



Guadalupe-Coyote
Resource Conservation District (GCRCD)
An independent special district of the State of California

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Staff Report

Special Joint GCRCD/SCVWD Board Meeting
June 27, 2018

DATE: June 26, 2018

AGENDA TITLE: Item 6: Update on Fisheries and Aquatic Habitat Collaborative Effort

RECOMMENDATION:

Receive and discuss schedule and process for completion of environmental review on Fisheries and Aquatic Habitat Collaborative Effort.

DISCUSSION:

The FAHCE settlement agreement was negotiated to resolve disputes regarding the Santa Clara Valley Water District's (SCVWD) use of its water rights on Coyote, Guadalupe, and Stevens Creeks in Santa Clara County. The parties to the agreement are Guadalupe-Coyote Resource Conservation District (GCRCD), SCVWD, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Game, Trout Unlimited, Pacific Coast Federation of Fisherman's Associations, California Trout, Inc., San Francisco Bay Urban Creeks Council and Northern California Council of Federation of Fly Fishers. Although the agreement was initialed by all parties in 2003, it is not scheduled to be signed until after SCVWD obtains approval of the required water rights change petition, which it filed with the State Water Resources Control Board (SWRCB) in 2015 and for which it still is completing the required planning and environmental documents necessary to advance to a hearing.

In 2014, the parties agreed to change the regulatory pathway set forth in the original agreement in order to secure a more timely adoption of the SWRCB order needed to implement the programs and projects outlined in the settlement agreement.

In June 2017, GCRCD and SCVWD held a special joint Board meeting to discuss progress and present information regarding development of the scientific record necessary to support the SWRCB decision on the water rights change petition. At that time, SCVWD staff presented a schedule indicating the public draft of FHRP and the EIR necessary to complete the environmental review for the filed change petition would be released in November 2017. Directors from both boards indicated support for completion of the draft EIR on this schedule and without further delay.

There have been two Initialing Parties (IP) meetings since the June 2017 joint Board meeting, both held via conference call. At the June 20, 2017 meeting, the parties discussed the discrepancies between the EIR schedule presented at the joint Board meeting and the schedule that the SCVWD's consultant, HDR, previously had presented to the IP. During the second IP meeting on December 15, 2017, SCVWD staff indicated there would be a further delay in its release of the public draft FHRP and EIR documents, indicating an anticipated release date of late spring/early summer 2018.

There have been three Technical Working Group (TWG) meetings held in 2018. During these meetings SCVWD staff and its consultants presented for discussion preliminary outputs from the WEAP model. SCVWD staff also has reported that it is working on revisions to the FAHCE rule curves. It has not yet made the model available to other members of the IP.

The GCRCD Board of Directors is requesting an updated schedule which includes not only the release dates for the aforementioned documents, but also the anticipated dates for the completion of environmental review, the SWRCB hearing on SCVWD's change petition that was filed in May 2015, and implementation of the reservoir operational changes and habitat improvements essential to restore and maintain fisheries on the Three Creeks, as outlined in the FAHCE settlement agreement.