

Melissa Stone

From: Julie Gantenbein [jgantenbein@waterpowerlaw.com]
Sent: Tuesday, November 10, 2015 2:52 PM
To: Board of Directors
Cc: Frank Maitski; Jim Fiedler; Debra Caldon; Ryan Heacock; Anthony Fulcher; Nathan Metcalf (nmetcalf@hansonbridgett.com); Stephanie Moreno (smoreno@gcrd.org); Richard Roos-Collins; mclifford@tu.org; cknight@caltrout.org
Subject: RE: 11/10 Board Meeting: Agenda Item 4.2
Attachments: 2015-11-10 (final) GCRCD-SCVWD.pdf

Dear Clerk of the Board:

I respectfully request that you forward the attached letter to the Board for consideration tonight. Thank you.

Sincerely,

Julie Gantenbein

Julie Gantenbein
Shareholder

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Via Electronic Mail

Chairman Gary Kremen
Director Barbara Keegan
Director Richard P. Santos
Director Linda J. LeZotte
Director Nai Hsueh
Director Tony Estremera
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614

Re: Fish and Aquatic Habitat Collaborative Effort Agreement: Agenda Item 4.2
(November 10, 2015 Board Meeting)

Dear Directors:

We write on behalf of the Guadalupe-Coyote Resource Conservation District (GCRCD), California Trout, and Trout Unlimited, three parties to the Fish and Aquatic Habitat Collaborative Effort (FAHCE) Agreement, regarding the status of efforts to secure regulatory approvals necessary to implement the Agreement, including the State Water Resources Control Board's approval of the Water District's pending Change Petition.

As the Supplemental Board Agenda Memo reports, the participating Initialing Parties agree that the modeling study plan, if implemented properly, will result in a valid scientific basis to compare the fish habitat impacts of alternatives flow schedules. GCRCD, California Trout, and Trout Unlimited support the need to complete the further work identified in the plan for that reason.

It is unfortunate that Water District staff was previously implementing a study plan that included unreliable scientific methods, which our experts concluded would not contribute to better understanding of fisheries impacts or ultimate restoration of the fisheries. We stated our concerns about those methods more than a year ago, and we requested a focused effort among technical experts to resolve those concerns. Despite many meetings where these concerns were raised again, little progress was made in actual resolution. That is why our scientific expert proposed specific approaches to fix the technical methods being used to prepare the Environmental Impact Report (EIR). It is also why we and other Initialing Parties supported

your staff's request at the October 13th meeting to take a month to develop a work plan based on the approaches recommended by our expert in a final effort to reach closure on appropriate modeling studies. Thank you for your effective direction at that meeting.

The downside of accepting your staff's recommendation is that the Water District will invest another year in study, resulting in a significant delay in the completion of the EIR that is a legal basis for the Change Petition. As we stated in previous correspondence and meetings, the cumulative delays in implementing FAHCE threaten the survival of the anadromous and other fishes that the Water District and other Initialing Parties committed to restore. Our June 3rd letter requested, and your June 23rd Board action agreed in principle, to amend or supplement the FAHCE Agreement to implement appropriate measures during the interim before the EIR is completed. The prospect of adding an additional year to the EIR schedule heightens the need for such interim measures.

We request that at tonight's meeting you direct staff to meet with us and the other participating Initialing Parties to discuss implementation of measures to mitigate the consequences of the delay on our fisheries, including: (1) interim operational measures to improve conditions for the fish; (2) early development of the adaptive management plan (including measurable objectives) required by the FAHCE Agreement; (3) enhanced maintenance measures to ensure fish ladders are functioning efficiently and fish passage barriers minimized; and (4) increased coordination of appropriate programs that affect the fisheries and are separately administered by the Water Utilities and Watersheds divisions. We read the Supplemental Board Agenda Memo to support items (1) and (2), and to leave the door open for others. We request that such discussions begin immediately, with a joint report back to the Board at your December 22nd meeting.

Thank you for considering our request.

Sincerely,



Richard Roos-Collins
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Anthony Fulcher
Beau Goldie
Frank Maitski
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Gary Stern
Lisa Van Atta
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Scott Wilson
Susan Glendening