



January 27, 2020

By U.S. mail and e-mail

Mr. Robert Reidy
Vice President, Land, Buildings and Real Estate
Leland Stanford Junior University
415 Broadway, 3rd Floor
Redwood City, CA 94063

Subject: San Francisquito Creek Flood Protection, Ecosystem Restoration and Recreation Project,
100-year Protection Upstream of Highway 101:
Request to access Stanford land for a CEQA investigation of a potential project to protect thousands
of people downstream

Dear Mr. Reidy:

This letter follows up on the discussion between Ms. Jean McCown, Mr. Tom Zigterman and the members of the Board of Directors of the San Francisquito Creek Joint Powers Authority ("SFCJPA") at our August 22, 2019 public Board meeting.

On July 21, 2009, you wrote to the SFCJPA Board to: 1) express support for the SFCJPA pursuing actions downstream of Stanford property that reduce the demonstrated flood threat to campus neighbors, and 2) highlight the information the SFCJPA must secure to fully analyze the feasibility and impacts of augmenting downstream work with a project to detain floodwaters upstream on Stanford land. Then, in February 2017 and in June 2019, Mr. Zigterman, Stanford's Director of Water Resources and Civil Infrastructure, wrote to reiterate these points as the SFCJPA was analyzing a project to protect flood-prone neighborhoods upstream of Highway 101.

Consistent with SFCJPA priorities since it was founded following catastrophic flooding downstream of Stanford University in 1998, priorities that were reinforced following flooding in East Palo Alto in late 2012, our agency acted on the two points referenced at the beginning of the paragraph above. In late 2018, we completed a project between S.F. Bay and Highway 101 to protect people and property, including much of East Palo Alto, from the maximum creek flow and a sea level within the creek ten feet above today's high tide. In September 2019, the SFCJPA Board certified the Final EIR for our next, upstream, project that will protect areas west of Highway 101. We are pleased with this meaningful progress, but are aware there is more to be done.

In fact, the SFCJPA proposes to remove all properties – including those that house Stanford students, faculty and staff – from the threat of storms greater than we've experienced, which is more likely with climate change, and from the burden of flood insurance faced by thousands of property owners. Additionally, as you may know, many who should have flood insurance do not have it, especially renters. This upstream project not only helps property owners, but also renters, including those in disadvantaged areas.

Because Stanford property comprises over one-fifth of the watershed, it is the largest contributor of floodwater. The only way to achieve the 100-year flood protection objective is to keep more of the water that drains off Stanford lands from entering San Francisquito Creek during major storms. The sites suitable to detain floodwaters during major storms are on Stanford land at Searsville Dam and Reservoir, Webb Ranch, and the former Boething Plant Nursery (see Attachment B - Map and Assessor Parcel Numbers of Requested Access Areas).

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As you and others at Stanford have suggested over the past decade, a detailed technical and physical understanding of potential upstream detention sites is necessary to properly consider the feasibility of, and impacts associated with, utilizing Stanford lands west of Highway 280 for this purpose. In fact, this detailed understanding is a legal requirement of the California Environmental Quality Act ("CEQA"). That technical and physical understanding can only come with information, and thus, in December 2017, the SFCJPA wrote to Ms. McCown and Mr. Zigterman to request the information you recommended we obtain. We have not received an answer to that letter; and while we have received useful hydraulic information, all other necessary information remains unavailable. To address the ongoing threat of major flooding, and in the spirit of Stanford's desire to work closely with its neighbors, I invite you to work with the SFCJPA as a partner in promoting public safety.

As discussed with Ms. McCown and Mr. Zigterman at the August 22, 2019 public Board meeting, our inability to secure the required information compels us to now request permission for a limited number of staff and consultants of the SFCJPA and our partner agencies to enter Stanford property to gather that information. We propose to enter Stanford property by existing roads on not more than eight occasions over an eighteen-month period. The purposes, equipment, and locations of this request are identified on Attachments A and B to this letter.

At all times, we will respect your rights as a landowner, the rights of any lessees that we request you coordinate this access with, and the existing operations in the area. Leading up to the required site visits, we will work with the individuals you designate to establish the preferred time of day, route, and other considerations. The enclosed Exhibit 1 is the Permission to Enter form, which provides further details. If you have changes to suggest to the form, please send those to SFCJPA Executive Director Len Materman at len@sfcjpa.org within 30 days; otherwise, we request that you complete and return the form within 30 days.

We look forward to working with you and your colleagues at Stanford to advance this critical public safety project for the benefit of our mutual communities.

Sincerely,



Gary Kremen
Chair, SFCJPA Board of Directors

cc: SFCJPA Board of Directors
SFCJPA Legal Counsel: Ms. Regina Danner
Stanford University: Ms. Jean McCown, Ms. Catherine Palter, and Mr. Tom Zigterman

Enclosures: Exhibit 1 – SFCJPA Permission to Enter Form
Attachment A – Study Evaluation Categories Requiring Field Access to Stanford University
Lands in 2020 and 2021
Attachment B – Map and Assessor Parcel Numbers of Requested Access Areas

Exhibit 1

SFCJPA Permission to Enter Form

Project: San Francisquito Creek Flood Protection, Ecosystem Restoration and Recreation Project, 100-year Protection Upstream of Highway 101

Property Owner: Stanford University

APN's: See Attachment B ("Map and Assessor Parcel Numbers of Requested Access Areas")

Property Address: Various, in unincorporated San Mateo County (see Attachment B)

PERMISSION TO ENTER

In accordance with California Code of Civil Procedure §1245.010 et seq

- A. The undersigned, Stanford University, hereinafter referred to as "Owner," hereby grants permission to the San Francisquito Creek Joint Powers Authority (SFCJPA), its employees, agents, partners and contractors, collectively referred to hereinafter as the "SFCJPA," to enter upon Owner's property identified on Attachment B, and incorporated herein by reference, for the following purposes:
1. Conduct up to eight field investigations for a potential Environmental Impact Report, as described in Attachment A ("Study Evaluation Categories Requiring Field Access to Stanford University Lands in 2020 and 2021").
 2. Access investigation areas by driving on existing roads and driveways, parking and walking across the Property.
 3. Performing site reconnaissance including, but not limited to, walking the site, taking photographs/video, performing measurements, and taking soil samples.
- B. Owner grants permission subject to the following conditions:
1. SFCJPA shall indemnify, defend and hold Owner, its employees, elected and agents harmless from liability for damage to persons or property caused by said use of the Property by SFCJPA.
 2. Permission hereby granted is not to be construed as a grant of title or any interest in the Property.
 3. Damage, if any, to land or improvements on the Property caused by its use by the SFCJPA shall be repaired and restored by SFCJPA to a condition equal to that existing prior to the occurrence of damage.
 4. All work described in Section A performed by the SFCJPA on the Property shall be at the SFCJPA's sole cost and expense.
 5. The term of this agreement shall begin upon date of execution by both parties and shall terminate eighteen months later, unless extended by the parties.
 6. SFCJPA Shall give Owner/Owner's contact person 72 hours notice at the preferred method of contact:

Name:

E-mail:

Phone:

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IN WITNESS WHEREOF, the Owner has executed this Permission to Enter as follows:

Owner, Stanford University

Date: _____ By: _____
Name
and Title: _____

San Francisquito Creek Joint Powers Authority

Date: _____ By: _____
Name:
Title:

Owner Notes to Field Staff: _____

Attachment A

Study Evaluation Categories Requiring Field Access to Stanford University Lands in 2020 and 2021

The San Francisquito Creek Joint Powers Authority (SFCJPA)* is requesting authorization to access Stanford University property to investigate the feasibility, constraints, and environmental impacts and benefits of potential upstream detention basins. A project to develop these basins was discussed on a program level in a Final Environmental Impact Report (available at SFCJPA.org) certified by the SFCJPA Board on September 26, 2019. For the basin locations upstream (west) of Highway 280 discussed in that EIR, the SFCJPA is now considering a more detailed project-level EIR. These locations, including a Former Plant Nursery (previously known as Boething), Webb Ranch, and Searsville Dam and Reservoir, are described in Attachment B.

As suggested by Stanford, a detailed understanding of these sites is necessary to enable the SFCJPA to develop a project-level EIR. That understanding can only come with information secured by technical experts such as environmental specialists and planners, hydrologists, engineers, and surveyors. When possible, their investigation can occur remotely, especially if current information is provided by Stanford. In many cases, it must occur by visiting the potential basin sites to conduct the following activities on the following range of topics.

1. Land Use¹
2. Topographic and Boundary Surveys^{1,2,3}
3. Biological Resources (wetland/plant/animal/fisheries, ESA)^{1,2,3}
4. Tree Assessments^{1,2}
5. Cultural, Tribal Cultural Resources, Section 106 and Paleontological Resources^{1,2,3}
6. Geology and Soils^{1,2,3}
7. Hazardous Materials (Phase 1 study only)¹
8. Hydrology and Water Resources^{1,2}
9. Air Quality/Greenhouse Gas and Climate Change^{1,2}
10. Noise^{1,2}
11. Recreation¹
12. Traffic and Transportation^{1,2}
13. Utilities and Service Systems¹
14. Wildfire Assessment (new CEQA requirement)¹
15. Energy Assessment (new CEQA requirement)

*The SFCJPA is an independent regional government agency whose member agencies include the City of East Palo Alto, City of Menlo Park, City of Palo Alto, San Mateo County Flood Control District, and Valley Water (Santa Clara Valley Water District).

¹ Light field survey with an estimated 1-3 people, making observations, taking notes, etc.

² Possible use of non-obtrusive equipment (e.g. traffic counters, survey total station, data pads, etc.).

³ Field work will not require ground disturbance, except if soil must be tested to characterize wetland types. If this is required, a hole approximately 4 inches wide and 10 inches deep will be dug by hand and backfilled following sampling. If other ground disturbance activities are necessary, a written request will be provided prior to conducting such activity.

Attachment B

Map and Assessor Parcel Numbers of Requested Access Areas

Map of Potential Upstream Detention Basin Sites

On the image below, the areas in green represent the expected extent of each basin, the areas in red represent potential construction staging areas, and the area in light blue indicates the location of the dam and existing reservoir at Searsville.

Access is requested to, and in, the approximate areas shown below in green, red, and light blue, as well as locations along San Francisquito Creek within 350 feet of these areas.



San Mateo County Assessor Parcel Numbers of the potential detention basin sites

Webb Ranch: 134-291-510

Former Plant Nursery (upstream portion): 074-480-290

Former Plant Nursery (downstream portion): 074-480-300

Searsville Dam and Reservoir: 075-293-020