
San Francisquito Watershed Council
Steering Committee Minutes
October 11, 2006

Introductions. Agenda approved. September 13th minutes approved. A question was asked whether diazinon is still available for purchase for residential use. Others present cited an Environmental Protection Agency (EPA) federal ban of the material and said it should not be available in stores. The next Steering Committee meeting is November 8th.

Announcements

- Philippe Cohen (Jasper Ridge Biological Preserve, Stanford University): The bathymetry work on Searsville lake will be done by next week. We should ask Marty Laporte when the findings will be available and see if we can get a short presentation about it for the December or January meeting.

Presentation: Update on San Francisquito Creek sediment TMDL (Sandi Potter, Regional Water Quality Control Board)

Pam Sturner introduced Sandi Potter from the Regional Water Quality Control Board who is here to give an update on the San Francisquito Creek sediment TMDL process. Pam noted that a number of Steering Committee members had spoken to her beforehand and had questions about the context of the TMDL implementation, which she gave to Sandi. Sandi noted that she had received this input from the group and planned to address these questions through her slides. (The presentation slides are available at <http://www.sanfrancisquito.org/projects/forums>.)

(Slide 2) Sandi began with an overview of today's presentation and introduced Dyan Whyte, who would be speaking in the second half of the presentation about the sediment TMDL experiences of the Napa River. This TMDL will be the first sediment TMDL for the Bay Area to be considered by the Regional Board, and is scheduled to be heard in January 2007. Hopefully a concrete example such as Napa's experience will shed some light on how the process works.

(Slide 3 – TMDL program overview) The Basin Plan amendment process, which the TMDL process ultimately leads into, has many opportunities for both formal and informal public comment. These presentations at Steering Committee meetings as well as the meetings that were part of the Aquatic Habitat and Limiting Factors Analysis study are part of the informal public comment process. There will be a formal public process later. Of the five elements that make up a TMDL, the problem statements and sources assessment are now finished; numeric targets, allocations, and an implementation plan remain to be completed. The TMDL and implementation plan require a CEQA review, which will include the formal public comment process. Then the Regional Water Quality Control Board adopts the amendments. Finally, the State Water Board, Office of Administrative Law, and EPA must approve it before it is finalized.

(Slide 4) For the San Francisquito Creek TMDL process, the problem statement was carried out through the Limiting Factors Analysis, and the source assessment was carried out through the sediment budget studies funded by the JPA's Prop 13 grant. These two sets of documents

(which are all available on the JPA's website at <http://www.cityofpaloalto.org/public-works/jpa-references.html>) form the scientific foundation for the development of sediment targets and allocations. Numeric targets and load allocations will be identified in the TMDL report, which establishes the scientific basis for protecting beneficial uses, and finally, the implementation plan will be carried out through the Basin Plan amendment, which is a regulatory action.

(Slide 5) San Francisquito Creek was listed as impaired for sediment through a cooperative partnership between the Regional Board and CA Department of Fish and Game due to the decline of the steelhead population. The population is likely impacted by too much fine sediment, widespread erosion and habitat simplification, low summer flows, and fish passage barriers.

Question: What has been done to determine that San Francisquito's steelhead population has declined?

Response: The listing was based on anecdotal historical data and best scientific judgment to determine that the population is not sustainable.

Question: How was it determined that the population is not sustainable?

Response: If we don't all agree that the population is not sustainable, we can probably all agree that the population is lower than was historically the case.

(Slide 6) The Jones & Stokes Limiting Factors Analysis identified a number of factors as limitations on San Francisquito's steelhead population. The following five limiting factors are listed with the part of the life cycle they impact in parentheses:

- (1) simplified habitat (winter refuge) – lack of cobbles, boulders, and pools for fish to hide in during winter flows
- (2) poor bed conditions (juvenile rearing) – not enough cobbles on creek bed
- (3) low gravel permeability (spawning)
- (4) low summer base flows in some locations (summer refuge)
- (5) migration barriers (migration)

Comment: I understood from the Jones & Stokes report that the single most important factor in limiting steelhead population was the impacts of simplified habitat on winter refuge, and that the rest of the factors were considered to be significantly less important.

Response: This is true, but all five are issues that impact steelhead.

Comment: At the beginning of this process, the stakeholders understood that one of the steps would be to determine if there is enough substantiation of the sediment listing to move forward with the TMDL or not. I don't think we've ever received that determination. If winter refuge is the problem, that's what we should focus efforts on.

Response: Winter refuge and sediment are not unrelated. Sediment can fill in winter pools.

Comment: In Stillwater Sciences's study of Upper Penitencia Creek, lack of winter refuge was also found to be the number one limiting factor for steelhead, caused by fine sediment filling in interstitial spaces between gravels and cobbles.

Comment: I thought the Jones & Stokes study found that there were a large number of good-quality pools on the San Francisquito mainstem, and I remember being struck by the fact that the other factors were not considered to be significant.

Response: The data is different between the tributaries and mainstem. The conclusions from the Jones & Stokes study were based only on the fish population dynamic modeling. The Regional Board used the whole study to relate land use and sediment.

Question: Are you saying that the Regional Board disagrees with the conclusions presented by Jones & Stokes at the meeting in Menlo Park?

Response: No, the Regional Board looked at the Jones & Stokes study and other studies that have been conducted as part of the TMDL.

Comment: Maybe part of the confusion is that the title of the slide (#6) has “limiting factors” in the title. Maybe that slide could be retitled.

Comment: We just need to make sure a sediment TMDL for this creek is justified based on data.

Response (Dyan Whyte, Regional Board): The Napa River example should help answer some of these questions.

(Slide 7) Five sediment sources in the San Francisquito watershed were identified: hillslope landslides (caused by human uses such as roads and development), surface erosion (also caused by human uses such as landslide scars, roads, grazing, and other disturbances), stream bank erosion, channel down-cutting, and natural erosion.

(Slide 8) Map of watershed showing four subbasins: San Francisquito Creek, Bear Creek, Los Trancos Creek, and Searsville (which was the name given in the sediment budget to the subbasin including Corte Madera and Sausal Creeks and their tributaries).

(Slide 9) The drainage area, main sediment sources, and % of sediment that is human-caused are provided for each subbasin. Sandi noted that a very high percentage of the sediment generated in the mainstem is human-caused, but the total amount is very small, so this sediment is a small percentage of the total for the watershed.

(Slide 10) The next step is to set numeric targets and allocations. Targets are set to attain ideal water quality conditions. In this case, “ideal” means sufficient to protect the beneficial use. This is just a term that is used in the “standards arena.” The TMDL targets will establish a numeric benchmark for sediment against which results of the eventual implementation plan can be measured in the future. Once the targets are set, the allocations are the discharge conditions necessary to attain the targets. For sediment, the allocation units will be the average annual load.

Comment: Suppose sediment conditions were worse historically than they are now. Is the TMDL irrelevant?

(Slide 11) Management measures (listed on the slide) from the sediment budget report (chapter 8 of the Sediment Budget and Reduction plan) will form the basis of the implementation plan.

(Slide 12) Once the implementation plan is put in place, water quality monitoring will assess TMDL effectiveness.

Question: Has any of the data collected through the LTMAP program been useful to you? And if not, how can we make it more useful to you?

Response: Grassroots water quality data is useful to provide general background information about the creek, but is not tailored to the steelhead water quality targets. The parameters that are most useful to the TMDL process are the ones listed in the slide – gravel permeability, channel measurements that relate to TMDL targets, benthic macroinvertebrate data, and fish population dynamics.

Comment: If it's not useful, we can change what we monitor.

Response: There are other good uses for ambient water quality data, but if you want to make your data useful to the TMDL, those four parameters would be best.

Dyan Whyte then took over the presentation to talk about the Napa River sediment TMDL experience as an example of how the process played out in another Bay Area watershed. Dyan introduced herself, saying she has been with the Regional Board for 16 years. She oversees TMDL development in Region 2 (San Francisco Bay region) and is also on the State Board's TMDL committee. She has been involved in developing sediment TMDLs for several creeks in the Bay Area.

TMDLs are required for water bodies that have been listed as impaired. The State Board and Regional Boards recognize that TMDLs are tricky for sediment and are trying to develop a creative approach to fit the sediment problem into the TMDL box to fulfill the federal requirement. The California water code authorizes the State Board to address all areas that have impacts on beneficial uses, and this includes sediment.

(Slide 13) In the case of the Napa River TMDL, the stakeholders and the Regional Board did not want to end up with a TMDL just for the purpose of fulfilling the federal requirement. So they proposed a sediment TMDL and habitat enhancement plan that both fulfilled EPA requirements and identified other issues that needed to be addressed including low summer flows, barriers, and habitat simplification.

(Slide 14) The Basin Plan amendment for this watershed includes two water quality targets: stream bed scour depth less than 15 cm (which was determined to be the depth beyond which eggs would be washed out) and specific average values for gravel permeability in specific locations within spawning reaches. It also calls for 50% reduction in human-caused input of sand and finer sediment. Since sediment load varies based on the climate and geology, the sediment allocation for the Napa River is 125% of the natural sediment load, rather than a fixed number. Areas upstream of municipal reservoirs are not required to meet allocations, but must comply with California's nonpoint source program plan.

Comment: There is a nonpoint source encyclopedia online (<http://www.swrcb.ca.gov/nps/encyclopedia.html>) that contains information on best management practices and good water quality programs.

Question: How do you treat dams that act as a sediment source?

Response: Dams are regulated by the Division of Water Rights, which has the same parent agency as the Regional Board. The Regional Board does not control the Division of Water Rights, but it can make recommendations to the parent agency to require certain conditions of temperature, turbidity, etc. as part of dam management.

(Slide 15) The regulatory tools being used for the Napa sediment TMDL include waste discharge requirements and/or waivers, NPDES permits, and cooperative efforts to reduce bed and bank erosion. An example of waivers is that if a grazing operation demonstrates that it is using management practices in compliance with the conditions of its waiver, it does not need to apply for an individual permit for this sediment source. An example of cooperative efforts would be if a group of property owners participates in a geomorphic assessment. Dyan stressed that TMDL implementation plans function by making recommendations to existing regulatory procedures and efforts.

(Slide 16) The Napa Habitat Enhancement Plan includes elements (listed on slide 16) that go beyond sediment.

(Slide 17) Switching gears back to San Francisquito Creek, the next steps toward TMDL adoption are to develop numeric targets and allocations, to prepare a preliminary TMDL and habitat enhancement plan report, put these through scientific peer review, solicit input from watershed stakeholders, and initiate CEQA review and formal Water Board consideration of a proposed Basin Plan amendment. The TMDL is formally established with the Basin Plan amendment and is approved by the Regional Water Board, the State Water Board, and the US EPA.

Question: How much detail and stakeholder involvement would a Habitat Enhancement Plan report for San Francisquito Creek entail, and what would be the timing of it relative to the Army Corps project going on here?

Response: To be determined. In the case of the Napa River, the TMDL and Habitat Enhancement Plan are all one document. It's hard to give an answer about the timing because the Regional Board is short-staffed.

Question: Regarding local actions and state enforcement to enhance base flows, in this smaller watershed we have smaller takes. Is there a role for state enforcement?

Response: It depends on the significance of the take with regard to the beneficial use. It could also be done via a cooperative relationship without needing to bring in a regulatory agency.

Question: Is a water body considered to be impaired based on the 303d listing?

Response: Water bodies are put on the list if they are considered to be impaired for excess sediment. All work on TMDLs is an outgrowth of that listing.

Question: What happens if data indicates that historical sediment load is higher than current load?

Response: Impairments to beneficial uses need to be addressed. They can be addressed both within the TMDL program and outside it, such as through the California Nonpoint Source Program.

Comment: I think the purpose of the TMDL process is to determine how much people are the problem. In the slide that shows the percentage of sediment that is human-caused, almost all of the sediment generated on the mainstem is from human causes, but the total amount is so low that it is not a meaningful number.

Response: The State Board is not interested in reducing naturally caused sediment.

Question: From a regulatory perspective, between the TMDL (which focuses on sediment) and the Habitat Enhancement Plan (which could focus on issues such as habitat simplification and large woody debris), which has the power of enforcement?

Response: There is no enforcement against non-compliance with the Basin Plan. The only enforcement comes from permitting. If TMDL and Habitat Enhancement Plan conditions are inserted into permits, the applicant must meet these conditions. So it depends on the programs in the watershed and the sediment sources to determine how agencies can regulate them. The TMDL is not a new regulatory tool. It uses a variety of existing tools to solve specific problems in specific places.

Comment: If there is a bigger issue than sediment that is limiting the steelhead population, I'm worried that all the attention will be going to the lower priority issue (sediment) and the bigger problem will not be addressed.

Response: The Napa example shows a holistic approach is used. It is not just solving one problem.

Comment: If habitat is being addressed, and not just water quality, does that imply that other agencies are involved, such as in the case of large woody debris, which is typically handled through a streambed alteration agreement?

Response: If another agency can handle the issue better, the Regional Board works with that agency to modify their permits to best address the problem.

Comment: It seems that we first need to establish a baseline on the number of steelhead in the creek that are needed for the creek to not be considered impaired.

Response: We are now in the process of moving from an understanding that the population is in decline to establishing a numerical target.

Comment: There is the presumption that the population is in decline, but some studies suggest that it is not. How will you make that assessment when you are starting with an anecdotal frame of reference?

Response: We can't do that. But there may be other ways to see how close we are to the goal, such as protection of each life stage. Steelhead are a migratory species. It could be that ocean conditions are limiting their population. So we look at restoration potential and habitat suitability rather than the number of fish.

Question: Once habitat suitability has been established, how is predation accounted for? There is a whole complexity to this issue beyond sediment.

Response: We recognize that this is a natural system.

Question: Given that the sediment allocation for Napa is 125% of the natural load, what are the criteria for determining the natural load?

Response: There is a reference subwatershed in the area with very limited human land use. Also, sediment accumulation in reservoirs gives a long-term idea of the natural sediment range.

Question: I would opine that sediment is a distant fourth place in limiting factors behind flows, barriers, and winter refuge. Given the institutional circumstances, in which there are a lot of new

wells in Woodside which are permitted but have no meters and private property owners who are not willing to sign onto barrier removal permit applications, we need to do a lot of education before we can even get to enforcement. There is a political constellation of forces that needs to care for that to happen, and a Basin Plan amendment won't help. How can we work with you to build that constellation in a way that there are no surprises?

Response: The problem statement is in the science arena. We need to try to reach scientific consensus about what we need to work on. Napa has the Stillwater report. San Francisco has the Jones & Stokes report for a small part of the watershed. We need a path for how to close the gaps in the analysis. There is not enough time and money to do what was done for the Napa River in every watershed. The plan has been to start using money for implementation and fill in the scientific gaps as we go. But we need to be on solid scientific ground. In Napa, there was only one county. Here, there is the opportunity to work with the Watershed Council, the JPA, and the various urban stormwater programs, all of which contain engaged and aware stakeholders. We need to use existing venues. We need to take the fear away from what a TMDL will look like. These things take long-term commitments, but there is a fear that short-term requirements will cost more than they actually end up costing. We need to work with property owners to come up with workable solutions.

Comment: Maybe people are reacting against the fact that this TMDL is called a "sediment TMDL" when we really want to talk about broader habitat issues, similar to how the diazinon TMDL was called a "pesticide-related toxicity" TMDL.

Question: On the Napa allocations, is the implication that if the sediment produced can be brought down to 125% of the natural load, the habitat problems will be resolved?

Response: Yes, and there is a study that makes that link.

Question: Are there any grants available that could fund monitoring of the steelhead habitat-focused water quality target parameters? And when can we invite you back for an update?

Response: Talk with Sandi about grant ideas. The next presentation to this group would probably be in 6-12 months when there is new information from the targets and allocations analysis.

Question: Maybe we could piggyback on the IRWMP tier 1 funding.

Response: Susan Gladstone is the new grant contact for that.

New business: Request for input on 11/8 presentation about future recommendations for LTMAP (Pam Sturner, SFWC)

Pam Sturner reminded the Steering Committee that at next month's meeting, Brad Eggleston from the City of Palo Alto will give a presentation about interpretation of data from the first five years of the LTMAP water quality monitoring program and recommendations for future monitoring from Armand Ruby, the consultant who helped set up the original LTMAP program. She asked the group to brainstorm about what questions and themes they would like to see Brad address. At the last meeting, members of the Steering Committee brought up the following questions:

- What does the data mean when put together?

- What effects of management decisions made during the past five years are we seeing in the results, for example, with regard to organophosphates including diazinon?
- What are the tradeoffs involved in deciding whether to continue monitoring various parameters, such as time and money involved vs. benefits?

Comment: The local stormwater agencies have submitted a monitoring proposal to the Regional Board to support volunteer monitoring and create a database for the Storm Water Ambient Monitoring Program (SWAMP) to be hosted by the San Francisco Estuary Institute. My questions are:

- (1) What would it take for our data to be usable for the SWAMP program?
- (2) Building on the questions raised previously about how to make our LTMAP data useful to the TMDL process, should we shift resources to habitat-focused monitoring?
- (3) Within ambient water quality monitoring, should we focus more on sediment monitoring?

Comment: I would like to hear about trends in the data over the five years.

Comment: I've heard that Palo Alto will be dumping stormwater into the creek downstream of Highway 101 and downstream of our lowest station on the creek. Should we consider setting up a station below this new discharge point?

Response: Palo Alto is planning to build a new pump station that will discharge downstream of 101. This is not a new outfall location; it will just bring water to the creek faster than under gravity drainage.

Comment: I'd like to hear about the statistical rigor of the data and the confidence level.

Comment: The Department of Fish and Game takes years to investigate harmful discharge from outfalls. Could either the Guadalupe-Coyote Resource Conservation District or the San Mateo Resource Conservation District come out and give assistance to homeowners?

Response: Bob Rhody from Hollister represents the Resource Conservation District for Santa Cruz County and Santa Clara County. He will come out and consult with people. Also, the Urban Creeks Council, which runs the Stream Management Program for Landowners (SMPL) to give this kind of advice to homeowners in Contra Costa County, is circulating a survey to ask about what issues need to be addressed in various watersheds and if there is institutional interest in establishing a SMPL program in various regions.

Discussion: Review of draft Steering Committee membership agreement (Pam Sturner, SFWC)

This item is a continuation of new business from July to clarify organizational matters for the Steering Committee. At that time, with the change in status to an independent organization, four things needed to be clarified:

- Membership guidelines in Steering Committee

- Ground rules for meetings
- Guidelines for correspondence review
- The workplans and wish list we developed in 2004-05 as part of the Vision process

The outcome of the discussion was that the Steering Committee wanted Pam and the Management Advisory Committee (MAC) to come back to the group with recommendations on the four topics. Pam and the MAC have been working on this, and Pam presented the group with recommendations for Steering Committee membership guidelines. Pam also stressed that the new membership guidelines and agreement would only apply to new members. Groups or individuals that are already members would not be asked to sign again.

Pam asked the group for feedback on a handout she passed out with proposed membership guidelines. She told the group she would post the document with any comments received and asked if they wanted to approve it through correspondence review or at the next meeting.

Question: Regarding the last bullet on the voting page, is voting done on behalf of an organization?

Response (Pam Sturmer): The assumption that members are not speaking on behalf of their organizations applies to talking, voting, and all actions in the context of the Steering Committee.

Comment: We don't vote a lot, usually only when something is controversial, and in those situations, everyone would be too cautious to vote on behalf of their organization without taking it back to get a formal answer from their board.

Question: The second to last bullet on the voting page says that the organization is the signatory (not the individual), but the Signatory Guidelines "Signatory Requirements" fourth bullet says that representatives of an organization must be designated. Would all possible designees then need to be listed?

Comment: The two statements are not mutually exclusive.

Comment: I recommend that we change the language only if it becomes a problem.

Since the Steering Committee did not recommend any text changes, Pam will send out a reminder that the documents are up for review and ask the Steering Committee to approve them at the November meeting.

Staff reports

Katie Pilat, Restoration Projects Manager: Over the past month Katie has been working on the interpretive sign that will accompany the permeable concrete and biofilter at the Plaza #5 parking lot in Menlo Park. She also gave a presentation on the stormwater demonstration projects at the California Stormwater Quality Association conference in Sacramento.

She also met with the advisory committee for the Local Agency Policies and Practices Review project to explore ways to follow up on the recommendations made in the reviews.

Regarding volunteer workdays, the Watershed Council submitted a proposal to the NOAA Community-based Restoration Program for funding to continue supporting workdays and held three workdays over the last month that Ryan will give more information about.

Ryan Navratil, Field Coordinator: Ryan led three workdays in the last month: Coastal Cleanup Day, where we had a great turnout (over 70 volunteers!), another creek cleanup with middle school kids, and a stormdrain stenciling workday with middle school kids.

Ryan has also been working on this year's *Arundo donax* eradication efforts. He has already treated four of the six remaining sites. There are new homeowners at two of them that he needs to contact before treating the arundo on their properties. The treatment consists of cutting down the *Arundo* and applying an herbicide approved by NOAA Fisheries directly to the stump.

Ryan recently attended the San Mateo County Blue Circle gathering at which various San Mateo County creek groups met each other and talked about issues in their watersheds. He met Neil Panton of the San Gregorio Environmental Resource Center and talked to him about that group's volunteer-based monitoring program.

Continuing Business (Trish Mulvey)

The Water Resources Protection Collaborative's training about using the Guidelines and Standards for Land Use Near Streams document is full. However, Joe Teresi and Virginia Warheit from Palo Alto will be attending the training and will come back to train their staffs on what they have learned. They have offered to open this second training to staff from other agencies in the watershed, including the Watershed Council, Stanford, Portola Valley, Woodside, Menlo Park, East Palo Alto, and San Mateo County.

There has been a lot of interest in trash in creeks recently. Are we ready to ask Palo Alto to put all of Timothy Hopkins Park on its trash hot spots list?

Comment: Chris Fujimoto from the City of Palo Alto does site visits at the creek with Ryan before major cleanup days. It would be useful to get other agency people with trash hotspots connected to their local creek groups in a similar way.

Additional discussion

Comment: Going back to the TMDL discussion, maybe we can help the Regional Board expand their focus so that it is not just on sediment. How can we help them look at all of the issues affecting steelhead? We've got the TMDL, but can we help them figure out other agencies that should be involved and other enforcement mechanisms? We have several years left until the TMDL is finalized.

Comment: Geomorphology monitoring could be part of that.

Comment: This is also good timing in that this could fold into Watershed Council program planning.

Comment: The expertise in the Steelhead Task Force could be useful in identifying monitoring that could be useful for this effort. Geoff Brosseau could convene a LTMAP meeting about the issue and we could also invite Steelhead Task Force members.

Comment: Next month when we hear about water quality monitoring recommendations, we could also consider these ideas. But we need to pare down. Resources are limited.

In attendance:

Philippe S. Cohen – Jasper Ridge Biological Preserve, Stanford University

Trish Mulvey – SFWC

Bill Whitmer – SFWC

Libby Lucas – Los Altos resident

Dianne Dryer – City of Menlo Park

Julie Skelton – Stanford Management Company

Marge DeStaebler – PV Conservation Committee

Paul Amato – Regional Water Quality Control Board

Sandi Potter – Regional Water Quality Control Board

Dyan Whyte – Regional Water Quality Control Board

Janet Cox – Regional Water Quality Control Board

Kevin Murray – SFCJPA

Geoff Brosseau

Art Kraemer – CPNA

Marty Laporte – Stanford Utilities

Bill Springer - SCVWD

Katie Pilat – SFWC

Pam Sturner – SFWC

Ryan Navratil – SFWC

Minutes respectfully submitted by Katie Pilat.