



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

November 9, 2023

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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3		CEO Bulletin: 11/09/23.
12		Water Tracker – November 2023
		<u><a href="#">BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</a></u>
15		<b>BMR/IBMR Weekly Reports: 11/09/23</b>
16		Memo from Rachael Gibson, CEA to Rick Callender, CEO, dated 09/18/23, regarding Safe, Clean Water Standard Grant Cancellation: South County Compassion Center's FY2022 F9 Unhoused Creek Cleanup Project.
18		Memo from Roseryn Bhudsabourg, Acting Deputy Administrative Officer for Government Relations, to Rachael Gibson, CEA, dated 11/07/23, responding to IBMR-23-0031 (Beall) – Provide copy of the Schedule for Advocacy trip to Washington, DC and the rosters of the House and Senate Appropriations Committee.
28		Memo from Vincent Gin, P.E., to the board, dated 11/02/23, providing information requested by Director Beall related to the B.F. Sisk Dam Raise and Reservoir Expansion Project and the Delta-Mendota Canal Subsidence Correction Project.
		<u><a href="#">INCOMING BOARD CORRESPONDENCE</a></u>
39		<b>Board Correspondence Weekly Report: 11/09/23</b>
43		Email from Rochelle Beerli, Pacheco Storm Water District, to Chair Varela, dated 11/03/23, requesting information on the Pacheco Dam. C-23-0267
44		Email from Dennis J. O'Malley to the board, dated 11/05/23, expressing concern for the closing of Rosendin Park–Anderson Dam Project. C-23-0268
46		Email from Brigitte Rince to the board, dated 11/03/23, expressing additional concerns for the unhoused along Percolation Pond 3 – District 4. C-23-0269
48		Email from Jim Stallman to Director Hsueh, dated 11/07/23, regarding Sites Reservoir Expansion Project. C-23-0270
		<u><a href="#">OUTGOING BOARD CORRESPONDENCE</a></u>
50		Email from Director Beall to Paul Sims, dated 11/03/23, regarding concerns about the encampments near Guadalupe Creek.
55		Email from Director Beall to Brigitte Rince, dated 11/03/23, regarding concerns about the encampments near Percolation Pond 3 – District 4.

# **CEO BULLETIN**

# CEO BULLETIN



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

## Weeks of October 20 – November 9, 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>	CCAP Implementation Report FY2023
<u>2</u>	Emergency Vegetation Removal on Lower Llagas Creek Restores Capacity Prior to Winter Storms
<u>3</u>	Recurring Report on Personnel Vacancies
<u>4</u>	Residential Leak Detection & Repair Certification Training Program Development
<u>5</u>	Update on the Water Infrastructure Finance and Innovation Act Loan Closing
<u>6</u>	Valley Water and County Parks Received Grant for Invasive Mussel Prevention Program
<u>7</u>	Valley Water's Lower Guadalupe River Project Public Meeting
<u>8</u>	Water Quality Laboratory Successfully Completed Accreditation Audit to The NELAC Institute (TNI) Standard
<u>9</u>	Winter Preparedness Workshop for External Agencies
<u>10</u>	<u>Keegan</u> Director Keegan, as the Board Audit Committee (BAC) Chair, requested that staff poll directors not on the BAC about any concerns they may have with current JPAs. R-23-0016
<u>11</u>	<u>Eisenberg</u> The restroom signage inside the visitor's center at the SVAWPC is requested to be replaced with non-binary symbol signage. I-23-0024
<u>12</u>	<u>Beall</u> Provide Director Beall with a briefing on federal and state transportation funding efforts for the B.F. Sisk Dam Raise project. R-23-0028



13	<p><b>Eisenberg</b>            Today Valley Water claimed to the water commission that mitigation costs are included in the \$2.8 billion Pacheco cost estimate. Please break down the costs for us. Also, Valley Water admitted that real estate and water costs are not included. Please estimate. And, please describe what actions are being taken by PG&amp;E as stated today. Staff said, "it's going great." Next, describe what mitigations are being discussed with Amah Mutsun, including potentially moving the burial ground? Finally, please point to the exact flood protections now claimed, given that this was relied on by the commission.            I-23-0029</p>
14	<p><b>Beall</b>            Director Beall asked for information on two DC-related items: 1) List of the House and Senate Appropriators, and 2) Schedule for our November 2023 DC meetings.            I-23-0031</p>

## 1. CCAP Implementation Report FY2023

In 2021, the Board of Directors adopted Valley Water's first comprehensive Climate Change Action Plan (CCAP). The CCAP includes seven goals, with Goals 1 through 3 focused on climate mitigation, Goals 4 through 6 focused on climate adaptation, and Goal 7 focused on emergency preparedness. Each CCAP goal is achieved through implementation of several broad strategies and specific actions. At the time of CCAP adoption, the Board directed Valley Water to develop a CCAP Implementation Program and provide updates on progress on a regular basis.

This Climate Change Action Plan (CCAP) annual implementation update is the first progress update and summary of actions since the adoption of CCAP. This update includes progress for fiscal years (FY) 2022 and 2023. Climate adaptation progress is the primary focus of this annual update and is described for 60 priority actions, along with 12 flagship metrics to demonstrate quantitative progress towards achieving climate goals.

Progress on climate mitigation is being handled primarily through development of a separate Valley Water Greenhouse Gas Reduction Plan (GHGRP). Valley Water provided a progress update on Valley Water's GHGRP to the Board Policy and Planning Committee (BPPC) on September 7, 2023, and aims to provide an update on the draft GHGRP to the BPPC by March 2024.

The first implementation update is now posted on the Valley Water climate page at <https://www.valleywater.org/your-water/water-supply-planning/climate-change-action-plan>.

For further information, please contact Lisa Bankosh at (408) 630-2618.

## 2. Emergency Vegetation Removal on Lower Llagas Creek Restores Capacity Prior to Winter Storms

On August 4, 2023, Governor Newsom issued Executive Order N-10-23 which suspended some permitting requirements for levee repair, debris removal, sediment removal, and vegetation management activities for the Pajaro River and its tributaries. The Executive Order (EO) was issued in response to the 2022-2023 winter storm events and was intended to allow activities to occur prior to the upcoming rainy season to avoid future damage from high flow events.



Lower Llagas Creek is a tributary to the Pajaro River with severely restricted capacity. To alleviate capacity restrictions exacerbated by the 2023 Winter storms, Valley Water removed several acres of vegetation from October 4 through November 1, 2023, acting in accordance with the EO which allowed for no more than 30% of the total native vegetation within the channel and bank to be removed, and for the work to be completed by November 1, 2023.

The vegetation removal work was successful in restoring partial channel capacity, which will help protect property and critical infrastructure along the creek, including the South County Recycled Water Authority wastewater treatment plant. The work also restored maintenance access to the channel, which will allow Valley Water maintenance crews to alleviate any blockages in the upcoming winter if needed.

Overall, Lower Llagas Creek (Buena Vista to Pajaro River) Capacity is being evaluated as part of a larger capital project (Project No. 50284010) and the project team will assess the beneficial impact of this most recent work on the project scope.

For further information, please contact Christopher Hakes at (408) 630-3796.

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### **3. Recurring Report on Personnel Vacancies**

Valley Water strives to attract, develop, and retain a talented and diverse workforce. Our employees come from diverse cultural and professional backgrounds. Valley Water promotes high performance, diversity, and equal employment opportunities.

Human Resources provides a monthly report on staffing levels and vacancies per the Board's request. The following is information through October 31, 2023.

Valley Water Staffing Levels  
921 - Total Positions  
856 - Number of Positions Filled  
65 - Total Vacant Positions  
7% - Vacancy Factor  
6 - Separations in October 2023

For further information, please contact Patrice McElroy at (408) 630-3159.

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### **4. Residential Leak Detection & Repair Certification Training Program Development**

The Water Supply Master Plan 2040 “No Regrets” package identified a suite of water conservation and stormwater projects, including Advanced Metering Infrastructure (AMI) and a proposed customer-side leak repair incentive program. AMI facilitates customer engagement with their water usage and enables water retailers to track water usage remotely and frequently, alerting customers of possible leaks more quickly. To fix leaks expeditiously, however, a trained workforce is required.

After conducting initial research and engaging with external stakeholders, Valley Water and the Bay Area Water Supply and Conservation Agency (BAWSCA) determined the need for a leak certification or certificate program to train professionals, such as plumbers and landscape professionals, to identify and repair leaks. Valley Water and BAWSCA collaborated on a contract with the California Water Efficiency Partnership (CalWEP), a non-profit organization devoted to maximizing urban water efficiency and conservation, to conduct comprehensive research and offer recommendations for a well-informed training program. Phase I of the contract has been completed.

CalWEP surveyed agencies from multiple regions, conducted interviews and facilitated focus groups with industry experts, and conducted extensive on-line research to produce the Phase 1 deliverable, “Design Considerations for a Residential Leak Detection & Repair Certification Training.” CalWEP’s findings highlight the interest and need across California for an affordable, relevant, and accessible leak detection and training program.

Phase 2 of the contract will draw upon research from Phase 1 to outline different training frameworks. Valley Water will develop a Request for Proposal to procure a vendor responsible for developing the training material.

CalWep's “Design Considerations for a Residential Leak Detection & Repair Certification Training.” is available to CalWEP members at: <https://calwep.org/resource/design-considerations-for-residential-leak-detection-repair-certification-training-executive-summary/>.

For further information, please contact Kirsten Struve at (408) 630-3138.

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### **5. Update on the Water Infrastructure Finance and Innovation Act Loan Closing**

On October 30, 2023, Valley Water closed on a \$92 million Water Infrastructure Finance and Innovation Act (WIFIA) planning and design loan with the U.S. Environmental Protection Agency (EPA) for the Pacheco Reservoir Expansion Project, at an interest rate of 5.08%. Valley Water will be repaying the loan with an interest only repayment period starting on June 1, 2032, principal repayment starting on June 1, 2052, and final maturity on June 1, 2062. Total debt service (principal and interest) for the loan is currently projected at \$285.7 million, based on the assumption of five annual disbursements of loan proceeds starting in June 2024 through June 2028. The actual debt service payments will be calculated based on the timing of actual loan draws through the planning and design period. The proceeds from this loan will be used to fund planning and design costs only.

Execution of this loan and the related agreements does not commit the Board to take a definitive action or limit the Board in exercising any discretion pursuant to the California Environmental Quality Act (CEQA) review of the project, including (1) considering other feasible alternatives and mitigation measures to avoid or minimize project impacts, (2) making modifications deemed necessary to reduce project impacts, or (3) determining not to proceed with the project. Valley Water is currently targeting bringing the final Environmental Impact Review and Environmental Impact Statement to the Board for consideration in mid-2026.

The Board approved the WIFIA Loan program for the Water Utility at its regular meeting on December 13, 2022 (Resolution No. 22-112). Valley Water received AA+ credit rating from Fitch Ratings for the WIFIA loan. The WIFIA loan is projected to save Valley Water \$45 million over the life of the loan, as compared to issuing long-term debt in the capital markets.

The WIFIA program is administered by the U.S. EPA to accelerate investment in our nation's water infrastructure by providing long-term, low-cost supplemental loans for regionally and nationally significant projects.

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

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## **6. Valley Water and County Parks Received Grant for Invasive Mussel Prevention Program**

To help protect California's waterways from invasive mussel infestation, California State Park's Division of Boating and Waterways (DBW) provides invasive mussel prevention grants to entities that own or manage reservoirs open for public recreation and are free of quagga and zebra mussels. Funding priority is given to agencies that have an invasive mussel prevention plan complying with California Code of Regulations Title 14 §672.1(b) and Fish and Game Code Section 2302.

In October 2023, Santa Clara County Parks and Recreation Department (County Parks) was awarded two grants from DBW with total funding of \$633,433 for the grant period of October 2023 through October 2025. Per the Valley Water-County Parks Vessel Inspection Program Funding Agreement, the grants will be equally shared between Valley Water and County Parks.

This grant will complement the previous three grants received from DBW with total funding of \$867,000 for the grant period of August 2022 through August 2024, and will continue to prevent quagga and zebra mussels from entering Valley Water's waterways.

Valley Water has been instrumental in developing the mussel prevention plan and conducting quagga and zebra mussel monitoring in its reservoirs, which are the main requirements for the grant application and approval. The grant will be used to offset costs related to mussel prevention such as watercraft inspection, data collection, educational signage, outreach, and site improvements.

For further information, please contact Sam Bogale at (408) 630-3505.

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## **7. Valley Water's Lower Guadalupe River Project Public Meeting**

On October 26, 2023, Valley Water hosted a public meeting to present the Lower Guadalupe River Project. The hybrid event held at the Northside Branch Library in Santa Clara attracted a total of 22 public participants, with 7 people attending in-person, including Santa Clara City Councilmember Kathy Watanabe and 15 people joining via Zoom. Among the online audience were staff from the offices of Assemblymember Alex Lee and Santa Clara County Board of Supervisors President Susan Ellenberg.

Valley Water Board Director Richard Santos provided opening and closing remarks. The presentation included a project overview, staff recommended project alternatives and was followed by a Question-and-Answer session, where staff engaged with community members.

A link to the recording of the public meeting is available on the project website and Valley Water's YouTube channel.

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

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## **8. Water Quality Laboratory Successfully Completed Accreditation Audit to The NELAC Institute (TNI) Standard**

As a requirement for maintaining its accreditation with the California Environmental Laboratory Accreditation Program (ELAP), Valley Water's Water Quality Laboratory was audited by assessors from International Accreditation Service, Inc. The audit was based on new ELAP regulations that will go into effect on January 1, 2024. The new regulations require laboratories to meet the requirements established by the National Environmental Laboratory Accreditation Conference (NELAC), the NELAC Institute (TNI) Standard, which entails a significant increase in record keeping and training for lab operations.

The rigorous two-day audit, conducted in June 2023, included a review of the lab's document control system, instrument performance data, analyst competence, record retention, chemical traceability, results of blind quality control testing, and overall review of the quality management system. During the audit, the Water Quality Lab demonstrated an excellent understanding of the regulations, and received recognition for implementing a robust quality management system, maintaining over 700 well-defined controlled documents, record keeping for chemical traceability, a functional corrective action system, and management review process for optimizing laboratory operations.

After conducting detailed interviews with laboratory staff and reviewing hundreds of records, the assessors noted only ten minor findings at the main lab and three minor findings at the satellite lab located at the Advanced Water Purification Center. Valley Water prepared a detailed corrective action plan to address these minor finding and submitted for assessor review on August 16, 2023. The corrective action plan was accepted by the assessors on September 19, 2023 signifying that the lab has met the requirement to renew its accreditation on May 31, 2024.

On October 20, 2023, the lab received accreditation to perform five additional analytical methods, including PFAS analysis by EPA Method 533, and received a certificate of achievement from ELAP recognizing Valley Water for its commitment to the protection of environmental and public health through the production of reliable data by proactively implementing the 2016 TNI Standard quality management system in its laboratory before the required compliance date of January 1, 2024.

For further information, please contact Sam Bogale at (408) 630-3505.

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### 9. Winter Preparedness Workshop for External Agencies

On October 26, 2023, Valley Water hosted its annual Winter Preparedness Workshop for external agencies that included the County of Santa Clara, City of San Jose, City of Palo Alto, City of Milpitas, City of Morgan Hill and many others. The purpose of the workshop is to inform stakeholder partners of Valley Water preparedness efforts for the Winter season.

The virtual workshop had 93 registered participants, and included presentations for emergency services, external communications, reservoir operations, watershed field operations, hydrology/hydraulics support, sandbag operations, and the National Weather Service Winter forecast. This workshop is a critical annual event in preparation of the Winter Season as Valley Water continues to coordinate and communicate with its partner agency stakeholders.

For further information, please contact Alexander Gordon at (408) 630-2637.

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### 10. Keegan

**Director Keegan, as the Board Audit Committee (BAC) Chair, requested that staff poll directors not on the BAC about any concerns they may have with current JPAs.  
R-23-0016**

As requested, an email was sent on October 25, 2023 to the four Directors not on the Board Audit Committee giving them an opportunity to individually provide any concerns they may have with the Joint Power Authorities currently working with Valley Water to the Clerk of the Board by October 31, 2023. There were no concerns submitted.

For further information, please contact Michele King at (408) 630-2711.

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**11. Eisenberg**

**The restroom signage inside the visitor's center at the SVAWPC is requested to be replaced with non-binary symbol signage.**

**I-23-0024**

Valley Water's single-occupant restroom signage were updated in 2017 for all buildings to ensure compliance with state law. Facilities collaborated with the Racial Equity, Diversity and Inclusion Office to evaluate and source suitable all-gender restroom signage to enhance inclusion, while remaining in compliance with state law. Signage has been procured and will be installed as necessary once delivered.

For further information, please contact Tony Ndah at (408) 630-2208.

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**12. Beall**

**Provide Director Beall with a briefing on federal and state transportation funding efforts for the B.F. Sisk Dam Raise project.**

**I-23-0028**

After internal consideration of this request, it has been determined that this briefing is best provided by staff of the San Luis Delta-Mendota Water Authority (SLDMWA) because the B.F. Sisk Dam Raise and Reservoir Expansion Project is a joint project of the SLDMWA and the U.S. Bureau of Reclamation. SLDMWA has state and federal funding efforts underway, and they are coordinating the advocacy for funding the project at the state and federal levels. Valley Water will arrange the briefing with the SLDMWA to ensure both agencies are coordinating on these efforts.

Additional information related to this IBMR is included in the November 9, 2023 Non-Agenda package.

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

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**13. Eisenberg**

**Today Valley Water claimed to the water commission that mitigation costs are included in the \$2.8 billion Pacheco cost estimate. Please break down the costs for us. Also, Valley Water admitted that real estate and water costs are not included. Please estimate. And, please describe what actions are being taken by PG&E as stated today. Staff said, "it's going great." Next, describe what mitigations are being discussed with Amah Mutsun, including potentially moving the burial ground? Finally, please point to the exact flood protections now claimed, given that this was relied on by the commission.**

**I-23-0029**

*Today Valley Water claimed to the Water Commission that mitigation costs are included in the \$2.8 billion Pacheco cost estimate. Please break down the costs for us.*

An estimate of \$50 million is included in the \$2.78 billion Valley Water Capital Improvement Program (CIP) total project cost. This number was determined based on two previous cost estimates and will be reevaluated during consultation with regulatory agencies. Mitigation costs were also included in the cost estimate in the Supplemental Water Storage Investment Program (WSIP) Feasibility Documentation provided to the California Water Commission (CWC) in November 2021.

Also Valley Water admitted that real estate and water costs are not included. Please estimate.

Real Estate costs are included in the \$2.78 billion Valley Water CIP total project cost, estimated at \$21.9 million. They are not included in the construction cost estimate that was presented at the October 18, 2023 CWC meeting.

Water costs are not a capital cost. They are operating costs and are included in the operating budget. Valuation of water costs has been estimated in economic analysis reports.

And, please describe what actions are being taken by PG&E as stated today. Staff said, "it's going great."

Staff indicated that PG&E is working with Valley Water. PG&E is working on developing the Facility Assessment Study (FAS) for the power transmission line extension and is expected to resubmit to Valley Water on November 15, 2023. PG&E will be performing the design and construction of the power transmission line and associated infrastructure. Valley Water will reimburse PG&E for the work through an agreement.

Next, describe what mitigations are being discussed with Amah Mutsun, including potentially moving the burial ground?

Staff did not mention moving a burial ground. Discussion of specific cultural resources identified is confidential. However, no marked or dedicated cemeteries are known to exist within the proposed reservoir area nor access/utility regions of the study area. Valley Water prepared a document in cooperation with the Amah Mutsun Tribal Band regarding the protocols for the treatment of human remains that was approved by Chair Lopez on July 16, 2020.

Staff is following the AB52 process for tribal consultation (Public Resources Code 21080.3.1). An initial report was provided to tribal representatives in September 2020, with an interim addendum provided in May 2023. Consultation is ongoing until all field investigations and testing are completed. A completed report will then be provided to the tribal representatives. The final step will include a consultation with tribal representatives on identifying impacts and coordination of acceptable mitigations.

Finally, please point to the exact flood protections now claimed, given that this was relied on by the commission.

There are no plans to operate the expanded Pacheco reservoir for flood control purposes and flood protection was not monetized as a benefit. However, an expanded reservoir will further attenuate runoff flows, reducing peak flows downstream, resulting in incidental flood protection. Hydrologic modeling indicates that during many weather scenarios, additional storage capacity available in the reservoir would result in additional incidental runoff flow attenuation downstream.

Please thank staff for admitting it would create no new water.

To clarify, there will not be new water in the sense that Valley Water will not be using Pacheco as part of the regular water supply. Rather, it will allow Valley Water greater opportunity to take full advantage of its current allotments. During very wet years, Valley Water has the opportunity to receive additional imported water but cannot since there is a lack of space to store it. This project would allow Valley Water to take additional water in wet years for long-term supply for emergency use, whether for a drought, planned outage, or failure of another facility.

For further information, please contact Ryan McCarter at (408) 630-2983.



**14. Beall**

**Director Beall asked for information on two DC-related items: 1) List of the House and Senate Appropriators, and 2) Schedule for our November 2023 DC meetings.**

**I-23-0031**

Director Beall requested the schedule for the upcoming Washington D.C. advocacy trip and the rosters for the House and Senate Appropriations Committees. Due to the impending D.C. trip, Valley Water submitted the requested information via email on November 3, 2023.

In accordance with the Non-Agenda process, this information will be included in the Board's November 9, 2023 Non-Agenda package.

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

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# Water Tracker

A monthly assessment of trends in water supply and use for Santa Clara County, California

## Outlook as of November 1, 2023

Valley Water received 100% allocations of water from the State Water Project (SWP) and the Central Valley Project (CVP) this year. On April 11, 2023, the Board of Directors replaced the mandatory call to reduce water use with a voluntary call for 15% water conservation compared to 2019. On June 13, 2023, the Board adopted a resolution to support water conservation as a way of life and an ordinance with a set of permanent water waste prohibitions for Santa Clara County.

### Weather

- Rainfall in San José:
  - » Month of October, City of San José = 0.04 inches
- Rainfall year total = 0.08 inches or 8% of average to date (rainfall year is July 1 to June 30)
- San José average daily high temperature was 80.5 degrees Fahrenheit in October, which is higher than the five-year average for October (77.2 degrees Fahrenheit)

### Local Reservoirs

- Total November 1 storage = 42,733 acre-feet

Reservoir Storage	All Ten Valley Water Reservoirs	All Reservoirs Except Anderson
Storage as % of unrestricted capacity	26%	52%
Storage as % of restricted capacity (1)	68%	67%
Storage as % of the 20-year average for November 1	65%	148%

(1) Per the Federal Energy Regulatory Commission's order, the capacity of Anderson Reservoir was restricted to the deadpool storage as of October 1, 2020

- Approximately 670 acre-feet of imported water delivered into Calero Reservoir during October 2023
- Total estimated releases to streams (local and imported water) during October were 7,800 acre-feet (based on preliminary hydrologic data)

### Treated Water

- Below average demands of 8,637 acre-feet were delivered in October
- This total is 91% of the five-year average for the month of October
- Year-to-date deliveries are 78,512 acre-feet or 90% of the five-year average

### Groundwater

- Groundwater conditions remain healthy throughout the county. Groundwater levels in most regional monitoring wells are higher than last month. All water levels are higher relative to October 2022 and all are higher relative to the prior five-year average for October. The end of 2023 groundwater storage is projected to be in Stage 1 (Normal) of the Water Shortage Contingency Plan

	Santa Clara Subbasin		Llagas Subbasin
	Santa Clara Plain	Coyote Valley	
October 2023 managed recharge estimate	8,700	1,400	3,200
YTD managed recharge estimate	71,800	11,600	18,800
YTD managed recharge as % of five-year average	175%	92%	113%
September 2023 pumping estimate	6,400	1,400	5,600
YTD pumping estimate	36,200	10,200	31,600
YTD pumping as % of five-year average	68%	114%	101%
Current index well groundwater levels compared to October 2022	23 Feet Higher	7 Feet Higher	38 Feet Higher

All volumes are in acre-feet. All data is for 2023 except where noted. YTD = Year-to-date.



## Imported Water

- In October, the SWP operated Banks pumping plant with an average daily export of 3,211 acre-feet, resulting in a total export of 99,534 acre-feet from the Sacramento-San Joaquin Delta
- In October, the CVP operated Jones pumping plant with an average daily export of 4,465 acre-feet, resulting in a total export of 138,402 acre-feet from the Sacramento-San Joaquin Delta
- Delta exports were significantly reduced in October to meet water quality standards. Releases were made from San Luis Reservoir to supplement exports to meet south-of-Delta demands

WY 2023 Imported Water Allocations	Allocation	Allocation (acre-feet)	Details
SWP	100%	100,000	-
CVP	100% Ag 100% M&I	152,500 total	-
State-wide Reservoir Storage	Capacity	Current Storage (acre-feet)	Average for Date (as of 10/31/23)
Shasta Reservoir	69%	3,146,405	129%
Oroville Reservoir	68%	2,421,858	134%
San Luis Reservoir	65%	1,323,121	145%
Semitropic Groundwater Bank	Capacity	Current Storage (acre-feet)	Date of Data
	79%	278,087	9/30/23
Estimated SFPUC Deliveries	September 2023 (acre-feet)	2023 Total to Date (acre-feet)	Five-Year Annual Average (acre-feet)
	4,497	32,783	47,000

## Conserved Water

- Saved 80,078 acre-feet in FY22 through Valley Water's long-term conservation program (baseline year is 1992)
- Long-term program goal is to save nearly 100,000 acre-feet by 2030 and 110,000 acre-feet by 2040
- On June 13, 2023, the Board adopted a resolution to support water conservation as a way of life in Santa Clara County and an ordinance with a set of permanent water waste prohibitions

## Recycled Water

- Estimated October 2023 production = 1,429 acre-feet
- Estimated year-to-date through October = 14,003 acre-feet or 91% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.6 billion gallons (4,803 acre-feet) of purified water in 2022. Since the beginning of 2023, about 3,894 acre-feet of purified water has been produced. The purified water is blended with existing tertiary recycled water for South Bay Water Recycling Program customers

## Alternative Sources

- As of December 10, 2019, Valley Water's wastewater contract right from Palo Alto/Mountain View remains at 11,200 acre-feet/year

## CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, email [info@valleywater.org](mailto:info@valleywater.org) or use our **Access Valley Water** customer request system at <https://deliver.com/2yukx>.



### FOLLOW US



# **BOARD MEMBER REQUESTS and Informational Items**

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-23-0024	08/22/23	Eisenberg	Yoke	Ndah	Director Eisenberg requests that the current restroom signs inside the visitor's center at the SVAWPC be replaced with the non-binary symbol.	09/11/23		
I-23-0029	10/18/23	Eisenberg	Richardson	Mccarter	Today valley water claimed to the water commission that mitigation costs are included in the \$2.8 billion Pacheco cost estimate. Please break down the costs for us. Also Valley Water admitted that real estate and water costs are not included. Please estimate. And, please describe what actions are being taken by pg&e as stated today. Staff said "it's going great." Next, describe what mitigations are being discussed with Amahmutsun, including potentially moving the burial ground? Finally, please point to the exact flood protections now claimed, given that this was relied on by the commission.	11/07/23		
I-23-0030	10/26/23	Eisenberg	Baker	Williams	Director Eisenberg requests information on what Valley Water is doing in regard to reducing PFAS and PFAS pollution.	11/15/23		
R-23-0011	08/08/23	Eisenberg	Taylor	Chint Salandan	CEO 2023 travel with the following: For each time away, please provide: 1. Dates 2. Locations traveled to 3. Total cost 4. Whether the district paid in part or in whole (how much, and was it as a legitimate business expense or as a taxable perk) 5. If for official reasons, if not clear from the outside, please provide a brief (one sentence or even partial sentence is fine) description of the nexus -- e.g. "met with these senators in Washington DC: Warren, Booker, and Feinstein" 6. If the district only paid in part, I do not need to know what was happening during the personal time 7. Please provide the budget for travel for that time period and how the actuals compared with the budgeted (this should be very simple)	08/29/23		10/11/23 Information Only: BMR request was updated to change from BAO travel information to only CEO: CEO 2023 travel with the following: For each time away, please provide: 1.Dates 2.Locations traveled to 3.Total cost 4.Whether the district paid in part or in whole (how much, and was it as a legitimate business expense or as a taxable perk) 5.If for official reasons, if not clear from the outside, please provide a brief (one sentence or even partial sentence is fine) description of the nexus -- e.g. "met with these senators in Washington DC: Warren, Booker, and Feinstein" 6.If the district only paid in part, I do not need to know what was happening during the personal time 7.Please provide the budget for travel for that time period and how the actuals compared with the budgeted (this should be very simple); 09/08/23 Information Only: Two additional weeks need. Anticipated completion date of September 22.
R-23-0016	10/24/23	Keegan	King	Kwok-Smith	Director Keegan, as the BAC Chair, requested that staff poll directors not on the BAC about any concerns they may have with current JPAs.	11/13/23		

**MEMORANDUM**

FC 14 (01-25-23)

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

**FROM:** Rachael Gibson  
Chief of External Affairs  
External Affairs Division

**SUBJECT:** Safe, Clean Water Standard Grant  
Cancellation: South County Compassion  
Center's FY 2022 F9 Unhoused Creek  
Cleanup Project

**DATE:** September 18, 2023

In FY 2022, Valley Water awarded South County Compassion Center (Grantee) a \$52,724.53 Safe, Clean Water Program F9 Standard Grant for their Unhoused Creek Cleanup Project (Project). The Project planned to reduce contaminants from entering groundwater and waterways throughout Santa Clara County by incentivizing volunteer waste collection by unhoused individuals. The Project would have included waste reduction education and coordination with waste removal services to dispose of the garbage collected. Grants staff worked extensively with the Grantee via email and virtual meetings to find solutions to certain challenges they encountered and to accommodate requests specific to their grant. However, the Grantee ultimately requested to cancel the grant because they determined that they would be unable to adhere to certain cost stipulations established in the standard grant terms and conditions. As a result, the Grantee submitted a formal cancellation letter on August 9, 2023, which is attached for reference. These challenges and requests will be considered when the grants program is improved through the grant redesign process.

*Please note that the grant project closeout/cancellation is an internal process and the timeline between when final documentations are submitted and when the project is closed out/canceled, does not impact the grantee, as it is processed after the final payment is issued to the grantee. Staff prioritizes tasks that directly impact the grantees, such as invoice processing, agreement and amendment execution, application review, etc. As a result, grant project closeouts/cancellations may have a longer timeline, but this timeline does not have any impact on grantees.*

DocuSigned by:

A handwritten signature in black ink that reads "Rachael Gibson".

9/19/2023

E7FB44925ECC48A...

Rachael Gibson  
Chief of External Affairs  
External Affairs Division

cc: Michael Lee, Kristen Yasukawa, Donald Rocha, Grants Files

Attachment:

- Cancellation letter





August 9, 2023

Rachael Gibson  
Chief of External Affairs  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118

Dear Rachael,

I am writing to cancel our 2022 Unhoused Creek Cleanup Grant which we were notified of an award on May 27, 2022.

The reason for the cancellation is that we are unable to service these grants, per current Valley Water grant guidelines, in a way where we won't lose money and overburden our administrative staff.

We look forward to applying again once the current grant revamping process is complete.

Many thanks to you, and your team, for working with us on this grant, and others.

Sincerely,

A handwritten signature in green ink, appearing to read "Tim Davis".

Tim Davis  
Executive Director

**TO:** Rachael Gibson, Chief of External Affairs**FROM:** Roseryn Bhudsabourg,  
Acting for Marta Lugo,  
Deputy Administrative  
Officer for Government  
Relations**SUBJECT:** Responses to Director Beall's IBMR I-23-  
0031**DATE:** November 7, 2023

---

Attached to this memorandum are responses to two requests that Director Beall made of staff during a meeting on October 24, 2023, which were originally entered as IBMR I-23-0031 on October 31, 2023. Director Beall requested the schedule for the Valley Water advocacy trip to Washington, DC (November 6-8), as well as the rosters for the House and Senate Appropriations Committees.

This information was transmitted to Director Beall via email on November 3, 2023.



---

Roseryn Bhudsabourg  
Acting on Behalf of Marta Lugo,  
Deputy Administrative Officer for Government Relations

# MONDAY, NOVEMBER 6, 2023

Consultant Info:		Julie Minerva: 202-361-5564 Ben Miller: 202-893-2448	Laura Morgan-Kessler: 703-298-6846 Mark Kadesh: 202-547-6710		
TIME EASTERN	OFFICE AND LOCATION	PARTIES TO MEET WITH	TOPICS FOR DISCUSSION	ATTENDEES	
8:00-9:00 AM	Morning Briefing - Hilton Garden Inn, Cleveland Park Boardroom (815 14th St. NW)	Valley Water and Consultants	Daily Briefing	Rick Callender Rachael Gibson Aaron Baker Chris Hakes Marta Lugo	Roxanne Grillo Julie Minerva Laura Morgan-Kessler Mark Kadesh Ben Miller
9:00-9:30 AM	BREAK			All	
9:30 AM	Depart for NRCS (1400 Independence Ave SW, Wing 3)				
10:00-10:30 AM	Natural Resources Conservation Service (1400 Independence Ave SW, Wing 3) <i>**POC: Julie; Upon arrival, either Ms. Alberta Vaugh (202-578-2816) or Rhonda Mendonca (202-893-0783) will be there to escort you to conference room 4530 (4th Floor, 5th Wing).</i>	--Astrid Martinez, Planning and Technical Division Director --Ralph Smith, Program Manager, Watershed Team Conservation Engineering Division	<b>Julie to open;</b> Upper Llagas (Chris), Lower Llagas and South Babb Creek (Chris)	Rick Callender Rachael Gibson Chris Hakes Marta Lugo Roxanne Grillo Julie Minerva	
10:30-11:00 AM	Depart for OMB (726 Jackson Place NW)				
11:00 AM-12:00 PM	Office of Management and Budget (Enter at 726 Jackson Place, NW) <i>**POC: Julie</i>	--Gary Waxman, General Attorney, Energy and Science Division --Maria Kim, Presidential Management Fellow	<b>Julie to open;</b> Shoreline (Chris/Roxanne), Upper Guad (Chris)	Rick Callender Rachael Gibson Chris Hakes Marta Lugo	Roxanne Grillo Julie Minerva
12:00-1:00 PM	LUNCH (TBD)				
1:00-2:30 PM	BREAK				
2:30 PM	Depart for NOAA (1401 Constitution Ave NW)				
3:00-4:00 PM	NOAA Office of Grants (1401 Constitution Ave NW) <i>**POC: Julie or: Melanie – 202-482-5111 Liam – 202-482-3259 Amber – 202-527-3028</i>	--Melanie Jackson, Congressional Affairs Specialist --Liam Burke, Congressional Affairs Specialist --Amber Fandel, Congressional Affairs Specialist	<b>Julie to open, turn to Rachael for VW intro;</b> grant opportunities for climate/coastal resilience, flood protection (Chris)	Rick Callender Rachael Gibson Chris Hakes Marta Lugo Roxanne Grillo Julie Minerva Ben Miller	

## MONDAY, NOVEMBER 6, 2023

<b>Consultant Info:</b>				
Julie Minerva: 202-361-5564		Laura Morgan-Kessler: 703-298-6846		
Ben Miller: 202-893-2448		Mark Kadesh: 202-547-6710		
TIME EASTERN	OFFICE AND LOCATION	PARTIES TO MEET WITH	TOPICS FOR DISCUSSION	ATTENDEES
4:00-6:00 PM	BREAK			
6:00 PM	Dinner On Your Own			

**In-Person Valley Water Attendees:**

Rick Callender - CEO

Rachael Gibson - Chief of External Affairs

Aaron Baker - Chief Operating Officer, Water Utility Enterprise

Chris Hakes - Chief Operating Officer, Watersheds

Marta Lugo - Deputy Administrative Officer, External Affairs

Roxanne Grillo - Associate Engineer (Civil)



## TUESDAY, NOVEMBER 7, 2023

<b>Consultant Info:</b>					
Julie Minerva: 202-361-5564		Laura Morgan-Kessler: 703-298-6846			
Ben Miller: 202-893-2448		Mark Kadesh: 202-547-6710			
TIME EASTERN	OFFICE AND LOCATION	PARTIES TO MEET WITH	TOPICS FOR DISCUSSION	ATTENDEES	
8:00-9:00 AM	Morning Briefing - Hilton Garden Inn, Cleveland Park Boardroom (815 14th St. NW)	Valley Water and Consultants	Daily Briefing	Rick Callender Rachael Gibson Aaron Baker Chris Hakes Marta Lugo	Roxanne Grillo Julie Minerva Laura Morgan-Kessler Mark Kadesh Ben Miller
9:00-9:30 AM	BREAK				
9:30 AM	Depart for FEMA (500 C St. NW) and Padilla Meeting (112 Hart SOB)				
10:00-11:00 AM	Federal Emergency Management Agency (500 C St. NW) <b>**POC: Julie</b>	TBD	<b>Julie to open, turn to Marta for VW intro;</b> BRIC, Hazard Mitigation Assistance Grant Programs (Chris)	Rick Callender Chris Hakes Marta Lugo Julie Minerva	
10:00-10:30 AM	Office of Sen. Alex Padilla (112 Hart Senate Office Building) <b>**POC: Ben</b>	Angela Ebner, Legislative Assistant	<b>Rachael to open, thank you re Shoreline I;</b> Shoreline II (Roxanne), Anderson (Aaron), Recycled Water (Aaron), Upper Guad (Rachael), FEMA grant apps (Rachael)	Rachael Gibson Aaron Baker Roxanne Grillo Ben Miller	
11:00-11:30 AM	Office of Rep. Anna Eshoo (272 Cannon House Office Building) <b>**POC: Ben</b>	Eric Henshall, Legislative Director	<b>Rachael to open;</b> Shoreline II (Roxanne), Anderson (Aaron), Upper Guad, FEMA grant apps, Coyote (all Rachael)	Rachael Gibson Aaron Baker Roxanne Grillo Ben Miller	

## TUESDAY, NOVEMBER 7, 2023

<b>Consultant Info:</b>				
Julie Minerva: 202-361-5564		Laura Morgan-Kessler: 703-298-6846		
Ben Miller: 202-893-2448		Mark Kadesh: 202-547-6710		
TIME EASTERN	OFFICE AND LOCATION	PARTIES TO MEET WITH	TOPICS FOR DISCUSSION	ATTENDEES
11:30 AM-12:30 PM	LUNCH			All
12:30 PM	Depart for USACE (441 G St. NW)			
12:45-1:30 PM	Office of the Assistant Secretary of the Army (Civil Works) and USACE HQ (GAO Building, 441 G St. NW) <b>**POC: Julie</b>	--Andrea Walker, Water Resource Planner, ASA's Office --Amy Frantz, Office of Planning and Policy, USACE HQ  INVITED: Charles Wilson, Robyn Colosimo	<b>Julie to open;</b> Sec. 203 feasibility process, including for Upper Penitencia (Chris)	Rick Callender Rachael Gibson Chris Hakes Marta Lugo Roxanne Grillo Julie Minerva
1:30-2:00 PM	USACE HQ (GAO Building, 441 G St. NW, Conference Room 3K86) <b>**POC: Julie</b>	--Susan Lucas, SPDRIT Lead --Charles Wilson --Julia Harvey	<b>Julie to open;</b> Shoreline I-III (Chris/Roxanne), Upper Pen (Chris), Upper Guad (Chris)	Rick Callender Rachael Gibson Chris Hakes Marta Lugo Roxanne Grillo Julie Minerva
2:00 PM	Depart for Panetta Meeting			
2:30-3:00 PM	HOLD: Rep. Jimmy Panetta (304 Cannon House Office Building) <b>**POC: Ben</b>	--Rep. Panetta --Liz Jacobson, Legislative Assistant --Trey Elizondo, Legislative Assistant	<b>Rachael to open;</b> Anderson (and mention other dam retrofits in future), Upper Guad, Recycled Water, FEMA grant apps	Rachael Gibson Aaron Baker Chris Hakes Roxanne Grillo Ben Miller
3:00-3:30 PM	Office of Sen. Laphonza Butler (G-12 Dirksen Senate Office Building) <b>**POC: Mark</b>	--Sen. Butler --Staff TBD	Intro to Valley Water (Rick to lead)	Rick Callender Marta Lugo Mark Kadesh

## TUESDAY, NOVEMBER 7, 2023

<b>Consultant Info:</b>				
Julie Minerva: 202-361-5564		Laura Morgan-Kessler: 703-298-6846		
Ben Miller: 202-893-2448		Mark Kadesh: 202-547-6710		
TIME EASTERN	OFFICE AND LOCATION	PARTIES TO MEET WITH	TOPICS FOR DISCUSSION	ATTENDEES
3:30-4:00 PM	Office of Rep. Zoe Lofgren (1401 Longworth House Office Building) <b>**POC: Ben</b>	--Rep. Lofgren --Chad Powell, Policy Advisor	<b>Rachael to open;</b> Anderson (Aaron), Coyote (Chris), Upper Guad (Chris), Recycled Water (Aaron), FEMA grant applications (Chris)	Rachael Gibson Aaron Baker Chris Hakes Roxanne Grillo Ben Miller
4:00-6:30 PM	BREAK			
6:30 PM	GROUP DINNER (Bobby Van's Grill, 1201 New York Ave NW)			All

### **In-Person Valley Water Attendees:**

Rick Callender - CEO

Rachael Gibson - Chief of External Affairs

Aaron Baker - Chief Operating Officer, Water Utility Enterprise

Chris Hakes - Chief Operating Officer, Watersheds

Marta Lugo - Deputy Administrative Officer, External Affairs

Roxanne Grillo - Associate Engineer (Civil)



## WEDNESDAY, NOVEMBER 8, 2023

<b>Consultant Info:</b>					
Julie Minerva: 202-361-5564 Ben Miller: 202-893-2448		Laura Morgan-Kessler: 703-298-6846 Mark Kadesh: 202-547-6710			
TIME EASTERN	OFFICE AND LOCATION	PARTIES TO MEET WITH	TOPICS FOR DISCUSSION	ATTENDEES	
8:00-9:00 AM	Morning Briefing - Hilton Garden Inn, Cleveland Park Boardroom (815 14th St. NW)	Valley Water and Consultants	Daily Briefing	Rick Callender Rachael Gibson Aaron Baker Chris Hakes Marta Lugo	Roxanne Grillo Julie Minerva Laura Morgan-Kessler Mark Kadesh Ben Miller
9:00 AM	Depart for Senate EPW Committee Meeting			All	
9:30-10:00 AM	Senate Environment and Public Works Committee (508 Hart Senate Office Building) <b>**POC: Ben</b>	USACE Detailee	<b>Marta to open, turn to Rick for intro to VW; WRDA 2022 Sec. 8149 Implementation (Marta)</b>	Rick Callender Rachael Gibson Chris Hakes Marta Lugo Roxanne Grillo	Julie Minerva Ben Miller
10:00-10:20 AM	BREAK			All	
10:30-11:00 AM	Senate Appropriations Subcommittee on Energy & Water (124 Dirksen Senate Office Building) <b>**POC: Ben</b>	Laura Powell, Professional Staff (Majority)	<b>Marta to open;</b> Shoreline I thank you (Rick/Rachael), Shoreline II update (Roxanne), Upper Guad funding request (Chris)	Rick Callender Rachael Gibson Chris Hakes Marta Lugo	Roxanne Grillo Julie Minerva Ben Miller
11:00 AM	Depart for Interior (1849 C St. NW)			All	



## WEDNESDAY, NOVEMBER 8, 2023

Consultant Info:				
Julie Minerva: 202-361-5564		Laura Morgan-Kessler: 703-298-6846		
Ben Miller: 202-893-2448		Mark Kadesh: 202-547-6710		
TIME EASTERN	OFFICE AND LOCATION	PARTIES TO MEET WITH	TOPICS FOR DISCUSSION	ATTENDEES
11:30 AM-12:00 PM	Department of the Interior and Bureau of Reclamation (1849 C St. NW, Room 6639) <b>**POC: Laura or Michael Banton - (202) 450-0463</b>	--Michael Brain, Principal Deputy Assistant Secretary for Water and Science --David Palumbo, Deputy Commissioner for Operations, USBR --Scott Taylor, CA-Great Basin Region Liaison, USBR --Travis Yonts, Management Analyst, DOI --Kerry Rae, Chief of Staff, Assistant Secretary for Water and Science (Invited) --Gary Gold, Deputy Assistant Secretary for Water and Science (Invited) --Natasha Smith, USBR (Invited)	<b>Marta to open;</b> Recycled Water (Aaron), Sisk Dam Raise Project (Aaron), Drought Pool (Aaron), Delta Conveyance Project (Aaron), Voluntary Agreements (Aaron)	Rick Callender Rachael Gibson Aaron Baker Chris Hakes Marta Lugo Roxanne Grillo  Julie Minerva Laura Morgan-Kessler

### Outstanding Meeting Requests:

Rep. Khanna  
House Energy & Water Approps

### In-Person Valley Water Attendees:

Rick Callender - CEO  
Rachael Gibson - Chief of External Affairs  
Aaron Baker - Chief Operating Officer, Water Utility Enterprise  
Chris Hakes - Chief Operating Officer, Watersheds  
Marta Lugo - Deputy Administrative Officer, External Affairs  
Roxanne Grillo - Associate Engineer (Civil)

## House Appropriations Committee

### *Majority (Republicans):*

#### **Kay Granger (TX-12), Chair**

Harold Rogers (KY-05)  
Robert Aderholt (AL-04)  
Michael Simpson (ID-02)  
John Carter (TX-31)  
Ken Calvert (CA-41)  
Tom Cole (OK-04)  
Mario Diaz-Balart (FL-26)  
Rep. Steve Womack (AR-03)  
Rep. Charles Fleischmann (TN-03)  
Rep. David Joyce (OH-14)  
Rep. Andy Harris (MD-01)  
Rep. Mark Amodei (NV-02)  
Rep. Chris Stewart (UT-02)  
Rep. David Valadao (CA-22)  
Rep. Dan Newhouse (WA-04)  
Rep. John Moolenaar (MI-02)  
Rep. John Rutherford (FL-05)  
Rep. Ben Cline (VA-06)  
Rep. Guy Reschenthaler (PA-14)  
Rep. Mike Garcia (CA-27)  
Rep. Ashley Hinson (IA-02)  
Rep. Tony Gonzales (TX-23)  
Rep. Julia Letlow (LA-05)  
Rep. Michael Cloud (TX-27)  
Rep. Michael Guest (MS-03)  
Rep. Ryan Zinke (MT-01)  
Rep. Andrew Clyde (GA-09)  
Rep. Jake LaTurner (KS-02)  
Rep. Jerry Carl (AL-01)  
Rep. Stephanie Bice (OK-05)  
Rep. Scott Franklin (FL-18)  
Rep. Jake Ellzey (TX-06)  
Rep. Juan Ciscomani (AZ-06)

### *Minority (Democrats):*

#### **Rosa DeLauro (CT-3), Ranking Member**

Rep. Steny Hoyer (MD-05)  
Rep. Marcy Kaptur (OH-09)  
Rep. Sanford Bishop (GA-02)  
Rep. Barbara Lee (CA-12)  
Rep. Betty McCollum (MN-04)  
Rep. C. "Dutch" Ruppersberger (MD-02)  
Rep. Debbie Wasserman Schultz (FL-25)  
Rep. Henry Cuellar (TX-28)  
Rep. Chellie Pingree (ME-01)  
Rep. Mike Quigley (IL-05)  
Rep. Derek Kilmer (WA-06)  
Rep. Matt Cartwright (PA-08)  
Rep. Grace Meng (NY-06)  
Rep. Mark Pocan (WI-02)  
Rep. Pete Aguilar (CA-33)  
Rep. Lois Frankel (FL-22)  
Rep. Bonnie Watson Coleman (NJ-12)  
Rep. Norma Torres (CA-35)  
Rep. Ed Case (HI-01)  
Rep. Adriano Espaillat (NY-13)  
Rep. Josh Harder (CA-09)  
Rep. Jennifer Wexton (VA-10)  
Rep. David Trone (MD-06)  
Rep. Lauren Underwood (IL-14)  
Rep. Susie Lee (NV-03)  
Rep. Joseph Morelle (NY-25)

## Senate Appropriations Committee

### *Majority (Democrats):*

#### **Patty Murray (D-WA), Chair**

Richard Durbin (D-IL)  
Jack Reed (D-RI)  
Jon Tester (D-MT)  
Jeanne Shaheen (D-NH)  
Jeff Merkley (D-OR)  
Christopher Coons (D-DE)  
Brian Schatz (D-HI)  
Tammy Baldwin (D-WI)  
Chris Murphy (D-CT)  
Joe Manchin (D-WV)  
Chris Van Hollen (D-MD)  
Martin Heinrich (D-NM)  
Gary Peters (D-MI)  
Kyrsten Sinema (I-AZ)

### *Minority (Republicans):*

#### **Susan Collins (R-ME), Ranking Member**

Mitch McConnell (R-KY)  
Lisa Murkowski (R-AK)  
Lindsey Graham (R-SC)  
Jerry Moran (R-KS)  
John Hoeven (R-ND)  
John Boozman (R-AR)  
Shelley Moore Capito (R-WV)  
John Kennedy (R-LA)  
Cindy Hyde-Smith (R-MS)  
Bill Hagerty (R-TN)  
Katie Britt (R-AL)  
Marco Rubio (R-FL)  
Deb Fischer (R-NE)

**TO:** Board of Directors**FROM:** Vincent Gin, P.E.**SUBJECT:** Request for Information Related to the B.F. Sisk Dam Raise and Reservoir Expansion Project and the Delta-Mendota Canal Subsidence Correction Project**DATE:** November 2, 2023

---

On October 26, 2023, Santa Clara Valley Water District (Valley Water) Director and San Luis & Delta-Mendota Water Authority (SLDMWA) Alternate Director Jim Beall sent a letter to SLDMWA requesting information on infrastructure projects being sponsored by SLDMWA, including the B.F. Sisk Dam Raise and Reservoir Expansion Project and the Delta-Mendota Canal Subsidence Correction Project. On October 30, 2023, SLDMWA responded to this letter and provided additional information for both projects. Director Beall's letter, and the SLDMWA response are included as attachments to this memo.



---

Vincent Gin, P.E.  
Deputy Operating Officer  
Water Supply Division

Attachment 1: Letter to SLDMWA  
Attachment 2: SLDMWA Response Letter  
Attachment 3: Sisk Dam Raise Fact Sheet  
Attachment 4: Delta-Mendota Canal Fact Sheet





Clean Water • Healthy Environment • Flood Protection

October 26, 2023

Mr. Federico Barajas  
 Executive Director, San Luis & Delta-Mendota Water Authority  
 P.O. Box 2157  
 Los Banos, CA 93635

**BOARD OF DIRECTORS**

John L. Varela / Chair (District 1)

Barbara F. Keegan / Vice Chair (District 2)

Richard P. Santos (District 3)

Jim Beall (District 4)

Nai Hsueh (District 5)

Tony Estremera (District 6)

Rebecca Eisenberg (District 7)

**CHIEF EXECUTIVE OFFICER**

Rick L. Callender, Esq.

**CLERK OF THE BOARD**

Michele L. King, CMC

Subject: Request for Information Related to the B.F. Sisk Dam Raise and Reservoir Expansion Project and the Delta-Mendota Canal Subsidence Correction Project

Dear Mr. Barajas:

In my capacity as Alternate Director for Division 4 of the San Luis & Delta-Mendota Water Authority (Authority), I have been made aware of two large projects sponsored by the Authority that are intended to increase water supply reliability for south-of-Delta Central Valley Project (CVP) contractors. As you know, I also sit on the Board of Directors of the Santa Clara Valley Water District (Valley Water). Valley Water staff recently briefed me on the B.F. Sisk Dam Raise and Reservoir Expansion Project and the Delta-Mendota Canal Subsidence Correction Project. However, I still have some remaining questions and I am requesting that the Authority provide additional information.

My specific request is to develop public-facing fact sheets for each project including the purpose, scope, timeline, cost estimate, construction design details, potential environmental impacts, project beneficiaries, and any other pertinent information. For the B.F. Sisk Dam Raise and Reservoir Expansion Project, I am particularly interested in the transportation funding options and strategy for the modifications of State Route 152, which likely could use its own fact sheet.

Thank you in advance for providing these materials. If you have any questions, please contact me directly by email at [jbeall@valleywater.org](mailto:jbeall@valleywater.org). I understand Candice Kwok-Smith is coordinating with Cheri Worthy for a future briefing, which I look forward to.

Sincerely,

Jim Beall  
 Alternate Director, Division 4  
 San Luis & Delta-Mendota Water Authority

cc: Chairperson John L. Varela and Director Richard P. Santos  
 cks:jh  
 1026a-l





October 30, 2023

Alternate Director Jim Beall  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118-3686  
**Via Email**

Dear Alternate Director Beall:

Thank you for your letter dated October 26, 2023, and your interest in learning more about critical infrastructure projects being undertaken by the San Luis & Delta-Mendota Water Authority like the B.F. Sisk Dam Raise and Reservoir Expansion Project and the Delta-Mendota Canal Subsidence Correction Project.

Enclosed you'll find two documents that provide a general overview of the two projects in response to your request for information. We would be pleased to host an information briefing for you to provide additional information, consistent with your request, as well as determine what additional public information would be useful in pursuing potential transportation funding for State Route 152 and local road and bridge crossings over the Delta-Mendota Canal.

As you may be aware, our respective staff are constructively coordinating on this effort and we look forward to meeting with you, and appropriate staff at Valley Water, including Vincent Gin, Aaron Baker, Bart Broome and Beckie Zisser.

Cheri Worthy is coordinating with Candice Kwok-Smith to schedule the briefing mentioned above.

Best Regards,

---

Federico Barajas, Executive Director  
San Luis & Delta Mendota Water Authority



# B.F. SISK DAM

## Raise & Reservoir Expansion Project

### project **BACKGROUND**

B.F. Sisk Dam and San Luis Reservoir are an integral part of the Central Valley Project/California State Water Project (CVP/SWP) system. The Dam and Reservoir are located on San Luis Creek approximately 12 miles west of Los Banos, California. The dam is an off-stream water storage facility.

The water stored in the reservoir is managed for federal (45%), and state (55%) uses as part of the CVP and SWP, respectively. Over 25 million Californians, 2 million acres of farmland and 200,000 acres of managed wetlands in the Pacific Flyway receive a portion of their water supply from the project.

### SAFETY OF DAMS

A series of studies and analyses culminating in the seismic risk analysis that was completed in 2006 determined that action needs to be taken to reduce risk to the downstream public. Consequently, Reclamation, with collaboration from DWR is proceeding with the B.F. Sisk Dam Safety of Dams (SOD) Modification Project. The SOD Modification Project raises the dam crest by 12 feet to provide seismic stability for the embankment during a large earthquake. This raise however does not provide for any additional water supply storage.

### project **BENEFITS**



Improve water management by increasing storage options.



Increase water supply reliability to South-of-Delta water users.



Improve water management and reliability for critical wetland habitat.



Provide stored water to California communities.



Improve public safety of SR 152 by reducing seismic risk.



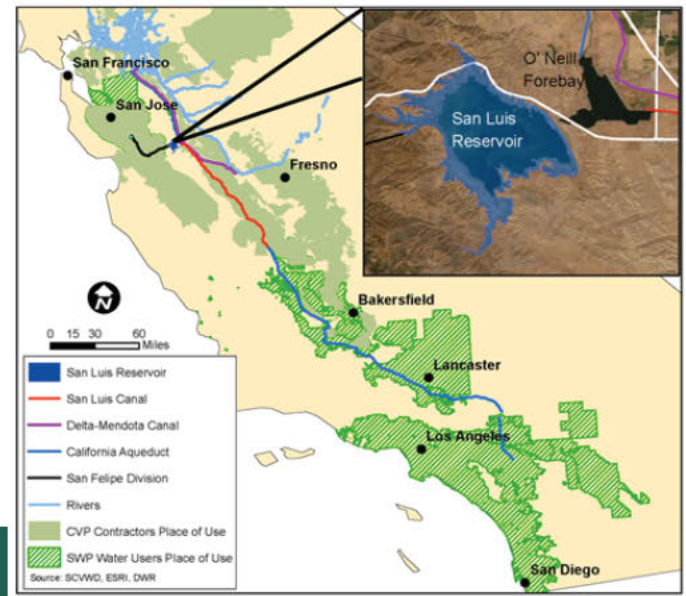
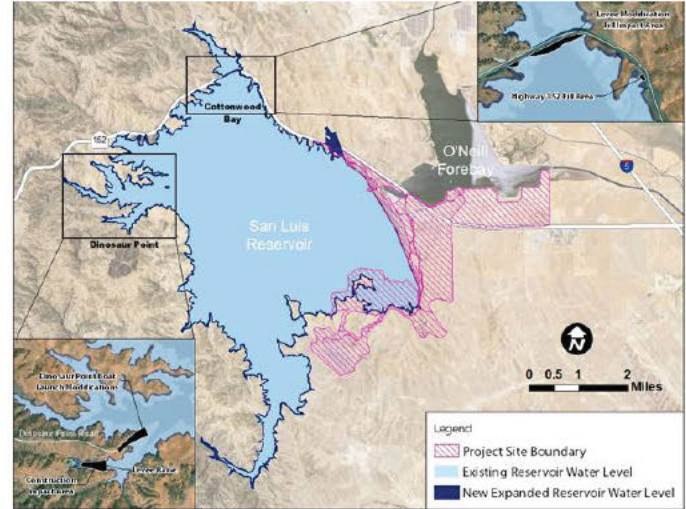
## DAM RAISE & RESERVOIR EXPANSION

In coordination with Reclamation, the SLDMWA is pursuing a project to further raise the dam to provide additional water supply storage benefits.

The increased storage capacity would be achieved by an additional 10-foot raise of the B.F. Sisk Dam embankment across the entire dam crest above the level proposed for dam safety purposes. This additional 10 feet of dam embankment would add approximately 130,000 AF of water storage to San Luis Reservoir.

SLDMWA, in coordination with Reclamation, is conducting a feasibility study to evaluate the Proposed Action and a potential cost-share in accordance with the Reclamation SOD Act, and the Water Infrastructure Improvements for the Nation (WIIN) Act (P.L. 114-322) §4007.

In addition to increasing storage capacity of San Luis Reservoir, the project also includes modifications to State Route (SR) 152 to protect the roadway against higher storage levels and to increase seismic stability of the embankment.



## project SCHEDULE



- 1 AUGUST 2020 Draft EIR/SEIS released for public review
- 2 DECEMBER 2020 Feasibility Report scheduled for Secretary's approval and Congressional submittal
- 3 FEBRUARY 2021 Final EIR/SEIS scheduled for completion
- 4 2022 Pre-construction & design activities will begin
- 5 2025-2032 Project construction

*EIR/SEIS = Environmental Impact Report/Supplemental Environmental Impact Statement*

## project SPONSORS

The Bureau of Reclamation, the long-term federal partner on the project, is supporting the ongoing Federal Feasibility Study evaluating potential benefits for improved CVP water supply and wildlife refuge supply.

SLDMWA and its member agencies are participating in the project to help strengthen their water supply portfolios to better manage droughts, emergencies, climate change, and regulatory challenges that limit other supplies.





# Delta-Mendota Canal

## SUBSIDENCE CORRECTION PROJECT

Improving Water Supply Reliability for America's  
Food Security, Technology, Economy & Environment



# Problem Statement

Subsidence is the gradual sinking of land, which causes the surface of the ground to decline as water is pumped to the surface. Subsidence is not a new phenomenon to the region and was a problem a century ago that was effectively halted by the development of the federal Central Valley Project in the 1940s through the 1960s.

Reliable surface water supplies helped Central Valley farms and rural communities grow. During wet periods, there was abundant surface water, and during the periodic dry periods, farms and communities could rely on groundwater to meet their needs.

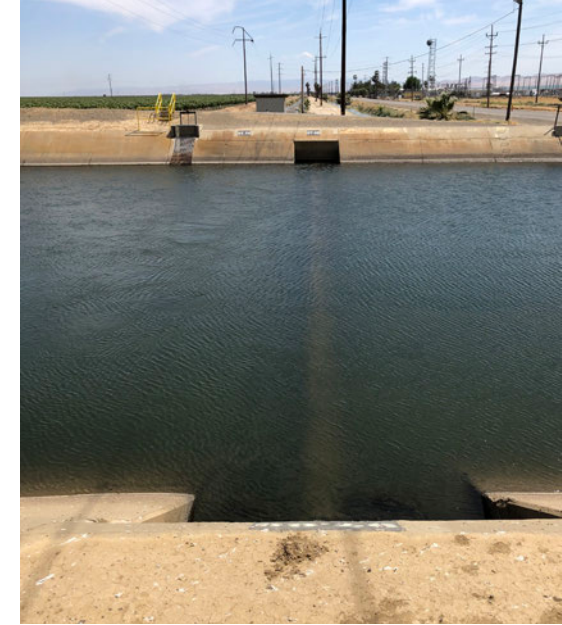
Over the last three decades, significant policy changes and a changing climate reduced the reliability of surface water deliveries, leaving farms and communities in the Central Valley to again turn to groundwater to meet their water supply needs on a more regular basis. Increased groundwater pumping brought subsidence back to the Valley, similar to the times prior to the construction of the Central Valley Project.

Sustained overdraft leads to significant problems such as dewatering of wells and land subsidence - where the voids that otherwise contain water in aquifers physically collapse. Dewatered wells can leave communities and farmers without any dry-year water supplies. Land subsidence can permanently reduce the capacity of aquifers and the physical changing of the land can damage

roads, bridges, canals, and other infrastructure.

Today, land subsidence is impacting the ability of California's major water conveyance facilities to meet the needs of the communities and ecosystems which rely on them for their water supply. Parts of the Delta-Mendota Canal have experienced differential changes in land surface elevation, forcing the facility to be operated at a lower level to ensure that water doesn't overflow the banks and cause damage.

Failing to address water conveyance facility subsidence will have negative effects on our state's economy, its resilience to a changing climate, its critical ecosystems, and our nation's food security. The forced retirement of agricultural lands due to a lack of reliable water supplies will eliminate good paying jobs in one of the most economically stressed regions in America and limit food production in one of the most productive regions in the world. Additionally, reduced conveyance capacity impacts the ability to deliver water to 60 percent of the remaining wetlands in the San Joaquin Valley, a key stop for millions of migratory waterfowl along the Pacific Flyway and important habitat for endangered species. Lastly, these facilities provide significant portions of the water supply for Silicon Valley - the hub of technology innovation and a leading economic driver in the nation.



## What Does it Mean?

The San Luis & Delta-Mendota Water Authority is facing a critical challenge right now - that being a nearly 20 percent reduction in our ability to convey water for delivery to over 1.2 million acres of farmland, nearly 2.5 million Californians, and over 135,000 acres of managed wetlands in the San Joaquin, Santa Clara, and San Benito Valleys.

It is a challenge that must be addressed today if we are to ensure our long-term commitment to delivering dependable water to California's agricultural and technology economies, and important ecosystems along the Pacific Flyway. Even in wet years like 2017 and 2019 - two of the wettest years on record in California - the Delta-Mendota Canal could not physically move the amount of water it should have been able to convey to Central Valley Project contractors to meet the needs of California's farms, communities, and ecosystems, further reducing our region's resilience to a changing climate.

If left unaddressed, this reduced resilience, when paired with the implementation of California's Sustainable Groundwater Management Act (SGMA), will result in more agricultural land

being retired in one of the 5 most productive agricultural regions in the world - land that produces nearly 2/3 of the fruits and vegetables that feed American families.

Agriculture is the predominant employer in the region and accounts for tens of thousands of on-farm and associated jobs. As water supplies diminish, fewer acres of land are planted, fewer workers are hired, and the economies of rural communities, such as Firebaugh, Mendota, Huron, and San Joaquin, are negatively impacted. A recent study by the University of California, Berkeley, indicated that reduced water supplies and a reduction in the scale of agricultural production due to water shortages translates into losses in other sectors as total household spending declines with the job market.

Also, many communities in the Central Valley rely on groundwater as their sole source of drinking water. Water conveyed through the canal recharges groundwater, providing more secure water supplies for one of the most economically disadvantaged regions in the United States.

*Left Page Photo: Russell Ave Bridge no longer has clearance between bottom of bridge and canal water surface. Right Page Photo 1: Formed fabric lining extensions added up to 1' of freeboard to prevent overtopping of the concrete lining at high flows. Right Page Photo 2: Irrigation Pipeline is submerged 6 inches below canal water surface. Pipeline originally had a 3-foot clearance between bottom of pipe and water surface.*

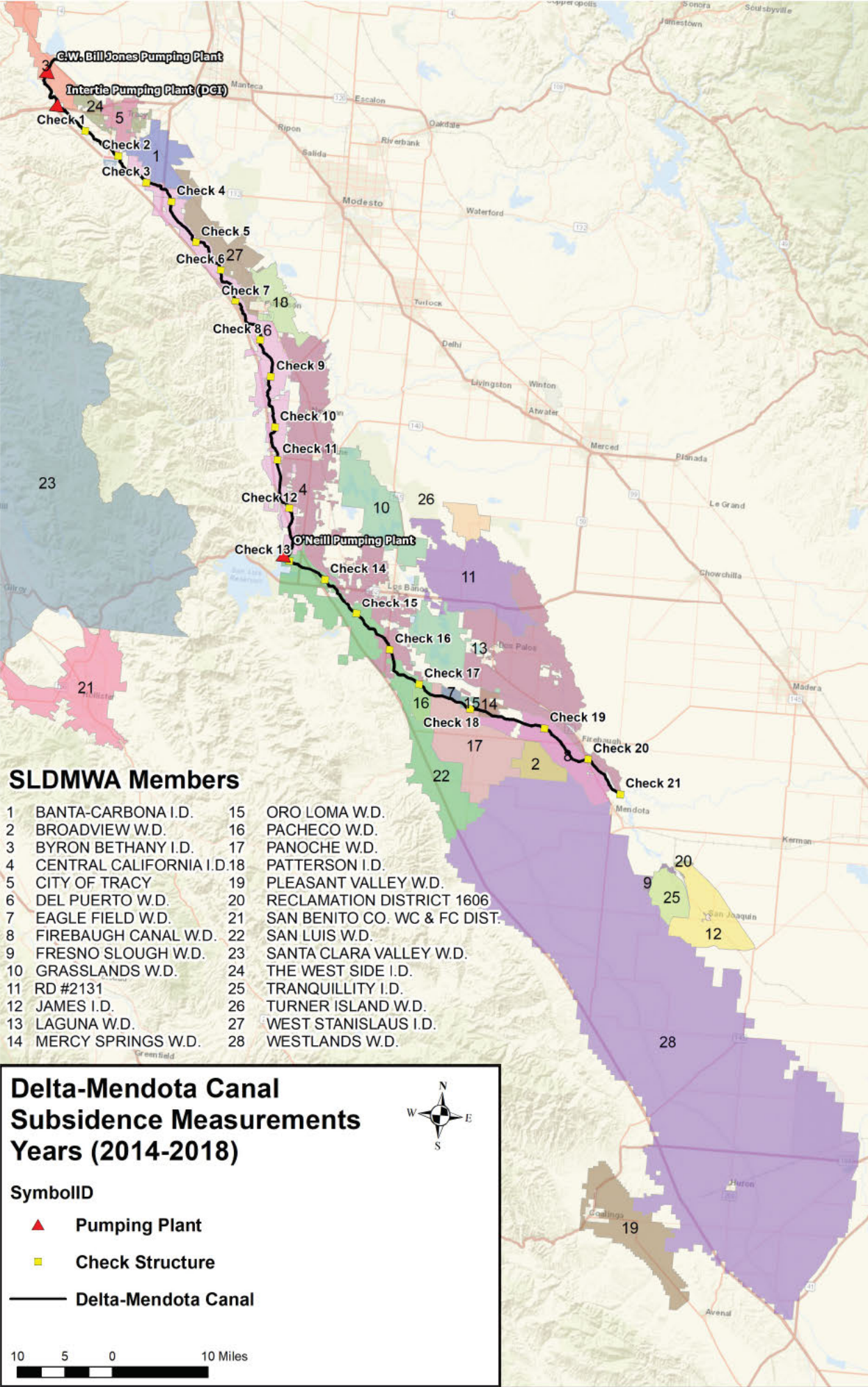
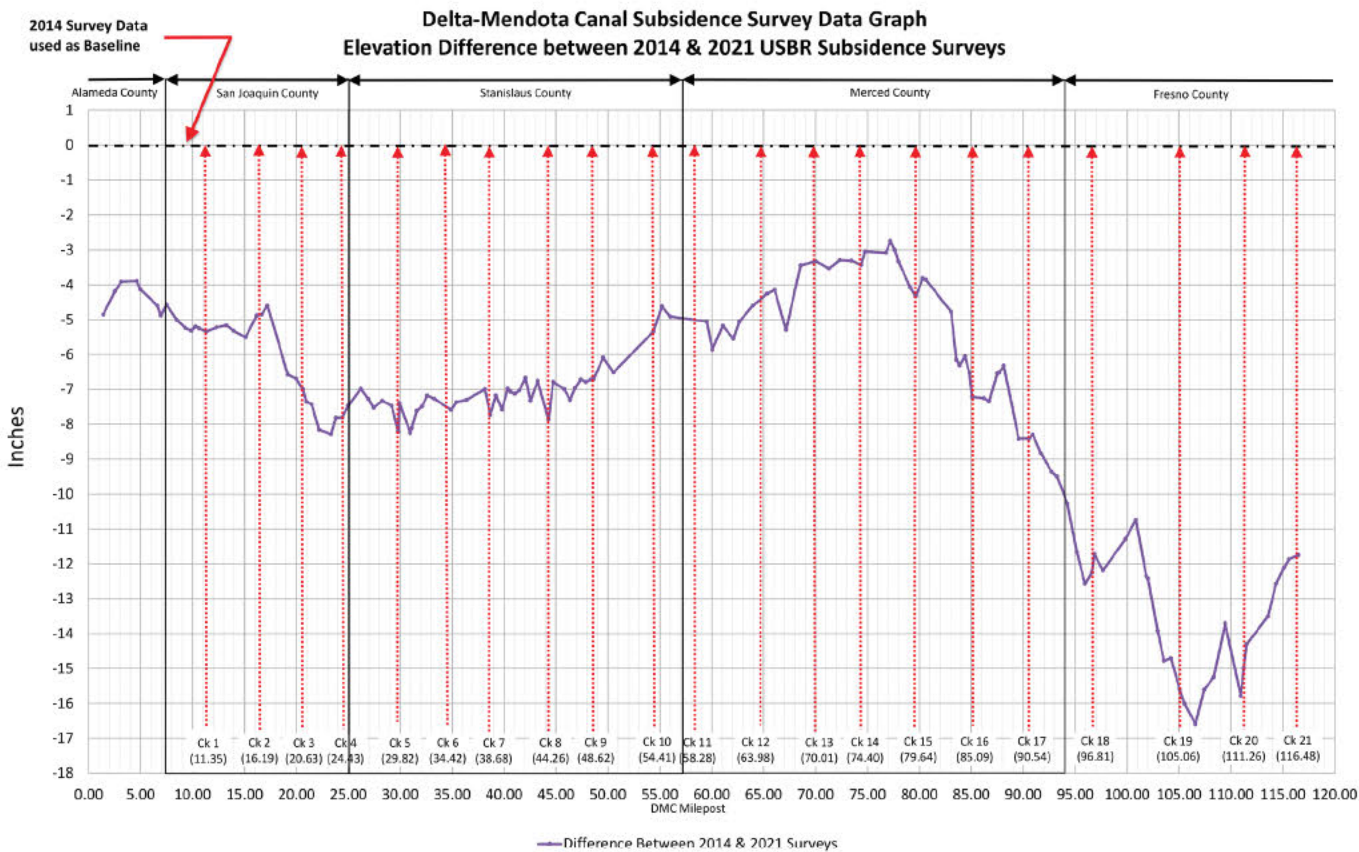


# Delta-Mendota Canal Vicinity Map

The Delta-Mendota Canal (DMC) is a 116-mile long canal which conveys water from the Delta region near Tracy, California to the Mendota Pool near Mendota, California (see vicinity map). This canal is one of the major components of the Delta Division of Reclamation's Central Valley Project (CVP), and is considered a piece of critical infrastructure. The canal was designed by Reclamation in the late 1940s and early 1950s consistent with standard industry practices and constructed through 1951.

The canal was originally designed to convey a variable flow rate, starting at 4,600 cubic feet per second (cfs) at the upstream end and reducing to 3,211 cfs at the downstream end.

Water conveyed in the canal is delivered from the Sacramento - San Joaquin Delta region of California into the DMC via pumps at the C.W. "Bill" Jones Pumping Plant (formerly the Tracy Pumping Plant). This pumping plant lifts the water 200 feet to allow for gravity flow through the remaining 113 miles. The canal has numerous turnouts and delivery locations along its length to service the required water demands in addition to one major diversion at the San Luis Reservoir/ O'Neill Forebay. A series of check structures and wasteways along the canal monitor, control, and release the flows as needed for operational and safety demands.





# Proposed Solutions & Benefits

The San Luis & Delta-Mendota Water Authority, working in partnership with the United States Bureau of Reclamation, has initiated the Delta-Mendota Canal Subsidence Correction Project to restore the conveyance capacity of the Delta-Mendota Canal, as originally designed. The project will restore the DMC’s lost conveyance capacity by raising the canal lining and embankments, as well as other structures such as bridges, overchutes, and pipe crossings.

Restoring the conveyance capacity of the Delta-Mendota Canal is an essential part of building a more resilient water supply future - one that can withstand the long-lasting impacts of a changing climate while providing access to

clean, reliable, and affordable water. Reliable surface water supplies mean more dependable jobs and economic growth for rural and urban communities, and security for disadvantaged communities and rural residents who are dependent on groundwater supplies for their domestic needs.

Reliable surface water supplies also help regional groundwater basins meet their obligations under the Sustainable Groundwater Management Act (SGMA), which by 2040 must meet the sustainability goal required by the law. The restored capacity of the Delta-Mendota Canal will be essential to achieve both short-term and long-term compliance.

# Summary of Structures to be Modified

The DMC Correction Project Appraisal Study identified the following canal structural modifications necessary for the DMC to convey its original design capacity:

FEATURE	APPROX. QUANTITY
Concrete lining & associated embankment raise	80 miles
Stabilize canal banks along earth-lined segment	18 miles
Concrete lining repairs (above & below water surface)	15 sites
Replacement of impacted bridges	45 each
Replacement of impacted pipeline crossings	36 each
Modifications to check structures & wasteways	17 each
Modifications to turnouts	82 each
Modifications to drainage structures	25 each

# Project Timeline

2022-2024

Planning

Geotech Phases 2, 3 & Borrow Sites

Additional Data Gathering: Surveys, Inspections & Site Visits

Preparation of Final Design Plans, Specifications & Engineer’s Estimates

2024-2034

Pre-Construction & Construction

Construction Contract Procurement

Construction

Construction Management

# Contact Information

San Luis & Delta-Mendota Water Authority

J. Scott Petersen, P.E.  
*Water Policy Director*

scott.petersen@sldmwa.org  
(916) 321-4526



SLDMWA.ORG

# **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-23-0045	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 Santa Clara.	Refer to Staff	Blank Yerrapotu	Codianne	05/20/23	05/22/23	n/a	05/26/23
C-23-0211	08/24/23	08/24/23	Varela	LUIS RAMIREZ	Email from Luis Ramirez to Chair Varela, dated 8/24/23, regarding homeless in Gilroy on Valley Water property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-23-0212	08/24/23	08/24/23	Santos	ERIC HA	Email from Eric Ha to Director Santos, dated 8/24/23, regarding unhoused individual setting fire behind property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23
C-23-0235	09/21/23	09/22/23	All	JESSICA CALDERON	Email from Jessica Calderon to the Board, dated 9/21/22 regarding the unhoused at Church st./Howson Creek Monterey Road/Howson Creek, Gilroy.	Refer to Staff	Hakes	Codianne	09/30/23	09/25/23	n/a	10/06/23
C-23-0239	09/24/23	09/25/23	Beall	KATHLEEN O'CONNELL	Email from Kathleen O'Connell to the Director Beall, dated 9/24/23, regarding Water Resource Protection Zone at the upcoming Cherry Avenue EIH project.	Refer to Staff	Hakes	Codianne	10/03/23	09/27/23	n/a	10/09/23
C-23-0261	10/20/23	10/23/23	All	MICHAEL TRIULZI	Email from Michael	Refer to Staff	Yoke	Ndah	10/31/23	-	n/a	11/06/23

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
					Triulzi on behalf of Sanjay Garla, First Vice President, SEIU-USWW, to the board, dated 10/20/23, expressing concern about the impact the pending bid decision for a new janitorial service may have on SCVWD and the janitorial workers who service District facilities.							
C-23-0265	10/30/23	10/30/23	All	NADINE KELLEY	Email from Nadine Kelley to the board, dated 10/30/23, asking if Rosendin Park will be closed.	Refer to Staff	Richardson	Mccarter	11/07/23	11/08/23	n/a	11/13/23
C-23-0266	10/31/23	10/31/23	All	JOHN GUISLIN	Email from John Guislin to the board, dated 10/31/23, expressing concern for Creek Flooding	Refer to Staff	Hakes	Yerrapotu	11/08/23	11/06/23	n/a	11/14/23

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
					mitigation along San Francisquito Creek.							
C-23-0267	11/03/23	11/03/23	Varela	ROCHELLE BEERLI	Email from Rochelle Beerli to Chair Varela, dated 11/03/23, conveying questions about Pacheco Dam.	Refer to Staff	Richardson	Mccarter	11/11/23	-	n/a	11/17/23
C-23-0268	11/05/23	11/06/23	All	DENNIS O'MALLERY	Email from Dennis O'Mallery to the board, dated 11/5/23, expressing concern for the closing of Rosendin Park - Anderson Dam Project.	Refer to Staff	Richardson	Mccarter	11/14/23	11/08/23	n/a	11/20/23
C-23-0270	11/07/23	11/08/23	Hsueh	JIM STALLMAN	Email from Jim Stallman to Director Hsueh, dated 11/7/23, regarding Site Reservoir project.	Refer to Staff	Baker	Gin	11/16/23	-	n/a	11/22/23



**Michele King**

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**Subject:** FW: question regarding pacheco damn

**\*\*\* 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. \*\*\***

**From:** Rochelle Beerli <[REDACTED]>  
**Date:** November 3, 2023 at 11:44:40 AM PDT  
**To:** John Varela <[jvarela@valleywater.org](mailto:jvarela@valleywater.org)>  
**Subject:** question regarding pacheco damn  
**Reply-To:** [REDACTED]

Hello John,

My name is Rochelle Beerli. I'm on the advisory board for the Pacheco Storm Water District  
<https://www.cosb.us/departments/pacheco-storm-water-district>

I'm reaching out to you on a few fronts. First, we as a district are reaching out to the Pacheco Damn group to have an open discussion as to how the damn operates, and when/how it releases water, as we feel it greatly impacts us down stream, especially during 'atmospheric river' occasions which contribute to flooding. In addition, I'd like to reach out to you to see if we can discuss your plans on the "Flooding Sensitivity" study you are considering. We'd like to be a part of that study and see how we can go about capturing water, or directing water during time of flooding vs. having the water just float away. How can we be pro-active in redirecting the water via storm drains, etc? and lastly, perhaps you have some input on how to keep the creek open and healthy-free from invasive species which over grow and cause damning, as well as keeping the creek free from debris. This is our big

If you have a moment to connect and discuss, let's start via email then we can schedule a time via phone.

thank you,

--

Rochelle

\*\*\*\*\*

## Michele King

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**From:** Dennis J. O'Malley [REDACTED]  
**Sent:** Sunday, November 05, 2023 12:19 PM  
**To:** ADSRPcomments  
**Cc:** John Varela; Board of Directors; mark.turner@morganhill.ca.gov; citycouncil@morganhill.ca.gov  
**Subject:** Comment on Closing of Rosendin Park - Anderson Dam Project

\*\*\* 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. \*\*\*

Tiffany Chao, Sr. Environmental Planner  
Santa Clara Valley District

To The Valley Water Board of Directors, Santa Clara County

As residents of Holiday Lake Estates for over 36 years, we have enjoyed hiking, biking, and exploring Rosendin Park since it opened. Our three children and our 7 grandchildren have all experienced this wonderful, small park which encompasses a wide variety of wildlife, a pond, wildflowers, eagles, and even a mountain lion. We have experienced this gift, almost on a daily basis, and have done so with hundreds, if not thousands, of other Morgan Hill/Gilroy/San Jose outdoor activists over the years.

We fully understand that the rebuilding of the Anderson Dam is a top and urgent safety project, and commend your actions, as well as our County Supervisors, and Congresswoman Zoe Lofgren.

However, recently we have read and discussed with several fellow daily Rosendin hikers that the District is now considering closing the Rosendin Park for a long time period due to dam construction safety reasons.

Safety comes first, however we urgently implore that you further research ways in which safety can be guaranteed and the park, or at least some trails in the park, remain open. We already lost the Anderson Reservoir for 10 years and most of the dam's surrounding parks. Closing all the Rosendin Park trails would be a huge personal loss for hundreds if not thousands.

We truly appreciate the exemplary service you all have preformed for the greatest County in California. Keep working hard and we firmly believe you will come up with the safest and best solution.

We will support whatever your final decision is, because we have absolute trust in your informed judgment. We admire and honor your public service.

Sincerely grateful,

Dennis and Mary O'Malley  
[REDACTED]

cc: John Varela and other Valley Water Board of Directors  
Mark Turner, Mayor Morgan Hill  
Council Members Morgan Hill  
Zoe Lofgren, U. S. Congress

## Michele King

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**From:** brigitte rince [REDACTED]  
**Sent:** Friday, November 03, 2023 10:30 AM  
**To:** Board of Directors  
**Subject:** Re: Life along perc pond 3

\*\*\* 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. \*\*\*

All we keep hearing about is that everyone's hands are tied and we need to call the police. We are asking you to provide safety and protect us who live along your property line. This is not happening currently and we are suffering greatly for it. All we ask is that you do what you can to ensure that more people do not move in and that the people who are dangerous and disruptive move out. The point you make about the arrests and warrants out there prove that these are not safe neighbors who are living for free and do not abide by the laws

On Nov 3, 2023, at 8:19 AM, Board of Directors <board@valleywater.org> wrote:

**Sent on Behalf of Director Beall:**

Dear Brigitte Rince,

Thank you for reaching out to Valley Water once again and sharing your experiences and concerns regarding the encampments near Percolation Pond 3. We share your frustration regarding the harmful environmental impacts, safety concerns, and declining quality of life.

However, because Valley Water does not possess police powers, we rely on the cities to provide law enforcement and public safety services. Please continue to contact the police when you witness criminal or illegal activities or threats to public health and safety; and direct your concerns to the fire department in case of smoke or fire danger. Valley Water does maintain a funding agreement to support San José Police Department's Stream Stewardship Law Enforcement (SSLE) program to perform criminal enforcement patrols along waterways within the City of San José. On October 6<sup>th</sup> and 20<sup>th</sup>, 2023, SJPD performed SSLE patrols along the reach of the Guadalupe River between Blossom Hill Road and Branham Lane. During these patrols, SJPD issued 14 citations and made 15 arrests associated with 28 warrants. However, Valley Water and the City do recognize there is still a long way to go to address all of your concerns.

As you indicated in your message, our county requires larger-scale housing solutions, such as broader availability of Emergency Interim Housing (EIH), before we will be able to see impactful encampment resolutions. To that end, I want to remind you that the Valley Water-sponsored State Assembly bill, AB 1469 (Kalra) Valley Water Assisting Unsheltered People, will take effect on January 1, 2024. The bill will allow Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people.



You may contact Assistant Operating Officer Mark Bilski at [mbilski@valleywater.org](mailto:mbilski@valleywater.org) for follow-up information. 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/>. Thanks for contacting us—we appreciate your comments.

Sincerely,

<image001.png>

Jim Beall  
Director, District 4

C-23-0262

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**From:** brigitte rince <[REDACTED]>  
**Sent:** Tuesday, October 24, 2023 11:24 AM  
**To:** Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Subject:** Life along perc pond 3

\*\*\* 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. \*\*\*

Dear Water District, board members,

I'm writing to you today to discuss the quality of life that has deteriorated along Percolation Pond 3. The people that live adjacent to the Water District property between Branham and Blossom Hill have had their lives disrupted on a daily basis.

I am unable to sleep many nights due to the homeless fighting, screaming, dog barking, fires, motorcycles with no mufflers riding along the levee and trail. I called 911 or 311 on a regular basis, and have sometimes been unable to get through quickly, which I expressed to Captain Donahue. The explosions of the propane tanks was discussed with captain Donohue, and he said that he would discuss this with you as well.

Jennifer and Ron have been a wonderful resource for me to express my concerns, however, this is a constant battle 24 hours a day.

I'm sure that I do not have to explain to you the mental and physical health issues that come with poor sleep. In addition to sleep disruption, there is fear that this is no longer a safe area and concerns about what we are breathing in from the fires that are constantly going by the homeless. I understand that the EIH is something that is coming, however, we do not know when.

The anxiety that Mark and I endure on a daily basis from living adjacent to the homeless has put a huge toll on our health and our happiness.

We would like to have a better understanding of what will be done to alleviate the burden of living in our home and bring us back to normalcy.

I have attached a video of a young man, struggling with mental issues, obviously for which I tried to contact SJP D resulting with no help at all.

We would like to see more efforts to deter the homeless from this area as was done with the gate that was put in on the other side of our driveway. Prior to that gate being put up, we had cars lined up on our street on a daily basis, drug deals occurring much more frequently and in front of our driveway. It is time for you to find additional ways to protect us.

Regards  
Brigitte

## Michele King

---

**Subject:** FW: More water (a good thing)

**From:** Jim Stallman [REDACTED]  
**Date:** November 7, 2023 at 4:48:22 PM PST  
**To:** Nai Hsueh <[NHsueh@valleywater.org](mailto:NHsueh@valleywater.org)>  
**Subject:** More water (a good thing)

**\*\*\* 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. \*\*\***

News today is Sites being exempted from delay due to possible CEQU challenges. It should be green lighted by mid next year with completion in 2032. Please request two things as my representative on the VW board:

1. Inquire on VW boosting its stake in Sites (I am expecting a call back from Jerry Brown to see if this opportunity exists).
2. Ask for the lessons learned from the recent water conservation effort pertaining to getting proactive compliance by commercial landscape contractors to prevent water waste. I recall (and can probably dig up an email stating) that VW failed to even host a meeting with the contractors over this.

Thank you.

# **OUTGOING BOARD CORRESPONDENCE**

**Michele King**

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**Subject:** FW: encampment on Valley Water property at Camden Ave and Coleman Rd

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

**Sent:** Friday, November 3, 2023 8:21 AM

**To:** [REDACTED]

**Subject:** Re: encampment on Valley Water property at Camden Ave and Coleman Rd

**Sent on Behalf of Director Beall:**

Dear Paul,

Thank you for reaching out to Valley Water and sharing your experiences and concerns regarding the encampments near Guadalupe Creek. Our Operations & Maintenance staff were able to check up on some of the specific issues that you called out. Here is what they reported:

- Regarding possible missing signage along Coleman Road between Camden Avenue and the Oak Canyon housing development, staff observed the presence of a 'No Trespassing' sign on a metal frame and post. Staff also noted an empty post formerly used to hang an Adopt-a-Creek sign from a prior adoption.
- There is no reported missing signage along Camden Avenue from Coleman Road to the entrance to the work site. The first sign along this stretch has been at the entrance gate to Camden Yard going back at least a few years.
- A work order has been created to repair/replace the fence adjacent to the bridge on Camden Avenue.
- The garbage bags piled up along the embankment near Guadalupe Creek at were removed during recent Valley Water encampment cleanup activities.
- The referenced encampment at Camden Avenue and Colman Road was abandoned and has been removed by staff as of the week of October 23<sup>rd</sup>.
- Staff removed the PVC pipes leading from the encampment to Guadalupe Creek. There was no sign of sewage dumping.
- Regarding the encampment on the Oak Canyon side of Guadalupe creek near the path that leads to the Oak Canyon neighborhood, staff removed this encampment and cleaned the area last week.

Valley Water is committed to using the power we have as an environmental stewardship agency to protect our waterways in collaboration with the cities and the County as they fulfill their public safety and social service roles. However, as with all public agencies, Valley Water must adhere to applicable case law, which has significantly affected how we can respond to encampments of unsheltered persons.

In 2019 the 9th Circuit Federal Court of Appeals ruled in *Martin v. Boise* that unhoused residents "cannot be punished for sleeping outside on public property in the absence of adequate alternatives." Since California is in the 9th Circuit, this ruling has binding authority over the state. For this reason, there is often little that California public agencies can do to remove encampments until there are housing alternatives—which is why, until adequate housing is available, Valley Water has followed the City of San José in adopting an encampment management model rather than an abatement-focused strategy. Although encampment abatements are

curtailed at this time, Valley Water has been performing large scale trash cleanups throughout jurisdictional areas countywide to prevent encampment-generated trash and debris from polluting the waterways.

Although encampment abatements are curtailed at this time, Valley Water has been performing large scale trash cleanups throughout jurisdictional areas countywide to prevent encampment-generated trash and debris from polluting the waterways. Recently, Valley Water's Board of Directors approved new staffing resources to support greater service and coordination toward cleaning up trash, debris, and hazardous pollutants produced by encampments along waterways in Santa Clara County. This increased level of service means that Valley Water cleanup crews will be able to visit impacted areas more often. The Board also voted to support two new programs that will further enhance cleanliness along our waterways. The Clean Camps, Clean Creeks Program will provide debit cards to unsheltered residents who maintain tidy camp areas free of trash and debris or collect and bag trash accumulated on land owned or managed by Valley Water. The Portable Toilet Facilities Program will administer the provision and servicing of portable toilets and wash stations at critical locations along local creeks to reduce biowaste entering the waterways.

In terms of strategic solutions, a Valley Water-sponsored State Assembly bill, AB 1469 (Kalra) Valley Water Assisting Unsheltered People, was signed by Governor Newsom on October 10, 2023, and will take effect on January 1, 2024. AB 1469 amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. Specifically, the bill will allow Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people. These facilities would be operated by a city, the County, or a non-profit with the appropriate expertise to provide shelter and services that can improve outcomes for unsheltered people. AB 1469 will help Valley Water comply with the federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

We also want to assure you that Valley Water is actively working in concert with our agency partners and the community to address encampments. Earlier this month, City of San José leaders officially declared homelessness in the city a crisis in order to quickly move forward with the processes of shifting people from encampments into interim housing. At the press conference held on October 2, 2023, Mayor Matt Mahan, Vice Mayor Rosemary Kamei, and Councilmember Omar Torres announced they would bring forward measures that, if passed, will allow the city to streamline procurement, suspend local land use and zoning requirements, and bypass other steps that otherwise slow down the ability to provide interim housing and safe sleeping sites. Mayor Mahan is in favor of scaling up immediate solutions to homelessness, such as Emergency Interim Housing (EIH) and Safe Parking sites—he believes that when services are made available the City should expect unhoused folks to accept them, rather than continue to live in unmanaged conditions. Through the authority granted by AB 1469, Valley Water plans to assist the City in its efforts by directing district resources toward lasting encampment solutions.

Finally, if you witness illegal activity or a threat to public health and safety, please continue to contact the police. And if you observe smoke or fire, please contact the fire department. Because Valley Water is not a law enforcement agency, we must work in concert with cities and the County to address these types of activities.

We are always appreciative of your comments. 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 Assistant Operating Officer Mark Bilski at [mbilski@valleywater.org](mailto:mbilski@valleywater.org) for follow-up information. Thanks again for contacting us.

Sincerely,





Jim Beall  
Director District 4

C-23-0264

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**From:** Paul Sims [REDACTED]  
**Sent:** Sunday, October 22, 2023 10:06:59 PM  
**To:** Jim Beall <[JBeall@valleywater.org](mailto:JBeall@valleywater.org)>  
**Subject:** Re: encampment on Valley Water property at Camden Ave and Coleman Rd

\*\*\* 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 Jim,

I want to say thank you for meeting with us and visit the area this past Saturday morning. The neighborhood really appreciates your time and insight.

Here are the issues with the encampment at Guadalupe Creek.

1. The "no trespassing"/ "Private Property signs" are missing along Coleman Rd between Camden Ave and the Oak Canyon housing development.
2. The "no trespassing"/ "Private Property signs" are missing along Camden Ave from Coleman Rd to the entrance to the work site.
3. The fence adjacent to the bridge on Camden Ave has been cut and removed
4. There are five to seven full garbage bags piled up along the embankment near Guadalupe Creek at the end of the Valley Water's construction staging area, that smell of rotting food and or waste
5. There are a lot of dog droppings from the encampment dogs along the path on water district property adjacent to the creek from Camden Ave
6. The encampment at Camden Ave/Colman Rd is at least four tents, and three makeshift buildings in this area and more tents, some seem abandoned further up.
7. There are PVC pipes leading from the encampment either pumping water out of or dumping sewage into the Guadalupe Creek, or both.
8. Two of the encampment residents, Shirley Keeling (aka Shirley Klauser) and Fletcher Dryg are known to police and have many drug/alcohol and petty crime arrests; They were caught on video stealing from the Montevideo Cabana Club on two separate occasions. After the police were notified (Police Report #23- 290-0326 for Theft), the officers were able to retrieve the items from the encampment.
9. The officers said that Fletcher was potentially dangerous and unstable and not to approach him.
10. On numerous occasions, Shirley K would park her vehicle in the Swimming pool lot during peak times, with limited space. Per Montevideo Improvement Association rules, she was given a written violation on two occasions. She yelled at the staff member, calling and shouting obscenities and making gestures at the staff member in front of families and children. She crumpled up the violation and threw it in the street.
11. The encampment residents have on at least two occasions used loud speakers to warn off residents or other people as they approach their camp. On one occasion, it was at 4:00 AM and woke up a number of individuals in the neighbors who reported it on NextDoor, stating that who ever was approaching was on "private property" and that they were calling the police. On the second occasion, two women searching for their missing cat, were warned to not come any closer and this was their final warning.

12. The smell of human waste is evident on the Oak Canyon side of the creek near the path that leads to the Oak Canyon neighborhood.

Please let staff know if there is something I can do to assist in helping the Water District with these issues, I am happy to help.

If possible can staff share any actionable items and timelines so I am able to communicate them at our next neighborhood association meetings.

Best regards,

Paul Sims

On Oct 12, 2023 at 8:26 PM -0700, Jim Beall <[JBeall@valleywater.org](mailto:JBeall@valleywater.org)>, wrote:

Set it up!

Get [Outlook for iOS](#)

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**From:** Paul Sims [REDACTED]  
**Sent:** Thursday, October 12, 2023 12:08:44 PM  
**To:** Jim Beall <[JBeall@valleywater.org](mailto:JBeall@valleywater.org)>  
**Subject:** Re: encampment on Valley Water property at Camden Ave and Coleman Rd

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Thank you. I'll call today.

Paul

On Oct 11, 2023 at 12:53 PM -0700, Jim Beall <[JBeall@valleywater.org](mailto:JBeall@valleywater.org)>, wrote:

Hi Paul. I'll go on site and meet you if you call staff and make appt Saturday mornings ok except this Saturday

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**From:** Paul Sims <[REDACTED]>  
**Sent:** Wednesday, October 11, 2023 12:29:25 AM  
**To:** Jim Beall <[JBeall@valleywater.org](mailto:JBeall@valleywater.org)>  
**Subject:** encampment on Valley Water property at Camden Ave and Coleman Rd

\*\*\* 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. \*\*\*

Dear Director Beall, District 4

I want to first start by thanking you for your continued years of service to our community.

Your work as a Councilmember in San Jose, County Supervisor, in the State Senate and Assembly, and now as a Director for District 4 for Valley Water, has been notable for your ability to make such a tremendous impact. I also want to share that I first met you when I was about 10 years old, and my mother volunteered to help your first campaign for City Council. Over the years, I have had the pleasure of being a County Employee during your tenure as

Supervisor, and even in tough times you were a strong advocate for working people and fiscal responsibility.

I am writing you today because our community has been having some challenges with an expanding homeless encampment on the banks of Guadalupe River at the corner of Camden Ave. and Coleman Rd. that is considered Valley Water property. Our community in Montevideo owns and operates a Swimming Pool and Clubhouse with a small parking lot on Coleman Rd. across from the encampment.

The encampment isn't easily visible from the road, but it is notable for the amount of "stuff" being transported down into the creek and riverbank area on a daily basis. The individuals who have built the encampment do own vehicles, and park in our parking lot to shuttle pallets, tents, bicycles, and many more things. Often, they work on their vehicles and frequently leave trash in our parking lot and can only assume they are doing the same with the creek. When we have informed them that they cannot be on the Association's private property, they have been abusive to our staff and community members. They have been caught on video breaking into our cabana area at night, stealing propane tanks and popup tents, and workers have reported tools stolen from their vehicles. There are also frequent loud fights. The police have been notified about the thefts but we understand there is little they can do.

We understand there are some limitations to just what Valley Water can do to address situations like these. We are deeply concerned about the encampment, its impact on the environment and wildlife, the safety and well-being of our residents, especially families who use the swimming pool, and the children who bike or walk past this area on their way to Dartmouth Middle School or Guadalupe Elementary.

We are asking Valley Water to investigate the site to see if it is unsanitary or creating unsafe conditions, especially the risk of fire, and take responsible and appropriate action.

Thank you for your time and look forward to hearing from you.

Best Regards,

Paul Sims  
Resident of the Montevideo Neighborhood

**Michele King**

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**Subject:** FW: Life along perc pond 3

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

**Sent:** Friday, November 3, 2023 8:20 AM

**To:** [REDACTED]

**Subject:** Re: Life along perc pond 3

**Sent on Behalf of Director Beall:**

Dear Brigitte Rince,

Thank you for reaching out to Valley Water once again and sharing your experiences and concerns regarding the encampments near Percolation Pond 3. We share your frustration regarding the harmful environmental impacts, safety concerns, and declining quality of life.

However, because Valley Water does not possess police powers, we rely on the cities to provide law enforcement and public safety services. Please continue to contact the police when you witness criminal or illegal activities or threats to public health and safety; and direct your concerns to the fire department in case of smoke or fire danger. Valley Water does maintain a funding agreement to support San José Police Department's Stream Stewardship Law Enforcement (SSLE) program to perform criminal enforcement patrols along waterways within the City of San José. On October 6<sup>th</sup> and 20<sup>th</sup>, 2023, SJPd performed SSLE patrols along the reach of the Guadalupe River between Blossom Hill Road and Branham Lane. During these patrols, SJPd issued 14 citations and made 15 arrests associated with 28 warrants. However, Valley Water and the City do recognize there is still a long way to go to address all of your concerns.

As you indicated in your message, our county requires larger-scale housing solutions, such as broader availability of Emergency Interim Housing (EIH), before we will be able to see impactful encampment resolutions. To that end, I want to remind you that the Valley Water-sponsored State Assembly bill, AB 1469 (Kalra) Valley Water Assisting Unsheltered People, will take effect on January 1, 2024. The bill will allow Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people.

You may contact Assistant Operating Officer Mark Bilski at [mbilski@valleywater.org](mailto:mbilski@valleywater.org) for follow-up information. 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/>. Thanks for contacting us—we appreciate your comments.

Sincerely,



Jim Beall  
Director, District 4

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**From:** brigitte rince <[REDACTED]>  
**Sent:** Tuesday, October 24, 2023 11:24 AM  
**To:** Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Subject:** Life along perc pond 3

\*\*\* 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. \*\*\*

Dear Water District, board members,

I'm writing to you today to discuss the quality of life that has deteriorated along Percolation Pond 3.

The people that live adjacent to the Water District property between Branham and Blossom Hill have had their lives disrupted on a daily basis.

I am unable to sleep many nights due to the homeless fighting, screaming, dog barking, fires, motorcycles with no mufflers riding along the levee and trail. I called 911 or 311 on a regular basis, and have sometimes been unable to get through quickly, which I expressed to Captain Donahue. The explosions of the propane tanks was discussed with captain Donohue, and he said that he would discuss this with you as well.

Jennifer and Ron have been a wonderful resource for me to express my concerns, however, this is a constant battle 24 hours a day.

I'm sure that I do not have to explain to you the mental and physical health issues that come with poor sleep. In addition to sleep disruption, there is fear that this is no longer a safe area and concerns about what we are breathing in from the fires that are constantly going by the homeless. I understand that the EIH is something that is coming, however, we do not know when.

The anxiety that Mark and I endure on a daily basis from living adjacent to the homeless has put a huge toll on our health and our happiness.

We would like to have a better understanding of what will be done to alleviate the burden of living in our home and bring us back to normalcy.

I have attached a video of a young man, struggling with mental issues, obviously for which I tried to contact SJP D resulting with no help at all.

We would like to see more efforts to deter the homeless from this area as was done with the gate that was put in on the other side of our driveway. Prior to that gate being put up, we had cars lined up on our street on a daily basis, drug deals occurring much more frequently and in front of our driveway. It is time for you to find additional ways to protect us.

Regards  
Brigitte