

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Tahsa Sturgis)
MEETING DATE: December 13, 2017

ITEM: 7

SUBJECT: **U.S. Army Corps of Engineers, State Coastal Conservancy, and Santa Clara Valley Water District, South San Francisco Bay Shoreline Project, Santa Clara County** – Adoption of Waste Discharge Requirements and Water Quality Certification

CHRONOLOGY: The Board has not considered this item before.

DISCUSSION: The Revised Tentative Order (Appendix A) would issue waste discharge requirements and water quality certification to the U.S. Army Corps of Engineers (Corps), the State Coastal Conservancy (Coastal Conservancy), and the Santa Clara Valley Water District (District) to implement the South San Francisco Bay Shoreline Project (Project). This Project is a significant multi-benefit project that provides both flood protection and environmental restoration and addresses anticipated future sea level rise. The Project would construct a levee that will reduce the risk of tidal flooding to homes, schools, and businesses along Santa Clara County's Bay shoreline, including Alviso and the San Jose/Santa Clara Regional Wastewater Facility (RWF). In addition, it will allow for restoration and enhancement of tidal marsh and related habitat that was lost due to past diking for salt production. The restoration component of the Project includes former salt ponds, currently managed ponds, that are a portion of the larger South Bay Salt Pond Restoration Project. Restoration of these managed ponds cannot occur unless there is adequate flood protection provided prior to breaching the ponds to allow full tidal action.

The Revised Tentative Order would conditionally authorize full Project construction, which is expected to occur over the next 14 years, even though only the initial phase is funded. Given funding availability, it is appropriate to consider Project approval now, so that flood protection can be provided to Alviso as soon as possible.

The Project would be built in three phases, shown with projected dates of construction:

Phase I (2018-2022)

- Construct a 3.8-mile long levee along five reaches, including creation of approximately 91.52 acres of shallowly sloped ecotone habitat along the levee alignment by 2022
- Restore tidal action to Ponds A12 and A18 (1,120 acres)

Phase II (2027)

- Restore tidal action to Ponds A9, A10, and A11 (900 acres)

Phase III (2032)

- Restore tidal action to Ponds A13, A14, and A15 (880 acres)

The Project would result in initial impacts to waters of the State and U.S. associated with the levee and ecotone construction—placement of fill into about 132.2 acres of waters of the U.S. Those impacts are substantially addressed by the Project’s significant restoration components, but, because there is uncertainty regarding aspects of Project design and timing, the Order establishes a mechanism for further evaluation and approval as Project details are finalized.

Board staff has worked with the Project proponents on the proposed alignment of the levee and significant progress has been made to resolve issues identified as early as during our review of the Project’s Environmental Impact Report. The Order requires, and the Discharger is completing, an evaluation of more-landward alignments for a portion of the levee adjacent to the RWF. Such alignments have the potential to increase wetland acreage, thereby significantly reducing the Project’s Bay fill, while also reducing Project costs and facilitating cleanup of inactive sludge lagoons at the RWF.

The Order attempts to balance the short-term impacts from Project construction with recognition that its longer-term benefits support long-term restoration and shoreline resiliency on a spatially significant scale.

A tentative order for the Project was circulated for a 30-day public comment period in October. Staff received comments from the Corps, Conservancy, District, and the U.S. Fish and Wildlife Service (Appendix B). Some of the comments received reflect a misunderstanding that the tentative order would have required all proposed restoration acreage (2900 acres) to be completed and, if not, compensatory mitigation would be required. As described the Response to Comments (Appendix C), we have revised the tentative order to clarify that the tentative order’s intent and requirements to mitigate only for fill impacts. Staff also incorporated minor, self-initiated editorial revisions during this process.

**RECOMMEN-
DATION:**

Adoption of the Revised Tentative Order

**CIWQS Place
Number:**

813084

APPENDICES:

- A. Revised Tentative Order
- B. Comments on Tentative Order
- C. Response to Comments