

## **DRAFT Steering Committee meeting minutes**

April 12, 2006

Introductions. Agenda was reviewed and approved. Minutes of the February 8, 2006, and March 22, 2006, meetings were approved. The next meeting will be May 10. The subject, pending review by participating jurisdictions, will be presentations on the results of the local agency policies and practices reviews by Richard Harris of U.C. Cooperative Extension and Jill Bicknell of EOA, Inc.

### **Announcements**

- Art Kraemer, Palo Alto resident: The Palo Alto City Council will consider short-term solutions to creek flooding at its April 17, 2006, meeting, which begins at 7:00. The Council will consider what steps local agencies can take to reduce flood risk in advance of the federal project.
- Pam Sturner for Kevin Murray, SFC-JPA: The US Army Corps of Engineers (Corps) and the SFC-JPA will hold the public kick-off meeting for the Flood Damage Reduction and Ecosystem Restoration Feasibility Study on April 27 from 7:00 to 8:30 at the International School on Laura Lane in Palo Alto.

*Question:* What will happen at this meeting? *Comment:* The Corps will let the public know that the project is beginning, review the Corps's process for working on projects like these, and take public comments about the preparation of the EIS / EIR. This is a required public meeting as part of the CEQA / NEPA process. *Comment:* The environmental community should be there to make its views known; otherwise, the creek may end up concreted over. In the public materials posted, it looks like the Ecosystem Restoration part of the project is only listed as an alternative and for which the bare minimum may be considered. We need to help the Corps recognize that the Ecosystem Restoration component should be an important part of the project. *Comment:* This is the opportunity for the community to go on record about their views on the project. *Comment:* The Notice of Preparation is posted on the JPA's website. *Comment:* One format that has been discussed is to have a presentation on the Corps about its process, followed by breakout groups on topics such as Ecosystem Restoration, Flood Damage Reduction, the budget, and the economic analysis. Written comments can also be submitted through May 26, 2006. The address for written comments is on the Notice of Preparation.

- Pam Sturner, SFWC: The next Watershed Council workday will be on May 20, for National River Cleanup Day.
- Leslie Lambert, Town of Portola Valley: The Portola Valley Town Council will be forming an ad hoc advisory committee about opening up Sausal Creek through the Town Center. The committee will meet 5 to 6 times and make a recommendation to the Town Council in September. The committee will be working with consultants from the firmst of PWA, Spangle Associates, and Siegel & Strain. It will have 13 appointed members. *Question:* How will the Town's Conservation Committee interact with this committee? *Response:* Each committee will have a representative on the ad hoc committee. The staff report and agenda

for the first meeting are on the Portola Valley website ([www.portolavalley.net](http://www.portolavalley.net)). Leslie will give periodic updates to the Steering Committee. The public is welcome at the ad hoc committee meetings.

- Leslie Lambert, Town of Portola Valley: The Town is considering putting funding back in the budget this year for the Planning Commission to study creek regulations and policies.

**Presentation: New guidance for homeowners on best management practices for working around streams** (Bill Springer, SCVWD)

Pam introduced Bill Springer of the Santa Clara Valley Water District, who gave Part 2 of the presentation given by Ann Draper in February 2006 about the new Water Resources Protection Ordinance. At that time, the Steering Committee had expressed interest in learning more about guidance for homeowners being developed in parallel with the ordinance.

Bill started with a description of his background, including 6 years in the District's permitting organization and 1-1/2 years working with the Water Resources Protection Collaborative. However, he has not been involved with the work products since the Collaborative agreement was signed. He invited Trish Mulvey, an active participant in the Collaborative, to help fill in any blanks.

Bill provided 5 handouts to go with the presentation:

- (1) an outline for the presentation called "Guidelines and Standards for Homeowners Building Near Streams,"
- (2) a SCVWD fact sheet called "Creekwise Best Management Practices for Single Family Homes,"
- (3) a SCVWD fact sheet called "Creekwise Use of Ornamental or Non-Native Landscaping,"
- (4) a SCVWD fact sheet called "Creekwise Use of Local Native Plant Species," and
- (5) the *Guidelines and Standards for Land Use Near Streams* manual.

Bill pointed out that all information in today's presentation can be found at the website given on the bottom of the "Guidelines and Standards for Homeowners Building Near Streams" (directions for specific location on the website are also given).

The Water District developed several useful fact sheets through the Collaborative's Guidelines and Standards process (see 2, 3, and 4 above). They don't contain anything new per se but are useful in that information is collected in one concise place and is understood to be consistent with countywide Best Management Practices (BMPs).

*Question:* What is the status of the guidance document?

*Response from Trish Mulvey:* The ordinance will not be adopted in May as originally scheduled. Instead, staff will present the summary of comments to the Board at the end of May with a request for guidance on how to craft an ordinance that addresses these points. (Trish made copies of the feedback summary available to Steering Committee members.) The *Guidelines and Standards for Land Use Near Streams* manual, which was a product of the Water Resources

Protection Collaborative, was finalized last August. However, it is meant to be a living document with periodic updates. The District is creating a document called the *Streamside and Facilities Protection Manual* based on the *Guidelines and Standards* manual. A draft version is posted on the District's website. The District will also develop a suite of outreach materials based on the manual. The cities and county have not been formally asked yet whether they will take over certain permitting duties from the District. If they do, each city / county will be able to create its own resource manual from the *Guidelines and Standards*.

*Question:* Does the handing over of permitting authority from the District to the cities include a requirement for compliance with the new District ordinance?

*Response from Trish Mulvey:* No. There is a substantive record of the participating cities' commitments to complying with the process, but once permitting authority is handed over, there is no required compliance. However, some cities don't want to take over permitting of certain activities and want the District to continue issuing permits in its areas of expertise. Each city needs to make its particular permit process clear to permit applicants.

Bill Springer then walked the Steering Committee through the guidance for homeowners provided in the *Guidelines and Standards* as a homeowner would go through it. The first thing a homeowner should look at is the quick reference guide provided in Section 1 of the document. The homeowner row in the reference table tells the homeowners to review sections of Chapters 5, 3, and 7.

Chapter 5 presents basic information about streamside projects: how to plan them, why streams need special consideration, what permits are needed, what activities are exempt, etc. If a city chooses to take on permitting authority for areas previously handled by the District, it will not be regulating new kinds of projects, but it will be applying somewhat different standards to permitting than it did in the past. The District will maintain permitting authority on District property and easements. Chapter 5 also gives detailed information on Best Management Practices for single-family homes regarding the protection of water quality, stream banks, riparian vegetation, and fisheries.

*Question:* How do you determine where the top of bank officially is? Isn't it continually moving if your property erodes? And if this happens, does the District or City's permitting jurisdiction change with it?

*Response:* Yes, this is true.

*Comment:* The definitions need to be very clear if you want people to comply.

*Response:* There are some good images on page 2.15 of the manual depicting such concepts as top of bank, toe of bank, etc.

Bill continued with Chapter 3, explaining that each city or county has the opportunity to develop its own implementation of the G&S manual, which can be modified according to local needs. The hope is that this process will make information more available and widely known to people.

*Comment from Trish Mulvey:* The GIS tool that was developed through this process is really useful. For example, in the past a city may not have known if a given property was on a creek when a permit application came in, but now staff will be able to instantly open a map showing

creeks according to the Assessor Parcel Number (APN) of the lot. This tool is also available to the public on the District's website.

Bill explained that the actual guidelines and standards for various activities of concern begin on page 3.3 of the manual. He used guideline I.H regarding outside lighting near creeks to show that guidelines based on creek protection may not always be in line with guidelines based on other concerns such as public safety. *Comment:* It depends on whether the creek is seen as an amenity or a crime corridor. Section III of Chapter 3 discusses restrictions that apply to the area between the tops of the creek banks (within the creek channel itself).

Chapter 2 provides the reader with tools that would be helpful in applying for a permit. The chart on page 2.5 would vary by jurisdiction when the ordinance is approved and adopted by the different jurisdictions. Chapter 2 also has lots of useful definitions, such as "stream," "top of bank," "toe of bank," etc. Beginning on page 2.23, there is a detailed questionnaire that a homeowner would fill out to give to the permitting agency as part of the initial review of a single-family unit permit application.

Chapter 7 provides information on Model Enhanced Practices. These are the Collaborative's wish list items that agencies may choose to implement or require. They are incentives that go beyond the basics.

Finally, Chapter 9 contains instructions for how to use the GIS mapping tool. Pages 9.1 and 9.2 contain the url and instruction for how to login, including username and password.

Bill summarized that there's a great deal of good and useful information in the manual, but that it's lengthy and not necessarily easy to navigate. Trish Mulvey also shared that the City of Santa Clara volunteered to be a pilot for using the manual as a "counter tool" to show to people who come in with relevant permit applications, but that he hadn't yet heard any results of how the trial exercise was going.

*Comment:* It seems that there's a lot of good information in the document, but it is somewhat unwieldy at this point. It needs to be more user-friendly for homeowners, like the 2-page fact sheets the District has created. The easier you make it, the more buy-in you get.

Trish Mulvey, who is a participant in the Collaborative's outreach workgroup, noted that the District is doing outreach to residents about the new guidance and what outreach materials it plans to create. She distributed a handout with results of an initial survey of creekside property owners conducted as part of that effort. According to the table on the first page, only about 23% of streams and streamside property is owned by the District, meaning that the large majority of streams are not under the District's direct control.

To date, the District has had no regular communication with streamside property owners. As a first step toward creating outreach materials, it sent out a mailer to 38,000 creekside property owners in its jurisdiction with information about good creek practices and questions about what people know about their creeks and what kinds of additional information they would like to

receive. More than 700 responses were received and helped set priorities for developing programs and services.

From these responses, the outreach workgroup, which both Trish and Pam Sturner participate in, developed a list of eight packages or individual materials they will produce. The topics Trish listed off the top of her head included vegetation and native planting, bank protection and erosion repair, trash and vegetative debris removal, drainage into streams such as areas that cause surface erosion or existing bad outfalls, how to be a good stream steward, permitting with other regulatory agencies, and Frequently Asked Questions for counter staff working with permit applicants. The workgroup plans to wait in developing this last item until the cities decide whether to take on new permitting authority under the Water Resources Protection Ordinance.

Trish then asked for questions.

Dianne Dryer of the City of Menlo Park commented that Menlo Park looks forward to the completion of these documents and hopes to be able to use or adapt them for the San Mateo County side. She commented that it would be helpful if permit guidance identified that these were the steps to take if readers were in Santa Clara County in SCVWD jurisdiction, but if not, that they should consult with their own county about these issues. Trish responded that the Collaborative will definitely come up with strategies for dealing with cross-border issues, since Santa Clara County is bordered by creeks on three sides.

### **Staff reports**

Pam Sturner, Project Director

Pam passed around examples of the outreach materials just completed under our California Coastal Conservancy grant. They include introductory brochures about native plant landscaping, bank stabilization, urban runoff reduction, and watershed facts, a natural history guide for a walk on West Union Creek in Huddart Park, and a set of bookmarks to hand out to volunteers and to publicize our organization. All of them are intended for general audiences and have a practical focus. Ideas for these materials came out of our visioning process in 2004-05, when the Steering Committee placed a high priority on reaching a broader audience through our outreach efforts. In creating our work plans from this guidance, we realized that we have lots of detailed, technical materials but little for more general audiences. As this is a new endeavor, we did small print runs of the new materials and want to get feedback before creating more. Kathy Switky designed them and we are very happy with their look.

*Comment from Dianne Dryer, City of Menlo Park:* The cities of the watershed may be interested in doing a mailing of some of these materials to creekside residents and buying into a print run. Also, the City of Santa Barbara did some nice outreach materials that you might want to check out for future ideas.

*Response:* That's a good idea. Once the brochures are designed, the printing is not very expensive.

Pam also noted that Sapna Singh, the Outreach Coordinator hired in November, is leaving the Bay Area in May and submitted her resignation to the Watershed Council. Her last day was April

1. We will post a new job announcement and provide it to Steering Committee members to circulate to their constituents.

### **Continuing Business**

Trish Mulvey – Before the May Watershed Council meeting, the Regional Board will be having a scoping meeting for San Francisco Bay Basin Plan amendments that would add three new beneficial uses for creeks in the Bay Area (Regions 1 and 2). This is the introductory meeting for the CEQA process and meetings will be held in the North, East, and South Bay. The South Bay meeting will be held in Cupertino at the Quinlan Center by De Anza College on May 9. The three new uses have to do with wetland, riparian, and floodplain protection as actions that support other beneficial uses, including protection of water quality. These uses have gone through the State Board and the Office of Administrative Law processes and are being used in other regions. Regions 1 and 2 (the San Francisco Bay region) have a grant supporting the CEQA and public processes through adoption of the uses, which is scheduled to happen by the end of calendar year 2007. Anyone who would like to receive information about this process should contact Ben Livsey (BLivsey@waterboards.ca.gov or (510) 622-2308). The Watershed Council should invite him to come talk about the amendment at some point.

*Comment:* Speaking of new presentations, the Stevens and Permanente Creeks Watershed Council recently asked the District for a presentation on large woody debris. Two District biologists gave a good talk to that group. Would this also be a good presentation topic for this group?

The group agreed that it would be, and Pam will work with Bill to get it scheduled.

Meeting adjourned

In attendance:

Bill Springer – SCVWD

Libby Lucas – California Native Plant Society

Julie Skelton – Stanford Management Company

Vivian Blomenkamp – League of Women Voters Palo Alto

Dianne Dryer – City of Menlo Park

Jerry Hearn – Acterra

Marge DeStaebler – Portola Valley Conservation Committee

Trish Mulvey – SFWC etc.

Walter Nelson – Families for Fair Government Institute

Leslie Lambert – Town of Portola Valley

Art Kraemer – Crescent Park Neighborhood Association

Katie Pilat – SFWC

Pam Sturner – SFWC

Minutes respectfully submitted by Katie Pilat.