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SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

## June 30, 2023

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

Page		<b><u>CEO BULLETIN &amp; NEWSLETTERS</u></b>
		CEO Bulletin: None.
		<b><u>BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</u></b>
<b>4</b>		<b>BMR/IBMR Weekly Reports: 06/30/23</b>
<b>5</b>		Memo from Jennifer Codianne, Deputy Operating Officer to Director Beall and Board, dated 6/27/23, responding to BMR-23-0007, Discussion of Lessons Learned on Providing Housing Options to the Unhoused Along Creeks.
<b>6</b>		Memo from John Bourgeois, Deputy Operating Officer to Rick Callender, CEO, regarding the Final Environmental Impact Report (EIR) for the proposed Fisheries and Aquatic Habitat Collaborative Effort (FAHCE).
		<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
<b>9</b>		<b>Board Correspondence Weekly Report: 06/30/23</b>
<b>12</b>		Email from Charlies Julien to Director Santos, dated 6/23/23, regarding unhoused encampment at Sunnyvale East Channel access road. C-23-0141
<b>14</b>		Email from Cynthia Cole to Director Hsueh, dated 6/23/23, regarding a fallen tree blocking the creek in Saratoga. C-23-0144
<b>15</b>		Email from Arne Benowitz to the Board, dated 6/5/23, regarding illegal encampment on Valley Water right-of-way in the City of Sunnyvale, along Central Expressway. C-23-0145
<b>18</b>		Email from Jess Gutierrez to Director Santos, dated 6/25/23, regarding unhoused in the watershed along Penitencia Creek, between Jackson Avenue and King Road. C-23-0146
<b>22</b>		Email from Esther Nigenda, Ph.D. to the board, dated 6/27/23, regarding a Washington Post article – Humans have used enough groundwater to shift Earth's tilt. C-23-0147
<b>23</b>		Email from Priscilla Carranza to the board, dated 6/27/23, providing additional questions regarding vegetation in Los Gatos Creek adjacent to Hannah Street. C-23-0149
<b>27</b>		Email from Kristina Loquist, Chief of Staff, Office of County Supervisor Joe Simitian to the Board, dated 6/27/23, provide a Lehigh update. C-23-0148
<b>33</b>		Email from Sarah Public to the board, dated 6/27/23, transmitting emails to Mark Weiss regarding Director Eisenberg. C-23-0150

<b>37</b>		Email from Sarah Public to Mark Weiss, copied to the board, dated 6/27/23, transmitting emails regarding Director Eisenberg. C-23-0151
<b>42</b>		Email from Jethroe Moore to Mark Weiss and Aram James, copied to the board, dated 6/28/23, regarding Director Eisenberg. C-23-0152
<b>52</b>		Email from Sarah Public to the board, dated 6/28/23, transmitting email communications regarding Director Eisenberg. C-23-0153
<b>60</b>		Email from Mark Weiss to Sarah Public and Jeff Rosen, copied to the board, dated 6/27/23, transmitting email communications regarding Director Eisenberg. C-23-0154
<b>65</b>		Email from Mark Weiss to Sarah Public, copied to the board, dated 6/27/23, transmitting email communications regarding Director Eisenberg. C-23-0155
<b>70</b>		Email from Mark Weiss to Aram James, copied to the board, dated 6/27/23, transmitting email communications regarding Director Eisenberg. C-23-0156
<b>77</b>		Email from Mark Weiss to Sarah Public, copied to the board, dated 6/27/23, transmitting email communications regarding Director Eisenberg. C-23-0157
<b>84</b>		Email from Aram James to Mark Weiss, copied to the Board, dated 6/28/23, transmitting email communications regarding Director Eisenberg. C-23-0158
<b>94</b>		Email from Aram James to Mark Weiss, Sarah Public, etc., copied to the Board, dated 6/27/23, transmitting email communications regarding Director Eisenberg. C-23-0159
<b>99</b>		Email from Director Eisenberg to Rev. Jethroe Moore, copied to the Board, dated 6/28/23, regarding Board Correspondence: An appeal for professionalism and integrity. C-23-0160
<b>103</b>		Email from Dean Loomis to Director Eisenberg, dated 6/28/23, requesting a meeting. C-23-0161
<b>104</b>		Email from Mark Weiss to the Board, dated 6/29/23, transmitting email communications regarding Director Eisenberg. C-23-0162
<b>110</b>		Email from Sarah Public to the Board, dated 6/28/23, transmitting email communications regarding Director Eisenberg. C-23-0163
<b>118</b>		Email from Sarah Public to Mark Weiss, copied to the Board, dated 6/27/23, transmitting email communications regarding Director Eisenberg. C-23-0164
		<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
<b>124</b>		Email from Director Santos to Jess Gutierrez, dated 6/26/23, regarding concerns regarding encampments along Upper Penitencia Creek from Jackson Ave to King Road
<b>128</b>		Email from Director Keegan to Priscilla Carranza, dated 6/27/23, regarding concern regarding vegetation in Los Gatos Creek adjacent to Hannah Street

<b>133</b>		Email from Director Beall to Christina Correa, dated 6/28/23, regarding concerns about encampments along Guadalupe River adjacent to Sanchez Avenue.
<b>138</b>		Email from Director Hsueh to Cynthia Cole, dated 6/28/23, regarding concerns about a downed tree limb on Vasona Creek.
<b>140</b>		Email from Directors Santos and Hsueh to Arne Benowitz, dated 6/28/23, regarding concerns about encampments along Sunnyvale East Channel adjacent to Central Expressway.

# **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-23-0018	06/13/23	Eisenberg	Yoke	Mcelroy	Director Eisenberg requests the unfiltered, full comments from the 2023 Employee Survey.	07/03/23		
R-23-0007	06/13/23	Beall	Hakes	Codianne	Participate in a lessons learned discussion on providing housing options to the unhoused along creeks.	07/03/23		
R-23-0008	06/13/23	Beall	Hakes	Bourgeois	Staff to work with Director Beall on opportunities to promote habitat that will help the Monarch Butterfly survive.	07/03/23		



## MEMORANDUM

FC 14 (08-21-19)

**TO:** Director Jim Beall, Board

**FROM:** Jennifer Codianne, Deputy Watersheds O&M

**SUBJECT:** Discussion of Lessons Learned on Providing Housing Options to the Unhoused Along Creeks - Response to BMR R-23-0007

**DATE:** 6/27/2023

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Through BMR R-23-0007, Director Beall requested a lessons learned discussion on providing housing options to the unhoused along creeks in the context of Valley Water's agreement with the City of San José to relocate encampments in support of the Coyote Creek Flood Protection Projects.

### Staff Response

The Agreement between the City of San José and the Santa Clara Valley Water District to Address Unhoused Encampments to Support the Coyote Creek Flood Protection Projects (Agreement) was executed in April 2023 and has a term of 18 months. City of San José will continue to provide housing options to unhoused residents along Coyote Creek throughout the entire term of the Agreement.

Valley Water will participate in a joint meeting with City of San José in October 2023 to discuss the Agreement and future agreements related to unhoused relocations. Discussion topics will include lessons learned, outcomes for the unhoused, and potential amendments to the Agreement.

Please contact Jen Codianne at extension 3876 with questions.

DocuSigned by:

A handwritten signature in blue ink that reads "Jennifer Codianne".

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Jennifer Codianne, Deputy  
Operating Officer – Watersheds O&M

cc: R. Callender, M. Richardson, B. Yerrapotu, C. Hakes, R. Blank



## MEMORANDUM

**TO:** Rick L. Callender  
Chief Executive Officer

**FROM:** John Bourgeois  
Deputy Operating  
Officer

**SUBJECT:** Final Environmental Impact Report (EIR) for  
the proposed Fisheries and Aquatic Habitat  
Collaborative Effort (FAHCE)

**DATE:** 6/27/2023

Valley Water has prepared a Final Environmental Impact Report (EIR) for the proposed Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) Project (Proposed Project or Project) to fulfill the Valley Water's lead agency responsibilities under the California Environmental Quality Act (CEQA). The Final EIR is being submitted to the Board for their information in advance of a scheduled August 8, 2023, Board meeting during which the Board will consider the Final EIR for certification prior to approving the Project.

The Proposed Project implements a Fish Habitat Restoration Plan (FHRP) and includes restoration measures specified in a 2003 FAHCE Settlement Agreement intended to resolve a water rights complaint filed with the State Water Resources Control Board. The Proposed Project includes both flow measures (reservoir re-operations rule curves, referred to as the FAHCE flows) and non-flow measures such as fish barrier remediation, and measures to increase spawning and rearing habitat. Implementation of the FHRP includes up to four phases, with restoration measures to be adaptively managed through an Adaptive Management Program (AMP).

The EIR evaluates the environmental impacts of implementation of the Phase 1 measures; impacts of flow measures are evaluated at a detailed "project" level, whereas impacts of the non-flow measures are evaluated at a more general "programmatic" level details as the characteristics of these projects were unavailable when the EIR was prepared. Phase 1 also includes maintenance of existing facilities and monitoring. Phases 2 through 3 would be considered based on the results of monitoring during Phase 1. These subsequent phases, and measures that might be undertaken during these phases, are speculative at this time, and are therefore not evaluated in this EIR.

Pursuant to CEQA, Valley Water, as the lead agency for the Program, prepared a Draft EIR to evaluate environmental impacts of the Proposed Project. The Draft EIR was distributed for review and comment to the State Clearinghouse, regulatory agencies, and interested members of the public. The official comment period lasted 115 days from June 30, 2021, to October 15, 2021.

The Final EIR identified significant environmental impacts from non-flow measures on terrestrial biological resources and paleontological resources but concluded that these impacts would be reduced to less-than-significant levels with mitigation measures. The Final EIR also identified significant impacts from non-flow measures on cultural resources, tribal cultural resources, and noise but concluded that these impacts would remain significant and unavoidable even with mitigation.

In addition to the Proposed Project, the Final EIR evaluates three alternatives: (1) No Project Alternative; (2) Non-flow Measures Alternative; and (3) the FAHCE-plus Alternative. Under the No Project Alternative, there would be no implementation of the Fish Habitat Restoration Plan and Valley Water would maintain its existing operations. Under the Non-flow Measures Only Alternative, the flow measures and related monitoring proposed as part of the FHRP would not be implemented, and only the non-flow measures and related maintenance and monitoring included in the Proposed Project would be implemented. Under the FAHCE-plus Alternative, the Proposed Project's flow measures would be combined with an additional set of rules designed to further improve fish

migration. The EIR evaluates the Proposed Project and FAHCE-plus Alternative, the environmentally superior alternative, at the same level of details. At the August 8, 2023, Board meeting, the Board will be asked to approve the Proposed Project or an alternative to the Proposed Project such as the FAHCE-plus Alternative.

The Final EIR contains responses to all comments received on the Draft EIR, as well as limited revisions to the Draft EIR text in response to public comments. Prior to Project approval, CEQA requires that the Board review and consider the information contained in the Final EIR, certify that the Final EIR was prepared in compliance with CEQA requirements, adopt a mitigation monitoring and reporting program (MMRP), make CEQA findings for each significant impact, and adopt a Statement of Overriding Considerations for the significant and unavoidable impacts.

DocuSigned by:



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John Bourgeois  
Deputy Operating Officer  
Watersheds Stewardship and Planning Division

A copy of the Final EIR can be found at: [FAHCE Final Program Environmental Impact Report](#)



# **INCOMING BOARD CORRESPONDENCE**

Board Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-23-0030	01/18/23	01/18/23	All	STEPHEN QUAN	Email from Stephen Quan, to the Board of Directors, dated 01/18/23, regarding Dam Levels and the Drought.	Refer to Staff	Baker	Williams	01/26/23	01/31/23	n/a	02/01/23
C-23-0045	02/23/23	02/24/23	All	MELISSA MALLORY	EMail from Melissa Mallory regarding unhouse along Los Gatos Creek Trail.	Refer to Staff	Blank	Yerrapotu Codianne	03/04/23	03/03/23	n/a	03/10/23
C-23-0076	03/31/23	04/03/23	All	H.K. WILLARD	Email from H.K. Willard to the Board dated 3/31/23 regarding misleading information in March Water News.	Refer to Staff	Gibson	Rocha	04/11/23	04/07/23	n/a	04/17/23
C-23-0101	05/12/23	05/12/23	All	STEVE KELLY	Email from Steve Kelly, to the Board, dated 5/12/23, regarding concern for unhoused that may cause threat to residents living near the creeks in	Refer to Staff	Yerrapotu Blank	Codianne	05/20/23	05/22/23	n/a	05/26/23

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-23-0117	05/28/23	05/30/23	All	RAYMOND WHITE	Santa Clara. Email from Dr. Raymond White to the Board, dated 5/28/23, requesting flouride warning message.	Refer to Staff	Baker	Bogale	06/07/23	06/02/23	n/a	06/13/23
C-23-0138	06/19/23	06/19/23	All	MEG DURBIN	Email from Meg Durbin, dated 6/19/23, to the Board regarding Director Eisenberg's comments on flouridation	Refer to Staff	Baker	Bogale	06/27/23	-	n/a	07/03/23
C-23-0139	06/21/23	06/21/23	All	SANCHIT SHARMAA	Email from Sanchit Sharmaa, dated 6/21/23, on Unauthorized Use of Naturally Occurring Management Database (NOA) at Anderson Dam Seismic Retrofit	Refer to Staff	Hakes	Mccarter	06/29/23	-	n/a	07/05/23
C-23-0141	06/23/23	06/23/23	Santos	CHARLES JULIEN	Email from Charles Julien to Director Santos, dated 6/23/23, regarding	Refer to Staff	Hakes	Codianne	07/01/23	06/26/23	n/a	07/07/23

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
					unhoused along the Sunnyvale East Channel.							
C-23-0149	06/27/23	06/28/23	Keegan	PRISCILLA CARRANZA	Email from Priscilla Carranza to Director Keegan, dated 6/27/23, asking follow up questions regarding vegetation in Los Gatos Creek adjacent to Hannah Street.	Refer to Staff	Hakes	Codianne	07/06/23	-	n/a	07/12/23