



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

July 23, 2021

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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12	Memo from Rachael Gibson, CEA, to Rick Callender, CEO, dated 7/19/21, regarding Safe, Clean Water Grant Cancellation: Purissima Hills Water District's FY 2019 A2 Echologics EchoShore DX Leak Detection Project.
14	Memo from Aaron Baker, COO, Water Utility, to the Board of Directors, dated 7/19/21, regarding State Water Contractors Letter of Support for DWR's Second Appeal for Oroville Reimbursement.
	<u>INCOMING BOARD CORRESPONDENCE</u>
19	Board Correspondence Weekly Report: 07/22/21
20	Email from Ron Zraick, to Director Keegan, dated 7/19/21, regarding the Encampment Located South of Santa Clara Street along Coyote Creek (C-21-0098).
23	Letter from Michael Jackson, United States Department of the Interior, to the Board of Directors, dated 7/20/21, regarding Response to 2021 M&I Public Health & Safety Request(s) – Contract No. 7-07-20-W0023 – Delta Division – San Felipe Unit – Central Valley Project (CVP), California (C-21-0099).
	<u>OUTGOING BOARD CORRESPONDENCE</u>
26	Email from Director Keegan, to Ron Zraick, dated 07/14/21, regarding the Encampment Located South of Santa Clara Street along Coyote Creek (C-21-0089).
54	Email from Director Varela to Patrick McBride, dated 07/16/21, regarding the Current Drought and Water Waste at 3545 Canada Road (C-21-0094).
56	Letter from Director Varela, to Mary Genone, dated 7/19/21, regarding Reliable Water Supply for Morgan Hill, San Martin and Gilroy (C-21-0093).
58	Congratulation Letter to Mr. Hasz, from Chair Estremera, dated 7/20/21, On His Appointment as a Commissioner of the San Francisco Bay Conservation and Development Commission (BCDC).

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

CEO BULLETIN



To: Board of Directors
From: Rick L. Callender, CEO

Weeks of July 02 – July 16 2021

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>	Safe, Clean Water Grant Closeout: City of Mountain View's Permanente Creek Watershed Enhancement Project
<u>2</u>	Safe, Clean Water Grant Closeout: Grassroots Ecology's Stevens Creek Monitoring & Education Project
<u>3</u>	Safe, Clean Water Grant Closeout: Smart Yards Education's Rebuilding Together Landscape Conversion Event
<u>4</u>	Sustainable Groundwater Management Act (SGMA) Compliance Update
<u>5</u>	Update Regarding Increased Taste and Odor Compounds in Water Sources and Valley Water's Response
<u>6</u>	Valley Water Hosts Anderson Dam Tunnel Project Groundbreaking Event.

1. Safe, Clean Water Grant Closeout: City of Mountain View's Permanente Creek Watershed Enhancement Project

In FY 2016, Valley Water awarded the City of Mountain View (Grantee) a \$43,920 Safe, Clean Water Program D3 Wildlife Habitat Restoration Grant for their Permanente Creek Watershed Enhancement Project (Project). The Grantee completed the Project in December 2019 and submitted the final invoice items in November 2020, allowing for grant closeout.

The grant funded the removal of trash and non-native invasive plants along the Permanente Creek in Mountain View. The Project included native watershed plant revegetation and habitat enhancement for riparian species, including the burrowing owls and the San Francisco common yellowthroat. The Project also provided an educational opportunity for volunteers.

Key Outcomes:

- Removed 2,350 linear feet of non-native invasive weeds.
- Planted 1,079 native plants of 30 different species within Shoreline at Mountain View along Permanente Creek.
- Engaged 94 volunteers in revegetation efforts for a total of 330 volunteer hours.
- Monitored a total of 90 invertebrates, 46 birds, two reptiles, two amphibians, and ten mammals that utilized the revegetated area through transect surveys, point counts, camera trapping, sweep nests, pitfall traps and live traps.

For further information, please contact Marta Lugo at (408) 630-2237.

2. Safe, Clean Water Grant Closeout: Grassroots Ecology's Stevens Creek Monitoring & Education Project.

In FY 2018, Valley Water awarded Grassroots Ecology (Grantee) a \$34,459.60 Safe, Clean Water Program B7 Volunteer Cleanup Efforts and Education Grant for their Stevens Creek Monitoring & Education Project (Project). The Grantee completed the Project in December 2020 and Grantee staff submitted the final invoice items in June 2021, allowing for grant closeout. The grant funded creek-based volunteer and educational opportunities in the Stevens Creek watershed within Santa Clara County. The Project engaged the local community in creek stewardship and hands-on learning through monthly water quality monitoring sessions, aquatic insect studies, tours, online presentations, and virtual talks. Volunteers were able to measure water quality data, collect and identify benthic macroinvertebrates, and reduce nonpoint source pollution from Stevens Creek.

Key Outcomes:

- Led 25 field trips for 574 students and volunteers in hands-on education sessions along Stevens Creek at McClellan Ranch in Cupertino.
- Engaged 118 volunteers and students in 25 water quality monitoring sessions.
- Conducted 25 bug club sessions and worked with 69 students and volunteers to collect, identify, and monitor data samples on benthic macroinvertebrates.
- Organized four educational events that engaged 157 participants to learn about creek stewardship.

For further information, please contact Marta Lugo at (408) 630-2237.

3. Safe, Clean Water Grant Closeout: Smart Yards Education’s Rebuilding Together Landscape Conversion Event.

In FY 2021, Valley Water awarded Smart Yards Education (Grantee) a \$5,000 Safe, Clean Water Program A2 Mini-Grant for their Rebuilding Together Landscape Conversion Event Project (Project). The Grantee completed the Project on March 15, 2021, and Grantee staff submitted the final invoice items in April 2021 to close the grant project.

Smart Yards Education collaborated with Rebuilding Together Silicon Valley to perform their first lawn conversion project, which took place at Razing the Bar’s youth home in east side San Jose, CA. Razing the Bar provides mentoring and housing support for transition-aged youths to receive resources and achieve self-sufficiency. Funding from this mini-grant allowed Smart Yards Education to provide equipment and lawn conversion lessons to 15 Razing the Bar youths. The Project offered hands-on lessons on water conservation and water-saving gardening to local youth as they converted their front yard into a beautiful, enjoyable garden. The lessons learned will provide them with the skills and tools needed to maintain the garden.

Along with 16 volunteers from the Los Gatos AM Rotary Club and Excite Credit Union, the Razing the Bar participants converted a large and unattractive front yard into a lively garden populated by vibrant California native plants. They also installed a rain garden and other water-conserving systems such as roof gutters, drip irrigation and a permeable surface garden patio. The new patio also catches rainwater for reuse within the garden. The front yard conversion is now the setting for a water-saving ecological garden that also provides an element of wellness and closeness to nature.

Key Outcomes:

- Converted 350 sq. ft. of conventional landscaping, mainly grass (lawn) and weeds, and gathered five large bags of trash in the surrounding areas.
- Planted 34 new California native and drought tolerant plants.
- Provided hands-on lessons to 16 volunteers and 15 youths during landscape conversion.
- Creation of a testimonial video regarding the importance of grant funding and the impact of the lawn conversion on the lives of the youths, which will be shared on social media and other outreach efforts.

For further information, please contact Marta Lugo at (408) 630-2237.

4. Sustainable Groundwater Management Act (SGMA) Compliance Update.

The Sustainable Groundwater Management Act (SGMA) requires that a groundwater sustainability agency (GSA) managing a basin ranked as medium- or high-priority submit a groundwater sustainability plan (GSP) or a prescribed alternative to a GSP (Alternative) by the applicable statutory deadline. Valley Water met this deadline and has a state-approved Alternative for the high-priority Santa Clara and Llagas subbasins. Alternatives must be updated every five years, with the next update due to the state by January 1, 2022 for continued SGMA compliance. The draft updated Alternative is expected to be available for public review in late summer 2021 prior to Board of Directors consideration in fall 2021.

Valley Water also serves as a GSA with the San Benito County Water District (SBCWD) for the medium-priority North San Benito Subbasin. This subbasin is primarily located in San Benito County but has small portions in southern Santa Clara County. SBCWD is leading development of the GSP for the North San Benito Subbasin with support from Valley Water. A public review draft GSP is now available at <https://www.sbcwd.com/gsp-development> to solicit public input prior to consideration by both the SBCWD and Valley Water Board of Directors in fall 2021. The GSP is due to the state by January 31, 2022.

The Board's Water Conservation and Demand Management Committee and interested stakeholders are receiving progress updates on the updated Alternative for the Santa Clara and Llagas subbasins and the new GSP for the North San Benito Subbasin.

For further information, please contact Greg Williams at (408) 630-2867.

5. Update Regarding Increased Taste and Odor Compounds in Water Sources and Valley Water's Response

As we move further into summer, and given the significant drought conditions, we are beginning to see increased levels of the taste and odor (T&O) compounds MIB and geosmin in our water sources. These algae-related compounds are difficult to remove when present at high levels. They also cause objectionable tastes and odors at very low levels.

Valley Water is closely monitoring our source water quality and proactively implementing strategies – a combination of treatment optimization and source blending – to minimize any impact to our treated water. So far, the treatment plants have been successful at reducing the T&O compounds to below threshold detection levels.

Source water quality will likely continue to degrade until temperatures cool in late fall. Valley Water will keep the Board and our retailers apprised of any significant changes in our sources and the actions taken to ensure the quality of our drinking water.

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

6. Valley Water Hosts Anderson Dam Tunnel Project Groundbreaking Event

On July 7, 2021, Valley Water hosted a groundbreaking ceremony to celebrate the upcoming start of construction on the Anderson Dam Tunnel Project, a major component of the larger Anderson Dam Seismic Retrofit Project in Morgan Hill. Approximately 80 elected officials, staff representatives and members of the media attended the in-person event located at the base of the boat ramp next to Anderson Reservoir.

The groundbreaking was livestreamed so members of the public could watch the event in real time. One hundred and twenty-five participants joined via Zoom and Facebook Live.

Chair Tony Estremera and Director John Varela were among the key speakers during the event emceed by CEO Rick Callender. Vice Chair Gary Kremen, Directors Nai Hsueh, Barbara Keegan, Linda LeZotte and Richard Santos also attended.

Numerous elected officials delivered remarks, including Congresswoman Zoe Lofgren, Congressman Ro Khanna, Assemblymember Ash Kalra and Morgan Hill Mayor Rich Constantine. Gary Lippner, Deputy Director of the California Department of Water Resources, also spoke at the event.

Morgan Hill City Councilmembers Yvonne Martinez-Beltran, Gino Borgioli and John McKay and San Jose City Councilmembers Maya Esparza and Raul Peralez were in attendance. Also present were Representatives from the Offices of Senator Josh Becker, Senator John Laird and Senator Bob Wieckowski.

Following the ceremonial dirt shoveling to formally kick off the tunnel project, Valley Water provided a tour of Anderson Dam, which included a project overview and time for questions and answers. A recording of the Anderson Dam Tunnel Project groundbreaking ceremony is available on the project website and the Anderson Dam Be Heard page.

For further information, please contact Rachael Gibson at (408) 781-4739.

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-21-0004	07/22/21	Kremen	King	Spin	Provide Director Kremen with a list of Public Records Act requests received since January 2020.	08/11/21		
I-21-0005	07/22/21	Kremen	Callender Taylor	Salandana n Sun Chan	Provide Director Kremen with a report that contains dollar amounts for meeting fees, and reimbursement for mileage, public transportation, meals, lodging, other expenses per director, per month, for the last four (4) years	08/11/21		



MEMORANDUM

FC 14 (08-21-19)

TO: Rick L. Callender, Esq.
Chief Executive Officer

FROM: Rachael Gibson
Chief of External Affairs
External Affairs Division

SUBJECT: Safe, Clean Water Grant Cancellation:
City of San Jose's FY 2016 D3
Evergreen Creek Corridor Restoration
Project (Agreement No. A3996R)

DATE: July 19, 2021

In FY 2016, Valley Water awarded the City of San Jose (Grantee) a \$191,041 Safe, Clean Water Program D3 Access to Trails and Open Space Grant for their Evergreen Creek Corridor Restoration Project (Project). The grant would have funded the restoration of two short creek corridors in the Evergreen Hills area of San Jose. The Project required a reevaluation of the budget after hiring a new design consultant to redesign the Fowler/Quimby riparian corridor construction plans. The Project design and budget have changed and does not require funding from Valley Water at this time; therefore, the Grantee requested to cancel the grant.

A handwritten signature in black ink, appearing to read "Rachael Gibson".

Rachael Gibson
Chief of External Affairs
External Affairs Division

cc: Amy Fonseca, Peggy Lam, Marta Lugo, Sherilyn Tran, Kristen Yasukawa AF, PL, ML, ST, KY

Attachment: Cancellation Request Letter Submitted by City of San Jose.

March 10, 2021

Valley Water
5750 Almaden Expressway
San Jose, CA 95118

SUBJECT: Grant cancellation for Evergreen Creek Corridor Restoration

Attention: Amy Fonseca

Thank you for your communication regarding the grant that was provided to the City of San José to assist with the restoration of two short creek corridors in the Evergreen Hills area of the City. As the grant indicates, the restoration work is to include a small section of Quimby and Fowler Creeks that were part of the redevelopment as designated in the Evergreen Specific Plan.

As you have noted, we have yet to draw on this Grant and the term expired in December 2019. Prior to the expiration and through to the present, City staff have been performing a reevaluation of the Fowler/Quimby riparian corridor project and its funding expectations. To that end, we have secured a new design consultant to redo the inadequate construction drawings prepared by our previous consultant. From project analysis of the previously prepared construction drawings and without a change in scope, our current estimates indicate that we have adequate funds available and no longer require the Grant funding. We hope that freeing up these funds might create opportunities for other equally important and timely projects.

We want to reiterate that the City continues to work on this project and currently expects the redesign to be completed this year and construction to begin in Spring of 2022. Thank you again for your time and consideration.

Please contact me with any questions at matt.loesch@sanjoseca.gov or (408) 975-7381. You may also reach our Program Manager, Thomas Borden, at tom.borden@sanjoseca.gov or (408) 535-6831.

Respectfully,



Matt Loesch, P.E.
Assistant Director of Public Works



MEMORANDUM

FC 14 (08-21-19)

TO: Rick L. Callender, Esq.
Chief Executive Officer

FROM: Rachael Gibson
Chief of External Affairs
External Affairs Division

SUBJECT: Safe, Clean Water Grant Cancellation:
Purissima Hills Water District's FY 2019 A2
Echologics EchoShore DX Leak Detection
Project

DATE: July 19, 2021

In FY 2019, Valley Water awarded Purissima Hills Water District (Grantee) a \$30,000 Safe, Clean Water Program A2 Water Conservation Grant for the Echologics EchoShore DX Leak Detection Project (Project). The grant would have funded testing of a leak sensor's ability to identify water conservation opportunities within the Grantee's service area. The Project required access to fire hydrants owned by the Los Altos Hills County Fire District. The Fire District and the Grantee were unable to reach an agreement, a necessary component of the proposed Project. Consequently, the Grantee informed staff in June that they would have to cancel the Project and the grant.

A handwritten signature in black ink, appearing to read "Rachael Gibson", positioned above a horizontal line.

Rachael Gibson
Chief of External Affairs
External Affairs Division

cc: Amy Fonseca, Peggy Lam, Marta Lugo, Sherilyn Tran, Kristen Yasukawa
AF, PL, ML, ST, K

Attachment: Cancellation Request Letter Submitted by Purissima Hills Water District

*Purissima Hills
Water District*



To whom it may concern,

I am writing to formally request a cancelation of our grant application “**FY19 A2 Echologics**”. In conjunction with the grant application, we had some other factors that were needed for the success of our Echologic leak sensor pilot program which failed to come through. We are still pursuing our Echologic pilot however currently we need go about it differently.

We greatly appreciate the willingness of Valley water to work with us on the grant to help us with reducing our leaks with innovative technology which ultimately improves water conservation.

Sincerely,

Phil Witt
General Manager
Purissima Hills Water District

TO: Board of Directors**FROM:** Aaron Baker**SUBJECT:** State Water Contractors Letter of Support for
DWR's Second Appeal for Oroville
Reimbursement**DATE:** 7/19/2021

On July 9, 2021, the State Water Contractors (SWC) submitted a letter expressing support for the Department of Water Resources' (DWR) second appeal related to the Federal Emergency Management Agency's (FEMA) denial of DWR's request to waive the Hazard Mitigation Grant Program (HMGP) eligibility requirements for work on the Oroville Dam emergency spillway.

The HMGP does not allow funding for projects that have already been initiated, but DWR did not initially request HMGP funding because DWR understood from FEMA that the project would be more appropriately funded through the FEMA Public Assistance program. FEMA's eventual notification to DWR that work on the Oroville Dam emergency spillway would not be eligible for Public Assistance funding did not occur until a full year after the HMGP application deadline. Work on the Oroville main spillway and other emergency response work was deemed eligible for Public Assistance funding whereas work on the emergency spillway was not.

Costs not reimbursed by FEMA for the overall Oroville Spillways Emergency Recovery Project are repaid by the State Water Project contractors, including Valley Water. Through the Public Assistance program, FEMA has approved \$630 million in reimbursement of the estimated \$1.2 billion total cost of the Oroville Spillways Emergency Recovery Project. Including DWR's financing costs, the current impact to Valley Water is approximately \$1.4 million per year through 2035. Any reimbursement of work on the emergency spillway through the HMGP would decrease Valley Water's annual obligation.



Aaron Baker
Chief Operating Officer
Water Utility Enterprise

Attachment 1: July 9, 2021 SWC Support Letter

July 9, 2021

Delivered via email (Robert.Fenton@fema.dhs.gov) and regular U.S. mail

Mr. Robert Fenton
Regional Administrator
Federal Emergency Management Agency, Region IX
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Re: Second appeal of the denial of the Oroville Dam Emergency Spillway HMGP Project (DR-4308)

Dear Mr. Fenton:

The State Water Contractors (SWC)¹ are a non-profit mutual benefit corporation representing 27 of the 29 public agencies that contract with the California Department of Water Resources (DWR) for water from the State Water Project. Oroville Dam is a central component of the State Water Project. The SWC are writing to express our support of the second appeal request related to the Federal Emergency Management Agency's (FEMA) denial of DWR's request to waive the Hazard Mitigation Grant Program (HMGP) eligibility requirements disallowing funding for projects that have already been initiated.

It is our understanding the FEMA appeal review process is underway, and a decision could be made to reimburse the State of California for repair work to the Oroville Dam Emergency Spillway. We are confident that the State's responses fully address any remaining concerns or questions regarding the eligibility of the actions that DWR took to repair both the emergency spillway for Federal reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

We want to reiterate our view that the State of California should be provided reimbursement for costs of storm-related damage to the Oroville Dam Emergency Spillway. To that end, we would like to highlight a few key issues State officials have raised in their appeal letter for your re-consideration:

- The Oroville Dam Emergency Spillway was significantly damaged by a federally declared disaster in February 2017 resulting in the evacuation of 188,000 people from Butte, Sutter, and Yuba counties. The work to restore the Emergency Spillway to its original intended use was critical for public safety and required by FERC and California

¹ The SWC members are: Alameda County Flood Control & Water Conservation District, Zone 7; Alameda County Water District; Antelope Valley East Kern Water Agency; Central Coast Water Authority; City of Yuba City; Coachella Valley Water District; County of Kings; Crestline-Lake Arrowhead Water Agency; Desert Water Agency; Dudley Ridge Water District; Empire-West Side Irrigation District; Kern County Water Agency; Littlerock Creek Irrigation District; Metropolitan Water District of Southern California; Mojave Water Agency; Napa County Flood Control & Water Conservation District; Oak Flat Water District; Palmdale Water District; San Bernardino Valley Municipal Water District; San Gabriel Valley Municipal Water District; San Geronimo Pass Water Agency; San Luis Obispo County Flood Control & Water Conservation District; Santa Clara Valley Water District; Santa Clarita Valley Water Agency; Solano County Water Agency; and Tulare Lake Basin Water Storage District.

Mr. Robert Fenton

July 9, 2021

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Division of Safety of Dams, the controlling agencies. DWR's only alternative was to immediately move forward with the restoration.

- DWR did not initially request HMGP Funding because DWR understood from FEMA that the project would be more appropriately funded through the FEMA Public Assistance (PA) program. DWR initiated a timely application for FEMA PA and provided FEMA with all required documentation.
- FEMA's eventual notification to DWR that the work would not be eligible for PA funding did not occur until a full year after the HMGP application deadline.
- DWR continues to believe that the policy waiver and project application satisfy all HMGP requirements and concerns. The HMGP application package included documentation of DWR's extensive efforts to ensure all historic and environmental issues were properly addressed, including state and federal requirements under NEPA, NHPA, ESA, and CEQA. DWR addressed these issues well beyond the requirements of the HMGP application package, clearing the way for a successful policy waiver request.

As you review the appeal responses provided to FEMA Region IX staff that provide additional clarity on the actions the DWR took to repair the emergency spillway at Oroville Dam, we are certain that you will reach the conclusion that these actions are eligible for Federal reimbursement under the intent of the Stafford Act.

We are public water agencies from Northern, Central and Southern California that deliver water for use in our homes, schools, hospitals, farms and businesses. These public water agencies receive some portion of their water supply from the SWP and help manage our state's precious and finite water resources. Our mission is to advocate on behalf of our members for improved supply reliability and water quality based on sensible, science-based policies that result in sustainable and cost-effective management for California's citizens, economy and environment. For all of the above reasons, we look forward to FEMA's favorable response to DWR's appeal request.

Thank you for your consideration.

Sincerely,



Jennifer Pierre, General Manager
State Water Contractors



Ed Stevenson, General Manager
Alameda County Water District



Dwayne Chisam, General Manager
Antelope Valley East Kern Water Agency



Ray A. Stokes, Executive Director
Central Coast Water Authority

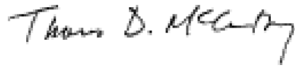
Mr. Robert Fenton

July 9, 2021

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Jennifer Spindler, General Manager
Crestline-Lake Arrowhead Water Agency



Thomas D. McCarthy, General Manager
Kern County Water Agency



Deven Upadhyay, Assistant General
Manager and Chief Operating Officer
**Metropolitan Water District of Southern
California**



Kathy Cortner, General Manager
Mojave Water Agency



Dennis D. LaMoreaux, General Manager
Palmdale Water District



Darin Kasamoto, General Manager
**San Gabriel Valley Municipal Water
District**



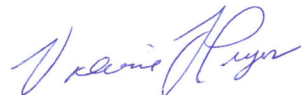
Matthew Stone, General Manager
Santa Clarita Valley Water Agency



Roland Sanford, General Manager
Solano County Water Agency



Jacob Westra, General Manager
Tulare Lake Basin Water Storage District



Valerie Pryor, General Manager
Zone 7 Water Agency

cc: Karla Nemeth, Director California Department of Water Resources
Ted Craddock, Deputy Director State Water Project
John Yarbrough, Assistant Deputy Director, State Water Project
Eric Wulff, Assistant Deputy Director of Security and Emergency Management Program
Mark S. Ghilarducci, Director California Governor's Office of Emergency Services
Jennifer Hogan, Assistant Director, Hazard Mitigation, Cal OES