



# Santa Clara Valley Water District Stream Planning and Operations Committee Meeting

Teleconference Zoom Meeting  
5700 Almaden Expressway  
San Jose, CA 95118

## **\*AMENDED/APPENDED REGULAR MEETING AGENDA**

**Thursday, January 14, 2021  
12:00 PM**

**\*ITEMS AMENDED AND/OR APPENDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA  
ARE IDENTIFIED BY AN ASTERISK (\*) HEREIN**

**District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.**

FAHCE AD HOC COMMITTEE

Barbara Keegan - District 2  
Linda J. LeZotte - District 4  
Tony Estremera - District 6

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**Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

**Santa Clara Valley Water District  
Stream Planning and Operations Committee**

**\*AMENDED/APPEDED  
AGENDA**

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Thursday, January 14, 2021

12:00 PM

Teleconference Zoom Meeting

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**I MPORTANT NOTICES**

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Committee during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in the order requests are received and granted speaking access to address the Committee.

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Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

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**1. Roll Call.**

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

*Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*

**3. INFORMATION AND ACTION ITEMS:**

3.1. Election of 2021 Stream Planning and Operations Committee [20-1178](#)  
Chairperson and Vice Chairperson.

Recommendation: Nominate and elect the 2021 Stream Planning and Operations Committee Chairperson and Vice Chairperson.

Manager: Michele King, 408-630-2711

3.2. Approval of Minutes. [20-1206](#)

Recommendation: Approve the October 8, 2020 FAHCE Ad Hoc Committee minutes.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: October 8, 2020 FAHCE Ad Hoc Committee Minute](#)

- 3.3. Review of Draft Stream Planning and Operations Committee (SPOC) [20-1176](#)  
2021 Work Plan, Overview and update on the Fish and Aquatic Habitat Collaborative Effort (FAHCE) Program, and update on the Anderson Dam Seismic Retrofit Project.

Recommendation: A. Review and approve draft Committee Work Plan for Year 2021;  
B. Receive overview and update on FAHCE program; and  
C. Receive update on Anderson Dam Seismic Retrofit Project.

Manager: Vincent Gin, 408-630-2633  
Chris Hakes, 408-630-3796

Attachments: [Attachment 1: 2021 Draft Work Plan](#)

- \*3.4. CLOSED SESSION [21-0059](#)  
CONFERENCE WITH LEGAL COUNSEL Pending Litigation  
Pursuant to Government Code Section 54956.9(d)(1): Fish and Aquatic Habitat Collaborative Effort (FAHCE) Guadalupe Coyote Resources Conservation District v. SCVWD Settlement regarding Water Rights

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- \*3.5. District Counsel Report on Closed Session.

**4. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**

*This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.*

**5. ADJOURN:**

- 5.1. Adjourn to a future identified meeting date.



# Santa Clara Valley Water District

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**File No.:** 20-1178

**Agenda Date:** 1/14/2021  
**Item No.:** 3.1.

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## COMMITTEE AGENDA MEMORANDUM

### Stream Planning and Operations Committee

**SUBJECT:**

Election of 2021 Stream Planning and Operations Committee Chairperson and Vice Chairperson.

**RECOMMENDATION:**

Nominate and elect the 2021 Stream Planning and Operations Committee Chairperson and Vice Chairperson.

**SUMMARY:**

The Stream Planning and Operations Committee was enacted by the Board of Directors for the purpose of:

1. Tracking the progress of Valley Water and other parties (Initialing Parties) of the FAHCE Settlement Agreement in completing requirements enabling dismissal of the water rights complaint and commencement of the restoration program;
2. Identifying and recommending actions the Board can take to ensure expeditious completion of the requirements defined in Purpose 1, including engagement with appointed boards and senior officials of the other Initialing Parties; and
3. Identifying and tracking progress of District and non-District activities that may affect the FAHCE Settlement Agreement and implementation.

Officers of the Committee include the Committee Chairperson and Vice Chairperson, who serve as the Committee's primary and secondary facilitators and representatives. The Committee Chairperson and Vice Chairperson are elected by the Committee annually.

This item allows the committee to elect its Committee Chairperson and Vice Chairperson for 2021.

**ATTACHMENTS:**

None

**UNCLASSIFIED MANAGER:**

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**File No.:** 20-1178

**Agenda Date:** 1/14/2021  
**Item No.:** 3.1.

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Michele King, 408-630-2711



# Santa Clara Valley Water District

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**File No.:** 20-1206

**Agenda Date:** 1/14/2021  
**Item No.:** 3.2.

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## COMMITTEE AGENDA MEMORANDUM

### Stream Planning and Operations Committee

**SUBJECT:**

Approval of Minutes.

**RECOMMENDATION:**

Approve the October 8, 2020 FAHCE Ad Hoc Committee minutes.

**SUMMARY:**

A summary of FAHCE Committee discussions, and details of actions taken by the Committee, during an open and public meeting, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Committee's meetings.

**ATTACHMENTS:**

Attachment 1: October 8, 2020 FAHCE Ad Hoc Committee Minutes.

**UNCLASSIFIED MANAGER:**

Michele King 408-630-2711



FISH AND AQUATIC HABITAT COLLABORATIVE EFFORT (FAHCE) AD HOC COMMITTEE

**DRAFT MINUTES**

**Thursday, October 8, 2020  
1:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1. Call to Order  
1.1 Roll Call**

A meeting of the Santa Clara Valley Water District (Valley Water) Fish and Aquatic Habitat Collaborative Effort (FAHCE) Ad Hoc Committee was called to order at 1:00 p.m. on October 8, 2020, in the District Headquarters Building, Conference Room A-124, 5700 Almaden Expressway, San Jose, California.

Board Members in attendance in Conference Room A-124: Director Barbara Keegan-District 2; Board members attending by videoconference: Director Linda J. LeZotte-District 4; and Director Tony Estremera-District 6, constituting a quorum of the FAHCE Ad Hoc Committee.

Staff members in attendance in Conference Room A-124: Michele King, Clerk of the Board; staff in attendance by videoconference: Aaron Baker, Bart Broome, Anthony Fulcher, Rachael Gibson, Vince Gin, Chris Hakes, Ryan Heacock, Bassam Kassab, Susana McCloskey, Brian Mendenhall, Lisa Porcella, Tina Yoke, and Sarah Young.

**2. Time Open for Public Comment on any Item not an Agenda**

Chairperson Keegan declared time open for public comment on any item not on the agenda. There was no one present that wished to speak.

**3.1 Proposed Conversion of Santa Clara Valley Water District (Valley Water) Fish and Aquatic Habitat Collaborative Effort (FAHCE) Ad Hoc Committee to a Standing Board Committee.**

Mr. Vincent Gin, Deputy Operating Officer, provided background information on the potential broadening of the committee's purpose/scope, conversion to a standing board committee, and new committee name.

Mr. Chris Hakes, Deputy Operating Officer, provided background on the Anderson Dam Seismic Retrofit Project, how FAHCE elements were integrated into the project to ensure fish are in good condition, the Federal Energy Regulatory Commission's order to reduce the reservoir level and to expedite construction of the low level outlet tunnel, and the process for draining the reservoir.

Mr. Richard McMurtry asked when the Environmental Impact Report (EIR) would be released on the FAHCE related activities for the Guadalupe and Stevens creeks. Mr. Gin responded that the EIR would be released in Spring of 2021.



Mr. McMurtry also asked if Valley Water had entered into a Memorandum of Agreement with the County to complete Ogier Ponds and Singleton Road. Since the topic of the question was beyond the scope of the subject on the agenda, Committee Chair Keegan requested that staff follow up with Mr. McMurtry after the meeting.

Mr. Roger Castillo asked if a process is being included to acknowledge and inform the County and the City of San Jose on how notification will be provided to those living along the creeks of the flows that will be released. Since the topic of the question was beyond the scope of the subject on the agenda, Committee Chair Keegan requested that staff follow up with Mr. Castillo after the meeting.

Mr. Gin provided additional details regarding expanding the scope of the Committee, including the additional scope to, "Identify and track progress of district and outside activities that may affect the FAHCE settlement agreement and implementation."

Ms. Kit Gordon asked if there is a mission statement for the proposed standing board committee, and would it include flood protection elements. Mr. Gin answered that the new proposed scope is the mission statement and that staff does feel that flood protection elements were incorporated. Ms. Gordon also asked who the committee members would be and how the public would be involved. Committee Chair Keegan reviewed the public process that is used for standing committees.

Mr. Gin summarized how staff and the ad hoc committee arrived on the proposed new standing committee name of Stream Planning and Operations Committee.

Ms. Katja Irvin asked if the word "Dam" should be inserted into the proposed name before the word Operations. Committee Chair Keegan and Mr. Aaron Baker, Acting Chief Operating Officer, explained that dam operations is a piece of the program, but not the complete picture, therefore adding it into the name was not necessary.

Mr. Mark Rockwell asked about the committee membership. Committee Chair Keegan explained that standing board committee memberships are made up of three Board members and the meetings are open to the public. The current committee membership will remain the same for this year and may be reconsidered next year by the board.

Mr. Rockwell asked for clarification on the relationship with the FAHCE agreement and initialing parties and the new proposed board standing committee. Mr. Gin explained that committees are advisory to the full board and that meetings will be public meetings where the public can participate in discussions. Technical work groups will continue at staff level.

Mr. Gin summarized the next steps in the committee conversion process and outlined the plan for the first public meeting, if the conversion is supported by the ad hoc committee and subsequently approved by the Board.

Mr. Castillo expressed support for converting the committee and holding open public meetings.

Mr. Rockwell expressed concern for the expansion of the committee purpose. Mr. Anthony Fulcher, Senior Assistant District Counsel, Mr. Gin and all committee members provided background on the original ad hoc committee purpose and how

the expanded board standing committee would take a holistic approach to implementation of FAHCE and allow for public participation.

Ms. Gordon asked how often the standing committee would meet and if draft documents presented to committee would be made available to the public. Committee Chair Keegan stated that any information provided to the Committee for open session items will be made available to the public, and Mr. Gin shared that staff anticipates the standing committee will meet every other month, or as requested by the committee.

It was moved by Director LeZotte, seconded by Director Estremera, an unanimously approved by roll call vote to recommend to the full Board converting the ad hoc committee to a standing board committee, adding proposed committee purposes as outlined in the committee memo, and naming the standing board committee the Stream Planning and Operations Committee.

**4. Clerk Review and Clarification of Committee Requests.**

Ms. Michele King, Clerk of the Board, reported that staff was asked by Committee Chair Keegan to follow up with Mr. McMurtry and Mr. Castillo.

**5. Adjourn:**

Committee Chair Keegan adjourned the meeting at approximately 2:10 p.m.

Michele L. King, CMC  
Clerk of the Board

Approved:



# Santa Clara Valley Water District

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**File No.:** 20-1176

**Agenda Date:** 1/14/2021

**Item No.:** 3.3.

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## COMMITTEE AGENDA MEMORANDUM

### Stream Planning and Operations Committee

**SUBJECT:**

Review of Draft Stream Planning and Operations Committee (SPOC) 2021 Work Plan, Overview and update on the Fish and Aquatic Habitat Collaborative Effort (FAHCE) Program, and update on the Anderson Dam Seismic Retrofit Project.

**RECOMMENDATION:**

- A. Review and approve draft Committee Work Plan for Year 2021;
- B. Receive overview and update on FAHCE program; and
- C. Receive update on Anderson Dam Seismic Retrofit Project.

**SUMMARY:**

This committee was established through Board approval on November 10, 2020. This memo includes a draft Committee Work Plan for Year 2021, an overview and update on the FAHCE and an update on the Anderson Dam Seismic Retrofit Project (ADSRP).

**Draft Committee Work Plan for Calendar Year 2021**

On November 10, 2020, the Board approved the conversion of the FAHCE Ad Hoc Committee to a Standing Board Committee; named the "Stream Planning and Operations Committee"; and added the following Committee purpose:

Identifying and tracking progress of District and non-District activities that may affect the FAHCE Settlement Agreement and implementation.

A draft work plan for the first year of the Committee is provided in Attachment 1 for review and discussion.

**FAHCE Overview and Update**

In 1996, the Guadalupe-Coyote Resource Conservation District filed a complaint with the State Water Resources Control Board over the Santa Clara Valley Water District's (Valley Water) use of water rights in the Stevens Creek, Coyote Creek and Guadalupe River watersheds. The Fish and Aquatic Habitat Collaborative Effort was established to resolve this complaint.

In 2003, Valley Water initialed a Settlement Agreement (SA) regarding water rights with the Guadalupe-Coyote Resource Conservation District, the California Department of Fish and Wildlife, U. S. Fish and Wildlife Service and National Marine Fisheries Service (NMFS) and a group of nongovernmental organizations, including Trout Unlimited, Pacific Coast Federation of Fishermen's

Associations, California Trout, Urban Creeks Council and the Northern California Council of Federation of Fly Fishers (Initialing Parties). The 2003 SA provides a roadmap for resolving the water rights complaint and for improving habitat conditions for anadromous fisheries in Guadalupe, Stevens and Coyote Creek watersheds. On June 9, 2020, the Guadalupe-Coyote Resource Conservation District submitted correspondence that it was withdrawing from the Settlement Agreement.

Over the years, Valley Water has conducted various watershed and site specific studies, implemented many of the non-flow related measures from the SA and conducted a variety of fisheries monitoring activities in the three watersheds. Valley Water, in collaboration with the resource agencies, has developed a novel and advanced modeling tool to enable comparison of flow regimes in the three watersheds. Based on results of this modeling effort and in consultation with the State Water Resources Control Board and FAHCE Initialing Parties, in October 2020, Valley Water, began a pilot program to implement experimental reservoir releases known as FAHCE Plus in Stevens and Guadalupe Creeks.

Currently, Valley Water is preparing two environmental Impact reports (EIR's) along with a fish habitat restoration plan to enable full implementation of Phase 1 measures and adaptive management of the FAHCE Program.

The Two Creeks EIR will cover the Guadalupe and Stevens Creek Watersheds, while the Coyote Creek measures have been integrated into the Anderson Dam Seismic Retrofit Project (ADSRP) EIR. Valley Water is working to complete the public draft of the Two Creeks EIR in Spring 2021.

Staff will provide the committee an overview and update on the FAHCE program.

### **Anderson Project Update**

The Anderson Reservoir, with a capacity of 89,278 acre-feet, is a critical part of the region's water supply system while protecting the region from incidental flooding and providing environmental and recreational benefits. A breach of the Anderson Dam at full capacity could have catastrophic consequences, inundating a land area extending over 30 miles northwest to San Francisco Bay and 40 miles southeast to Monterey Bay. Valley Water, the Department of Water Resources Division of Safety of Dams (DSOD), and the Federal Energy Regulatory Commission (FERC) has determined the dam to be at risk of an uncontrolled release of water due to a seismic event.

Valley Water's Anderson Dam Seismic Retrofit Project (ADSRP) will reconstruct the dam to modern seismic and dam safety standards, including increased capacities for the dam's spillway and outlet to allow a rapid, controlled draw down in an emergency and to enhance incidental flood protection.

In 2019, NMFS and the Federal Energy Regulatory Commission (FERC) required that the ADSRP include post-retrofit reservoir operation as part of the project. At that time, it was agreed upon with the resource agencies that the ADSRP provided an opportunity to coordinate the projects and integrate both flow and non-flow measures for Coyote Creek identified in Phase 1 of the FAHCE program into the ADSRP conservation package.

While the ADSRP project was going through complex planning and permitting processes, on February 20, 2020, FERC directed Valley Water to maintain the reservoir at a level that is equivalent to 35 percent of the reservoir's capacity and begin draining the reservoir to deadpool by October 1, 2020. FERC also directed Valley Water to expedite reconstruction and improvement of the dam outlet structure to allow the deadpool to be maintained.

The ADSRP team will provide the committee with an update on FOCIP and ADSRP activities since the February order.

**ATTACHMENTS:**

Attachment 1: Draft SPOC 2021 Workplan

**UNCLASSIFIED MANAGER:**

Vincent Gin, 408-630-2633

Chris Hakes, 408-630-3796

## Stream Planning and Operations Committee Draft Work Plan for Year 2021

The annual work plan establishes a framework for committee discussion and action during the annual meeting schedule. The committee work plan is a dynamic document, subject to change as external and internal issues impacting the District occur and are recommended for committee discussion. Subsequently, an annual committee accomplishments report is developed based on the work plan and presented to the District Board of Directors.

ITEM	WORK PLAN ITEM BOARD POLICY	MEETING DATE	INTENDED OUTCOME(S) (Action of Information Only)	ACCOMPLISHED DATE AND OUTCOME
1	<b>Election of Chair and Vice Chair for 2021</b>	January	<ul style="list-style-type: none"> <li>Committee Elects Chair and Vice Chair for 2020. <b>(Action)</b></li> </ul>	
2	<b>Review of Draft Committee Work Plan</b>	January	<ul style="list-style-type: none"> <li>Review draft 2021 Committee Work plan</li> </ul>	
3	<b>Review of Final Committee Work Plan, the Outcomes of Board Action of Committee Requests, and the Committee Next Meeting Agenda</b>	March May July September November	<ul style="list-style-type: none"> <li>Receive and review the 2020 Board-approved Committee work plan. <b>(Action)</b></li> <li>Submit requests to the Board, as appropriate.</li> </ul>	
4	<b>Receive updates on FAHCE progress and deliverables</b>	January March May July September November	<ul style="list-style-type: none"> <li>Receive updates on FAHCE activities and progress.</li> </ul>	
6	<b>Discuss District and Non-District Projects and Other Activities that May Affect the FAHCE Settlement Agreement and Implementation</b>	January March May July September	<ul style="list-style-type: none"> <li>Receive information on activities affecting the FAHCE Settlement Agreement and Implementation, as needed.</li> </ul>	

		November	<ul style="list-style-type: none"> <li>Provide input on these activities to ensure their consistency with the intent of the FAHCE Settlement Agreement. <b>(Action)</b></li> </ul>	
7	<b>Receive update on Anderson Dam Seismic Retrofit Project and Incorporation of Phase 1 Flow and Non-Flow Measures for the Coyote Creek Watershed</b>	March July November	<ul style="list-style-type: none"> <li>Receive updates on the incorporation of Phase 1 flow and non-flow measures for the Coyote Creek Watershed by the Anderson Dam Seismic Retrofit Project. <b>(Information)</b></li> </ul>	
8	<b>Receive FAHCE Draft EIR</b>	May	<ul style="list-style-type: none"> <li>Receive the FAHCE Draft EIR, when completed. <b>(Information)</b></li> </ul>	
9	<b>Discuss Prioritization of FAHCE Phase 1 Non-Flow Measures in the Guadalupe River and Stevens Creek Watersheds</b>	July	<ul style="list-style-type: none"> <li>Receive information on prioritization of the Phase 1 non-flow measures in the Guadalupe River and Stevens Creek Watersheds.</li> <li>Provide input on prioritization of Phase 1 non-flow measures for consideration of the Initialing Parties. <b>(Action)</b></li> </ul>	
10	<b>Receive updates on consultant contracts for FAHCE</b>	May July	<ul style="list-style-type: none"> <li>Receive updates on FAHCE contracts requiring Board Approval.</li> </ul>	
11	<b>Receive Updates on Discussions with the FAHCE Adaptive Management Team</b>	March September	<ul style="list-style-type: none"> <li>Receive updates on key discussions and decisions made by the FAHCE Adaptive Management Team. <b>(Information)</b></li> </ul>	
12	<b>Field Tour</b>	September	<ul style="list-style-type: none"> <li>Attend an annual field tour of a FAHCE or FAHCE related site(s).</li> </ul>	



# Santa Clara Valley Water District

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**File No.:** 21-0059

**Agenda Date:** 1/14/2021  
**Item No.:** \*3.4.

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## NON-EXHIBIT/CLOSED SESSION ITEM

**SUBJECT:**

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation

Pursuant to Government Code Section 54956.9(d)(1): Fish and Aquatic Habitat Collaborative Effort (FAHCE)  
Guadalupe Coyote Resources Conservation District v. SCVWD Settlement regarding Water Rights