



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

July 22, 2022

**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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<b>9</b>		Memo from David Cohen, Risk Manager, to the Board of Directors, dated 07/18/22, regarding Risk Management Communication.
<b>12</b>		Memo from Bhavani Yerrapotu, DOO, Watersheds Design and Construction, to Chair Pro Tem Varela, dated 07/19/22, regarding BMR R-22-0006, Staff to Follow Up with Mr. Dean Stanford on the Public Comment he made at the June 28, 2022, Board Meeting.
		<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
<b>16</b>		<b>Board Correspondence Weekly Report: 07/21/22</b>
<b>17</b>		Email from Rebecca Parker, to the Board of Directors, dated 07/14/22, regarding Education Program for Kids (C-22-0119).
<b>18</b>		Letter from Linda Locke, President, Berryessa Citizen Advisory Council, to David Cohen, copy to Director Santos, dated 07/14/22, regarding Construction of a 100-Bed Homeless Complex on Noble Avenue (C-22-0120).
<b>20</b>		Email from Ed Logg, to Chair Pro Tem Varela, dated 07/17/22, regarding Potable Water Use (C-22-0121).
<b>22</b>		Email from Terry Lewis, to the Board of Directors, dated 07/16/22, regarding Pools and Water Waste (C-22-0122).
<b>23</b>		Email from Michael Stevens, to the Board of Directors, dated 07/18/22, regarding Measure A (C-22-0123).
<b>24</b>		Email from Steve Quan, to the Board of Directors, dated 07/18/22, regarding Dam Levels and the Drought (C-22-0124).
<b>25</b>		Email from Mike Culcasi, to the Board of Directors, dated 07/19/22, regarding Homeless Activity along Los Gatos Creek Trail (C-22-0125).
<b>29</b>		Email from Fiamma Vitale, to the Board of Directors, dated 07/19/22, regarding Water Conservation and Landscape (C-22-0126).
		<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
<b>31</b>		Email from Director Keegan, to Kathe Bassi, dated 07/13/22, regarding Homeless Activity along Los Gatos Creek (C-22-0109).
<b>33</b>		Email from Director Keegan, to Bill Cowden, dated 07/14/22, regarding Homeless Activity along Los Gatos Creek (C-22-0108).
<b>36</b>		Email from Director Keegan, to Laura Tognoli, dated 07/18/22, regarding Encampments in Los Gatos Creek (C-22-0113).
<b>40</b>		Email from Chair Pro Tem Varela, to J. Randall Toch, dated 07/19/22, regarding Access to Water by Private Well on Private Property (C-22-0116).

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](mailto:publicrecords@valleywater.org).

# **CEO BULLETIN**

# CEO BULLETIN



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

## Weeks of July 8 – July 21, 2022

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>	DWR completes South Bay Aqueduct Asset Management Plan
<u>2</u>	Increased recharge in Creeks and Percolation Ponds from June to October 2022
<u>3</u>	Valley Water hosts top officials at U.S. Army Corps of Engineers for tours of priority projects.
<u>4</u>	Water Management Agreements Executed in June 2022
<u>5</u>	<u>Varela</u> Staff to follow up with Mr. Dean Stanford on his public comment made at the 6/28/2022 board meeting regarding his South Bay Shoreline Project Park proposal. R-22-0006

### 1. DWR completes South Bay Aqueduct Asset Management Plan

The California Department of Water Resources (DWR) completed an Asset Management Plan (AMP) for its South Bay Aqueduct (SBA) facilities in June 2022. The AMP is part of DWR's ongoing work to improve SBA reliability. The SBA conveys State Water Project supplies to three agencies, the SBA Contractors: Valley Water, Zone 7 Water Agency, and the Alameda County Water District.

The AMP shows that SBA failures have significantly increased over time with 33 failures over the last 12 years from 2010 to present, compared with only 24 failures for the preceding 30-year period from 1980-2009. 32 of the total 57 failures have occurred on the Santa Clara Pipeline, which is the southern portion of the SBA that provides water to Valley Water downstream of the other SBA contractors. The Santa Clara Pipeline runs through several landslide areas which cause the pipeline to be prone to leaks due to joint separation.

The AMP recommends several strategies to monitor and mitigate risk of failure, which DWR will implement and track over time. The strategy for addressing risk of failure for the Santa Clara Pipeline includes continuing landslide monitoring through the end of this calendar year, and in parallel, developing alternatives for a permanent solution which could include retrofitting, replacing, or moving the Santa Clara Pipeline, or stabilizing the landslide areas around the Santa Clara Pipeline. DWR expects to have more information on the recommended alternative and associated timeline and costs by early next calendar year.

DWR has completed several other projects to improve SBA reliability over the past 3 years including pipeline inspections, installation of joint seals to prevent further leaks, geotechnical studies and monitoring, and many other operations and maintenance improvements. DWR continues to meet bi-monthly with the three SBA contractor agencies to inform them of progress on these important SBA reliability improvement efforts.

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

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### **2. Increased Recharge in Creeks and Percolation Ponds from June to October 2022**

On May 18, 2022, the US Bureau of Reclamation approved Valley Water's request for Public Health and Safety (PHS) water allocation for calendar year 2022. Valley Water has started putting the additional imported water to beneficial use by increasing the release of water to managed groundwater recharge facilities.

In the winter and first part of the spring, Valley Water was operating merely 26 percolation ponds out its 102 ponds around the county. However, after receiving the news of PHS water allocation, Valley Water started to fill out additional ponds, especially in the northern parts of the county where managed recharge operations had been kept at a minimum during the third year of this severe drought. Currently Valley Water has filled out 55 ponds with water and plans to add about 10 more in the next few weeks. Filling up around two-thirds of the ponds is being solely done for water supply purposes, albeit it has incidental benefits for the wildlife and a recreational aspect for the community that enjoys walking on trails around some of these ponds. Recharge activities will be interrupted on November 1st at most ponds in North County since the South Bay Aqueduct water would be dedicated to the water treatment plants during the three-month shutdown on the Santa Clara Conduit for an inspection and rehabilitation capital project.

Release of imported water to Coyote Creek increased in June 2022 and will increase further in August 2022 as Coyote Valley heavily depends on groundwater pumping for water supply. In the northern part of the county, Valley Water has started releasing imported water for recharge in the following creeks on the west side: Saratoga Creek, Ross Creek, Wildcat Creek, Regnant Creek, Rodeo Creek, and Calabazas Creek.

The positive news of expanded managed recharge program this summer is not, unfortunately, a sign of the end of the drought. The drought continues to be severe locally and across California. Valley Water continues to ask the community to conserve water.

For further information, please contact Greg Williams (408) 630-2067.

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### **3. Valley Water hosts tops officials at U.S. Army Corps of Engineers for tours of priority projects.**

Over the course of two weeks, Valley Water hosted the top two officials with the U.S. Army Corps of Engineers (Corps) in Washington, D.C., for site visits at priority projects: the top military official, Lieutenant General (LTG) Scott Spellmon, Chief of Engineers and Commanding General for the Corps; and the top civilian with the Army overseeing civil works, Assistant Secretary of the Army (ASA) (Civil Works), Michael Connor.

On June 13, 2022, Valley Water hosted LTG Spellmon for a tour of different spots along the Upper Guadalupe River Project. He was joined by officials from the South Pacific Division and San Francisco District, and Valley Water was represented by Director Barbara Keegan, members of the executive leadership team, and staff. LTG Spellmon visited the Upper Guadalupe Project as part of his tour of projects that are scheduled to produce a Chief's Report or construction milestone within the next 12 months. The Upper Guadalupe Project is currently undergoing a General Reevaluation Report (GRR) to examine ways to complete the project that will address the engineering challenges and reduce costs. Prior to receiving funding for the GRR in Fiscal Year 2020, the project had not received federal funding since 2013. The design team had encountered engineering challenges in two reaches that were adding significant costs to the project. Valley Water advocated for a GRR to look at different project alternatives that could lower the cost or increase benefits in the hope of moving the project forward to construction. While the project will not produce a Chief's Report within the next 12 months, LTG Spellmon wanted to visit due to the project's potential to be a model for how the Corps can advance environmental justice and nature-based solutions, even when those projects do not have a high benefit-to-cost ratio. He is very eager to move the project forward.

Following the tour, staff spoke with LTG Spellmon about the current financing challenges with the South San Francisco Bay Shoreline Phase I Project. He was very receptive to the concerns and committed to speak with ASA Connor about coming out to visit the Shoreline Project. Within days of the tour, Valley Water learned that ASA Connor would be coming to visit the Shoreline Project on June 28, 2022. That visit was the direct result of Valley Water's advocacy with LTG Spellmon and our continued advocacy with the Corps to keep the Shoreline Project moving forward.

On June 28, 2022, Valley Water hosted ASA Connor on site at the Shoreline Phase I Project. He was joined by officials from the San Francisco District and the State Coastal Conservancy, and Valley Water was represented by Director Richard Santos, members of the executive leadership team, and staff. Director Santos, CEO Rick Callender, and members of the executive leadership spoke about the importance of the project for Alviso and the history of flooding in his community, and staff spoke about the project history and the current funding challenges. ASA Connor was engaged and asked a lot of questions related to the project, and staff is now following up with congressional staff to continue advocating with ASA Connor and the Office of Management and Budget to solve the funding challenges.

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

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#### **4. Water Management Agreements Executed in June 2022**

Pursuant to EL-5.1.6 and EL-5.3.3, the CEO is required to inform the Board on a timely basis when imported water management agreements are executed. The imported water management agreement executed in June 2022 is listed below:

- June 21, 2022 - Water Transfer Agreement (#A4660W) for 2022 water transfer between the City of Sacramento, Carmichael Water District and San Juan Water District (sellers) to Valley Water: San Juan Water District is making 16,101 acre feet of water available through groundwater substitution for purchase by both Valley Water and the State Water Contractor's Dry Year Transfer Program. Valley Water anticipates the purchase of up to 8,051 acre feet of that supply.

For further information, please contact Vincent Gin (408) 630-2633.

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5. Varela

**Staff to follow up with Mr. Dean Stanford on his public comment made at the 6/28/2022 board meeting regarding his South Bay Shoreline Project Park proposal.  
R-22-0006**

Through BMR R-22-0006, Chair Pro Tem Varela requested staff follow up with Mr. Dean Stanford on the public comment he made at the June 28, 2022, Board Meeting.

On July 18, 2022, staff responded to Mr. Stanford via the email address that was provided during the Board meeting. This response will be included in the July 22, 2022, Non-Agenda Package.

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

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# **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-22-0004	06/14/22	Hsueh	Baker	Gin	Director Hsueh requests staff to prepare a follow up email to Mr. Burns (original Correspondence C-22-0081 in May) regarding AMI and smart metering, since SJ Water received approval to deploy AMI, one of Mr. Burns' concerns.	07/04/22	07/14/2022	
I-22-0005	06/27/22	Estremera	Orellana	Hopper	At the 06/08/22 DIAHC meeting, staff was requested to provide the committee a comprehensive list of VW active agreements that are contracted with tribal communities.	07/17/22		



## MEMORANDUM

FC 14 (02-08-19)

**TO:** Board of Directors

**FROM:** David Cahen  
Risk Manager

**SUBJECT:** Risk Management Communication

**DATE:** July 18, 2022

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

Please find the following:

- 1) June 16, 2022 – Notice of Recommended Claim Denial to LA Downtown LA Group obo Felicia Saabedra
- 2) June 29, 2022 – Letter to Randy Hanson acknowledging receipt of his claim

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

DocuSigned by:

*David Cahen*

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David Cahen  
Risk Manager



Clean Water • Healthy Environment • Flood Protection

June 16, 2022

Farid Yaghoubtil  
Downtown L.A. Law Group  
601 N. Vermont Ave.  
Los Angeles, CA 95127

Re: Notice of Recommended Claim Denial – L2120017

Dear Mr. Yaghoubtil:

We have investigated the claim submitted on behalf of your client Felicia Saabedra and reached the conclusion that the Santa Clara Valley Water District (Valley Water) is not responsible for her personal injuries and pain and suffering sustained due to stepping into an opened manhole on December 7, 2021.

Since Valley Water is not responsible for this claim, we will therefore be recommending to our Board of Directors (Board) that the claim be denied.

This item is scheduled to be heard at the August 9, 2022, Board meeting which begins at 1:00 pm. You have the right to appear before the Board to contest our recommendation.

In the event of a Board meeting date change, I will provide you with advance notice. You can also monitor the Board meeting schedule and associated agenda items at:  
<https://scvwd.legistar.com/Calendar.aspx>.

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

Sincerely,

DocuSigned by:

*David Cahen*

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David Cahen  
Risk Manager





Clean Water • Healthy Environment • Flood Protection

June 29, 2022

Randy Hanson  
5209 Pharlap Ave.  
San Jose, CA 95111

Re: Receipt of Claim – L2120019

Dear Mr. Hanson:

We received your claim related to the vehicle accident that occurred on April 13, 2022.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at [dcahen@valleywater.org](mailto:dcahen@valleywater.org)

Sincerely,

*Lillian Dennis on behalf of*

David Cahen  
Risk Manager





## MEMORANDUM

FC 14 (08-21-19)

**TO:** Chair Pro Tem Varela

**FROM:** Bhavani Yerrapotu, Deputy  
Operating Officer,  
Watersheds Design and  
Construction

**SUBJECT:** BMR R-22-0006

**DATE:** July 19, 2022

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Through BMR R-22-0006, Chair Pro Tem Varela requested staff follow up with Mr. Dean Stanford on the public comment he made at the June 28, 2022 Board meeting.

On July 18, 2022, staff responded to Mr. Stanford via the email address that was provided during the Board meeting. Enclosed is the email sent to address Mr. Stanford's comments. This response will be included in the July 22, 2022 Non-Agenda Package.

Please contact Bhavani Yerrapotu at extension 2735 with questions.

DocuSigned by:

*Bhavani Yerrapotu*

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Bhavani Yerrapotu, Deputy Operating Officer  
Watersheds Design & Construction Division

Attachment 1: Email to Mr. Dean Stanford

Cc: Board of Directors, M. Richardson, R. Blank, J. Ujah, S. Julian

**From:** [Bhavani Yerrapotu](#)  
**To:** [deanstanford@comcast.net](mailto:deanstanford@comcast.net)  
**Cc:** [James Ujah](#); [Sunshine Ventura Julian](#)  
**Subject:** Pond A-18 Berms and Trail Access - June 28th, 2022, Valley Water Board Meeting  
**Date:** Monday, July 18, 2022 2:20:40 PM  
**Attachments:** [image001.png](#)

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Dear Mr. Stanford,

My name is Bhavani Yerrapotu and I recently took over as the Deputy Operating Officer over our Watershed Design and Construction Division, which has responsibility for delivering the South San Francisco Bay Shoreline Phase I Project (Project). Thank you for your comments at the Valley Water Board Meeting on June 28, 2022. This Project is a multi-benefit project that will provide coastal flood protection to communities of Alviso in North San Jose, as well as the San Jose-Santa Clara Regional Wastewater Facility and Silicon Valley Advanced Water Purification Center. The Project will restore important wetland habitat in U.S. Fish and Wildlife Service managed Ponds A9 through A15, Pond A18 (pending acquisition from City of San Jose), and lastly provide Regional Bay trail connectivity from the Guadalupe River/Alviso Slough to Don Edwards National Wildlife Refuge to Coyote Creek.

Per the U.S. Army Corps of Engineers authorized Project, the existing Pond A18 perimeter would be breached at several locations to promote habitat restoration through tidal interaction. The authorized Project does not support a continuous trail system around Pond A18 because this is considered fairly detrimental for habitat and species. This is the same reason that the project also does not include retaining the trail around Ponds A9 through A15.

Currently, these pond berms are not engineered and could fail over time. Retaining the loop trails would require costly ongoing maintenance of these non-engineered berms which would significantly increase the projects operation and maintenance costs. Neither Valley Water nor U.S. Fish and Wildlife Service have funding for this ongoing maintenance. Furthermore, Pond A18 is owned by the City of San Jose and the City would have to be responsible for the trail to and around Pond A18. Valley Water enters into joint use agreements for any recreational components of a project with the local agency. Therefore, the City of San Jose would have to agree to first provide rights to Valley Water to construct Reaches 4 and 5 as well as commit funding for any trail ~~on~~ around Pond A18.

Your request to have the continuous trail system around Pond A18 and the inclusion of islands in the ponds as part of the federal project, as you noted, would also require a change of scope, additional permitting, congressional reauthorization and would result in increased project costs which have already grown 300%. At this time, the project is facing significant funding and design challenges which is why design and construction of Reaches 4 and 5 along Pond A18 are on hold. At this time, we encourage you to reach out to City of San Jose to advocate for the open public access as you have proposed at Pond A18.

If you would like to discuss further or need more information please feel free to reach out to me at my contact information below.

Sincerely,

Bhavani

**BHAVANI YERRAPOTU, P.E. (She/Her)**

DEPUTY OPERATING OFFICER

Watershed Design and Construction

Tel. (408) 630-2735/C. (408) 618-4956

[BYerrapotu@valleywater.org](mailto:BYerrapotu@valleywater.org)

Santa Clara Valley Water District is now know as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

[www.valleywater.org](http://www.valleywater.org)