

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

STAFF SUMMARY REPORT (Susan Glendening)
MEETING DATE: May 13, 2020

ITEM: 6

SUBJECT: **Santa Clara Valley Water District, Santa Clara County, Stream Maintenance Program** – Reissuance of Waste Discharge Requirements and Water Quality Certification

CHRONOLOGY Waste Discharge Requirements and Water Quality Certification adopted in 2002 and reissued in 2014

DISCUSSION The Revised Tentative Order (Order) (Appendix A) would reissue the waste discharge requirements and water quality certification for the Santa Clara Valley Water District's (Valley Water's) longstanding Stream Maintenance Program (Program), which is implemented in accordance with its Stream Maintenance Program Manual (Manual). The Program provides flood protection and maintains channel conveyance capacity while protecting natural resources with avoidance and minimization measures. The Order would authorize Valley Water to perform routine maintenance activities, consistent with the Program and the Manual, within the four watersheds in Santa Clara County that drain to San Francisco Bay. The activities authorized include vegetation management, sediment removal, bank stabilization, animal conflicts management, minor maintenance, and large woody debris (LWD) management.

A key Program element is the requirement for Valley Water to develop and implement Maintenance Guidelines, which help to quantify maintenance needs for particular stream reaches, for example by determining stream flood flow capacity in real world conditions as opposed to evaluating it based on as-built plans. For instance, applying a Maintenance Guideline could allow for reduced frequency of vegetation management where field inspections and hydraulic analyses of existing conditions reveal that a stream has a greater tolerance of vegetation growth than the as-built design criteria. In conjunction with Maintenance Guideline development, Valley Water will be improving its tracking of locations requiring repeated maintenance to help develop a list of capital projects that would address the conditions requiring recurrent maintenance, thereby reducing the future maintenance needs. An example is a capital project to modify hydraulic constrictions that result in significant sediment deposition requiring maintenance.

While the Program is designed to minimize impacts resulting from maintenance activities, some impacts will be unavoidable. Valley Water is required to mitigate for these impacts through the following approaches: (1) pre-mitigation through land acquisition and management in perpetuity; (2) invasive plant management; (3)

riparian restoration planting; (4) species-targeted habitat restoration, including gravel augmentation and large woody debris (LWD) replacement; and (6) homeless encampment cleanup and bank repairs.

New items in this Program cycle include the homeless encampment cleanup mitigation option and improvements to LWD management. The encampment cleanup option recognizes the significant resources Valley Water is expending each year to address the adverse impacts associated with encampments, including cleaning up trash and repairing damage to stream banks and riparian vegetation. The LWD program improvements, which consist of increased notification, monitoring, reporting, and mitigation requirements, were initiated based on an identified need to improve LWD management.

We circulated a draft order and the SMP Manual for a 30-day public comment period on March 18, 2020. Staff received comments from California Trout-San Francisco Baykeeper (joint letter); Guadalupe-Coyote Resource Conservation District (GCRCD); and Mr. Richard McMurtry. A recurring theme in these comments is concern that SMP actions result in unnecessary adverse impacts and are not grounded in objective evaluations of project priorities, impacts, or mitigation needs. Both the joint letter and GCRCD's comments requested that the Board delay adoption of the Order until the Manual was revised to address the commenters' concerns. As explained in the Response to Comments (Appendix B), the Program incorporates a rigorous system for determining the need for creek maintenance and requires appropriate practices to ensure that the frequency and extent of maintenance, and its associated impacts, are appropriately minimized. Where impacts remain, mitigation is required; the process for determining appropriate mitigation is detailed and specific. Staff completed minor copy edits to the Tentative Order, resulting in the Revised Tentative Order. These are described in the Staff-Initiated Changes section of the Response to Comments.

The Order is a good example of the multi-year streamlined permitting approach that we have been working on with flood management agencies throughout the Region. The Order reduces the number of individual, project-specific permits needed by Valley Water, improves Valley Water's ability to plan and implement necessary stream maintenance activities, and helps the agency develop more comprehensive and sustainable mitigation projects over time.

**RECOMMEN-
DATION:**

Adoption of Revised Tentative Order.

CIWQS:

Place ID 860392

APPENDICES:

A: Revised Tentative Order
B: Comment Letters Received
C: Response to Comments

Appendix A

Revised Tentative Order

Appendix B

Comment Letters Received

In accordance with Section 11546.7 of the California Government Code, an electronic version of the comment letters received has not been posted online as the letters do not meet specified accessibility standards. For an electronic copy of the comments, please contact Susan Glendening via email to Susan.Glendening@waterboards.ca.gov or at (510) 622-2462.

Appendix C

Response to Comments