



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
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**EDMUND G. BROWN JR.**, Governor  
**CHARLTON H. BONHAM**, Director



September 18, 2015

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Vice-Chairman Dennis Kennedy  
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Director Tony Estremera  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118-3614  
[Board@valleywater.org](mailto:Board@valleywater.org)

Dear Santa Clara Valley Water District Board of Directors:

Subject: Fish and Aquatic Habitat Collaborative Effort Program and Fish Habitat Restoration Plan, Santa Clara Valley Water District, Santa Clara County

The California Department of Fish and Wildlife (CDFW) has been participating in meetings of the initialing parties, including a technical working group (initiated July 23, 2015), with staff from the Santa Clara Valley Water District (SCVWD), National Marine Fisheries Service (NMFS), and other initialing parties on the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) that stemmed from a complaint filed by the Guadalupe-Coyote Resource Conservation District, Trout Unlimited, and the Pacific Coast Federation of Fisherman's Association with the State Water Resources Control Board. CDFW appreciates the efforts of the SCVWD Board and SCVWD staff to commit to a process to address and implement these long-standing items.

On August 31, 2015, SCVWD provided working draft sections of the Administrative Draft FAHCE Programmatic Environmental Impact Report (PEIR) to the initialing parties of the *Settlement Agreement Regarding Water Rights of the Santa Clara Valley Water District on Coyote, Guadalupe, and Stevens Creeks* (FAHCE Settlement Agreement) via email. To fulfill the SCVWD's deadline of October 31, 2015 for release of the public draft of the California Environmental Quality Act (CEQA) document, SCVWD requested in the email that initialing parties provide comments to SCVWD by 5:00 p.m. on September 30, 2015. On September 14, 2015, SCVWD provided dozens of files via email containing modeling data that pertain to evaluation of the SCVWD water supply operations under the FAHCE Fish Habitat Restoration Alternative and the Continuous Flow Alternative.

CDFW recognizes the importance of addressing implementation and changes to the draft settlement agreement so that the FAHCE Program, including the Fish Habitat Restoration Program (FHRP), can be implemented to benefit fisheries in the Three Creeks watersheds. We are committed to working expeditiously with SCVWD staff and other initialing parties to collaboratively review and provide input to draft FHRP and CEQA documents. However, CDFW believes it is important we are provided sufficient time for necessary dialogue with SCVWD staff and other initialing parties, so we can understand and ultimately support the modeling, FHRP

and CEQA analyses. Therefore, CDFW requests that the SCVWD Board provide direction to SCVWD staff to extend the time line, if requested by any initialing parties, up to three months to allow SCVWD staff, CDFW and other initialing parties sufficient time to develop better informed and supported draft FHRP and CEQA documents. This extra time may be necessary given the complexities and scope of the issues to develop a plan that meets the needs of all parties.

CDFW appreciates the SCVWD Board's consideration of our request to provide clarifying direction to SCVWD staff regarding a time extension for the draft FHRP and CEQA documents associated with the FAHCE process, if needed. CDFW can provide additional input to the SCVWD Board on progress if desired. If you have any questions, please contact Ms. Tami Schane, Environmental Scientist, at (415) 831-4640 or [tami.schane@wildlife.ca.gov](mailto:tami.schane@wildlife.ca.gov); or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541.

Sincerely,



Scott Wilson  
Regional Manager  
Bay Delta Region

cc:

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