that communities must implement to be eligible for federal flood insurance. Maintenance decisions should be based on balancing reasonable flood protection with protection of habitat and beneficial uses, not on flood insurance eligibility. Therefore we recommend the following changes to Provision D.64:</p> <p>The District shall develop a workplan and implementation schedule for developing <u>and submitting for approval</u> new and updated <u>Maintenance Guidelines (MGs) and Principles</u> <u>incorporating numeric maintenance guidelines and thresholds that allow the District to meet its goals and objectives while also minimizing impacts to channels and avoiding degradation of beneficial uses. The new and updated MGs shall describe describing</u> general stream functions and characteristics, high flow capacity objectives and estimates of flood stage-discharge relationships for creek reaches <u>each year, so that quantifiable information will inform when maintenance is needed to provide for flood protection</u> The workplan shall be submitted to the Regional Water Board by April 1, 2013. <u>and</u> <del>The workplan and any modifications</del> shall be acceptable to the Regional Water Board Executive Officer. The workplan shall include a 10-year implementation schedule that addresses all channels covered by this Order. The level of detail for each MG shall be commensurate with the level of maintenance needed for the specific channel reach; either due to the level of flood protection required to meet <u>FEMA and/or</u> design requirements, the complexity/simplicity of the area, or the ecological function of that area within the larger stream system. Specifically, the District will collect the data necessary to generate the following information to aid the development of Maintenance Guidelines:</p>	change accepted
43	Central Coast Regional Water Quality Control Board	12/14/2012	24		D.64	Regulatory language	<p>Comment: Provision D.64.b (p. 24) This provision requires the District to develop maintenance objectives that provide “necessary flood flow conveyance.” However, this provision relates to modified channels, which have been designed to achieve particular flood flow objectives. Maintenance of modified channels should therefore not exceed the original design objectives. In addition, maintenance activities should be protective of natural resources by balancing achievement of design flow rates with protection of habitat and beneficial uses. Therefore we recommend the following changes to Provision D.64.b:</p> <p>b) Modified Channels  <u>i. For each modified reach, identify clear design discharge objectives and how they were derived.</u>  ii. Roughness objectives for each modified reach will be developed to determine the tolerance for loss of freeboard in engineered flood control channels. Roughness objectives will incorporate both sediment deposition and vegetation objectives <u>while still providing the necessary flood flow conveyance and must strike a balance between the reach-specific design flow capacity and the protection of habitat and beneficial uses</u>  iii. Sediment objectives for each modified reach will be developed to establish how much deposition can occur before the tolerance for loss of flood flow capacity is exceeded. Sediment objectives will include consideration for vegetation objectives <u>while still providing the necessary flood flow conveyance and must strike a balance between the reach-specific design flow capacity and the protection of habitat and beneficial uses</u>  iv. Vegetation management objectives for each modified reach will be developed. Vegetation objectives shall be derived from identified roughness objectives <u>and must strike a balance between the reach-specific design flow capacity and the protection of habitat and beneficial uses and shall describe the desired vegetation condition (e.g., vegetation type, density, etc.) that optimizes environmental values for the reach (e.g., habitat, complexity, shade, etc.) for the given roughness while still providing the necessary flood flow conveyance.</u></p>	change accepted

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44	Central Coast Regional Water Quality Control Board	12/14/2012	25		D.64		<p>Comment: Provision D.64.c (p. 25) This provision addresses maintenance of unmodified channels, which have not been engineered to achieve specific flow capacity objectives. To determine whether the District's maintenance proposals effectively balance reasonable flood protection with protection of habitat and beneficial uses, Regional Water Board staff needs sufficient information to determine whether the proposed maintenance is necessary and sufficiently avoids environmental impacts. In particular, Regional Water Board staff needs to be able to compare proposed channel conditions with existing and natural conditions. Therefore we recommend the following changes to Provision D.64.c:</p> <p>c) Unmodified Channels i. Roughness and sediment objectives for unmodified reaches subject to routine maintenance activities shall be <u>developed</u> based on the District's best estimate of the condition of each reach needed to support stable geomorphic and hydrologic processes <u>and beneficial uses</u>. The District shall document assumptions used to estimate the <u>natural</u> conditions <u>needed to support stable geomorphic and hydrologic processes and beneficial uses</u>. <u>The District shall provide the following information to support identified roughness and sediment objectives:</u>  <u>1. A description of the District's best estimate of the natural condition of the reach and the assumptions used to develop the estimate.</u>  <u>2. A description of the District's best estimate of conditions that will support stable geomorphic and hydrologic processes, and optimize habitat and beneficial uses. This description will illustrate the proposed changes in conditions created by maintenance with before and after cross-sectional sketches, and compare existing and proposed roughness, velocities, shear stresses, creekside multistory vegetative layers and habitat conditions. Permissible velocities and allowable shear stresses required to protect existing habitat and beneficial uses will be compared against proposed conditions.</u>  <u>3. A demonstration that the proposed changes in channel conditions will not require armoring of bed or banks, or substantive reduction in channel and vegetation complexity.</u>  <u>4. A demonstration that the proposed channel conditions are not in compensation for backwater effects caused by a downstream hydraulic constriction.</u>            ii. Vegetation <u>management</u> objectives for unmodified reaches subject to routine maintenance activities shall be derived from roughness objectives and shall describe the desired vegetation condition (e.g., vegetation type, density, etc.) that optimizes environmental values for the reach (e.g., habitat, complexity, shade, etc.) for the <u>given identified</u> roughness.</p>	change accepted
45	Central Coast Regional Water Quality Control Board	12/14/2012	25		D.66	Regulatory language	<p>Comment: Provision D.66 (p. 25) This provision addresses maintenance activities in channels for which the District does not yet have approved updated or new maintenance guidelines. As result, Regional Water Board staff needs additional information to determine that maintenance proposals balance a reasonable level of flood protection with protection of habitat and beneficial uses. This information should be comparable to the kind of information used to develop maintenance guidelines. In addition, Provision D.66.a is not necessary because it is included in the Tentative Order's requirements for what must be included in Notices of Proposed Work. Therefore we recommend the following changes to Provision D.66:</p> <p>For routine sediment removal or vegetation management work being performed in channels without updated or new Maintenance Guidelines, the District will provide analytical documentation for work line items on the Notice of Proposed Work. Analytical documentation shall include the following:  <u>a) <del>The specific location of each channel reach, including channel station and observable landmarks (such as street crossings);</del></u>            b) Classification of the channel reach as modified or unmodified or natural;            c) Statement as to whether the channel reach is part of a PMA, and if so, maintenance activities covered under the PMA;            d) For modified channel reaches, the design flood return period for each reach (e.g., the one-hundred-year flood) and the design flow rate;            e) For unmodified channel reaches, a description of the District's best estimate of the natural condition of the reach <u>and the assumptions and rationale used to develop it;</u>            f) Roughness and sediment objectives <u>for the proposed maintenance, where available and the rationale used to develop them;</u>            g) Vegetation objective <u>for the proposed maintenance, where available and the rationale used to develop it;</u>  <u>h) Determination of whether the work site is a hydraulic constriction, or is subject to backwater effects caused by a downstream constriction;</u>  <u>i) Evaluation of alternative approaches that could achieve the same result (e.g., removing a hydraulic constriction, removing sediment instead of instream vegetation, etc.);</u>            j) General channel reach dimensions; <u>and</u>            k) Anticipated frequency of maintenance.</p>	change accepted

Santa Clara Valley Water District  
Stream Maintenance Program  
SFRWQCB Tentative Order  
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46	Central Coast Regional Water Quality Control Board	12/14/2012	12		D.9		<p>Comment: Provision D.9 (p. 12) We recommend the following changes to this provision to make it consistent with recommended changes to Provision Nos. 63 through 66:</p> <p>In modified channels, <u>only</u> sediment removal <u>shall be conducted</u> <del>within the as-built design shall be allowed</del> per the reach-specific thresholds and criteria specified in the Maintenance Guidelines. If maintenance thresholds and criteria have not yet been <u>updated or</u> developed <u>according to Provision Nos. 63 and 64 of this Order</u> for the reach where sediment removal will be conducted, sediment removal shall not expand the channel dimensions beyond the original channel design.</p>	change accepted
47	Central Coast Regional Water Quality Control Board	12/14/2012	12		D.10	Regulatory language	<p>Comment: Provision D.10 (p. 12) We recommend the following changes to this provision to make it consistent with recommended changes to Provision Nos. 63 through 66:</p> <p>In unmodified channels, sediment removal shall be conducted per the reach-specific thresholds and criteria specified in the Maintenance Guidelines. If maintenance thresholds and criteria have not yet been <u>updated</u> or developed <u>according to Provision Nos. 63 and 64 of this Order</u> for the reach where sediment removal will be conducted, sediment removal shall not expand the channel capacity beyond the natural contours.</p>	change accepted
48	Central Coast Regional Water Quality Control Board	12/14/2012	18		D.54	Regulatory language	<p>Comment: Provision D.54.a.vi (p. 18) We recommend the following changes to this provision to make it more consistent with Provision Nos. 63, 64, and 66:</p> <p>vi. The rationale for the proposed maintenance activity which effectively demonstrates that the proposed maintenance is necessary, and no more than necessary, to achieve objectives <u>that balance a reasonable level of flood protection with protection of habitat and beneficial uses</u></p> <p>1. <u>For reaches where the Regional Water Board Executive Officer has approved new or modified Maintenance Guidelines (as described in Provision Nos. 63 and 64 of this Order) Where the information is available, the rationale shall be based on numeric maintenance guidelines and thresholds developed in accordance with Provision Nos. 64 and 65 of this Order the approved Maintenance Guidelines</u></p> <p>2. <u>For reaches where the Regional Water Board Executive Officer has not yet approved new or modified Maintenance Guidelines</u> <del>Where numeric maintenance guidelines and thresholds are not yet available, the rationale shall be based on the analysis and documentation District's best estimate of roughness and sediment objectives, vegetation objectives, and channel dimension estimates, as described in Provision No. 66 Nos. 64 and 65 of this Order;</del></p>	change accepted