



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

August 4, 2023

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

Page		<u>CEO BULLETIN & NEWSLETTERS</u>
3		CEO Bulletin: 08/03/24
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
7		BMR/IBMR Weekly Reports: 08/04/23
8		Memo from Ryan McCarter, Acting Deputy Operating Officer, dated 07/25/23, responding to BMR-23-0009 – Primary Beneficial use of Valley Water's Dams and Reservoirs as local water supply sources that cannot be replaced.
		<u>INCOMING BOARD CORRESPONDENCE</u>
14		Board Correspondence Weekly Report: 08/04/23
16		Emails from Sandy Rosenthal to Director Santos, dated 07/27/23, requesting Valley Water's support in requesting that engineering schools provide instruction on engineering failures in lessons to its graduates. C-23-0190
24		Email from Aja Yee, Keep Coyote Creek Beautiful to the board, dated 07/28/23, providing information on the 08/27/23 BioBlitz at Hellyer Park. C-23-0191
27		Email from Danny Garza to elected officials (copied to the board), dated 07/26/23, report oil in Lower Silver Creek from the Alum Rock Avenue Gutters. C-23-0192
33		Emails from Ron Cachopo to Jennifer Codianne (copied to the board), dated 07/30/23, reporting a broken fence along Saratoga Creek at 1400 Bowe Avenue, Santa Clara. C-23-0193
38		Letter from Alie H. Saad, Ph.D. to the board, dated 07/26/23 (received 07/31/23), expressing concern for the Anderson Lake Dam Retrofit Project. C-23-0195
49		Email from Judie Zamborelli to Director Santos, dated 07/28/23, expressing concern for the weeds located at the Helmsley Perc Ponds. C-23-0196
		<u>OUTGOING BOARD CORRESPONDENCE</u>
54		Email from Directors Santos and Hsueh to Michele Keefhaver, dated 07/28/23, responding to her concerns regarding tree and encampment management along creeks in Santa Clara County.

CEO BULLETIN

CEO BULLETIN



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

Weeks of July 22– August 4, 2023

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>	Department of Water Resources approves Groundwater Sustainability Plan for North San Benito Subbasin
<u>2</u>	Fuel Management Policy and Wildfire Resiliency Plan
<u>3</u>	Safe, Clean Water Mini-Grant Closeout: Science is Elementary's SiE Books Creek Cleanup Project
<u>4</u>	Third Quarter Fiscal Year 2022-23 Financial Status Update

1. Department of Water Resources approves Groundwater Sustainability Plan for North San Benito Subbasin

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 Alternative to a GSP to the Department of Water Resources (DWR) by certain statutory deadlines.

In addition to being the GSA for the Santa Clara and Llagas subbasins located entirely in Santa Clara County, Valley Water is the GSA for a small portion of the North San Benito Subbasin. This medium-priority basin is primarily located in San Benito County, so the San Benito County Water District GSA led GSP development with support from Valley Water. After being adopted by the Board of Directors for both agencies, the GSP was submitted to DWR in January 2022. DWR recently approved the North San Benito Subbasin GSP, indicating it substantially complies with GSP regulations and SGMA. The DWR assessment includes four recommendations the GSAs will need to address in the next plan update, due in January 2027. The assessment can be viewed on the SGMA portal at sgma.water.ca.gov.

Related to SGMA compliance, Valley Water has an approved Alternative to a GSP for the Santa Clara and Llagas subbasins and has submitted the first plan update to DWR for review.

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

2. Fuel Management Policy and Wildfire Resiliency Plan

Valley Water is in the planning stages for the development of a Fuel Management Policy (Policy) and a Wildfire Resiliency Plan (WRP) that will incorporate wildfire planning efforts in an integrated and programmatic way to inform Valley Water's core business while considering our responsibility to protect our land rights and High Value Resources and Assets (HVRAs). The WRP, which will focus on vegetation as a fuel source for wildfires, will provide land management approaches and recommended actions to reduce fire severity. It will protect sensitive ecological and cultural resources and support the ecological benefits of Santa Clara County's (SCC) riparian corridors and other identified Valley Water lands.

Valley Water recognizes that a key component of a WRP is the utilization of a science-based risk framework to establish integrated risk profiles to guide operational decisions for wildfire risk mitigation. To that end, Valley Water's current efforts are focused on the development of a comprehensive risk assessment and modeling framework to delineate risk profiles associated with Valley Water land rights and HVRAs. This effort, which is anticipated to be completed in FY24, will then inform the continued development of the Policy and WRP.

Throughout this effort Valley Water has been coordinating with both internal and external stakeholders to ensure a collaborative approach for the mitigation of wildfire risk throughout SCC. For example, Valley Water has been actively engaged with the SCC FireSafe Council as part of their effort to update the SCC Community Wildfire Protection Plan (CWPP). Valley Water is a member of the CWPP Advisory Team and has provided input and direct engagement with the FireSafe Council and other participating agencies to support the CWPP update efforts.

In recognition of the partnership and contributions by Valley Water staff, **Valley Water's logo will be represented on the updated CWPP**, once completed. Valley Water will continue to engage with the SCC FireSafe Council and other external partners throughout the development and deployment of the WRP.

For further information, please contact Luz Penilla at (408) 630-2228.

3. Safe, Clean Water Mini-Grant Closeout: Science is Elementary's SiE Books Creek Cleanup Project

In FY 2021, Valley Water awarded Science is Elementary (Grantee) a \$5,000 Safe, Clean Water Program D3 Mini-Grant for their Science is Elementary (SiE) Books Creek Cleanup Project (Project). Grantee completed the Project on April 15, 2022, and submitted the final invoice items on May 9, 2023, allowing for grant closeout.

Science is Elementary is a nonprofit organization that provides innovative and high-quality science experiences to over 20,000 preschool and elementary school children living in low-income communities. The project consisted of developing an illustrated book which teaches students about keeping creeks clean from hazardous materials. Each book includes an adult guide with a science background and questions for caregivers and the books were printed in English and Spanish languages. The project also included assembling hands-on science kits to encourage students to develop scientific reasoning skills and engage their creativity, which complemented the book. The books and kits were distributed to second graders in Mountain View and Santa Clara.

Key Outcomes:

- Created a new book, *Jasmine and Jose Clean a Creek*, for second graders that discusses creek cleanup of hazardous materials and includes hands-on science activities. The book was printed in English and Spanish.
- Distributed 250 books and science kits to students and their families in Mountain View and Santa Clara schools.
- Engaged with 21 teen volunteers and three adults to assemble kits for distribution.

For further information, please contact Donald Rocha at (408) 630-2338.

4. Third Quarter Fiscal Year 2022-23 Financial Status Update

Valley Water's third quarter Fiscal Year 2022-23 closed on March 31, 2023. The third quarter financial status update presentation summarizes cash and investment balances, the debt portfolio and includes a detailed comparison, and analysis, of the budget to actual status of revenues and expenditures for all funds as of March 31, 2023.

The presentation was provided to the Board Audit Committee on June 21, 2023 and has been submitted to the Clerk of the Board as a Non-Agenda item for your reference.

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

BOARD MEMBER REQUESTS and Informational Items

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-23-0020	07/21/23	Eisenberg	Gibson	Lugo	<p>Director Eisenberg requests the following:</p> <ol style="list-style-type: none"> How much money in total is spent on sponsorships each year? <ol style="list-style-type: none"> Where is this in the budget? - marketing? What is the process for choosing sponsors? For example: <ol style="list-style-type: none"> Who can bring a potential sponsor for consideration? What is the process to bring a potential sponsorship -- is it open to anyone? Staff? Directors? How are people - staff, directors, etc - made aware of sponsorships What checks and balances are in place? What is the donation limit? When does the Board have to approve? What are the guidelines for how they are chosen? What is a full list of our current sponsorships and how much have we spent on each? Approx how many tickets do we make available, and how many of those are used? How are people made aware of the sponsorships? Are Directors and others who may have reporting requirements asked to report sponsorships when tickets have potentially reportable value? 	08/10/23		
I-23-0021	07/27/23	Eisenberg	Callender	Taylor	Provide answers to Director Eisenberg's questions listed in her 7/25/23 email regarding progressive taxation.	08/16/23		



MEMORANDUM

FC 14 (02-08-19)

TO: Clerk of the Board

FROM: Ryan McCarter, PE

Acting Deputy Operating
Officer, Dam Safety and
Capital Delivery Division

SUBJECT: Valley Water's Dams and Reservoirs –
Responding to BMR No. R-23-0009

DATE: July 25, 2023

Staff has prepared the attached informational memo as requested. The memo explains the primary beneficial use of Valley Water's dams and reservoirs as local water supply sources that cannot be replaced. Hydropower facilities are one source of power generation that can be easily replaced.

Attachment: Memorandum - Valley Water's Dams and Reservoirs as Water Supply Facilities as Opposed to Hydropower Facilities (4 pages)



MEMORANDUM

FC 14 (02-08-19)

TO: Ryan McCarter, P.E., Acting Deputy Operating Officer

FROM: Bassam Kassab, P.E.,
Water Supply Operations
Manager

SUBJECT: Valley Water's Dams and Reservoirs as
Water Supply Facilities as Opposed to
Hydropower Facilities

DATE: July 24, 2023

This memo provides a brief overview of Valley Water's ten dams and reservoirs in terms of their history and use.

HISTORY

In Santa Clara County, "agriculture became big business in the 1920s. Drought and seasonal flooding confronted the farmers with intolerable economic risks." The farmers and Chamber of Commerce banded together "to meet the challenge of water resource needs of the twentieth century."¹ On November 5, 1929, election day, voters in the area of the proposed district in central Santa Clara County adopted the Water Conservation (Jones) Act by a majority vote of 89.9 percent. Hence the Santa Clara Valley Water Conservation District (District), the predecessor of Valley Water, was formed to address the issues of falling groundwater levels, wells going dry, and land subsidence.

Early District efforts focused on water storage and groundwater recharge as recommended by the pivotal "Santa Clara Valley Water Conservation Project" report prepared by Tibbetts and Keifer in 1921. In the 1930s, the newly formed District constructed six water conservation/supply dams. Almaden, Calero, Guadalupe, Stevens Creek, and Vasona dams were completed in 1935 and Coyote Dam in 1936. Less than two decades later, Anderson Dam was inaugurated in 1950 and Lenihan Dam's construction was completed in 1952. Finally, as a result of merging with the Gavilan Water District in 1987, two more dams in South County, Chesbro and Uvas dams, were added to the system.

¹ *Water in the Santa Clara Valley: A History*. Edited by Seonaid McArthur and Cheryl Wessling. 2nd edition. Cupertino, California: California History Center & Foundation, 2005. (Local History Studies, volume 40.)

WATER SUPPLY RESERVOIRS

Valley Water's ten dams have water rights licenses granted by the State Water Resources Control Board, with priority dates ranging from 1931 to 1963. The water rights licenses specify that the beneficial use is for water supply (irrigation and domestic use). A few dams also have recreation or industrial as a beneficial use. Anderson's water right licenses include power generation as a beneficial use as well. These ten dams impound rainfall-runoff water in canyons to form reservoirs. Water captured in reservoirs during the rainy season is released throughout the year to the creeks downstream for percolation into the ground and recharging the groundwater aquifers.

Over the decades, Valley Water's reservoirs played an essential role in the recovery of groundwater levels and storage in the Santa Clara and Llagas subbasins. Before the arrival of imported water to the Santa Clara County, the local surface water reservoirs were the sole source of supply for managed groundwater recharge.

The first deliveries of imported water from the State Water Project (SWP) took place in the early 1960s. Imported water supplemented local reservoir water to increase managed groundwater recharge in the Santa Clara Subbasin, balance pumping on the long term, and achieve groundwater sustainability. Furthermore, the SWP's South Bay Aqueduct supplied Rinconada Water Treatment Plant in Los Gatos, the first water treatment plant in the valley. Deliveries of treated water helped with reducing groundwater pumping, thus treated water played the role of in-lieu groundwater recharge. Both managed and in-lieu recharge were needed to halt permanent land subsidence in North County and address seawater intrusion from San Francisco Bay.

The raw water distribution system grew within the valley in the late 1970s and 1980s and connected the SWP and the San Felipe Division of the federal Central Valley Project (CVP) via a system of pipelines and pump stations. Anderson and Calero reservoirs were also connected to the raw water distribution system, which allowed these two reservoirs to directly supply the water treatment plants with raw water. In addition to these two terminal reservoirs that are connected to the raw water distribution system, there are two other terminal reservoirs, Coyote and Almaden reservoirs, that indirectly supply the water treatment plants via Anderson and Calero reservoirs, respectively.

In summary, Valley Water's ten reservoirs are first and foremost water supply facilities. Historically, Valley Water allowed most reservoirs to fill and spill in the winter season. Based on direction from past Valley Water Boards, staff developed flood risk reduction rule curves for eight reservoirs (excluding Vasona and Uvas reservoirs) to help with reducing the risk of flooding downstream while having minimal impact to water supply. Only one of Valley Water's dams – Anderson Dam – has served as a hydropower generation facility, as discussed below.

HYDROPOWER CONSIDERATIONS

In the late 1980s, Valley Water constructed an in-conduit hydropower facility, Anderson Hydroelectric Facility, about one-third of a mile downstream to Anderson Dam and started generating hydroelectricity in 1988. Obligation to meet downstream flows and groundwater recharge requirements in Coyote Creek dictate the amount of flow available for power generation at Anderson Hydroelectric Facility. Due to the restrictive flow regime and the front-loaded rate structure of the 30-year Power Purchase Agreement, the yearly operations and maintenance (O&M) costs of the hydroelectric facility have consistently exceeded the revenue from the sale of energy to PG&E from 2002 through 2019. In addition to O&M costs, the facility needs rehabilitation and component replacement during the next two decades, the cost of which is estimated at about \$3,000,000 according to Valley Water's Asset Management Plan. After the 2020 order from the Federal Energy Regulatory Commission (FERC) to lower Anderson Reservoir to deadpool level, staff performed a cost-benefit analysis on the Anderson Hydroelectric Facility and recommended decommissioning the facility. In its meeting of January 26, 2021, the Board of Directors directed staff to take the necessary steps to seek approval from FERC to surrender and decommission the facility.²

In general, Valley Water's dams are not suitable for hydropower generation. They are a far cry from Hoover Dam with its majestic height and discharge or the four hydroelectric dams on Klamath River, which flows from Oregon to California. Unlike Valley Water's water supply dams on flashy creeks, the Klamath River has an average discharge of about 17,000 cubic feet per second (cfs) and a minimum of about 1,300 cfs,³ which justified constructing hydropower dams on the mainstem of the Klamath River and its tributaries back in the twentieth century. However, due to the impacts on the salmon population, the Klamath Basin Restoration Agreement and the Klamath Hydroelectric Settlement Agreement, signed in 2010 and 2016, respectively, called for the removal of the four hydropower dams. Dam removal is scheduled for 2023 and 2024.

² Valley Water's Board of Directors Meeting, January 26, 2021, Agenda Item 5.1.

<https://scvwd.legistar.com/LegislationDetail.aspx?ID=4746000&GUID=87DA0215-F4A3-4BE1-97BC-BCFB7D4592FF&Options=Advanced&Search=&FullText=1>

³ Retrieved from https://en.wikipedia.org/wiki/Klamath_River on July 19, 2023.

CONCLUSION

It may be justifiable to remove a dam that only provides hydropower as a beneficial use to benefit the fisheries because additional power could be produced from fossil fuels, nuclear power that has zero carbon emission, or ideally from renewable sources like wind and solar energy. However, removing any dams in the Santa Clara County is overwhelmingly disadvantageous. Valley Water's dams form water supply reservoirs that are responsible for:

- Halting historical land subsidence and preventing its recurrence;
- Ensuring groundwater sustainability and providing clean, reliable water supply to two million residents and commuters, as well as businesses that are the economic engine of the Silicon Valley and the nation;
- Reducing the risk of flooding in the valley; and
- Ensuring having wetted streams yearlong for a healthy environment – fish, wildlife, and ecosystem.

It is worth noting that the Klamath River dams, which are being removed, mainly provided hydropower as a beneficial use and there are other dams on the river that provide water supply benefits. This is in contrast with Valley Water's dams that mainly provide water supply and ecologic benefits, as well as incidental recreation and flood risk reduction benefits.

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	Codianne Yerrapotu	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 threats to residents living near the creeks in	Refer to Staff	Blank Yerrapotu	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-23-0190	07/27/23	07/28/23	Santos	SANDY ROSENTHAL	Email from Sany Rosenthal to Director Santos, dated 7/27/23, requesting Valley Water's support in requiring ABETto provide instruction on engineering failures in the lessons they teach to its graduates.	Refer to Staff	Richardson Yerrapotu	Hakes	08/05/23	08/04/23	n/a	08/11/23
C-23-0195	07/31/23	07/31/23	All	ALIE SAAD	Letter from Alie Hussein Saad, Ph.D. to the board, dated 7/26/23 (received 7/31/23) expressing concern for the Anderson Lake Dam Retrofit Project.	Refer to Staff	Richardson Yerrapotu	Mccarter	08/08/23	-	n/a	08/14/23

Michele King

Subject: FW: Add Santa Clara Valley?
Attachments: Engineers & Experts in Support (1).docx

From: Sandy Rosenthal <sandy@levees.org>
Sent: Thursday, July 27, 2023 4:17 PM
To: Richard Santos <rsantos@valleywater.org>
Subject: Add Santa Clara Valley?

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi Richard,

It's come to our attention that Engineering Schools are not required by ABET to provide instruction on engineering failures and the lessons they teach to its graduates.

In response, my organization, Levees.org will launch a campaign next month to change this.

Would the Santa Clara Valley Water District be interested in adding its name in support of our initiative? Just a sentence on a letterhead is enough. Like this:

The Santa Clara Valley Water District fully supports instruction on "engineering failures of the past and how to prevent them" be included in the curriculum of engineering schools so that engineers of the future do not repeat mistakes of the past.

Or something like that?

We are barely just getting started, but we have a list of experts and engineers in support. Attached.

Sandy

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Sandy Rosenthal

Founder of [Levees.org](https://www.levees.org)

[Speaker](#), [Author](#), [Podcast Host](#)



May 11, 2023

Engineers, past Flood Protection Authority-East commissioners and experts in support of Levees.org's campaign to ensure that young engineering students in the U.S. receive instruction on engineering failures prior to graduation.

Engineers

J. David Rogers, Ph.D., P.E., P.G., C.E.G., C.HG., F.ASCE, F.GSA

Karl F. Hasselmann Missouri Chair, Professor Geological Engineering, Missouri S&T

Rune Storesund, DEng PE GE

Consulting engineer SF Bay Area

Stephen Ressler, P.E., Ph.D., Dist.M.ASCE, F.ASEE

Past President, Lehigh Valley Section, American Society of Civil Engineers

Matt McBride, P.E.

Robert Bea

Professor Emeritus, Center for Catastrophic Risk Management, University of California Berkeley

Brett Hoffstadt, PMP, P.E.

Engineer, Air Resources, California Air Resources Board

Past Flood Protection Authority East commissioners

Stephen Estopinal, P.E.

Retired Land Surveyor/ Civil Engineer, former President of the SLFPA-East. Author.

Wilton Paul Tilly III, P.E.

Senior Civil Engineer, Vali Cooper International, past commissioner SLFPA-East.

Rick Luettich, Jr.

Professor and Director, U of N Carolina, UNC

John M. Barry

Author of The Great Influenza and Rising Tide

G. Paul Kemp

Principal, G. Paul Kemp & Associates LLC

Experts in support

Robert Verchick

Law Professor/President at Center for Progressive Reform. Fellow Harvard Radcliffe Institute

Robert A. (Bob) Thomas

Professor & Director, Center for Environmental Communication at Loyola University New Orleans

Windell Curole

served 42 years as south Lafourche levee director

Ivor van Heerden

Recipient of 2009 Joe Callaway Award for Civic Courage. Author "The Storm - What Went Wrong and Why during Hurricane Katrina with Mike Bryan (Penguin/Viking)

Michele King

From: Candice Kwok-Smith
Sent: Friday, July 28, 2023 4:52 PM
To: Michele King
Subject: FW: Add Santa Clara Valley?
Attachments: FPA-East Engineering Curriculum - UL at Lafayette 1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Michele,

Here is an additional email regarding the levees and an attachment.

Thanks,
Candice

From: Sandy Rosenthal <sandy@levees.org>
Sent: Friday, July 28, 2023 4:22 PM
To: Richard Santos <rsantos@valleywater.org>
Subject: Re: Add Santa Clara Valley?

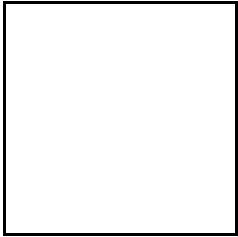
*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Richard,

We also approached the Southeast Flood Protection Authority East in April. After our request for support, the Authority sent a letter to every engineering school in Louisiana. A copy is attached.

Sandy

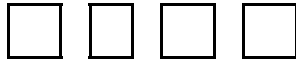
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Sandy Rosenthal

Founder of [Levees.org](https://levees.org)

[Speaker.](#) [Author.](#) [Podcast Host.](#)



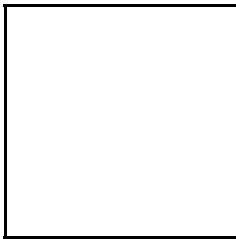
On Thu, Jul 27, 2023 at 9:08 PM Sandy Rosenthal <sandy@levees.org> wrote:

Thank you!

Warmly,

Sandy

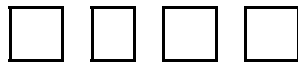
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Sandy Rosenthal

Founder of [Levees.org](https://levees.org)

[Speaker.](#) [Author.](#) [Podcast Host.](#)



On Thu, Jul 27, 2023 at 7:52 PM Richard Santos <rsantos@valleywater.org> wrote:

I will send this to our Chief Officer, for them to respond, thanks, R Santos

From: Sandy Rosenthal <sandy@levees.org>

Sent: Thursday, July 27, 2023 4:17 PM

To: Richard Santos <rsantos@valleywater.org>

Subject: Add Santa Clara Valley?

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi Richard,

It's come to our attention that Engineering Schools are not required by ABET to provide instruction on engineering failures and the lessons they teach to its graduates.

In response, my organization, Levees.org will launch a campaign next month to change this.

Would the Santa Clara Valley Water District be interested in adding its name in support of our initiative? Just a sentence on a letterhead is enough. Like this:

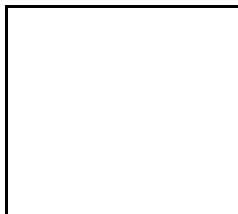
The Santa Clara Valley Water District fully supports instruction on "engineering failures of the past and how to prevent them" be included in the curriculum of engineering schools so that engineers of the future do not repeat mistakes of the past.

Or something like that?

We are barely just getting started, but we have a list of experts and engineers in support. Attached.

Sandy

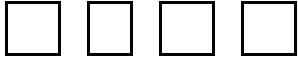
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Sandy Rosenthal

Founder of [Levees.org](https://levees.org)

[Speaker.](#) [Author.](#) [Podcast Host.](#)





FLOOD PROTECTION AUTHORITY

Your Flood Defense System

June 22, 2023

BOARD OF COMMISSIONERS
K. Randall Noel - President
Roy M. Arrigo - Vice President
Clay A. Cosse - Secretary
Jason P. Latiolais - Treasurer
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Thomas G. Fierke
Herbert L. Miller, P.E., DEE, F. ASCE
Derek N. Rabb
William A. Settoon, Jr.

REGIONAL DIRECTOR
Kelli Chandler

EAST JEFFERSON LEVEE DISTRICT
1100 Rev. Richard Wilson Drive
Kenner, LA 70062
504.469-7522

LAKE BORGNE BASIN LEVEE DISTRICT
P.O. Box 216
6136 E. St. Bernard Highway
Violet, LA 70092
504.682.5941

ORLEANS LEVEE DISTRICT
6920 Franklin Ave
New Orleans, LA 70122
504.286.3100

Dr. Ahmed Khattab
Dean of Engineering
University of Louisiana at Lafayette
131 Rex Street
Lafayette, LA 70504

Dear Dr. Khattab,

As the Dean of Engineering, we wanted to share our statement of support for an engineering initiative.

The Southeast Louisiana Flood Protection Authority-East is the agency responsible for the operation and maintenance of the federal Hurricane & Storm Damage Risk Reduction System (HSDRRS) on the east side of the Mississippi River.

The HSDRRS was authorized and funded by Congress after Hurricane Katrina in 2005.

With this hurricane much of the greater metropolitan area experienced catastrophic flooding creating one of the costliest disasters in the United States. It was determined to be the result of flawed and outdated engineering practices in the design and uncompleted construction of the original flood-protection system from 1965.

The Southeast Louisiana Flood Protection Authority-East fully supports that a course or courses that cover "engineering failures of the past and how to prevent them" be included in the curriculum of engineering schools. This additional course material will provide and educate future engineers with supplemental engineering knowledge to assist in the prevention of design and construction defects.

Sincerely,


Karl Randall Noel (Jun 22, 2023 14:24 CDT)

K. Randall Noel
Board President

Michele King

From: Aja Yee <aja@keepcoyotecreekbeautiful.org>
Sent: Friday, July 28, 2023 12:58 PM
To: Board of Directors; Linh Hoang; Meghan Azralon
Subject: 8/27 BioBlitz at Hellyer Park
Attachments: 230827-BioBlitz-Flyer.jpg; 230827-BioBlitz-IG Post.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello!

Keep Coyote Creek Beautiful is having a BioBlitz at Hellyer Park on 8/27. Please share the information below with your constituents. We look forward to seeing new faces from your council districts!

Summer BioBlitz at Hellyer Park
Location: 996 Hellyer Ave, Cottonwood Lake - Southwest trail entrance, San Jose, CA 95111
Sun Aug 27th
9AM-11AM

Join Keep Coyote Creek Beautiful, Bioblitz.club, Santa Clara Valley Audubon Society, and POST for a BioBlitz! A BioBlitz is an event that focuses on finding and identifying as many species as possible in a specific area over a short period of time. At a BioBlitz, scientists, families, students, teachers, and other community members work together to get an overall count of the plants, animals, fungi, and other organisms that live in a place.

Join the BioBlitz at Hellyer Park where you and experts come together to explore and document observations of all living things in a short period of time.

Docents will guide you and teach you to use the iNaturalist app on your smartphone to record all the living things you encounter. Flowers, trees, butterflies, dragonflies, and beetles, birds, and squirrels. We love them all - now let's go find them!

In partnership with Bioblitz.club, Santa Clara Valley Audubon Society, and Peninsula Open Space Trust

RSVP: <https://bit.ly/230827-bioblitz>

Aja Yee
Event Coordinator
Keep Coyote Creek Beautiful
650-246-4769
www.keepcoyotecreekbeautiful.org

BIOBLITZ AT HELLYER PARK

27 August 2023

9AM - 11AM



Join experts to explore nature
& document what lives in this park!



HELLYER PARK BIOBLITZ

AUGUST 27: 9-11AM

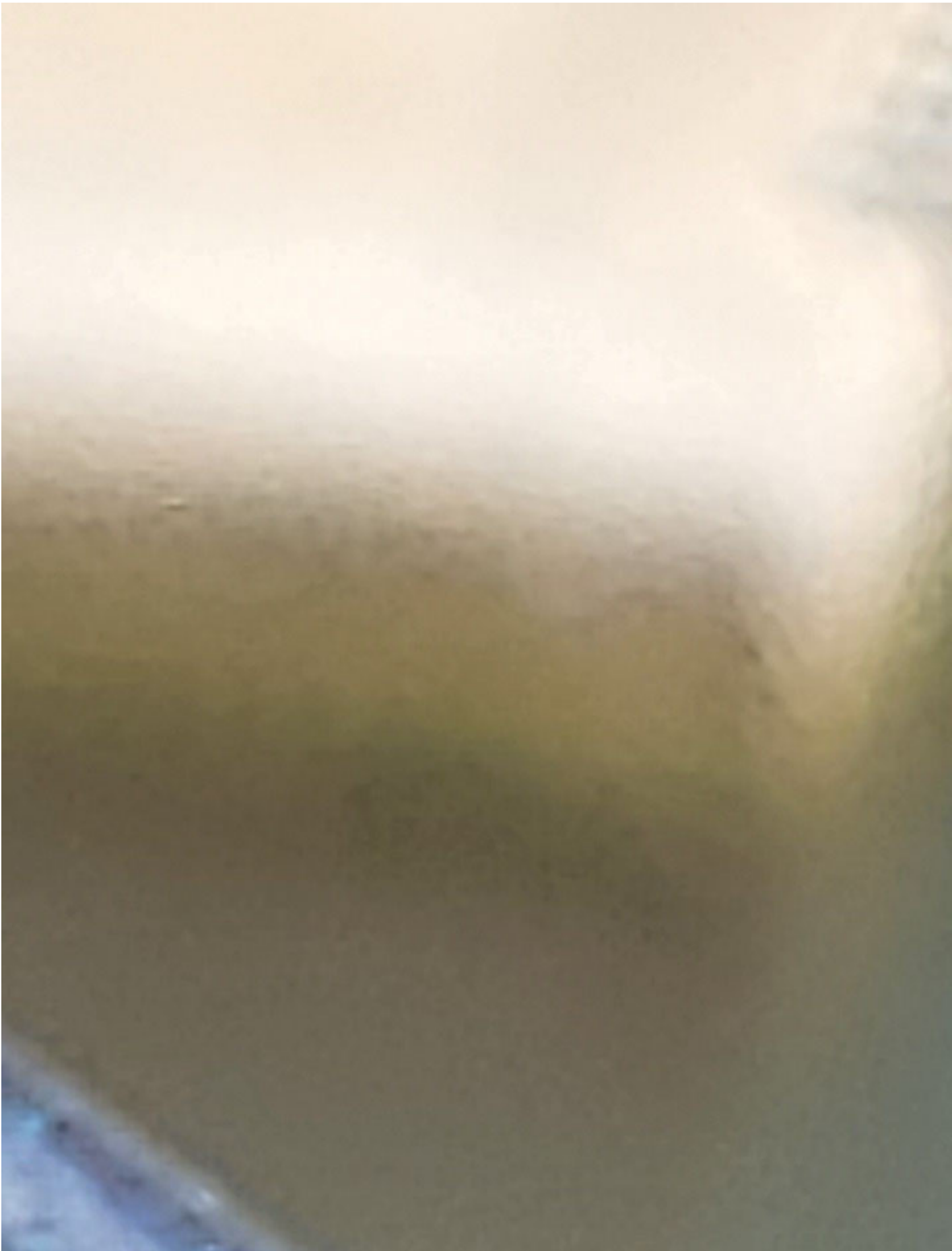


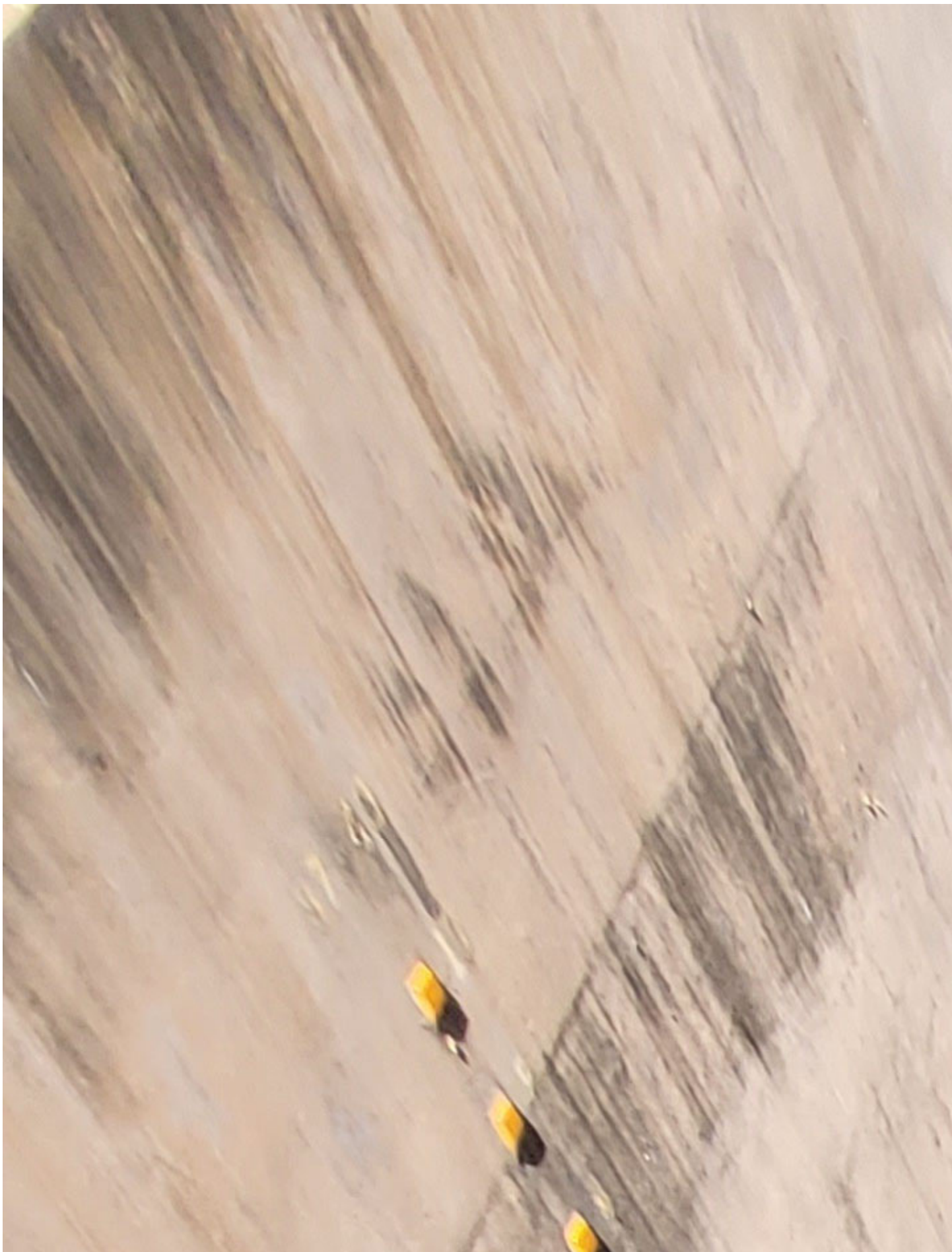
Michele King

From: Danny Garza [REDACTED] >
Sent: Wednesday, July 26, 2023 7:49 PM
To: Peter Ortiz; Zoe Lofgren; dave cortese; ash kalra; Supervisor Cindy Chavez; The Office of Mayor Matt Mahan; Jennifer Maguire; Capilla, Morgan (she/her/hers)
Cc: John Wolfenden
Subject: Oil in Lower Silver Creek from the Alum Rock Avenue Gutters

Follow Up Flag: Follow up
Flag Status: Flagged

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Honorable Councilman Peter Ortiz,

As you can clearly see, the Lower Silver Creek Drain Water from the Alum Rock Avenue outlet, are darker colored with Oil and other Chemical from all of the Automotive Mechanic Garages, the Tire Sales and Repair Services, the Fuel Storage Yard, 2075 Alum Rock Avenue(Diesel Station Spill Site), just to name a few Polluters.

In a rain event the Gutters on Alum Rock Avenue and Sunset have Rainbows in them from the Oils and other Chemicals floating on the Rain Water washing into Lower Silver Creek, to Coyote Creek and to the San Francisco Bay.



This is Pollution at the Start of the Problem.

In the Image above, the Construction Crew at 2075 Alum Rock Avenue were blowing and sweeping the Pollution from the Diesel Spill Site there, where the leaky Tanks were being removed - they were moving the Pollution Soils and Dust Particulates onto Alum Rock Avenue and eventually into Lower Silver Creeck as the Darker Water above.

Once the Tanks were removed, they were not wrapped and encapsulated.

Honorable Councilman Peter Ortiz, we are getting poisoned.

Let's figure out away to correct this negative situation for the Improvement of our quality of life and the Health of our Families.

In Community Spirit,
Danny Garza
President
Plata Arroyo Neighborhood Association and Gateway East N.A.C.

[Sent from Yahoo Mail on Android](#)

Michele King

From: Jennifer Codianne
Sent: Sunday, July 30, 2023 8:26 PM
To: Ron Cachopo
Cc: Cecilia Rocha; Board of Directors; Diana Martin
Subject: Re: Broken fence along Saratoga Creek - 1400 Bowe Ave - Santa Clara

Follow Up Flag: Follow up
Flag Status: Flagged

Yes, it is on schedule to be buttoned up with a section of expanded metal which is more durable and harder to cut. We will continue to button up each area with expanded metal as they are cut. We have been communicating with Diana on this issue and hope to get the work done this week. It is our instream construction season in the creeks so maintenance crews are very busy, thank you for your patience and understanding!

Thanks,
Jen

Sent from my iPad

On Jul 30, 2023, at 7:40 PM, Ron Cachopo <[REDACTED]> wrote:

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Hi Jen,

Is it possible to button up the broken fence to the left hand side of the Main Entrance Gate of our complex?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave [REDACTED]
Santa Clara, CA 95051

On Sunday, July 30, 2023 at 07:33:03 PM PDT, Jennifer Codianne <jcodianne@valleywater.org> wrote:

Hi Ron,
We will send someone to retrieve the pallet.
Thanks for letting us know.
Jen

From: Ron Cachopo <[REDACTED]>
Sent: Sunday, July 30, 2023 6:21 PM
To: Jennifer Codianne <JCodianne@valleywater.org>
Cc: Cecilia Rocha <CRocha@valleywater.org>; Board of Directors <board@valleywater.org>; Diana

Martin <dmartin@commoninterest.com>

Subject: Re: Broken fence along Saratoga Creek - 1400 Bowe Ave - Santa Clara

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Hi Jen,

On additional observation on the Saratoga Creek Fence.

Noticed where the new Gate was installed a wooden pallet next to the inside of the fence so someone could climb up and down the fence more easily.

Is it possible to remove this pallet to inhibit easy access to the creek?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave [REDACTED]
Santa Clara, CA 95051

On Sunday, July 30, 2023 at 06:09:35 PM PDT, Ron Cachopo <[REDACTED]> wrote:

Hi Jen,

Noticed arriving home from shopping late Sunday afternoon a large opening in the Saratoga Creek Fence.

The opening is located to the left hand side of our main entrance complex gate. (PS: There is an abandoned Shopping Cart near the opening.)

Can you have someone take a look and button it up?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave [REDACTED]
Santa Clara, CA 95051

On Tuesday, June 20, 2023 at 05:30:40 PM PDT, Ron Cachopo <[REDACTED]> wrote:

Hi Jen,

Leaving for work this morning and noticed the Fence Gate entering into the Saratoga Creek was ripped open on the bottom allowing easy access to the Saratoga Creek. (The Damaged Gate is located across from our Automatic Gate closest to the Moon Lite Shopping Center.

Is it possible to have someone take a look and make the repair?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave [REDACTED]
Santa Clara, CA 95051

On Saturday, April 1, 2023 at 12:57:15 PM PDT, Ron Cachopo <[REDACTED]> wrote:

Hi Jen,

I E-mailed you back on March 11, 2023 regarding open piece of fence along the Saratoga Creek on 1400 Bowe Ave, Santa Clara.

My brother noticed returning home from shopping on Saturday April 1, 2023 a piece of open fence along the Saratoga Creek across the Moonlite Shopping Center side gate entrance on our Santa Clara Hampton Place Condominium Complex.

Our Manager for the Santa Clara Hampton Place Complex is Diana Martin at Common Interest. (I have cc'd here on this E-mail).

Is it possible to have someone button up the fence?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave [REDACTED]
Santa Clara CA 95051

On Saturday, March 11, 2023 at 12:35:54 PM PST, Ron Cachopo <[REDACTED]> wrote:

Hi Jen,

I E-mailed you back on October 29, 2022 regarding open piece of fence along the Saratoga Creek on 1400 Bowe Ave, Santa Clara.

My brother noticed returning home from shopping on Saturday March 11, 2023 a piece of open fence along the Saratoga Creek across the Moonlite Shopping Center side gate entrance on our Santa Clara Hampton Place Condominium Complex.

Our Manager for the Santa Clara Hampton Place Complex is Diana Martin at Common Interest. (I have cc'd here on this E-mail).

Is it possible to have someone button up the fence?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave [REDACTED]

Santa Clara, CA 95051

On Monday, October 31, 2022 at 01:18:55 PM PDT, Jennifer Codianne <jcodianne@valleywater.org> wrote:

Hi Ron,

Staff will investigate and I will get back to you as soon as I know more.

Thanks,

Jen

From: Ron Cachopo <[REDACTED]>
Sent: Saturday, October 29, 2022 12:44 PM
To: Jennifer Codianne <JCodianne@valleywater.org>
Cc: Cecilia Rocha <CRocha@valleywater.org>; Board of Directors <board@valleywater.org>; Diana Martin <dmartin@commoninterest.com>
Subject: Broken fence along Saratoga Creek - 1400 Bowe Ave - Santa Clara

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi Jen,

I E-mailed you back on July 28, 2021 regarding Homeless People entering the fence along the Saratoga Creek on 1400 Bowe Ave, Santa Clara.

My brother noticed returning home from work on Thursday 10-27-22 people entering a piece of broken fence along the Saratoga Creek by the telephone pole across the main entrance on our Santa Clara Hampton Place Condominium Complex.

Our Manager for the Santa Clara Hampton Place Complex is Diana Martin at Common Interest. (I have cc'd here on this E-mail).

Is it possible to have someone button up the fence?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave [REDACTED]

Santa Clara, CA 95051

[REDACTED]

1 [REDACTED]

Alie H. Saad, Ph.D.

To Members of the Board of Directors
Santa Clara Valley Water District
5750 Almaden Expressway, San Jose CA 95118

July 26th, 2023

Subject: Retrofit project of Anderson Lake Dam

Dear Board Members

Your response of August 12th, 2022 distilled my letter of August 4th 2022 into 4 questions. I was taken aback by the questions you asked and surprised by your answers. So surprised that I researched the background further and discovered incorrect assertions in your response. Based on the documents Valley Water staff filed, I am writing this letter to show you that your answers are full of inaccuracies. I would like to understand who manages your performance (other than the voters whom you deftly hoodwinked in 2022). Your actions to date and the resulting delays to the retrofit are a gross negligence and dereliction of responsibility and duty.

The studies that the Board authorized and carried out between 2007 and 2013 showed beyond a shadow of a doubt that the existing dam posed a significant danger to so many millions of Bay Area residents. Based on the estimated \$100 million damages done in 2017 from flooding, the flooding from a failed dam could cause a 10-to-20-fold increase in potential damage in Silicon Valley. Valley Water will be liable for much more than the 8.25 million dollars they paid to the coyote creek residents.

The Board requested more studies between 2014 and 2017. You held a workshop in December of 2015 which had all the engineers past and present including FERC and DSOD (see below Q4). You stated in your August 12th response that the seismicity from these later studies was shown to be greater than originally known and the liquefaction potential of the dam embankment was greater than originally calculated. The Board produced a video showing flooding of Morgan Hill within 20 minutes and the Bay Area within 12 hours following damage done to the dam in the aftermath of a credible earthquake. Yet no retrofit was initiated by Valley Water Board of Directors. Through your inaction, you played Roulette with millions of people's lives for 15 plus years. On February 20th, 2020, Director Capka and FERC had to order the emptying of the lake as a safety measure forcing you to build a tunnel and to carry out a dam retrofit. His words say it best *"Your actions to date do not demonstrate an appropriate sense of urgency regarding the interim conditions at the project"*. Lo & Behold, Valley Water board of directors swung into action to retrofit.

Now the pendulum has swung in the opposite direction. Many people have asked on multiple occasions why the Board is carrying out the retrofit over a 12-year time frame. Valley Water has not provided an answer. All the studies carried out by your paid experts & the schedules filed by Valley Water stated that it can be done in 6 to 7 years (see below Q1).

Continuous emptying and filling of the lake over the next ten years (as was done over the past 3 years) will impact seismicity and the more dreaded slope instability. These will trigger earthquakes whose magnitude is higher than predictable for the faults around the dam. Several of your expert reports calculated the earthquake from the existing faults to be around 6.3 with the dam liquefaction at 7.3 (see below, the response to your fourth question)

In June of 2023, Scientists at the Scripps Institute in San Diego published the results of computer simulation studies funded by the Southern California Earthquake Center, National Science Foundation, NASA, and the U.S. Geological Survey that clearly demonstrated that when the Salton Sea basin filled, the weight of lake Cahuilla's bent the surrounding crust and its water penetrated deep underground, each of which altered the forces acting on the fault in ways that could

help trigger a massive rupture and severe shaking. Over the next 10 years of the dam retrofit, with the rapid filling and emptying of the lake to comply with FERC, the hydrologic loads will certainly increase Coulomb stress on the faults by several hundred kilopascals and fault-stressing rates by more than a factor of 2. This will be probably be sufficient for more massive earthquake triggering. I believe that your actions are termed induced seismicity, The destabilizing effects of lake inundation are enhanced by a nonvertical fault dip, the presence of a fault damage zone and lateral pore-pressure diffusion (*Hill, R.G., Weingarten, M., Rockwell, T.K. et al. Major southern San Andreas earthquakes modulated by lake-filling events. Nature 618, 761–766 (2023).*) These are all present in Lake Anderson as shown by studies you paid for and carried out over the past 20 years.

In the event of a catastrophic flooding because of the induced seismicity following an earthquake between 7.5 and 8.3 (as your video showed), any lawyer worth 500 dollars/hour can easily convert your gross negligence and dereliction of duty to one of criminal negligence. I believe the new tunnel can withstand an earthquake of 7.3. I am certain that you will respond that this is the work of nature and not your negligence that triggered earthquakes of this magnitude.

My friends and I were enjoying a barbecue on my deck as we watched Lake Anderson being drained for the second time. We mused as we compared the Indian Government official who emptied a lake to retrieve his cell phone to your actions. We calculated that Valley Water Board has thrown out the equivalent of 120 million dollars' worth of their inventory in 3 years. By the end of the 12-year retrofit period, Valley Water may very well have emptied 8 lakes (about 480 million dollars' worth of water). One of my friends volunteered to contact the Guinness book of world records to ensure you get an entry for the only caretakers of the water supply in the World that have thrown out 8 lakes.

Here are the questions you posed in your letter and my response:

Q1: What are the real construction schedules if the contractors were allowed to work in accordance with their schedules?

As I pointed out in my previous two correspondences in 2022, given previous experience of my group in dam retrofits, it is baffling why Valley Water will **impose** a timeline of 1710 days on the contractors (Figure 1) to construct the tunnel instead of the reasonable three years which Valley Water advertised as the timeline needed. In your letter of August 12th, 2022, you stated that "Kiewit Infrastructure, Inc. was not required to submit a schedule as part of its bid for the Anderson Dam Tunnel Project (ADTP)". I find that astonishing.

178	178	USACE reviews FERC EA/FONSI, Section 106, and Section 7 Consultations and concurs and/or prepares separate documentation	30 days	Fri 9/25/20	Thu 11/5/20
179	179	USACE prepares Public Interest Determination	7 days	Tue 11/17/20	Wed 11/25/20
180	180	Permit decision	1 day	Thu 11/26/20	Thu 11/26/20
181	181	District signature	1 day	Fri 11/27/20	Fri 11/27/20
182	182	Final permit with USACE signature	1 day	Mon 11/30/20	Mon 11/30/20
183	183	Construction	1530 days	Tue 10/3/20	Tue 10/13/26
184	184	Construction Bid Solicitation	30 days	Tue 12/1/20	Mon 1/11/21
185	185	District contracting	35 days	Tue 1/12/21	Mon 3/1/21
186	186	Construction Starts	0 days	Mon 3/1/21	Mon 3/1/21
187	187	Year 1/2 - Diversion System Construction, channel improvements	461 days	Tue 7/6/21	Tue 4/11/23
188	188	Year 3 - Dewatering	10 days	Wed 4/12/23	Tue 4/25/23
189	189	Year 3 - Stage 1 Excavation	140 days	Wed 4/26/23	Tue 11/7/23
190	190	Year 4 - Stage 2 Excavation	72 days	Tue 4/16/24	Wed 7/24/24
191	191	Year 4 - Stage 2 Fill	152 days	Tue 4/16/24	Wed 11/13/24
192	192	Year 5 - Stage 3 Fill	155 days	Tue 4/15/25	Mon 11/17/25
193	193	Construction Ends	0 days	Tue 10/13/26	Tue 10/13/26

On March 5th, 2019, as part of the Environmental Compliance and Permitting Schedule, Valley Water filed a schedule that gave a clue as to where the 1710 days came from. Row 183 gives a total of 1530 days for the entire dam retrofit which included the tunnel construction work. **The tunnel work is in row 187 and had a duration of 461 days only. This matched your advertised finish on the billboards of early 2023.** The rest (1069 days) is to finish the entire removal and rebuilding of the dam.

In your request for quotations from the 6 shortlisted contractors, you discussed requiring 149 days for approvals at various stages of the tunnel building. These 1530 days plus 149 days gives a total of 1679

days a mere 2% below the 1710 days (31 days as an error margin). Why did your staff not impose 461 days for the tunnel construction and instead imposed 1710 days which translates to 4 years and 8 months if they work every weekend? Who benefits from this? As I discussed in my letter of August 4th, contractors are exposed financially to inefficient schedules. In your addendum 1 on February 17th, 2021, the 1710 days was calculated as 980 days plus a two-year landscape establishment period.

Where did the 1069 days for the dam retrofit come from? URS (now AECOM), the contractors that carried out many of the studies from 2014 to 2017, provided 5 alternatives for the removal and rebuilding of the dam in their report published on September 29th, 2016. They recommended two alternatives – 2b-1 and 2c-1. The former was scheduled to be completed within 1034 days (Figure 2) while the latter had a schedule of 1211 days (Figure 3) in line with the 1069 days in your schedule filed on March 5th, 2019. Therefore, your expert consultants had the project including the tunnel and the dam retrofit to be completed by 2027/2028 and not what your Board is promulgating (2032 completion). These schedules were filed with FERC and DSOD. Alternative 2b-1 had excellent slope stability safety ratios (see below). Incidentally, URS proposed 365 days for lake draining within that time.

In 2022, the Board set forth motion on term limits (measure A) for which you spent 3 million dollars. The basis was that you had tremendous experience that necessitates extending your terms in office. Given that experience, I hope your guidance ensured the alignment of the permit seeking process in parallel to the tunnel building over the past 3 years. The retrofit should be completed as was projected by your expert consultants.

Q2: Does Valley Water have plans to accelerate the Construction Schedules?

I find your response to the question which you distilled from my communication somewhat bewildering and baffling:

At this point in time, Valley Water has not received any proposals to substantially shorten the construction duration. If in the future, a proposal is received, it will be reviewed and evaluated by Valley Water, the project's federally mandated Board of Consultants, and our State and Federal Regulators for feasibility and probability of success.

Did Valley Water ask Flatiron to carry out the construction schedule within 500 days as was filed in Row 187 or was Valley Water expecting a voluntary proposal from Flatiron?

I do suggest the following. Stick to the recommendations and follow the schedule projected by your expert advisors and which the Board filed with FERC and DSOD, and which were accepted, and everybody will be happy. Then, there is no need to shorten that time frame as you discussed in your response to me. The **entire** dam retrofit will be finished in 2028 even *with inefficiencies*. Not only the tunnel. You will also save money and cause less destruction.

Given my experience over the past three decades in implementing large infrastructure projects in Africa including dam retrofits, 10 to 12 years is ridiculously long and has no justification.

By following the expert recommendations, you will not expose millions of people in the Bay Area to future catastrophes of your own making. And subject the taxpayers to millions of dollars in losses between lakes thrown and landslide excavation and remediation (well over 800 million dollars (next paragraph)). This project was budgeted at 130 million dollars in 2013. The cost is now running between 780 million dollars and 1.2 billion dollars. So, the taxpayers are being exposed to about 2 billion dollars liability.

Q3: Will Valley Water buy more homes?

This question that you posed was not the point of the paragraph in my letter. You sidestepped the point of slope instability or failure and the costs of remediation resulting from your delays to the retrofit and instead responded by saying Valley Water will not buy any more homes beyond the ones bought on Hoot Owl Way.

The paragraph in my letter of August 4th stated,

"Flatiron – as part of the 161 million budget – charged US\$ 5,668,400 for landslide excavation and remediation on Hoot Owl and the old boat marina. (Supplemental Items 10 in Phase 2B NTP see addendum table). This remediation is mandatory from FERC as documented in their various letters and already contracted. However, Valley Water has started "negotiations" to purchase 7 to 10 homes and lots on Hoot Owl way as being cheaper than remediating the damage observed due to the lowered lake. Eminent Domain is the word floating amongst the residents in the estates surrounding the lake. Yet Director Varela has denied this eminent domain approach. We have another 10 years to go before the lake is filled and we have a high likelihood of a couple of El Nino years which will cause further erosion beyond what is observed to date. Will Valley Water buy more homes?"

Over the past two years, there has been noticeable slope and further embankment failure along the lakebed. The science as to why this will continue is high school science. Contrary to your definitive answer, Valley Water will end up buying more homes and displace people. I will tell you why I believe this.

The stability of a slope is essentially controlled by the ratio between the available shear strength and the acting shear stress. This ratio is expressed in terms of a safety factor if these quantities are integrated over the surface of the embankment. A safety ratio greater than 1.3 is desired. Less than that indicates marginally stable slopes that require monitoring and slope stabilization to increase the safety factor and reduce the probability of a slope movement.

Water content is an important parameter that changes the angle of repose which is related to the shear strength. Rapid inundation and emptying of the lake do affect the angle of repose. This increases the safety factor when the lake is full and reduces it following rapid emptying as you did this year. Over the extraordinarily long dam retrofit of 12 years, the embankment will be subjected to these conditions and over time, your actions will chip away at the stability of the embankment including the section to the south and the east of the lake (near the bridge) It is noteworthy that URS that carried out the stability analyses for construction conditions, agrees with this. In the report filed with FERC on September 29th, 2016, by Valley Water, URS conducted the studies of stability analysis under the assumption that water would not be impounded by the dam for a period long enough to develop hydrostatic pore water pressures in the dam core. Table 5-2 of their report had a minimum acceptable factor of safety of 1.5 when the existing reservoir is at the crest of the spillway (627.8 feet elevation) and 1.3 in the event of a rapid drawdown from the spillway crest to Deadpool at 488 feet. Alternative plan 2b-1 discussed above will have a whopping safety factor of 1.9 in the event of a drawdown to Deadpool at 488 feet.

Add to that the bending of the lake crust seen with filling and emptying and you have the perfect conditions via which over time, many of the homes built using stilts on the slopes of the Holiday Lake Estates and Jackson Oaks will have structural damage. Some 3 years ago, Valley Water staff installed several dozen sensors along the slopes of the lake to monitor earth movement. These lie derelict and have not been repaired or maintained. How will the Board ensure compliance with the remediation order of FERC? Will Valley Water be responsible for the property damage caused over the 12 years of retrofit. There are about 100 homes that are exposed. The remediation cost of a small section of Hoot Owl according to Engineer Hakes was over 30 million dollars and not the US\$ 5,668,400 dollars contracted to Flatiron. It was less costly to Valley Water to evict the residents on Hoot Owl and pay them for their homes (eminent domain threat). By extension, the remediation financial exposure to taxpayers from the 12 years of retrofit for the entire lake could very well exceed 500 million dollars and the price tag for the property damage would be much cheaper at around 200 million dollars. It does not take a genius to guess what the Valley Water Board will vote to carry out. More home purchases using taxpayer money. More lives uprooted. So, your definitive answer is wrong.

Q4: ... why did they (the Board Members), not see fit to implement the design recommendations of 2013?

You responded "The design recommendations of 2013 were based on a feasibility level planning analysis of the project. Unfortunately, based on geotechnical investigations conducted in 2016 and 2017, seismicity at the site was found to be greater than originally assumed. As a result, the liquefaction potential of the dam embankment was also found to be greater than originally calculated. The resulting higher level of potential dam embankment displacement precludes implementation of the 2013 design recommendations".

Your response had a lot of stretching of the facts reported by URS in their 2014 to 2015 study that was published on July 14th, 2016. I however fully agree with your statement to preclude the 2013 design in favor of the URS designs that increased the safety factor of the slope instability to 1.9

Increased Seismicity at the site

On December 9 and 10th of 2015, a workshop was held, and the attendees included FERC, DSOD, Lettis Consultants, AECOM, Black & Veatch, HDR and several staff members of Valley Water. HDR staff and Mark Ryan (AMEC in 2013) carried out the 2013 design recommendations. Lettis Consultants have carried out many seismicity studies for many dams around the USA and abroad but used deterministic as well as probabilistic seismic hazard analysis (DSHA and PSHA) which they reviewed in this workshop.

The workshop carried out Potential Failure Mode Analysis (PFMA) of the dam based on the work of AMEC, HDR, Fugro, Wahlberg among others. It is noteworthy to mention here that the workshop attendees mentioned several times that no PSHA or DSHA studies were carried out and relied on the work carried out by AMEC from 2009 to 2013.

This PFMA formed the basis by which URS carried out the work that recommended alternatives to mitigate the potential failure of the dam (2b1 and 2c1) discussed above under the question of construction schedules.

The work of URS (2015) that was used by the workshop was essentially a site geologic model was developed based on

- a) Geologic mapping coupled with analysis of aerial photography.
- b) Geophysical and electrical resistivity surveys
- c) Excavation and documentation of fault trenches
- d) Laboratory Infrared simulated luminescence as well as paleomagnetic analysis of the surficial deposits
- e) Literature survey and comparison with work done on this site during the period 2007 to 2013.

The new faults "discovered" in this mapping study were categorized as secondary faults. All the primary faults reported were in effect confirming previous studies published from 2007 to 2013.

Mapping of faults is not seismicity. Seismicity was not studied by URS but by AMEC in 2013. PFMA pinpoints the **vulnerability** posed by the dam structure and is not seismicity. PFMA necessitated corrective action on the dam itself.

The liquefaction potential of the dam embankment was also found to be greater than originally calculated.

The general definition of liquefaction is that for liquifiable soils, moderate to strong ground shaking can create large excess pore water pressures in these soils, which temporarily decrease the effective stress and shear strength, which leads to strength loss, excessive settlements, lateral spreading, and other damages.

The 2013 planning study report by HDR referred to a 2008 stability evaluation that identified potential embankment instability because of seismic shaking and liquefaction. There was no calculation. In the Executive summary of the HDR report they reported the presence of liquefiable materials in the embankment and foundation of the dam that could result in slope instability and failure of the embankment following a large earthquake. URS stated that the safety factor of the existing dam is 1.5 when the lake is full and 1.3 when it is at Deadpool level.

The workshop on Potential Failure Mode Analysis **qualitatively** identified 4 failure modes in case of a significant earthquake when the lake is full. This led to URS proposing alternatives to mitigate fault rupture. There is nothing in any of the reports that supports your statement that liquefaction was calculated to be greater than what is known.

You stated that "The resulting higher level of potential dam embankment displacement".

Page 13 of the workshop report stated that *"the recommended design criteria of 4-feet of reverse-thrust offset and 2-feet of strike slip type right-lateral offset. Different criteria for different faults were not proposed. These are considered conservative criteria."*

Section 7.5 of the URS mapping study stated "The geological investigation discussed herein focuses on locating and characterizing primary (capable of accommodating the entire 4 ft of coseismic slip) and secondary faults (capable of accommodating minor slips (< 1 foot) within the CCRF system. The geologic study was not intended to assess the fault activity as the entire CCRF system is considered to "conditionally active" for the purposes of design (HDR 2013b).

What precludes the 2013 design recommendations was the PFMA and URS design that reduced vulnerability. This section is in effect highlighting what is very important. USGS has maps showing an abundance of faults all around the lake. Probabilistic seismic hazard analysis assumes Poisson model for distribution from all these sources. The vulnerability of the dam is critical, and Valley Water Board knew about the danger it posed irrespective of how you verbalize it. Yet you did no such thing until a frustrated FERC slapped your hands. **The ball is in your court.**

The requirement of 1710 days to complete the tunnel instead of 461 days was undoubtedly seen by FERC and DSOD and proved FERC Regional Engineer Blackett right. On September 5th, 2019, he wrote a letter to Chris Hakes in Valley Water stating: *"We note that the BOC was approved in June 2012. An optimistic start date for construction is currently scheduled for 2023, more than a decade after formal efforts to evaluate and remediate Anderson Dam began. Given past significant delays and continued uncertainties surrounding the schedule, the existing risk reduction measures must be re-evaluated to demonstrate that the communities downstream of your project have a satisfactory level of protection against hydrologic and seismic risks associated with the dam."*



Alie Hussein Saad, Ph.D.

cc Governor Gavin Newsom

Supervisor Susan Ellenberg, President Board President Santa Clara County Board of Supervisors

Supervisor Sylvia Arenas, Santa Clara County Board of Supervisors District 1

Supervisor Cindy Chavez, Santa Clara County Board of Supervisors District 2

Supervisor Otto Lee, Santa Clara County Board of Supervisors District 3

Supervisor Joe Simitian, Santa Clara County Board of Supervisors District 5

Mayor Matt Mahan, City of San Jose, CA

Mayor Mark Turner, City of Morgan Hill, CA

Director David Capka, Division of Dam Safety and Inspections, Federal Energy Regulatory Commission

Regional Engineer Frank Blackett, Federal Energy Regulatory Commission

Congresswoman Zoe Lofgren, 18th Congressional District, California.

Paul Rogers, Natural Resources and Environment Writer, Bay Area News Group



(ADDENDUM NO 7) REVISED BID FORM NO 1
Proposal and Bid Items

Page 1 of 10

This form must be completed in ink and changes must be initialed.

Honorable Board of Directors
 Santa Clara Valley Water District (District)

Pursuant to, and in compliance with, the Notice to Bidders and the Contract Documents, relating to the

C0663 – ANDERSON DAM TUNNEL PROJECT, the undersigned Bidder having become thoroughly familiar with the terms and conditions of the Contract Documents and with local conditions affecting the performance and costs of the Work and having fully inspected the Work site in all particulars, hereby proposes and agrees to fully perform the Work, including providing any and all labor and materials and performing all Work required to construct and complete said Work within the contract time stated and in accordance with the requirements of the Contract Documents, for the following sum of money.

The undersigned Bidder agrees to complete all the Work within 1,710 calendar days from the first chargeable day of the Contract, as stated in the Notice to Begin Work. The Bidder agrees to enter into a Contract with the District and provide the required bonds and insurance in accordance with the Instructions to Bidders, Contract Bonds, paragraph #22 and Execution of Contract, paragraph #23. If the Bidder fails to meet these requirements within the time specified in the Instruction to Bidders, Failure to Execute Contract, paragraph #24, the Bidder's security accompanying this Proposal may be forfeited and become the property of the District. No Contract exists until all Contract bonds and insurance documents have been accepted by the District.

TOTAL BID: \$ 161,140,321

Bidder acknowledges receipt of the following Addenda to the Bid Documents:

Addenda are posted online at <https://www.valleywater.org/construction>.

☐ **NO** Addenda received

☒ Addenda received as follows:

Addendum No. <u>1</u>	Date <u>2/17/2021</u>	Addendum No. <u>5</u>	Date <u>3/16/2021</u>
Addendum No. <u>2</u>	Date <u>2/23/2021</u>	Addendum No. <u>6</u>	Date <u>3/17/2021</u>
Addendum No. <u>3</u>	Date <u>3/2/2021</u>	Addendum No. <u>7</u>	Date <u>3/24/2021</u>
Addendum No. <u>4</u>	Date <u>3/9/2021</u>	Addendum No. <u>8</u>	Date <u>3/25/2021</u>

Failure to acknowledge receipt of an Addendum on the Bid Form is not, in itself, cause for withdrawal or rejection of Bid, if it can be established that Bidder did, in fact, receive such Addendum prior to Bid opening.

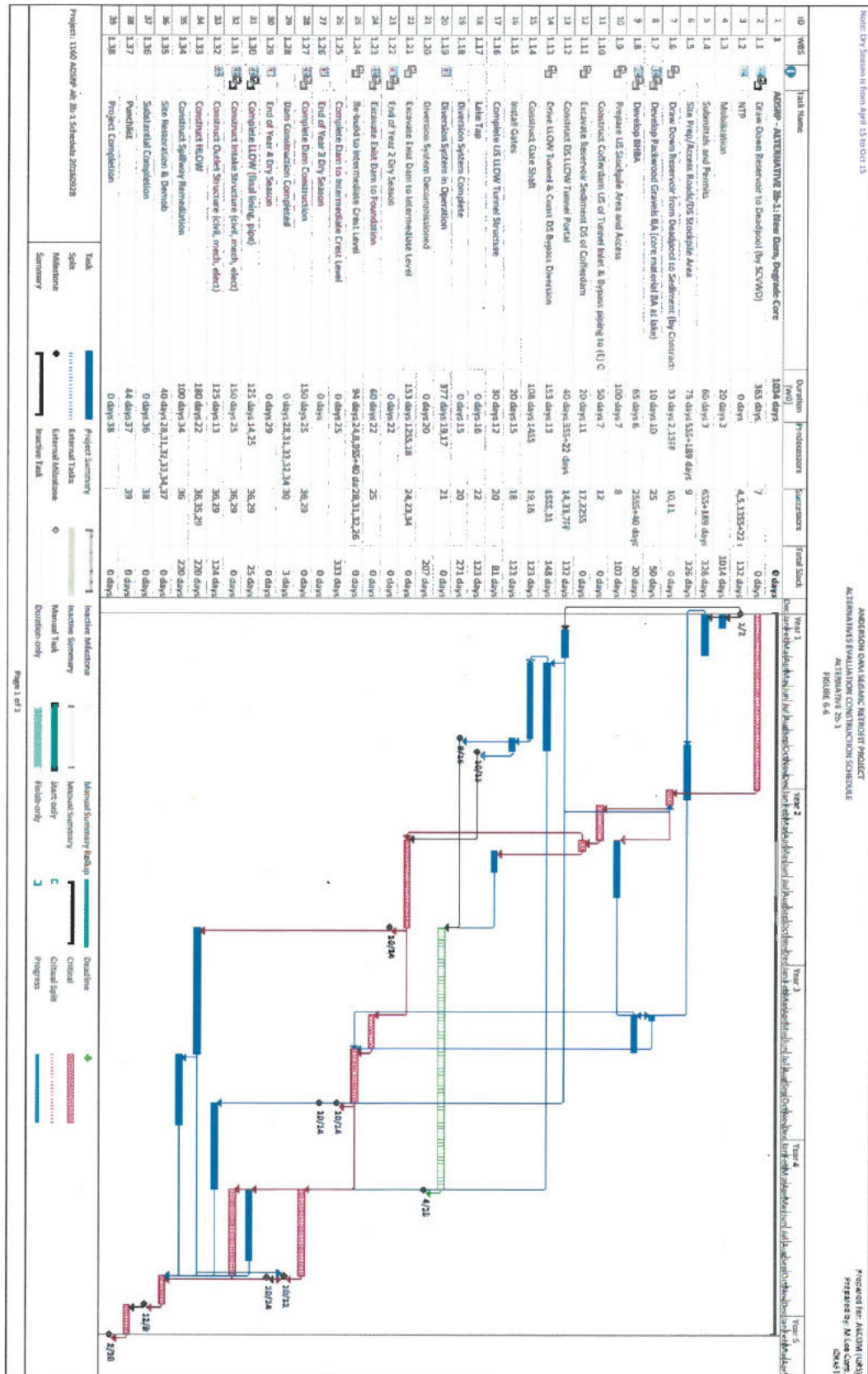
BIDDER'S COMPANY INFORMATION

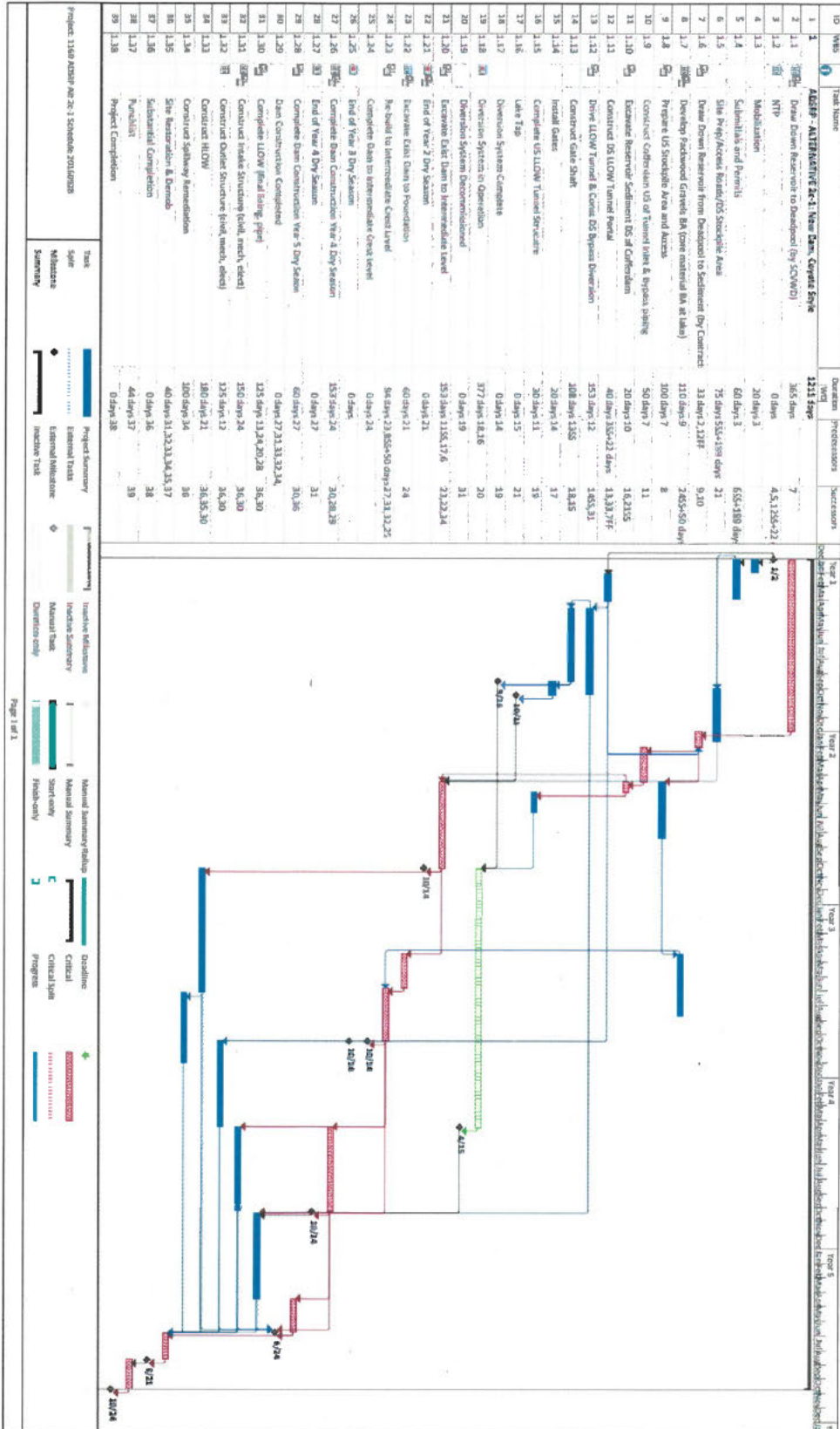
NAME: FLATIRON WEST INC	ADDRESS:
CONTRACTOR'S CALIFORNIA LICENSE NUMBER: 772589	FLATIRON WEST INC.
DATE OF EXPIRATION: 12/31/2021	2100 GOODYEAR RD
LICENSE CLASSIFICATION(S): CLASS A	BENICIA, CA 94510
PHONE NO.: (707) 742-6000	FAX NO.: (707) 746-0849
EMAIL ADDRESS: LiSimon@FlatironCorp.com	

SIGNATURE BLOCK (Signature Block must be completed in ink and changes must be initialed.)

Bidder's Signature:  Date: **3/29/2021**

Bidder's Name and Title (Print): **Shawn Golden, Vice President**





August 12, 2022

Alie Hussein Saad, Ph.D.

██████████
Morgan Hill 95037

Subject: Retrofit project of Anderson Lake Dam

Dear Mr. Saad:

Thank you for your letter dated August 4, 2022 and your continued interest in the Anderson Dam Seismic Retrofit Project. As I read through your letter, I consolidated your questions and answered each of them below.

Q: What are the real construction schedules (to fully build the project) for both bidders if the contractors were allowed to work in accordance with their own developed schedules?

A: Kiewit Infrastructure, Inc. was not required to submit a schedule as part of its bid for the Anderson Dam Tunnel Project (ADTP). As a result, it is not possible to comprehensively answer the question as it was posed. However, Valley Water is in possession of a schedule from Flatiron West, Inc. for completion of the Anderson Dam Tunnel Project. Based on this schedule, Flatiron is currently projecting completion of the tunnel component of the project by mid-2024. The plant establishment period associated with site restoration activities, will indeed extend into 2026, however, these activities will not preclude award of the second stage of the Anderson Dam Seismic Retrofit Project (ADSRP) in late 2024/early 2025. For this reason, information related to the tunnel construction references a 2024 completion date rather than a 2026 date, as the 2024 completion date is on the critical path for completion of the overall ADSRP.

Q: Does Valley Water have a plan to accelerate the construction schedule by allowing the utilization of innovative construction methods that can shorten the project schedule, since you seem to determine the timeline?

A: Flatiron West, Inc. is allowed to propose alternate means and methods for completion of the ADTP in an accelerated timeframe. At this point in time, Valley Water has not received any proposals to substantially shorten the construction duration. If in the future, a proposal is received, it will be reviewed and evaluated by Valley Water, the project's federally mandated Board of Consultants, and our State and Federal Regulators for feasibility and probability of success.

Q: Will Valley Water buy more homes?

A: Valley Water currently has no plans to make additional offers to purchase any other properties or homes.

BOARD OF DIRECTORS

John L. Varela / Chair Pro Tem (District 1)

Barbara F. Keegan (District 2)

Richard P. Santos (District 3)

Linda J. LeZotte (District 4)

Nai Hsueh (District 5)

Tony Estremera (District 6)

Gary Kremen (District 7)

CHIEF EXECUTIVE OFFICER

Rick L. Callender, Esq.

CLERK OF THE BOARD

Michele L. King, CMC



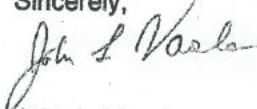
Q: ...why did they (the Board Members), not see fit to implement the design recommendations of 2013?

A: The design recommendations of 2013 were based on a feasibility level planning analysis of the project. Unfortunately, based on geotechnical investigations conducted in 2016 and 2017, seismicity at the site was found to be greater than originally assumed. As a result, the liquefaction potential of the dam embankment was also found to be greater than originally calculated. The resulting higher level of potential dam embankment displacement precludes implementation of the 2013 design recommendations.

Valley Water understands the concerns you have expressed regarding the project duration and cost, and continues to work with Flatiron West, Inc. and our State and Federal Regulators to explore ways to expedite construction of the ADSRP.

Thank you again for your comments. If you have further questions, please contact Chris Hakes at chakes@valleywater.org.

Sincerely,



John L. Varela
Chair Pro Tem, Board of Directors

C-22-0134

Michele King

Subject: FW: Perk Pond on Helmsley

From: [rjzambo@](#) [REDACTED]
Sent: Friday, July 28, 2023 4:19 PM
To: Richard Santos <rsantos@valleywater.org>
Subject: Re: Perk Pond on Helmsley

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi, Thanks for responding re. the weeds at the Helmsley Perk Pond. I also heard from someone else within the Water Dept. that you contacted re. the weeds. Nothing has been done. I talked with a neighbor yesterday and she walks her dog and has to cross the street to avoid that area because there is some weed that can get into the dog's eye. I will include a pic to show you. Help.

Thanks again.



On Saturday, July 8, 2023 at 03:58:42 PM PDT, Richard Santos <rsantos@valleywater.org> wrote:

Hi, thanks, I have to find out is it all our property and I will have staff take care of it, either way, Rich Santos

From: rjzambo@ [REDACTED]
Sent: Saturday, July 8, 2023 3:45 PM
To: Richard Santos <rsantos@valleywater.org>
Subject: Perk Pond on Helmsley

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi Richard,

My annual reminder about the Perk Pond on Helmsley Drive.

First off the goats did a great job of eating away all the weeds within the fenced Perk Pond. All of us neighbors truly enjoyed watching them. However on the Helmsley side of the pond there are a lot of unsightly weeds outside of the fenced area and also along the curb and sidewalk.

We would appreciate it if you could send out a few guys to finish up the job.

Thank you again.

Judie Zamborelli (a BCAC member)

OUTGOING BOARD CORRESPONDENCE

Michele King

Subject: FW: Issues with identifying responsibility for cleaning up homeless encampments and tree trimming in creeks
Attachments: Stream Maintenance and Property Management Fact Sheet.pdf

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Friday, July 28, 2023 4:43 PM

To: 'mkeefhaver@[REDACTED]' <[REDACTED]>

Subject: Re: Issues with identifying responsibility for cleaning up homeless encampments and tree trimming in creeks

Sent on Behalf of Directors Hsueh and Santos:

Dear Michele,

Thank you for concerns regarding tree and encampment management along creeks in Santa Clara County. It's always nice to hear from our retirees (and a former colleague) under any circumstance. Unfortunately, there is not a singular entity in charge of the creeks and property owners whose land extends into the creek have a primary role. Valley Water owns or has access to maintain approximately 294 miles of the 800 miles of the creeks and rivers in Santa Clara County. The remaining stretches of creeks are owned by Santa Clara County, private entities, cities in which the creeks are located, and other public agencies. Valley Water maintains property where it has built projects and possesses land rights.

We've attached a fact sheet that identifies Valley Water's role in stream maintenance, and you may review Valley Water ownership on our website by using the following link: <https://gis.valleywater.org/FeeEasement/>. The green areas show lands owned in fee title the yellow areas show land held in easement. Activities in the creek regardless of ownership are further regulated by state and federal regulatory agencies.

As discussed on the phone with Deputy Officer Jennifer Codianne, the lands surrounding your HOA are mostly held in easement by Valley Water, this means that the underlying property owner is responsible for maintenance of standing trees and that Valley Water may take action if downed trees are blocking the main creek channel across most of the cross section and are large/high enough to push the water over the banks. Valley Water does hold some fee title in this area, please continue to submit Access Valley Water (AVW) cases when there are tree concerns and staff will investigate responsibility and respond based on land rights held.

In regards, to the tree located near Homestead Road, Valley Water did receive an AVW from the City of Cupertino on this tree. It is currently on schedule to be pruned; however current efforts are prioritizing hazard tree removals.

Lastly, the trash and encampments located on Berryessa Creek near Ames Avenue are located on lands where Valley Water holds easement to maintain flood protection structures and flow conveyance. Trash removal and encampment management are landowner responsibilities, an email was sent to the property owner alerting them of your concerns.

In the future if you need to report other concerns to Valley Water, you may also use our online system at <https://access.valleywater.org/s/>.

Please contact Deputy Operating Officer Jen Codianne at jcodianne@valleywater.org for follow up information.

Thanks again for contacting us and we hope you are enjoying your retirement.

Sincerely,



Nai Hsueh
Director, District 5



Richard Santos
Director, District 3
(408) 234-7707

C-23-0189

From: MICHELE KEEFHAVER <[REDACTED]>
Sent: Monday, July 24, 2023 4:50 PM
To: Rick Callender <rcallender@valleywater.org>; Richard Santos <rsantos@valleywater.org>; Nai Hsueh <NHsueh@valleywater.org>
Subject: Issues with identifying responsibility for cleaning up homeless encampments and tree trimming in creeks

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hello,

As a former employee of Santa Clara Valley Water for eighteen years, I am compelled to share some frustration I have been experiencing when making requests through Access Valley Water for creek maintenance.

About a month ago, I asked that some large trees extending over a private street in my townhouse complex (Glenoaks Park Villas in Cupertino of which I am an HOA Board Member) be trimmed. I was informed via a phone call, that these trees were the HOA responsibility, even though they are on the creek side of a wrought iron fence on which "No Trespassing Signs" are posted by SCVWD. These trees were extremely overgrown and posed a hazard to our homeowners. In fact one tree fell on and damaged the fence last March. I worked with the Risk Management Unit and was able to get reimbursed for half the cost to repair, which was appreciated. The Glenoaks Park Villas HOA then paid \$1800 to have the overhanging limbs trimmed back from over the street. I was expecting a more "Good Neighbor Policy" in dealing with these overgrown trees.

I then reported a tree near Homestead Rd in Cupertino at the top of Stevens Creek creek bed that has grown out over Homestead and blocks the street sign. I also reported that it was blocking the street light in that location. Again, I was told that it was not SCVWD's responsibility to trim this tree.

Also, I volunteer at the Humane Society of Silicon Valley on Ames Ave. in Milpitas. Over the last four months a homeless encampment has grown on the banks of Berryessa Creek where Ames Ave. crosses the creek. There are clothes, cardboard and garbage littering the creek in this area. I reported this through Access Valley Water and got a phone call saying that this area is not the responsibility of SCVWD. I was told that the parcel was maintained by Union Pacific Railroad. I then reached out to Union Pacific and after some research on their end, it was determined that maintenance of this canal belongs to SCVWD. I was in the area today and nothing has changed. Please see the forwarded emails below. I have also attached some pictures I took of the litter in the area.

These examples of creek maintenance in Cupertino and Milpitas are not consistent with the District's Clean, Safe Creeks Program. I think SCVWD can do better.

Regards,

Michele Keefhaver

----- Original Message -----

From: MICHAEL IANNONE <mjiannon@up.com>

To: Michele Keefhaver [REDACTED]

Date: 07/21/2023 7:39 AM PDT

Subject: FW: CNB2307-0034 AMES AV APN# 08630060

Michele,

After research the drainage ditch ownership it has been found to be an easement agreement with the Santa Clara Valley Water District which states, they are to maintain this area. Santa Clara Water District has been notified to address the trespasser encampments & their associated debris in the drainage ditch.

Mike

<image001.png>

Michael Iannone

Police Supervisor-Safety

Union Pacific Railroad

NorCal Service Unit

Phone: 888 877 7267

Email: mjiannon@up.com

From: Mary Johnson <mary.johnson@up.com>
Sent: Friday, July 21, 2023 5:43 AM
To: MICHAEL IANNONE <mjiannon@up.com>; Anna Kulig <anna.kulig@up.com>; Conner Dvorak <conner.dvorak@up.com>; Kylie Eker <kylie.eker@up.com>
Cc: Jasmine Gary <jgary@up.com>; Patrick Taguchi <ptaguchi@milpitas.gov>
Subject: RE: CNB2307-0034 AMES AV APN# 08630060

Good morning, Michael,

We do own the parcel # 08630060; however, it is the parcel slightly to the North of what you have screenshotted below. Regardless, there is an easement in place with the Santa Clara Valley Water District that requires they maintain this area. I have a contact with the water district, and I will forward the photos and notice their way.

Please let me know if I can answer any other questions.

Best regards,

<image002.png>

Mary Johnson

Real Estate

PHONE: 402-544-8562 | EMAIL: mary.johnson@up.com

1400 Douglas St. Stop 1690 Omaha, NE 68179

From: MICHAEL IANNONE <mjiannon@up.com>
Sent: Thursday, July 20, 2023 5:21 PM
To: Mary Johnson <mary.johnson@up.com>; Anna Kulig <anna.kulig@up.com>
Cc: Jasmine Gary <jgary@up.com>; Patrick Taguchi <ptaguchi@milpitas.gov>
Subject: FW: CNB2307-0034 AMES AV APN# 08630060

Mary & Anna,

Would you be able to assist me with a UP Property line check into a City of Milpitas Code Enforcement Violation of APN #08630060 The city is claiming per their GIS UPRR owns the drainage ditch which has non UPRR gates/fence with posted Santa Clara Water District signs. The UPRR Atlas shows UPRR does not own the drainage ditch where all the trespasser & encampments are located.

<image007.png>

Thanks Mike

From: Patrick Taguchi <ptaguchi@milpitas.gov>
Sent: Thursday, July 20, 2023 12:19 PM
To: Jasmine Gary <jgary@up.com>; MICHAEL IANNONE <mjiannon@up.com>
Subject: CNB2307-0034 AMES AV APN# 08630060

*** PROCEED WITH CAUTION - This email was sent from outside the Company ***

Good Afternoon,

Attached is a copy of the Notice to Abate letter and photos of several homeless encampments on Union Pacific Railroad property that I am mailing out today. The homeless encampments are located off of Ames Avenue in the City of Milpitas next to Ames Business Park. I will be doing a follow-up inspection on the site after August 4th, 2023.

Please let me know if you have any questions.

Thank you,

<image008.png>

Patrick Taguchi
Sr. Code Enforcement Officer

Building Safety & Housing Dept.

Phone [\(408\) 586-3277](tel:4085863277) **Fax** (408) 586-3305

Cell [\(408\) 515-0939](tel:4085150939)

Email ptaguchi@milpitas.gov

455 E Calaveras Blvd., Milpitas CA 95035

www.ci.milpitas.ca.gov

<image009.png>

<image010.png>

<image011.png>

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<Stream Maintenance and Property Management Fact Sheet.pdf>

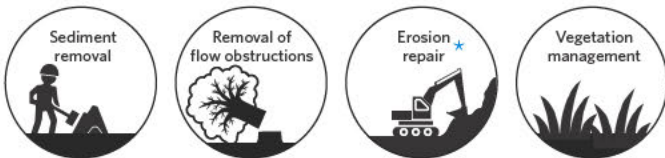
Stream Maintenance by Valley Water

Valley Water performs stream maintenance on completed flood protection projects to keep them in a safe and usable condition as originally designed and constructed. As the landowner, Valley Water also manages its property by performing work along streams.

Maintenance of Capital Projects

Capital projects are large-scale projects that maintain or improve capital assets. They involve a planning, design and approval process that includes public review, California Environmental Quality Act (CEQA) compliance, funding, and land and regulatory permit acquisition. Valley Water maintains the structural and functional integrity of these constructed projects to ensure the significant investment in infrastructure continues to provide the flood protection benefits as its intended design and construction.

Maintenance activities for Capital Projects



* Erosion is a natural process; Valley Water is not obligated to keep a creek "in place". Rather, Valley Water is obligated (considering the availability of resources) to preserve the functional and structural integrity of flood protection projects built or accepted by Valley Water.

Activities include removal of sediment and other obstructions to flow, erosion repair, and vegetation management.

Work activities are defined and permitted under a **Stream Maintenance Program (SMP)**, a ten-year program approved in 2013 by seven state and federal regulatory agencies.

Maintenance work is prioritized based on several considerations, including available resources. Higher priority is given to capital projects completed with federal partners, levee maintenance, and work to preserve channel capacity.



Staff removing fallen trees blocking creek flow.

Maintenance as a Landowner

Valley Water performs work on properties owned in fee title or where otherwise obligated by permit or agreement. These activities include weed abatement, hazardous tree removal, pruning for access, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal.

Maintenance activities as a landowner



Maintenance on easements

Valley Water performs limited work on properties owned by others where Valley Water has an easement. Easements are generally acquired for flood protection or water management and storm drainage purposes and grant rights (not obligations) to take actions in accordance with those purposes.

Valley Water does not perform activities such as weed abatement, erosion repair, graffiti or trash removal on easements as these are landowner responsibilities.

Removal of fallen trees or other obstructions to flow are flood protection activities that may be done by Valley Water. Unless otherwise stated, erosion repair on easements is a property owner responsibility.

The landowner retains rights to use the easement but cannot take actions, such as construction of a building, that conflict with the Valley Water easement right. A typical easement deed requires a property owner to seek Valley Water's approval for certain construction activities such as grading and fencing.

Property Owner's Responsibility for Creek Maintenance

Every property owner has a duty to maintain his or her property in a reasonably safe condition that does not interfere with a neighbor's ability to enjoy their property. A property owner is not required to enlarge or increase the capacity of a creek for flood protection purposes. Maintenance duties may include vegetation management, erosion repair, and removal of graffiti, trash, debris, and fallen trees. Some activities are subject to permitting by local, state and federal regulatory agencies prior to performing the work.

Property owner's responsibilities for creek management



Site of completed erosion repair.

Exceptions and Joint Efforts

There are limited situations where Valley Water may conduct work on private or other public agency owned property. Work may be conducted, subject to agreements, on other public agency owned property or on private property, with permission, during emergencies or for limited stream stewardship purposes.

Emergency Work

Valley Water may perform urgent and emergency flood protection work on other public or private property where a public purpose is endangered, subject to written permission to enter from the property owner. Staff availability and priorities will likely limit our response in an urgent or emergency situation.

Stream Stewardship

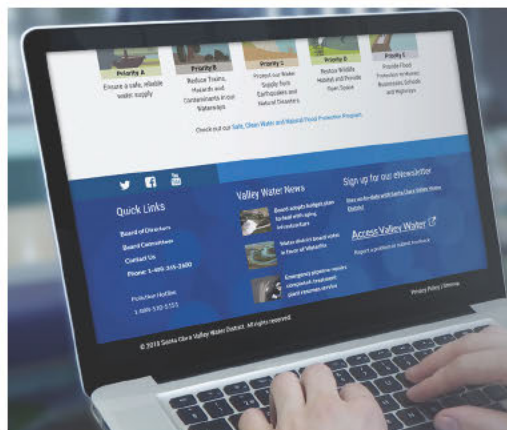
Stream stewardship activities that remove invasive plants along streams are conducted by Valley Water staff. This work may occur on Valley Water property and easements with permission from the property owner. Because it is important to eradicate invasive plants along a creek on a watershed and watershed wide basis and the **Safe Clean Water Program** provides funding for this activity, staff may also seek permission to perform this work on private property.



Crews removing giant reed (*arundo donax*), an invasive plant, from creek.

See link for care guidelines:

<https://www.valleywater.org/learning-center/healthy-creeks-and-ecosystems/creekside-property-program>



CONTACT US

For more information, contact us at (408) 630-2378 or use our **Access Valley Water** customer request and information system at valleywater.org to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person.



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