



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

February 28, 2020

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

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13	Memo from Melanie Richardson, COO, Watersheds, to the Board of Directors, dated 2/20/20, regarding Anderson Dam Seismic Retrofit Project Interim Risk Reduction Measures – Reservoir Operating Level Follow Up.
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30	Memo from Jessica Collins, Unit Manager, Watersheds Business Planning and Analysis Unit, to the Board of Directors, dated 2/25/20, regarding Potential Surplus Properties in South County (IBMR I-20-0003).
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65	Email from Doug Muirhead, to Chair Hsueh, dated 2/24/20, regarding JPA (C-20-0027).
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	<u>OUTGOING BOARD CORRESPONDENCE</u>
68	Thank you Letter from Director Kremen, to Mr. Paul Stearns, dated 2/21/20, Expressing Appreciation for his Participants in the Jones Pumping Plant Tour on February 5, 2020.
69	Email from Chair Hsueh, to Mr. Dhruv Khanna, dated 2/25/20, regarding his questions on the Proposed 2020 Ballot and Agricultura and Groundwater Production Charges (C-20-0014).

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Email from Stan Yamamoto, District Counsel, to Doug Muirhead, dated 2/27/20, regarding JPA (C-20-0027).

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN/ NEWSLETTERS

CEO BULLETIN



To: Board of Directors
From: Norma J. Camacho, CEO

Week of February 21 – February 27, 2020

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Item	IN THIS ISSUE
<u>1</u>	2020 Health Insurance Renewals
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<u>3</u>	ICMA (International City/County Management Association) Talent Award
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<u>5</u>	Santa Teresa Water Treatment Plant Electrical Incidents
<u>6</u>	Silicon Valley Talent Partnership Results
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<u>8</u>	<u>Santos</u> Two-Year Budget and Water Rates Cycles BMR #20-0005

1. 2020 Health Insurance Renewals

Valley Water has received notification that the Blue Shield HMO/PPO and the Kaiser medical plans will renew their contracts with Valley Water effective April 1, 2020. Combining both Blue Shield and Kaiser renewals, Valley Water's overall medical premiums increase by 1.6% effective April 1, 2020.

For further information, please contact Anna Noriega at (408) 630-3089.

2. Chiller Filter Replacement at the Pacheco Pumping Plant

The Pacheco Pumping Plant (PPP) old chiller filter has had multiple failures over the years due to corrosion-induced leaks. The filter was replaced with a dual filter package for redundancy. These new filters came with a new Original Equipment Manufacturers (OEM) control box. Installation of the replacement units occurred between February 13-19, 2020. The control box automated features

were wired, programmed, and checked after installation. Proper operation of the filter flush valve, hydraulic cylinder, and flush motors was verified through system testing on February 19, 2020. The program flush cycle times will be further fine-tuned by Valley Water HVAC staff in the coming weeks.

For further information, please contact Jesse Soto at (408) 630-2244

3. ICMA (International City/County Management Association) Talent Award

On February 6, 2020, Valley Water was recognized by ICMA with a Talent Award as an Overall Champion in the categories of attraction/recruitment, retention/development and culture. The award was presented at the League of California Cities City Managers Conference at the Meritage Resort in Napa.

For further information, please contact Anna Noriega at (408) 630-3089.

4. Increasing efficiency of forms processing through electronic signature and routing

Valley Water has over five hundred (500) forms in our Forms Control (FC) database that are used for a variety of internal services including payroll, accounting, facilities, human resources, and security to name a few. To increase efficiency in routing, signing, and storing these processed forms, the Business Support & Warehouse unit is implementing Seamless.gov.

Seamless.gov is a platform that specializes in helping government agencies automate form processing (both internally and externally) in a simple and efficient manner. Our current forms can be uploaded and fields are added to convert the form into an "e-form". The form can be filled out, routed by email (with updates on where the form is in the signature process), and the completed form is filed electronically and shared as a PDF.

Valley Water has been working with units that have the most commonly used forms to convert their forms into Seamless.gov and prepare for a launch in April 2020. Early adopters include the Employee Health and Safety unit for the Safety Shoe program and the Facilities Unit for the Space Allocation Requests. The Office of Talent and Inclusion also converted the multitude of forms used for recruitment services and have purchased their own Seamless.gov account to maintain confidentiality.

Benefits such as eliminating hard copies of the forms, eliminating the need to route forms through inter-office mail, and the ability to track the form in the routing sequence is saving Valley Water staff a lot of time. With the advent of our new ERP (Enterprise Resource Planning) system, Infor, we will usher in additional automation of our process. However, Seamless will continue to be used for processes where using Infor isn't applicable.

For further information, please contact Tina N. Yoke at (408) 630-2385.

5. Santa Teresa Water Treatment Plant Electrical Incidents

On February 16, 2020 and February 18, 2020, the Santa Teresa Water Treatment Plant (STWTP) experienced a ground fault detected in the primary breaker which supplies power to the west side of the treatment plant. Back-up power generators started and continued to provide power. After troubleshooting the problem, it was determined that a sump pump motor that was beginning to fail was causing the ground fault. The sump pump was replaced and electricians tested the other seven

pumps within the system and determined that all pumps are operable and available for use. Furthermore, maintenance and engineering teams are working to determine the feasibility of implementing further downstream ground fault protection on key equipment. All preventive maintenance job plans have been reviewed and will be adjusted to include more comprehensive motor checks within this system.

During these electrical incidents at the STWTP, there was no impact to treated water delivery.

For further information, please contact Bhavani Yerrapotu at (408) 630-2735 or Aaron Baker at (408) 630-2135.

6. Silicon Valley Talent Partnership Results

Silicon Valley Talent Partnership is an organization that partners with community organizations to scope high-impact projects that move their work forward in the areas of education, homelessness and workforce development. The organization recruits pro bono teams from Silicon Valley companies who are highly skilled in the area of expressed need.

At Director Varela's recommendation, Valley Water Recruitment and Classification staff met with SVTP Director Floor Koudjis last year in August 2019 and partnered on a project to expand Valley Water's existing internship program with an emphasis on increasing our outreach efforts and benchmarking against best industry practices. SVTP secured a pro bono team from Robert Half International to provide skilled volunteers to assist in the endeavor. In late January 2020, Valley Water met with Ms. Koudjis and Robert Half to receive the results of their efforts. Valley Water is preparing a Board Agenda item in April 2020 to share the results and proposed adjustments to our program as a result of the feedback.

For further information, please contact Anna Noriega at (408) 630-3089.

7. SVCP (Silicon Valley Career Pathways) Grant

San Jose Evergreen Community College District - Workforce Institute (SJECCD-WI) recently submitted an application for the Education Workforce Investment Grant - Computer Science (EWIG-CS) with the support of Valley Water, the County Office of Education, Work2Future, and other organizations. This grant is designed to deliver statewide computer science (CS) professional learning opportunities for K-12 teachers and paraprofessionals. SJECCD-WI's foundation of providing professional learning and training to local employers and educators for over 30 years and leading a nationally recognized regional collaborative, Silicon Valley Career pathways, SJERCCD-WI is equipped to effectively lead the effort to build capacity supporting Local Education Agencies with computer science based professional learning opportunities.

The SJECCD Work Force Institute has provided professional learning to Valley Water employees for over twelve years. The instructors, staff, and administrators are experts in their field and many come from the industry. For the past five years, Valley Water has partnered with SVCP offering high school students the opportunity to participate in paid summer internships in various areas of Valley Water.

For further information, please contact Anna Noriega at (408) 630-3089.

8. **Santos**
Two-Year Budget and Water Rates Cycles
BMR #20-0005

At the special Board meeting on February 4, 2020, Director Santos requested Valley Water staff to agendaize a discussion on a two-year budget and water rates cycle. In order for Valley Water Budget staff to respond effectively to the request, staff is recommending a June/July 2020 Board agenda item to provide a brief overview of Valley Water's current budgeting process as well as an analysis of the benefits and drawbacks associated with a two-year budget and water rates cycle.

For further information, please contact Darin Taylor at (408) 630-3068

BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-20-0003	02/07/20	Varela	Richardson	Collins	Staff to investigate if Valley Water has any surplus property approximately 20 acres in size in or near South County that could be used for police training.	02/27/20		
I-20-0004	02/24/20	Kremen	Richardson	Nguyen	Provide a copy of any appraisals the District has made or the City of San Jose or the City of Santa Clara have made, for the Pond A18, and what the city of San Jose or the city of Santa Clara paid for the ponds.	03/15/20		
R-19-0014	11/12/19	Varela	Camacho	Chinte	Director Varela requesting the CEO provide a report to the Directors via one-on-one meetings or confidential memo on the cancellation of the October 28, 2019 Joint SCVWD/Morgan Hill/Gilroy Board/Council meeting.	12/04/19		
R-20-0003	01/28/20	Santos Varela	Hawk	Hall	Agendize the South County Recycled Water Master Plan for Board discussion	02/18/20		
R-20-0005	02/04/20	Santos	Camacho	Taylor	Staff is to agendize discussion on a two year budget and water rates cycle.	03/09/20		



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: February 20, 2020

The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with parties/individuals that have filed a claim against the District.

Please find the following attachments:

- 1) February 18, 2020 recommendation to deny claim letter to Ms. Kiara Jones (District 1)
- 2) February 18, 2020 recommendation to deny claim letter to Ms. Lamchick on behalf of claimants Mr. David Wessel and Ms. Karen Platt (District 5)

For additional information, please contact me at 408-630-2213.

A handwritten signature in blue ink, appearing to read "David Cahen", written over a horizontal line.

David Cahen
Risk Manager

February 18, 2020

Kiara Jones
200 East 10th St. #426
Gilroy, CA 95020

Re: Claim – L1900006

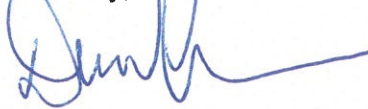
Your claim was reviewed and discussed at the January 28, 2020 SCVWD Board of Directors meeting. No decision was made regarding your claim at this Board meeting.

This item is scheduled to be heard at the March 10, 2020 Board meeting which begins at 1:00 pm. In the event of a date change, I will provide you with advance notice. You can also monitor the Board of Directors meeting schedule and associated agenda items at:
<https://scvwd.legistar.com/Calendar.aspx>.

We are unable to substantiate this claim for damages and will therefore be recommending to our Board of Directors that the claim be denied. This recommendation is based on our conversations with you and the District employee, the lack of paint transference to either vehicle, and measurements taken of your vehicle and the District vehicle. The Risk Management Unit concludes that the District vehicle did not cause damage to your vehicle.

If you have any questions, please contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager

cc: Board of Directors (7), S. Yamamoto

February 18, 2020

Gail J. Lamchick, Esq.
Law Offices of Boris E. Efron
130 Portola Road
Portola Valley, CA 94028

Re: Claim – L1900010

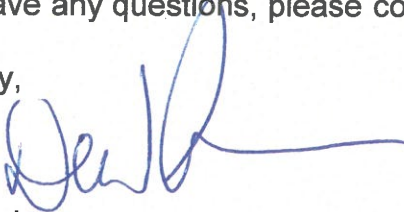
We have reviewed the claim submitted on behalf of your clients, Mr. David Wessel and Ms. Karen Platt and determined that there is no District liability in this matter.

This item is scheduled to be heard at the March 10, 2020 Board meeting which begins at 1:00 pm. In the event of a date change, I will provide you with advance notice. You can also monitor the Board of Directors meeting schedule and associated agenda items at: <https://scvwd.legistar.com/Calendar.aspx>.

We are unable to substantiate this claim for damages and will therefore be recommending to our Board of Directors that the claim be denied. This recommendation is based upon the City of Cupertino is responsible for bicycle lanes in their city, not Santa Clara Valley Water District. Further, there is absolute immunity to public entities for injuries sustained on public trails.

If you have any questions, please contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager

cc: Board of Directors (7), S. Yamamoto



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Melanie Richardson

SUBJECT: Anderson Dam Seismic Retrofit Project
Interim Risk Reduction Measures -
Reservoir Operating Level Follow Up

DATE: February 20, 2020

On December 17, 2019, Valley Water received a letter from the Federal Energy Regulatory Commission (FERC) regarding the Anderson Dam Seismic Retrofit Project (ADSRP), requiring that a plan be filed within 14 days of the date of the letter which addressed "implementation of interim risk reduction measures involving lowering of the reservoir to decrease the risk of downstream consequences in the event of an earthquake and/or flood event between now and the time the Seismic Retrofit Project is scheduled to begin."

Although Valley Water transmitted information to FERC on December 31, 2019 indicating that analysis supported the current seismic restriction and operating level for Anderson Reservoir, elev. 592 feet, as the most appropriate Interim Risk Reduction Measure for public safety, Valley Water received additional correspondence from FERC on February 20, 2020 (attachment 1), directing that restricted operating level of the reservoir be further reduced. Specifically, FERC has directed that the operating level of the reservoir be immediately lowered to elev. 565 feet (or approximately 35% of capacity) and that prior to the start of the rainy season, October 1, 2020, Valley Water commence lowering the reservoir operating level to elev. 488 feet (deadpool). Finally, FERC has also directed Valley Water to expedite design and construction of the low-level outlet tunnel as soon as possible. In order to comply with this direction, Valley Water has been directed to submit a plan and schedule for design and construction of the low-level outlet tunnel to FERC within 30 calendar days.

Although draining the reservoir to deadpool will have impacts on water supply, operational reliability, and biological resources, this action was not unanticipated and was originally discussed with Valley Water's congressional representatives, Valley Water, FERC, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and the United States Army Corps of Engineers on December 4, 2019 in Washington D.C. The inclusion of expedited design and construction of the low-level outlet tunnel within the FERC directive will provide Valley Water with the ability to minimize these impacts moving forward. More information regarding the actions to be taken and potential short-term and long-term impact of this directive will be discussed at the Board of Director's March 18, 2020 Special Board Meeting.

A handwritten signature in blue ink that reads "Melanie Richardson".

Melanie Richardson
Chief Operating Officer
Watersheds

Attachment 1: FERC letter dated February 20, 2020

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections
888 First Street, NE
Washington, DC 20426
(202) 502-6314 Office – (202) 219-2731 Facsimile

February 20, 2020

In reply refer to:
Project No. 5737

VIA USPS First-Class Mail

Mr. Christopher Hakes
Deputy Operating Officer
Dam Safety and Capital Delivery Division
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

Re: Interim Risk Reduction Measures - Dam Safety Directives

Dear Mr. Hakes:

We have received your January 28, 2020 submittal, and other recent submittals, regarding interim risk reduction measures for the Anderson Dam Seismic Retrofit Project. In that letter, you state that continuing to follow the current 592-foot reservoir restriction provides the best balance between earthquake protection, water supply, and environmental protection.¹ Specifically, you state that continuing to operate the reservoir at this elevation protects downstream areas in the event of an earthquake and/or significant precipitation, maintains existing emergency water supplies in the event of a system outage or drought, avoids the risk of landslides that are possible when the reservoir is lowered further, and maintains water for downstream environmental protection including protection for steelhead, a federally-listed endangered species.

As clearly outlined in our January 14, 2020 letter, we do not concur that the current reservoir restriction appropriately balances the competing issues at this project. It is unacceptable to maintain the reservoir at an elevation higher than necessary when it can be reduced, thereby decreasing the risk to public safety and the large population

¹ All elevations in this letter refer to North American Vertical Datum of 1988.

Project No. 5737

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downstream of Anderson Dam. Until full remediation is completed, the dam safety risk at this project is unacceptably high. Your actions to date do not demonstrate an appropriate sense of urgency regarding the interim conditions at the project.

Based on the continuing risk to the public, I am directing you to maintain the reservoir no higher than elevation 565 feet effective immediately. You indicated in our February 12, 2020, telephone discussion that this elevation provides approximately 32,000 acre-feet of storage, which should help maintain about 20,000 acre-feet of storage for emergency water supply purposes through the end of summer. You must take all appropriate measures to maintain and quickly lower the reservoir to elevation 565 feet if the reservoir rises in the event of significant inflow.

Further, since our primary concern is the winter rainy season, which begins in November, I am directing you to begin further lowering of the reservoir to elevation 488 feet (deadpool) no later than October 1, 2020. Once begun, you must lower it safely to elevation 488 as quickly as you can. Again, you must take all appropriate measures to maintain and quickly lower the reservoir to deadpool in the event of significant inflow once the elevation is reached. In 2013, the Board of Consultants identified potential reservoir rim instability as a potential issue during a construction drawdown. As part of the process to prepare for the full drawdown, you must assess and address this potential now.

The above directives and schedule prioritize the downstream protection of residents and property by decreasing the potential risk this winter with an additional restriction of the reservoir and next winter with a full drawdown of the reservoir to deadpool, while giving you until October to secure alternative emergency water supplies and work with Commission staff and federal, state, and local resource agencies to minimize environmental impacts.

In your January 28 letter, you recommend designing and constructing the proposed low-level outlet as soon as possible. We agree that this structure would be an appropriate risk reduction measure by allowing you to more reliably and quickly draw down the reservoir after an earthquake and/or during significant precipitation. Therefore, you should begin working on the design for this effort immediately. Final authorization for construction will be provided by the Commission's San Francisco Regional Engineer once final plans and specifications for these works have been completed, reviewed by the Board of Consultants and Commission staff, and found to be acceptable. Within 30 days from the date of this letter, provide a plan and schedule to the Regional Engineer for preliminary and final designs and for an overall construction schedule.

Combined, the above dam safety directives and initiation of efforts to design and construct the proposed low-level outlet works will provide increased interim protection for residents and property downstream while still providing time to secure alternative

Project No. 5737

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water supplies and minimize environmental effects. In the meantime, you should continue to work with all haste to design and secure the necessary permits and complete the design for the larger Anderson Dam Seismic Retrofit Project.

Commission staff will contact you, as well as federal, state, and local resource agencies, shortly to discuss how best to comply with federal statutes and regulations, including, but not limited to, the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, and Clean Water Act, in light of the above dam safety directives.

Thank you for your attention to this letter. If you have any questions, please contact me at (202) 502-6314 or Mr. Frank L Blackett at (415) 369-3318.

Sincerely,



David E. Capka, P.E.
Director
Division of Dam Safety and Inspections

cc:

Ms. Sharon Tapia, Chief
Division of Safety of Dams
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Document Content(s)

P-5737-000 Dam Safety Directive Final.PDF.....1-3

TO: Board of Directors
FROM: Nina Hawk
SUBJECT: State and federal announcements regarding operations of the Central Valley Project and State Water Project
DATE: February 21, 2020

Several developments occurred during the week of February 17, 2020 related to long-term operations of the Central Valley Project and State Water Project.

On February 17, 2020 Governor Newsom sent a letter to the U.S. Secretary of Interior stating, "As our respective agencies roll-out actions this week, I want to convey our commitment to staying engaged and working to find a shared path forward that protects our environment in a way that enables continued economic prosperity." The letter acknowledges ongoing discussions between the State and federal agencies to resolve differences regarding the federal Biological Opinions that were issued in October 2019 and expresses the importance of finding common solutions. The letter is provided in Attachment 1.

On February 19, 2020 while in Bakersfield, President Trump announced the signing of the Record of Decision by the U.S. Bureau of Reclamation (Reclamation) on Re-initiation of Consultation on the Coordinated Long-Term Modified Operations of the Central Valley Project (CVP) and State Water Project (SWP), hereafter called the Coordinated Operations Plan. He also signed a Presidential Memorandum on Developing and Delivering More Water Supplies in California. The Memorandum directs the Secretaries of the Interior and Commerce and the Chair of the Council on Environmental Quality to help develop and deliver more water supplies for California's Central Valley. The Memorandum essentially directs the Secretaries to coordinate efforts to implement authorities under the Water Infrastructure Improvements for the Nation Act (WIIN Act) related to developing water storage, capturing more water during storm events, and giving water users more regulatory certainty. The Presidential Memorandum is provided in Attachment 2.

The Record of Decision culminates a three and half year effort to update the Coordinated Operations Plan which has not been significantly updated since 2009. The update was initiated in 2016 under President Obama in response to the continued decline of several listed fish species, the availability of new scientific information, and the knowledge gained from operations during the 2012-2016 drought. The Record of Decision relies on the Biological Opinions issued by the U.S. Fish and Wildlife Service and National Marine Fisheries Service in October 2019 to provide permits for the Coordinated Operations Plan under the federal Endangered Species Act. The Record of Decision with its supporting documents can be found at the following website:

https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=39181

While the federal Biological Opinions also govern State Water Project operations, the Department of Water Resources (DWR) must also obtain permit coverage under the California Endangered Species Act (CESA) before it can revise operations of the State Water Project. DWR has been working with the California Department of Fish and Wildlife to secure permits under CESA. And, as expressed in Newsom's February 17, 2020 letter, the state and federal agencies have been "working to bridge significant differences regarding the proposed federal Biological Opinions."

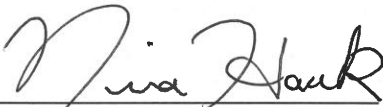
In response to the federal Administration announcements on February 19, 2020, California Attorney General Becerra issued the following statement: "California won't allow the Trump Administration to

destroy and deplete our natural resources,” said Attorney General Becerra. “We’re prepared to challenge the Trump Administration’s harmful attack on our state’s critical ecosystems and environment.” Attorney General Becerra’s statement appears to reinforce the State’s earlier threat to file litigation on the federal biological opinions. His statement is provided in Attachment 3.

On February 20, 2020 California Attorney General Xavier Becerra, the California Natural Resources Agency, and the California Environmental Protection Agency filed a lawsuit against the Trump Administration for failing to protect endangered fish species through the Biological Opinions issued for the coordinated operations of the federal Central Valley Project and State Water Project. Statements from the Governor and Attorney General are found in Attachment 4. Several Conservation organizations had already filed litigation, challenging the Biological Opinions.

U.S. Secretary of Interior David Bernhardt issued a statement saying, “The governor and attorney general just launched a ship into a sea of unpredictable administrative and legal challenges regarding the most complex water operations in the country, something they have not chartered before. Litigation can lead to unpredictable twists and turns that can create significant challenges for the people of California who depend on the sound operation of these two important water projects.”

Valley Water staff will continue to monitor the situation and update the Board on any additional, significant developments.



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

- Attachment 1: Governor Newsom’s Letter
- Attachment 2: Presidential Memorandum
- Attachment 3: Attorney General Becerra Statement



OFFICE OF THE GOVERNOR

February 17, 2020

The Honorable David Bernhardt
Secretary of Department of Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. Secretary,

As you travel to California this week to engage in water policy discussions, I want to underscore my commitment to protecting our environment while maintaining our state's economic vitality. Over the last year, we have set a pathway to improve the health of our waterways and recover our fish populations while building water supply reliability. In this effort, we have benefited from the engagement of federal agencies.

Our endangered salmon and other native fish populations are imperiled and in urgent need of our help. In response, we need to take extraordinary action. At the same time, our farmers face major water constraints as they bring groundwater use into balance and our growing communities need reliable water. Our actions must balance these needs.

For more than a year, we have worked together to find a comprehensive solution for the Sacramento-San Joaquin Bay Delta, which are voluntary agreements to immediately improve environmental conditions, create more certainty for the 35 million Californians who depend on these water sources, and maintain the economic vitality of the Central Valley. Federal agencies' engagement in this effort has been critical to establishing a framework for these agreements and remains crucial as we flesh-out this framework into detailed agreements.

Since November, our state and federal agencies have been working to bridge significant differences regarding the proposed federal Biological Opinions—the rules that govern water infrastructure in the Bay Delta to protect endangered fish. Our dialogue has generated progress toward an aligned approach that provides appropriate flexibility to move water in certain wet conditions while doing all that is needed to adequately protect imperiled fish. We have not yet fully resolved our differences as federal agencies prepare to take action to activate these new rules. However, we remain committed to working to resolve these remaining differences in coming weeks and months.

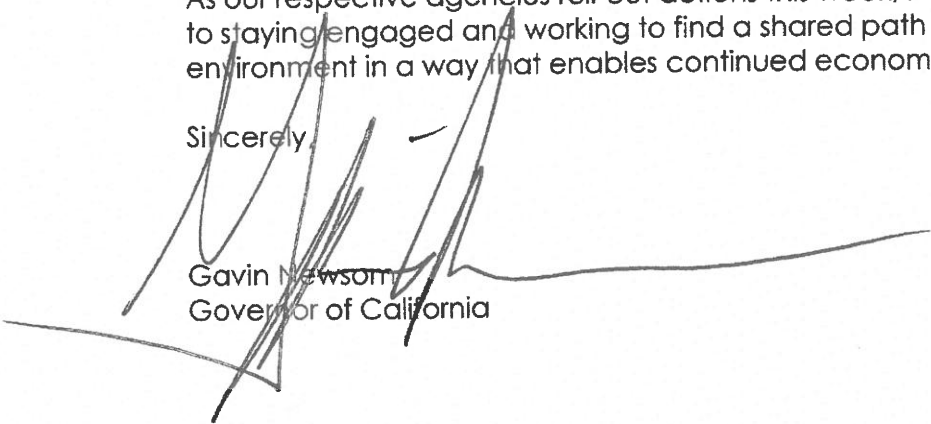
Finding common solutions to these complex water challenges is essential. Our intertwined state and federal infrastructure demand harmonized management. Our water users rely on us to work together to reliably provide water. Recovering our fish populations requires



our state and federal environmental agencies to work together and use all tools at their disposal.

As our respective agencies roll-out actions this week, I want to convey our commitment to staying engaged and working to find a shared path forward that protects our environment in a way that enables continued economic prosperity.

Sincerely,



Gavin Newsom
Governor of California

CC:

Brenda Burman, Commissioner, United States Bureau of Reclamation
Ernest Conant, Regional Director, United State Bureau of Reclamation
Paul Souza, Regional Director, United States Fish and Wildlife Service
Barry Thom, Regional Director, National Marine Fisheries Service
Jared Blumenfeld, Secretary, California Environmental Protection Agency
Wade Crowfoot, Secretary, California Natural Resources Agency



PRESIDENTIAL MEMORANDA

Memorandum on Developing and Delivering More Water Supplies in California

— LAND & AGRICULTURE

Issued on: February 19, 2020



MEMORANDUM FOR THE SECRETARY OF THE INTERIOR
THE SECRETARY OF COMMERCE
THE CHAIR OF THE COUNCIL ON ENVIRONMENTAL QUALITY

SUBJECT: Developing and Delivering More Water Supplies in California

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Policy. For decades, many of our Federal western water infrastructure investments have been undermined by fragmented and outdated regulatory actions. In a memorandum dated October 19, 2018 (Promoting the Reliable Supply and Delivery of Water in the West), I directed the Secretary of the Interior and the Secretary of Commerce to work together, to the extent practicable and consistent with applicable law, to complete the review of the long-term coordinated operations of the Central Valley Project (CVP) and the California State Water Project (SWP), and subsequently to issue an updated Plan of Operations (Plan) and Record of Decision (ROD). It is the policy

of the United States to modernize our Federal western water infrastructure to deliver water and power in an efficient, cost-effective way.

Sec. 2. Enhancing Water Supplies While Appropriately Protecting Species and Habitats.

In response to my memorandum, a Plan and ROD were issued today. The new framework set forth in these documents is expected to deliver more water to communities while using science and investments appropriately to protect affected species and their habitats. This is a good first step, but I believe more can be done.

Therefore, I direct the Secretary of the Interior and the Secretary of Commerce to build upon the success of the Plan and ROD by supplementing the resulting operations, consistent with applicable law, to make deliveries of water more reliable and bountiful.

To help develop and deliver water supplies in the Central Valley of California, I direct those Secretaries to coordinate efforts to:

(a) implement the relevant authorities of subtitle J of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322), which include provisions focused on (1) developing water storage, (2) capturing more water during storm events, and (3) giving agricultural and municipal water users more regulatory certainty;

(b) fully implement, with respect to future agency actions, recent Administration improvements to management of programs established pursuant to the Endangered Species Act of 1973 (Public Law 93-205); and

(c) provide quarterly updates to the Chair of the Council on Environmental Quality and, at the request of other components of the Executive Office of the President, to each such component, regarding progress in carrying out sections 2(a) and (b) of this memorandum.

Sec. 3. General Provisions (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of the Interior is hereby authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP

State of California Department of Justice



XAVIER BECERRA
Attorney General

Attorney General Becerra Files Lawsuit Against Trump Administration for Failing to Protect Endangered Species in the Sacramento and San Joaquin Rivers

Press Release / *Attorney General Becerra Files Lawsuit Against Trump Adminis...*

Thursday, February 20, 2020

Contact: (916) 210-6000, agpressooffice@doj.ca.gov

SACRAMENTO – California Attorney General Xavier Becerra, the California Natural Resources Agency, and the California Environmental Protection Agency today filed a lawsuit against the Trump Administration for failing to protect endangered fish species from federal water export operations.

The lawsuit asserts that biological opinions prepared by federal agencies under the Endangered Species Act to direct water project operations lack safeguards for protected species and their habitat in the Sacramento and San Joaquin River watersheds, including the Bay-Delta. Filed in the U.S. District Court for the Northern District of California, the lawsuit requests that the court declare the Trump Administration's adoption of the biological opinions unlawful.

"As we face the unprecedented threat of a climate emergency, now is the time to strengthen our planet's biodiversity, not destroy it," **said Attorney General Becerra**. "California won't silently spectate as the Trump Administration adopts scientifically-challenged biological opinions that push species to extinction and harm our natural resources and waterways."

"We are challenging the federal biological opinions, which do not currently govern water project operation in the Delta, to protect highly imperiled fish species close to extinction,"

said Governor Gavin Newsom. “Our goal continues to be to realize enforceable voluntary agreements that provide the best immediate protection for species, reliable and safe drinking water, and dependable water sources for our farmers for economic prosperity. This is the best path forward to sustain our communities, our environment and our economy.”

The lawsuit challenges the actions of the Bureau of Reclamation, the federal agency which adopted the biological opinions. The lawsuit also challenges the biological decisions issued in October 2019 by the National Marine Fisheries Services (NMFS) and the U.S. Fish and Wildlife Service (USFWS), which lack sufficient protections for endangered and threatened fish.

The lawsuit argues the agencies’ biological opinions and the Bureau’s decision violate the law because the Trump Administration:

- Fails to provide actual analysis of whether the effects of its action applied to current conditions would tip a species toward extinction;
- Improperly relies on uncertain plans to mitigate the harms of project operations;
- Ignores the requirement that a biological opinion must consider not only the continued survival of listed species, but also their recovery;
- Neglects to consider the material decline of the smelt (fish), and provides a limited analysis of climate change impacts;
- Disregards the National Environmental Policy Act by failing to provide the public with a meaningful opportunity to comment on relevant information about the proposed action and potential impacts and failing to adequately respond to public input; and
- Puts at risk Delta smelt, Chinook salmon, Central Valley steelhead, and other fish species. Previous biological opinions by the agencies addressed the risk posed to the listed species’ continued existence by Central Valley Project operations and required measures to limit impacts.

The Bureau of Reclamation adopted new biological opinions that do not adequately protect species and highly sensitive and critical habitat throughout California. This lack of adequate protection would cause long-term and irrevocable damage to protected species in California’s Sacramento and San Joaquin Rivers.

The lawsuit asserts the Trump Administration’s actions violate the Administrative Procedure Act and the National Environmental Policy Act. In addition to today’s lawsuit, Attorney General Becerra, the California Environmental Protection Agency and the

California Natural Resources Agency sent a 60-day Notice Letter to the Bureau that puts the Trump Administration on notice of California's intent to file additional claims alleging that the Bureau's decision to approve the biological opinions violates the federal Endangered Species Act.

Attorney General Becerra has unwaveringly defended California's environment and protected species. On September 25, 2019, Attorney General Becerra led a coalition of 18 attorneys general and the City of New York to file a lawsuit challenging the Trump Administration's rollback of the Endangered Species Act. Just over a year earlier, Attorney General Becerra, leading a coalition of seven attorneys general, filed a lawsuit challenging the Administration's decision to roll back protections under the Migratory Bird Treaty Act and endanger millions of migratory birds including bald eagles. In 2019, Attorney General Becerra successfully blocked Westlands Water District from taking unlawful action to raise the Shasta Dam, which would have irreparably damaged the McCloud River and its wild trout fishery and inundated sacred lands of the Winnemem Wintu tribe.

A copy of the lawsuit is available [here](#).

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State of California Department of Justice



XAVIER BECERRA
Attorney General

Attorney General Becerra Issues Statement in Response to Trump Administration Decision to Endanger Protected Species and Damage California's Natural Resources

Press Release / *Attorney General Becerra Issues Statement in Response to Tru...*

Wednesday, February 19, 2020

Contact: (916) 210-6000, agpressooffice@doj.ca.gov

SACRAMENTO – California Attorney General Becerra today issued the following statement on the Trump Administration's announcement of a final record of decision and adoption of biological opinions endangering protected species and their habitat in the Sacramento and San Joaquin River watersheds, including the Bay Delta:

Attachment 3, Page 1 of 2

“California won’t allow the Trump Administration to destroy and deplete our natural resources,” **said Attorney General Becerra.** “We’re prepared to challenge the Trump Administration’s harmful attack on our state’s critical ecosystems and environment.”

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TO: Board of Directors


FROM: Jessica Collins

SUBJECT: Response to IBMR# I-20-0003 to Investigate Potential Surplus Properties in South County

DATE: February 25, 2020

The subject Individual Board Member Request (IBMR) requested staff to investigate if Valley Water has any surplus property, approximately 20 acres in size and in or near South County, that could be used for police vehicle training for the City of Gilroy.

Staff investigated potential surplus properties that align with the criteria detailed in the IBMR. This investigation resulted in the identification of one (1) property for consideration as described below:

Assessor's Parcel Number	725-06-001	
Size of Parcel When Acquired	23.91 acres	
Size of Excess Portion of Parcel	17.98 acres	
City	San Jose	
Current Zoning Designation	Residential	
City General Plan Designation	Open Space	

This property was originally purchased in 1936 for purposes related to the Coyote Canal. A portion of the original acreage continues to be utilized by Valley Water, though approximately 18 acres of land is considered excess and could be declared as surplus property through Board approval and repurposed.

The property is located off Highway 101 in south San Jose, immediately southeast of the Coyote Creek Golf Course. Current zoning designation is residential, which would be a determining factor in establishing the "Highest and Best" use and fair market value should Valley Water pursue sale of the property.

Review of the City of San Jose's General Plan reveals that this parcel is designated as Open Space. If there was interest in developing the property, a variance to this designation would need to be requested and approved by the City of San Jose Planning Commission.



 Jessica Collins
 Unit Manager
 Watersheds Business Planning and Analysis Unit

cc: M. Richardson, J. Ham
 JC
 Response to IBMR# I-20-0003

TO: Board of Directors **FROM:** Nina Hawk
SUBJECT: 2020 Protection and Augmentation of Water Supplies (PAWS) Report **DATE:** February 28, 2020

The Report on Protection and Augmentation of Water Supplies (PAWS), 2020 was filed with the Clerk of the Board on February 28, 2020 as required by the District Act. It contains the recommended groundwater production and other water charges for fiscal year 2020-21. A copy for your review in preparation for the public hearing, which opens on April 14, 2020 can be downloaded at the following URL:

<http://www.valleywater.org/2020-21GroundwaterChargeProcess>

Also posted at the above URL, or linked from that page, are the notices to well owners and surface water users, which describe the rate-setting process, give the rationale for the determination of proposed rates, and provide the dates and times of upcoming public hearings. These notices were mailed to all well owners and surface water users of record on February 28. Note that there are four notices, a groundwater and a surface water notice for North County Modified Zone W-2 and a groundwater and a surface water notice for South County Modified Zone W-5 and New Zones W-7 and W-8. A total of 859 North County and 3,431 South County customers receive these notices. The information will also be shared with subscribers to the district's 30,000+ eNewsletter in March.

The PAWS Report and notices to well owners assume that the Board will approve the proposed changes to the groundwater benefit zones, and accordingly present the staff recommended water rates that would take effect July 1, 2020 for the new and modified zones. As a backup, there is also reference to proposed rate changes in the event the Board does not approve the staff proposed changes to the zones.

Hardcopies of the PAWS report and the well owner notices are available upon request. If you have any questions, please call me at 408 630-2736 or Darin Taylor at 408 630-3068.



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

CC: N. Camacho, D. Taylor, J. Abadilla
kam
2020 Non-Agenda Memo re PAWS from Nina Hawk-022520.docx