### CEO BULLETIN / NEWSLETTERS

**CEO Bulletin:** 05/18/18 – 05/24/18

### BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS

**BMR/IBMR Weekly Reports:** 05/24/18

- Memo from Nina Hawk, COO/WUE, to the Board, dated 05/10/18, regarding an update on proposed raising of Shasta Dam actions and SLDMWA position.

### INCOMING BOARD CORRESPONDENCE

**Board Correspondence Weekly Report:** 05/24/18

- Email from Alexander Reynolds to Debra Williams, dated 05/18/18, regarding his application for the Welder I/II position (C-18-0084).
- Email from Stella Hearn to the Board, dated 05/19/18, regarding the California WaterFix (C-18-0085).
- Email from Teresa Wyeth to the Board, dated 05/21/18, regarding California WaterFix (C-18-0086).
- Email from Riadh Khairalla to Director Estremera, dated 05/21/18, regarding Delta community input in future DCDCA meeting agenda (C-18-0087).
- Email from Shawn Owens to the Board, dated 05/22/18, regarding a homeless encampment and dumping near District property (C-18-0088).
- Letter from Zoe Lofgren, to the Board of Directors dated 05/18/18, (received 5/22/18) regarding flooding and entering into a JPA with the Cities of Santa Clara, San Jose and Morgan Hill (C-18-0089).
- Email from Jan McCleery to the Board, dated 05/22/18, regarding California WaterFix (C-18-0090).
- Email from Richard Solomon to the Board, dated 05/23/2018, regarding the DCDCA meeting on California WaterFix (C-18-0091).
- Email from Richard McMurtry to the Board, dated 05/23/2018, regarding Singleton Road (C-18-0092).
- Email from Bob Lyle to the Board, dated 05/23/18, regarding damage to Cochrane Road from Pipeline Project (C-18-0093).
- Email from Lee Hochman to the Board, dated 05/24/18, regarding fluoride (C-18-0094).
Reply email from Director Keegan to Helena Lacroix, dated 05/21/18, regarding water quality in San Jose (C-18-0078).

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
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.

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<td>San Francisquito Creek Bay - Highway 101 Project (Project) Update</td>
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| 2    | Keegan
Director Keegan requested that staff provide the Board with a report on the Conservation Corps Trail Security Plan.
R-18-0008 |

San Francisquito Creek Bay - Highway 101 Project (Project) Update

The San Francisquito Creek Bay - Highway 101 Project (Project) is currently entering the third
construction season. The plan has been to complete construction of this Safe, Clean Water flood
protection Project by Winter 2018/19. However, the last season involves construction at the
lowermost reach of the Project near the bay. This area is habitat to the federally protected
California Ridgeway’s Rail (Rail). Surveys to determine location of their nests were performed this
Spring. Based on these locations, the US Fish and Wildlife Service (USFWS) mandates a 700-ft
buffer zone around the nests to ensure that they are not disturbed until September 1. Given the
location of the work to be performed this season and the fact that the district needs to complete the
work by October 15 to protect steelhead trout, only six (6) weeks of construction time was allotted
to perform a minimum of three (3) month’s work. These constraints make it infeasible to complete
construction of the Project this season and most likely any season given that very similar
constraints would be in place any subsequent season.

District biologists and Joint Powers Authority staff worked diligently to come up with a proposed
variance to allow work to begin sooner. They devised an approach that minimized noise impacts to
the Rail through use of low impact construction equipment and proposed a phased construction
approach to defer the impacts as late as possible in the season. This approach was submitted to
USFWS in late April 2018. However, the Project soon ran into delays when the district was told
that USFWS did not know which division was responsible for approval of the Project. They asked
for a week to work out the issue internally.

In the meantime, the district obtained assistance from Representatives Speier and Eshoo to move
this decision forward. The district also met with Dan Castleberry of USFWS at an Association of
California Water Agencies conference to solicit support for the district’s proposal. In May 2018, the district received word that USFWS agreed to the district’s approach and can begin to plan for construction this season. They also requested a very reasonable mitigation to allow for this deviation.

For further information, please contact Melanie Richardson at (408) 630-2035.

Keegan
Director Keegan requested that staff provide the Board with a report on the Conservation Corps Trail Security Plan.

R-18-0008

This is to request an extension for the requested response to the BMR R-18-0008 until June 20, 2018. The district contacted the California Conservation Corps to request information and is awaiting response.

For further information, please contact Melanie Richardson at (408) 630-2035.
BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS
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<tr>
<th>Request</th>
<th>Completed Date</th>
<th>Meeting Date</th>
<th>Director</th>
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<tr>
<td>R-18-0009</td>
<td>Pending</td>
<td>05/08/18</td>
<td>Hsueh</td>
<td>Hawk</td>
<td>Staff to look into water conservation software being used by Mr. Dave McLeroy and provide information to Water Conservation and Demand Management Committee for discussion.</td>
<td>05/28/18</td>
<td></td>
<td>Pending</td>
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<td>R-18-0008</td>
<td>Pending</td>
<td>04/24/18</td>
<td>Keegan</td>
<td>Richardson</td>
<td>Director Keegan requested that staff provide the Board with a report on the Conservation Corps Trail Security Plan.</td>
<td>05/16/18</td>
<td></td>
<td>Pending</td>
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<tr>
<td>R-18-0010</td>
<td>Pending</td>
<td>05/02/18</td>
<td>Keegan</td>
<td>Hawk</td>
<td>Staff to respond to Ms. Deirdre Des Jardins’ letter presented to the Board during Public Comments on the California WaterFix for Item 2.1 at the May 2, 2018 Special Board Meeting.</td>
<td>05/22/18</td>
<td></td>
<td>Pending</td>
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<td>Request</td>
<td>Completed Date</td>
<td>Request Date</td>
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<td>I-18-0006</td>
<td>Pending</td>
<td>04/24/18</td>
<td>Hsueh</td>
<td>Richardson</td>
<td>Director Hsueh requests staff prepare a draft response to the October 21, 2016 Saratoga Creek petitioners for the May 22, 2018, Board Meeting.</td>
<td>05/14/18</td>
<td>04/25/18 Information Only.</td>
<td></td>
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<td>I-18-0008</td>
<td>Pending</td>
<td>05/09/18</td>
<td>Keegan</td>
<td>Hawk</td>
<td>Staff is to investigate options, and other agency’s best management practices, for contractor or consultant contractual ability/restriction to issue press releases, advertise, or otherwise communicate with the public about projects.</td>
<td>05/29/18</td>
<td></td>
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<tr>
<td>I-18-0005</td>
<td>Pending</td>
<td>04/10/18</td>
<td>Kremen</td>
<td>Hawk</td>
<td>Director Kremen requests staff to provide more detailed information regarding the San Jose Population Projections discussed at the Recycled Water Policy Advisory Committee Meeting.</td>
<td>05/09/18</td>
<td></td>
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<tr>
<td>I-18-0007</td>
<td>Pending</td>
<td>05/08/18</td>
<td>Kremen</td>
<td>Hawk</td>
<td>Provide Director Kremen with the Draft P3 Term Sheet in WORD format.</td>
<td>05/29/18</td>
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<tr>
<td>I-18-0004</td>
<td>Pending</td>
<td>03/27/18</td>
<td>Santos</td>
<td>Hawk</td>
<td>Staff is to provide information on whether brackish groundwater can supplement waste water supplies at the SVAWPC.</td>
<td>04/29/18</td>
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In 2015 the U.S. Bureau of Reclamation (Reclamation) released a Shasta Dam and Reservoir (Reservoir) ‘Final Feasibility Report’ and ‘Final Environmental Impact Statement and Appendices’ identifying an 18½ foot dam raise facilitating capacity expansion as a ‘Preferred Alternative’ project (Project). As of March 2018, the Trump Administration and Congressional Republicans are moving forward with Project plans to enlarge maximum Reservoir capacity by 634,000 acre-feet (AF), or around 13 percent, by allocating $20 million for further design and other preliminary work. The Project would cost an estimated $1.3 billion in total.

On April 9, 2018 the Fresno Bee released an article written by San Luis and Delta Mendota Water Authority (Authority) Interim Executive Director Jon Rubin expressing support for the Project. On April 15, 2018 the San Francisco Chronicle highlighted the Authority’s position on the Project and identified Santa Clara Valley Water District’s association with the Authority.

Attachment 2: Fresno Bee Article entitled “Raising Shasta Dam benefits both fish and people.” 4/9/18.
Attachment 1

San Francisco Chronicle Article entitled “Tensions heighten over Shasta Dam.”

From April 15, 2018
Tensions heighten over Shasta Dam

White House, Congress side with California growers, but state opposes project intended to meet water needs

By Carolyn Lochhead

Michael Macor / The Chronicle

The Trump administration and Republicans want to raise the height of Shasta Dam by 18½ feet.
Michael Macor / The Chronicle

Raising Shasta Dam's height would affect businesses like the Bay Bridge Marina with its houseboats and inundate sacred Indian sites.
WASHINGTON — Congress and the Trump administration are pushing ahead with a plan to raise a towering symbol of dam-building’s 20th century heyday to meet the water demands of 21st century California — a project backed by San Joaquin Valley growers but opposed by state officials, defenders of a protected river and an American Indian tribe whose sacred sites would be swamped.

The fight is over Shasta Dam, at 602 feet the fourth-tallest dam in California and the cornerstone of the federal Central Valley Project, which provides water to cities and farms throughout the state. One of its biggest customers is the Westlands Water District in the arid western San Joaquin Valley, which distributes water to numerous large farms.

With enthusiastic support from Westlands, the Trump administration and Republicans in Congress want to raise the dam 18 1/2 feet to store more water and guard against losing farmland to future droughts. Some farmers in the valley received no water at all from the Central Valley Project for two straight years during the five-year drought that ended with the winter of 2016-17.

Proponents also argue that raising Shasta would aid salmon runs decimated by its original construction in the 1940s, by storing more cold water to help the remaining downstream fish survive.

Last month, Congress gave the $1.3 billion project a $20 million cash infusion for design and other preliminary work, and the Interior Department declared that construction would start next year.

The project has been on the boards for years, but President Barack Obama’s administration shelved it because it would flood part of the McCloud River. California law protects the river as wild and scenic because it sustains “one of the finest wild trout fisheries in the state.” Congress would have to declare in separate legislation that federal interest in raising the dam supersedes the state’s authority.

The Trump administration is “pretty clearly setting up an attempt to override state law to build this project,” said Doug Obegi, a water lawyer with the Natural Resources Defense Council, an environmental group. “It hits the holy trinity of destroying Native American sacred sites, violating state law and harming fish and wildlife.”

The resurrection of the Shasta project was made possible by a 2016 law sponsored by House Majority Leader Kevin McCarthy, R-Bakersfield, and Sen. Dianne Feinstein, D-Calif. It instructed the interior secretary to take the lead on recommending water storage projects and moving ahead on dam building throughout the West.

Feinstein and McCarthy’s bill was added as a rider to broad water legislation over the opposition of former Sen. Barbara Boxer, a California Democrat who spent her last moments in office trying to block it.
Acting under this new authority, Interior Secretary Ryan Zinke put Shasta at the top of his list. McCarthy then inserted the $20 million that Zinke requested for Shasta in a catch-all spending bill that Congress passed last month.

John Laird, California’s secretary of natural resources, asked that lawmakers not pursue the project, “which disregards California law, and instead work with the state” on other water measures the state views as more worthy.

Dam proponents argue that the McCloud River would suffer no major harm. They say only two-thirds of a mile of the river would be inundated, and then only in wet years.

The added storage would provide water not just to farms in the San Joaquin Valley, but also to Bay Area cities that rely on Shasta water, they argue.

“Enlarging Shasta Dam will provide water supply, water quality and fishery benefits,” said Tom Birmingham, general manager of the Westlands Water District.

Westlands supports raising the dam “for the simple reason that it is the most cost-effective surface water storage project currently being evaluated in the state,” Birmingham said.

Raising Shasta Dam is indeed among the cheapest of the four big dam projects that the state and federal governments have examined for California. All are so expensive that officials think two at most could be built.

The California Water Commission blocked Shasta from receiving any of the $2.7 billion in funding under Proposition 1, a ballot measure voters approved in 2014 to increase the state’s water storage. The commission is considering three other big dam projects among 11 water storage proposals. All would be in competition with Shasta for federal dollars.

Shasta provides 40 percent of the Central Valley Project’s reservoir capacity. Raising it would enlarge its maximum level by 634,000 acre-feet, or about 13 percent.

But that figure exaggerates how much water raising the dam would deliver. Reservoirs don’t always fill, and most of the available water is already captured by the existing dam. The federal Bureau of Reclamation, which operates the dam, estimates that raising Shasta Dam would increase water deliveries by 51,300 acre-feet a year on average, and less during droughts.

“So it’s not a very good deal, which is why these projects have not gone anywhere,” said Ron Stork, senior policy advocate for the environmental group Friends of the River, which opposes the project.

Raising the dam also would inundate most of what remains of the sacred sites of the Winnemem Wintu tribe, whose lands were flooded when the original dam was built, said tribal Chief Caleen Sisk.

The tribe, which once numbered an estimated 14,000 people, is down to 126 members. Sisk said many of them live in Redding or Sacramento because their ancestral land was flooded and its fish runs blocked by the dam.
The sacred sites include dance grounds, healing rocks and pools in the river. "These all have significant spiritual reverence to the Winnemem people," Sisk said.

Raising the dam "is going to flood out what we have left," said Gary Mulcahey, a tribe member. "People are waiting with a finger on the trigger to file a lawsuit as soon as any decision is made."

California Democrats said the $20 million being spent on construction planing is a waste of taxpayer money because the project will never get state permits to begin pouring concrete. But Congress has the right to preempt state law, and ultimately it could be up to the courts to decide whose authority prevails on the Shasta project.

"There are people who are opposed to any project that will help sustain irrigated agriculture, particularly on the west side of the San Joaquin Valley," Westlands’ Birmingham said. "Environmental groups can and will file lawsuits for many often spurious reasons. Whether they win those is another question."

Westlands bought the 3,000-acre Bollibokka Fishing Club along the McCloud River in 2007 in anticipation of raising the dam, paying $35 million for the property. It contains many Winnemem Wintu sites and would be inundated by the dam raising.

In a congressional hearing last month, Zinke assured Rep. Jared Huffman, D-San Rafael, who opposes the project, that none of the $20 million Congress approved will be spent buying the property from Westlands.

Westlands isn’t the only district that would welcome the Shasta expansion. The San Luis and Delta Mendota Water Authority, which supplies water to Santa Clara County, told federal officials that it wanted to share the cost of raising Shasta dam. Doing so would provide a critical state partner for the project.

Seven environmental groups shot off a warning letter to the agency, saying water districts are agencies of the state and are banned from participating in a project that "violates California law."

"It would have been nicer to see a letter coming that’s more, ‘Let’s have a dialogue and sit down and figure out are there paths forward,’ instead of thinly veiled threats to sue people," said Cannon Michael, chairman of the San Luis and Delta Mendota agency.

Michael said the dam has to be raised not just to help farms, but also fish.

Although dams are the chief culprit behind the calamitous decline of the state’s native fish species, three-quarters of which are threatened, the Bureau of Reclamation argues that dams can help fish by mimicking nature’s springtime influx of cold water into rivers and streams. Providing cold water to salmon has become one of Shasta reservoir’s key functions, and the bureau lists helping fish as one of the main benefits of raising the dam.

The U.S. Fish and Wildlife Service disagreed, saying in documents obtained by environmental groups that the benefit to fish was “not substantial” and that further restricting the Sacramento, McCloud and Pitt rivers that flow into the reservoir would inflict more damage.

Michael said climate change is making it harder for both fish and farms to survive, and that raising Shasta Dam would help both.
"We know climate change is going to make it almost impossible for (freshwater) fish to survive in the Sacramento River as the temperatures continue to warm," he said. Dam operators are "taking the lion's share of Shasta for cold water, and it still doesn't appear it's going to be enough if we continue with climate change."

There is one dam-raising project that has drawn enthusiastic backing from environmental groups: expansion of the Los Vaqueros reservoir near Livermore. It promises to be a source of water for San Joaquin Valley wildlife refuges that often go dry in drought years.

"The wildlife refuges in the San Joaquin Valley never receive all the water they need to support Pacific Flyway birds and other wetlands creatures," said Rachel Zwilinger, water policy adviser for the environmental group Defenders of Wildlife.

Opponents of raising Shasta Dam fear it will divert money from such projects.

"This project was dead," said Stork of Friends of the River. "Some people were thankful for that because their project then has a chance for more money.

"Then the election happened."

Carolyn Lochhead is The San Francisco Chronicle's Washington correspondent. Email: clochhead@sfchronicle.com Twitter: @carolynlochhead

See this article in the e-Edition Here
Attachment 2

Fresno Bee Article entitled
“Raising Shasta Dam benefits both fish and people.”

From April 9, 2018
VALLEY VOICES

Raising Shasta Dam benefits both fish and people

BY JON RUBIN

April 09, 2018 02:34 AM
Updated April 09, 2018 02:34 AM

In law school, first-year students are introduced to the term ipse dixit, a Latin phrase meaning a statement that, while unsupported and unproven, may carry some weight based solely on the authority or standing of the person who made it.

I was frequently reminded of this term reading numerous articles concerning efforts to include in the just-enacted omnibus appropriations legislation funds to enlarge Shasta Dam.

Fortunately for all Californians, Congress rejected the ipse dixit espoused by opponents of enlarging Shasta Dam and included in the omnibus appropriations legislation funds for the Shasta Dam enlargement project. This project will benefit both salmon that spawn below Shasta Dam and people who depend on water provided by Shasta Lake.
Some members of the California congressional delegation asserted, without citing any authority, that enlarging Shasta Dam would violate state law. However, no provision of state law prohibits the Bureau of Reclamation from enlarging Shasta Dam.

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Section 5093.542(c) of California Public Resources Code does address Shasta Dam enlargement, but the statute does not prohibit enlarging Shasta Dam. Nor does the statute present an absolute prohibition against a department or agency of the State from assisting or cooperating in a project to enlarge Shasta Dam.

The statute prohibits a department or agency of the State from assisting or cooperating on efforts to enlarge Shasta Dam only if the project would have “an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery.”

ADVERTISING
Therefore, the question that must be answered under state law, if a department or agency of the states assists or cooperates on the Shasta Dam enlargement project, is whether enlarging Shasta Dam would have an adverse effect on the free-flowing condition of the McCloud River or on its wild trout fishery?

According to John Laird, California’s Secretary of Natural Resources, the answer is an axiomatic “yes.” He wrote in a March 13, letter to Members of Congress, “[t]he Shasta Dam enlargement project would inundate several miles of the protected McCloud River in violation of state law.”

But according to Reclamation’s feasibility report for the project, enlarging Shasta Dam by 18.5 feet would occasionally inundate at most “3 percent [or approximately 3500 feet] of the 24-mile-reach of river between the McCloud Bridge and McCloud Dam, which controls flows on the river.”

(In fact, a portion of this reach is periodically inundated under operations of the existing Dam.) So, as a factual matter, Secretary Laird’s statement is untrue.

And the effect of enlarging Shasta Dam on the McCloud River’s wild trout fishery? Practically nil.

A “fishery,” according to Webster’s New Collegiate Dictionary, is defined as the (1) act, process, occupation, or season of taking fish; or, (2) a place for catching fish. The first seven miles of the McCloud River above Shasta Reservoir comprise a private fishing club operated since 1903.

During the trout fishing season, the first five miles “is limited to no more than 10 fishermen” according to the website of the company, The Fly Shop, that manages the private club. It is difficult to imagine how enlarging Shasta Dam by 18.5 feet and its periodic inundation of 3,500 feet would adversely affect the process or place for catching fish for 10 members of a private club on five miles of stream.

What is truly at work here is the dogma that any on-stream surface storage project is sacrilege.

As proof, a person need look no further than the experience of Anthony Saracino, a former member of the California Water Commission. As reported in the May 13, 2015, E&E News online article, “Enviro pressure forces resignation of Calif. water commissioner,” Saracino was pressured to resign from the Commission merely because he had temerity to suggest the commission study enlarging Shasta Dam.

The public and members of Congress who must decide deserve better than hearing often-repeated, but unsupported claims, made in opposition to this important project.
Jon Rubin is interim executive director of the San Luis and Delta-Mendota Water Authority. The authority serves 28 member public agencies, 26 of which contract with reclamation for water supply from the Central Valley Project. These agencies deliver water to approximately 1.2 million acres of farmland, 2 million California residents, and millions of waterfowl dependent upon the nearly 200,000 acres of managed wetlands within the Pacific Flyway.

Jon Rubin