



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

**MAY 17, 2024**

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

<b>Page</b>	<b><u>CEO BULLETIN &amp; NEWSLETTERS</u></b>
	CEO Bulletin: None
	<b><u>BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</u></b>
<b>3</b>	<b>BMR/IBMR Weekly Reports: 05/17/2024</b>
	<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
<b>5</b>	<b>Board Correspondence Weekly Report: 05/17/2024</b>
<b>12</b>	Thank you note from Jimmy Panetta, United States Representative 19 <sup>th</sup> Congressional District to Chair Hsueh, dated 05/03/24, expressing gratitude for the update on ongoing water infrastructure projects. C-24-0123
<b>13</b>	Emails between Scott Kelley and Mark Bilski, Assistant Officer (copied to the board) dated 05/13/24 about an encampment near Sofi Los Gatos Creek Apartments. C-24-0124
<b>20</b>	Email from Eric Heckman to Valley Water staff (copied to the board), dated 05/13/24, regarding an alley near the flood wall along Coyote Creek and Guadalupe River. C-24-0125
	<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
<b>22</b>	Email from Director Beall to Patrick Alongi, dated 05/09/24, responding to the removal of trimmings on Cross Springs Drive.

# **BOARD MEMBER REQUESTS and Informational Items**

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-24-0004	04/30/24	Santos	Hakes	Infante Bourgeois	Director Santos asked if we own any land that is currently zoned or can be zoned for residential apartments?	05/20/24		
I-24-0005	05/14/24	Santos	Hakes	Infante Bourgeois	<p>Follow up questions on Soap Lake from Director Santos:</p> <ul style="list-style-type: none"> <li>• Can this water be used by South Country Regional Waste Authority for recycling use?</li> <li>• Is there any other potential uses for Soap Lake (i.e. flood prevention, environmental use)?</li> <li>• How much of the water is used for agricultural and who pays?</li> </ul>	06/03/24		

# **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 unhoued 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 unhoued 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	Emal 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-23-0266	10/31/23	10/31/23	All	JOHN GUISLIN	Email from John Guislin	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
					to the board, dated 10/31/23, expressing concern for Creek Flooding 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	11/16/23	n/a	11/17/23
C-23-0293	12/04/23	12/07/23	Beall	AFSHIN ROUHANI	Email from Afshin Rouhani to Director Beall, dated 12/04/23, regarding Anderson Dam options.	Refer to Staff	Richardson	Mccarter	12/15/23	12/18/23	n/a	12/21/23
C-24-0007	01/11/24	01/11/24	Beall	ROGER CASTILLO	Email from Roger Castillo to Director Beall, dated 1/12/23, conveying a copy of the "12-29-23 101 Bayshore Chinook	Refer to Staff	Hakes	Codianne	01/19/24	01/16/24	n/a	01/25/24

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
					killed" document.							
C-24-0011	01/13/24	01/16/24	All	TIFFANY HOWARD	Email from Tiffany Howard to the board, dated 01/13/04, regarding the unhouse in the creek behind her home.	Refer to Staff	Hakes	Codianne	01/24/24	01/22/24	n/a	01/30/24
C-24-0017	01/25/24	01/26/24	Eisenberg	JOHN GUISLIN	Email from John Guislin to Director Eisenberg, dated 01/25/24, regarding SFCJPA reconsideration of 6 foot cement walls by creek.	Refer to Staff	Hakes	Yerrapotu	02/03/24	02/01/24	n/a	02/09/24
C-24-0044	02/23/24	02/23/24	All	MEEKA MARTIN	Email from Meeka Martin to the board, dated 02/23/24, regarding trash along Sanchez Ponds near the Brookdale complex.	Refer to Staff	Hakes	Codianne	03/02/24	03/01/24	n/a	03/08/24
C-24-0054	03/03/24	03/04/24	All	BRIGITTE RINCE	Email from Mark Bolger and Brigitte Rince to the board, dated 03/03/24,	Refer to Staff	Hakes	Bilski Codianne	03/12/24	03/11/24	n/a	03/18/24

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
					regarding unshelterd near their home at 967 Chynoweth Avenue, San Jose.							
C-24-0055	03/05/24	03/05/24	All	STEPHEN MEIER	Email for Stephen Meier to the Board, dated 03/05/24, regarding remediation of the plastic and fabric carpets lining the bank of the salt pond.	Refer to Staff	Hakes	Codianne	03/13/24	03/07/24	n/a	03/19/24
C-24-0061	03/12/24	03/12/24	All	KARIN ALVAREZ	Email from Karin Alvarez to the board, dated 03/12/24, regarding unsheltered encampment at Lelong in San Jose.	Refer to Staff	Hakes	Bilski Codianne	03/20/24	03/20/24	n/a	03/26/24
C-24-0062	03/12/24	03/12/24	Beall	JAKOB JONES	Email from Jakob Jones to Director Beall, dated 03/12/24, with additional questions regarding Almaden - Guadalupe Creek Homeless Encampment	Refer to Staff	Hakes	Bilski Codianne	03/20/24	03/20/24	n/a	03/26/24

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-24-0063	03/11/24	03/11/24	All	JIM KUHL	Email from Jim Kuhl to the Board, dated 03/11/24, requesting answers to his questions/comments made at the 2/13/24 Board meeting about Pacheco.	Refer to Staff	Yoke	Mccarter	03/19/24	03/19/24	n/a	03/25/24
C-24-0071	03/18/24	03/18/24	All	MARK BOLGER	Email from Mark Bolger dated 3/18/24 requesting a temporary fence near Blossom Valley Lake	Refer to Staff	Hakes	Bilski Codianne	03/26/24	03/26/24	n/a	04/01/24
C-24-0072	03/19/24	03/19/24	All	MARK BOLGER	Email from Mark Bolger dated 3/19/24 requesting a fence near Blossom Valley Lake. This is similar to the email sent on 3/18/24.	Refer to Staff	Hakes	Bilski Codianne	03/27/24	03/26/24	n/a	04/02/24
C-24-0076	03/23/24	03/25/24	Beall	REA FREEDOM private citizen	Email from Rea Freedom to Director Beall, dated 03/23/24 regarding the emptying of	Refer to Staff	Baker	Williams	04/02/24	03/29/24	n/a	04/08/24

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-24-0100	04/21/24	04/22/24	All	JENNIFER BEAN	Vasona. Email from Jennifer Bean to the board, dated 04/20/24, reprint potential unauthorized removal of water from creek.	Refer to Staff	Hakes	Infante Bourgeois	04/30/24	04/25/24	n/a	05/06/24
C-24-0107	04/24/24	04/24/24	Cc: Beall	PAUL MONACO	Email from constituent regarding CRC R322 floodplain requirements	Refer to Staff	Hakes	Infante	05/02/24	05/01/24	n/a	05/08/24
C-24-0122	05/06/24	05/06/24	Cc: Beall	PATRICK ALONGI	Email from Patrick Alongi to the board dated 05/06/24, requesting tree trimmings on Cross Springs Drive be removed.	Noted and Filed	Hakes	Codianne	05/14/24	05/08/24	n/a	05/20/24
C-24-0125	05/13/24	05/14/24	All	ERIC HECKMAN	Email from Eric Heckman to the board dated 05/13/24, concerning an alley near the flood wall along Coyote Creek and Guadalupe River.	Refer to Staff	Hakes	Yerrapotu	05/22/24	-	n/a	05/28/24



HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

CONGRESSMAN JIMMY PANETTA  
19TH DISTRICT, CALIFORNIA

May 3, 2024

Ms. Nai Hsueh  
Chair, Board of Directors  
Santa Clara Valley Water District  
5750 Almaden Expy  
San Jose, CA 95118

Dear Ms. Hsueh,

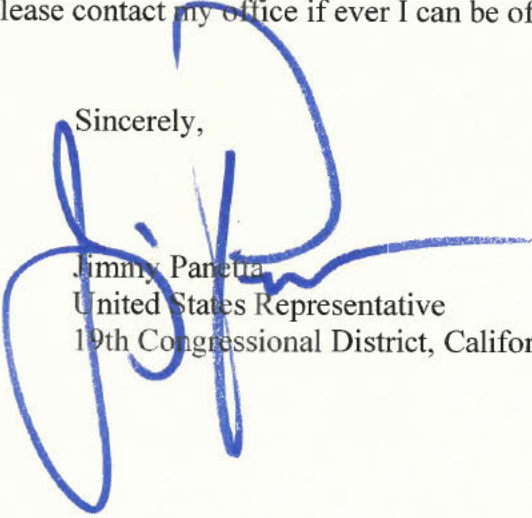
*Nai,*

Thank you for taking the time to meet with me.

I appreciated the update on the ongoing water infrastructure projects in California's 19<sup>th</sup> Congressional District such as the Anderson Dam.

Thank you, again, and please contact my office if ever I can be of assistance in the future.

Sincerely,

  
Jimmy Panetta  
United States Representative  
19th Congressional District, California

**From:** [Kelley, Scott](#)  
**To:** [Mark Bilski](#); [Board of Directors](#); [Debbie Tedsen](#)  
**Cc:** [Ivy Preston](#); [Shannon Pichler](#); [Amy Nevarez](#); [Humphrey, Teresina](#); [Coffaro, Nicholas](#); [Feliciano Aguilar](#); [Jim Beall](#)  
**Subject:** RE: Homeless Encampment Located adjacent to Sofi Los Gatos Creek Apartments 2130 Southwest Expy San Jose, CA  
**Date:** Wednesday, May 15, 2024 8:28:32 AM  
**Attachments:** [image002.png](#)  
[image005.png](#)  
[image006.png](#)

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Great, thanks Mark!

Best,

**Scott Kelley**

(C) [REDACTED]

[skelley@\[REDACTED\]](mailto:skelley@[REDACTED])

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**From:** Mark Bilski <[MBilski@valleywater.org](mailto:MBilski@valleywater.org)>  
**Sent:** Wednesday, May 15, 2024 8:26 AM  
**To:** Kelley, Scott <[skelley@\[REDACTED\]](mailto:skelley@[REDACTED])> Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>; Debbie Tedsen <[debbie.tedsen@\[REDACTED\]](mailto:debbie.tedsen@[REDACTED])>  
**Cc:** Ivy Preston <[ivy.preston@\[REDACTED\]](mailto:ivy.preston@[REDACTED])> Shannon Pichler <[shannon.pichler@\[REDACTED\]](mailto:shannon.pichler@[REDACTED])> Amy Nevarez <[amy.nevarez@\[REDACTED\]](mailto:amy.nevarez@[REDACTED])> Humphrey, Teresina <[thumphrey@\[REDACTED\]](mailto:thumphrey@[REDACTED])> Coffaro, Nicholas <[ncoffaro@\[REDACTED\]](mailto:ncoffaro@[REDACTED])> Feliciano Aguilar <[FAguilar@valleywater.org](mailto:FAguilar@valleywater.org)>; Jim Beall <[JBeall@valleywater.org](mailto:JBeall@valleywater.org)>  
**Subject:** RE: Homeless Encampment Located adjacent to Sofi Los Gatos Creek Apartments 2130 Southwest Expy San Jose, CA

Hi Scott,

I'll give you a call to discuss these items later this afternoon.

Kind regards,

Mark

**MARK BILSKI**

ASSISTANT OFFICER – GOOD NEIGHBOR PROGRAM

Watersheds Operations & Maintenance Division

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

Tel. (408) 630-2830



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**From:** Kelley, Scott <[skelley@\[REDACTED\]](mailto:skelley@[REDACTED])>  
**Sent:** Wednesday, May 15, 2024 8:08 AM  
**To:** Mark Bilski <[MBilski@valleywater.org](mailto:MBilski@valleywater.org)>; Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>; Debbie Tedsen <[debbie.tedsen@\[REDACTED\]](mailto:debbie.tedsen@[REDACTED])>  
**Cc:** Ivy Preston <[ivy.preston@\[REDACTED\]](mailto:ivy.preston@[REDACTED])> Shannon Pichler <[shannon.pichler@\[REDACTED\]](mailto:shannon.pichler@[REDACTED])> Amy Nevarez <[amy.nevarez@\[REDACTED\]](mailto:amy.nevarez@[REDACTED])> Humphrey, Teresina <[thumphrey@\[REDACTED\]](mailto:thumphrey@[REDACTED])> Coffaro, Nicholas <[ncoffaro@\[REDACTED\]](mailto:ncoffaro@[REDACTED])> Feliciano Aguilar <[FAguilar@valleywater.org](mailto:FAguilar@valleywater.org)>; Jim Beall <[JBeall@valleywater.org](mailto:JBeall@valleywater.org)>  
**Subject:** RE: Homeless Encampment Located adjacent to Sofi Los Gatos Creek Apartments 2130 Southwest Expy San Jose, CA

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Mark,

Hope all is well. I got a chance to walk on site yesterday with some of Pacific Urban's management and a few points were discussed that I wanted to run by the valley water team:

1. We looked at the chain-link fence with the plastic inserts that separates our property from the water district's property. After repairs and reinforcements are made to the chain-link post-abatement, we would like to add a 10' wood panel fence on our side of the chain link fence both for security, and aesthetics. Any potential concerns from Valley Water?
2. We noticed a second encampment that was constructed against the chain-link fence near Sofi Los Gatos Creek/Shelter Creek apartments property line between buildings 2090 and 2050. We are looking for confirmation that this encampment will be removed on 5/20 as well? It has been the source of a lot of theft, dumping, tampering with our water and utilities, etc. We were told these people relocated from the last abatement behind 2032 Southwest Expy on 2/26/24. We want to be sure on 5/20 that the population doesn't simply relocate nearby to another spot along the fence line or on our property. Will valley water coordinate with police to ensure this?

Thanks,  
Scott

**Scott Kelley**  
(C) [REDACTED]  
[skelley@\[REDACTED\]](mailto:skelley@[REDACTED])

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**From:** Kelley, Scott  
**Sent:** Monday, May 13, 2024 8:24 PM

**To:** Mark Bilski <[MBilski@valleywater.org](mailto:MBilski@valleywater.org)>; Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>; Debbie Tedsen <[debbie.tedsen@](mailto:debbie.tedsen@)>  
**Cc:** Ivy Preston <[ivy.preston@](mailto:ivy.preston@)> Shannon Pichler <[shannon.pichler@](mailto:shannon.pichler@)> Amy Nevarez <[amy.nevarez@](mailto:amy.nevarez@)> Humphrey, Teresina <[thumphrey@](mailto:thumphrey@)> Coffaro, Nicholas <[ncoffaro@](mailto:ncoffaro@)>  
**Subject:** RE: Homeless Encampment Located adjacent to Sofi Los Gatos Creek Apartments 2130 Southwest Expy San Jose, CA

Mark,

Thanks for the response. I spoke with Ron on the phone today and he provided me with the same date (Monday 5/20). Ron mentioned reinforcing the fence with expanded metal. Would you mind marking on a Google satellite map which fence will be reinforced?

The fence I have marked in red has been breached/cut open numerous times, and could use reinforcement. Please let me know if that is indeed the fence that is slated for reinforcement, and if not, I would like to discuss our options for reinforcing it.

Best,  
Scott



**Scott Kelley**

(C)

[skelley@](mailto:skelley@)

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**From:** Mark Bilski <[MBilski@valleywater.org](mailto:MBilski@valleywater.org)>

**Sent:** Monday, May 13, 2024 5:38 PM

**To:** Kelley, Scott <[skelley@](mailto:skelley@)> Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>; Debbie Tedsen <[debbie.tedsen@](mailto:debbie.tedsen@)>

**Cc:** Ivy Preston <[ivy.preston@](mailto:ivy.preston@)> Shannon Pichler <[shannon.pichler@](mailto:shannon.pichler@)> Amy Nevarez <[amy.nevarez@](mailto:amy.nevarez@)> Humphrey, Teresina <[thumphrey@](mailto:thumphrey@)> Coffaro,

Nicholas <[ncoffaro@](mailto:ncoffaro@)>

**Subject:** RE: Homeless Encampment Located adjacent to Sofi Los Gatos Creek Apartments 2130 Southwest Expy San Jose, CA

Hi Scott,

Thanks for following up. We had a slight schedule change and now Valley Water's cleanup crew will be out to visit this reach of Los Gatos Creek on Monday, May 20<sup>th</sup> through Wednesday May 22<sup>nd</sup>. The encampment at issue will be removed during that time. We appreciate your patience—let me know if I can provide any additional info.

Kind regards,  
Mark

**MARK BILSKI**

ASSISTANT OFFICER – GOOD NEIGHBOR PROGRAM  
Watersheds Operations & Maintenance Division  
[mbilski@valleywater.org](mailto:mbilski@valleywater.org)  
Tel. (408) 630-2830



**SANTA CLARA VALLEY WATER DISTRICT**

5750 Almaden Expressway, San Jose CA 95118  
[www.valleywater.org](http://www.valleywater.org)

Clean Water · Healthy Environment · Flood Protection

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**From:** Kelley, Scott <[skelley@](mailto:skelley@)>  
**Sent:** Monday, May 13, 2024 12:20 PM  
**To:** Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>; Debbie Tedsen <[debbie.tedsen@](mailto:debbie.tedsen@)> Mark Bilski <[MBilski@valleywater.org](mailto:MBilski@valleywater.org)>  
**Cc:** Ivy Preston <[ivy.preston@](mailto:ivy.preston@)> Shannon Pichler <[shannon.pichler@](mailto:shannon.pichler@)> Amy Nevarez <[amy.nevarez@](mailto:amy.nevarez@)> Humphrey, Teresina <[thumphrey@](mailto:thumphrey@)> Coffaro, Nicholas <[ncoffaro@](mailto:ncoffaro@)>  
**Subject:** RE: Homeless Encampment Located adjacent to Sofi Los Gatos Creek Apartments 2130 Southwest Expy San Jose, CA

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Thanks Barbara!

Mark, I wanted to follow up and see if an abatement has been scheduled for the camps against the fence of the 2140, 2100, and 2090 buildings? When I talked to Ron on site on April 25<sup>th</sup>, he had mentioned there would be a cleanup effort on 5/8/24? Was this completed last week?

Thanks,  
Scott

**Scott Kelley**

(C) [REDACTED]  
[skelley@\[REDACTED\]](mailto:skelley@[REDACTED])

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**From:** Candice Kwok-Smith <[ckwok-smith@valleywater.org](mailto:ckwok-smith@valleywater.org)> **On Behalf Of** Board of Directors  
**Sent:** Friday, May 3, 2024 11:20 AM  
**To:** Debbie Tedsen <[debbie.tedsen@\[REDACTED\]](mailto:debbie.tedsen@[REDACTED])>  
**Cc:** Ivy Preston <[ivy.preston@\[REDACTED\]](mailto:ivy.preston@[REDACTED])> Shannon Pichler <[shannon.pichler@\[REDACTED\]](mailto:shannon.pichler@[REDACTED])> Amy Nevarez <[amy.nevarez@\[REDACTED\]](mailto:amy.nevarez@[REDACTED])> Kelley, Scott <[skelley@\[REDACTED\]](mailto:skelley@[REDACTED])> Humphrey, Teresina <[thumphrey@\[REDACTED\]](mailto:thumphrey@[REDACTED])> Coffaro, Nicholas <[ncoffaro@\[REDACTED\]](mailto:ncoffaro@[REDACTED])>  
**Subject:** RE: Homeless Encampment Located adjacent to Sofi Los Gatos Creek Apartments 2130 Southwest Expy San Jose, CA

**Sent on Behalf of Director Keegan:**

Dear Debbie Tedsen,

Thank you for reaching out to Valley Water and sharing your concerns related to the encampments of unsheltered people located near your community on Los Gatos Creek in San José. We share your concerns regarding harmful environmental impacts, safety concerns, and declining quality of life.

Our field staff recently conducted a risk assessment of the large encampment adjacent to your apartment community and it was determined that the associated risks will necessitate abatement of that encampment. Staff will work with the City of San José to provide necessary outreach so that the encampment can be posted and abated in mid-May.

We appreciate the acknowledgement that homelessness is a complex issue. We are committed to using the power we have as an environmental stewardship agency to protect our waterways in collaboration with cities and the County as they fulfill their public safety and social service roles. Valley Water is not a law enforcement agency, nor do we provide direct homelessness/housing services.

Applicable case law has significantly affected how Valley Water can respond to encampments of unsheltered people on our property. The 9th Circuit Federal Court of Appeals ruling in *Martin v. Boise* requires that an offer of shelter be made before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives.

We are working internally and in concert with our agency partners to find solutions to address

unsheltered homelessness. On May 17, 2024, Valley Water staff intends to bring forward a proposed ordinance to our Environmental Creek Cleanup Committee (ECCC) to address our responsibility to protect water quality, fish, and wildlife as well as community concerns you mentioned in your correspondence. The ordinance will aim to reduce encampments and prevent re-encampments along creeks and waterways and is intended to protect water resources, endangered species, and other ecological resources. Because Valley Water does not possess police powers, local law enforcement agencies will have the authority and responsibility to enforce the ordinance. This must be done in compliance with all applicable laws (*Martin v. Boise*). We encourage you to participate and provide comments. Meeting details, including a zoom link, will be added to the Valley Water website as we approach the ECCC meeting date: <https://www.valleywater.org/how-we-operate/committees/board-committees>.

Thanks again for your message. We appreciate your comments and understand your concerns. Please contact Assistant Operating Officer Mark Bilski at [mbilski@valleywater.org](mailto:mbilski@valleywater.org) with any follow-up information. You can also report future concerns to Valley Water via our online system at <https://access.valleywater.org/s/>. Thanks again for your message.

Sincerely,



Barbara Keegan  
Director, District 2

C-24-0110

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**From:** Debbie Tedsen <[debbie.tedsen@](mailto:debbie.tedsen@)>  
**Sent:** Tuesday, April 23, 2024 6:17 PM  
**To:** Jim Beall <[JBeall@valleywater.org](mailto:JBeall@valleywater.org)>; Tony Estremera <[TEstremera@valleywater.org](mailto:TEstremera@valleywater.org)>; Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Cc:** Ivy Preston <[ivy.preston@](mailto:ivy.preston@)> Shannon Pichler <[shannon.pichler@](mailto:shannon.pichler@)> Amy Nevarez <[amy.nevarez@](mailto:amy.nevarez@)> skelley@ Teresina Humphrey <[thumphrey@](mailto:thumphrey@)> Coffaro, Nicholas <[ncoffaro@](mailto:ncoffaro@)>  
**Subject:** Homeless Encampment Located adjacent to Sofi Los Gatos Creek Apartments 2130 Southwest Expy San Jose, CA

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Hello, SC Valley Water District Board Members,

We wanted to inform you about a pressing issue impacting our community at Sofi Los Gatos Creek Apartments, located at 2130 Southwest Expy. in San Jose. Adjacent to our property lies a homeless encampment, which falls under the jurisdiction of the Santa Clara Valley Water District. As representatives of our community's ownership, we are deeply concerned about the adverse effects this encampment is having on the environment and the safety of our residents and those experiencing homelessness.

While we acknowledge the complexity of homelessness and advocate for compassionate and comprehensive solutions, the current state of affairs at 2130 Southwest Expy. poses significant environmental and safety hazards. The encampment has led to escalated levels of littering, waste accumulation, unauthorized and unregulated electricity use, and potential contamination of nearby water sources. Moreover, there have been reports of incidents jeopardizing the safety and well-being of our residents and individuals within the encampment.

We recognize the Santa Clara Valley Water District's commitment to safeguarding our water sources and ensuring community safety. So, we're urgently reaching out for your help in dealing with this. We firmly believe that a collaborative approach involving the water district, local authorities, and pertinent social services is critical to a resolution that benefits all parties involved.

We know the complexities of tackling homelessness and deeply value any efforts to find humane and effective solutions. We trust that the Santa Clara Valley Water District will consider this matter and explore viable options for removing the encampment while extending support to those experiencing homelessness.

Thank you for your swift attention to this issue. We are excited to hear about the measures that can be taken to address the concerns outlined in this correspondence.

I have attached photos and the letter written in this email for you to share with others who can help.

Thank you for taking the time to look into this matter. We look forward to hearing from you soon.

**Debbie Tedsen-Senior Director**

**Office: 916-850-4451 | Cell: [REDACTED]**

[#FPIPledgesAcceptance](#)

[REDACTED]

**From:** [REDACTED]  
**To:** ["Office of Supervisor Susan Ellenberg"; "Trayer, Todd"; Jose Villarreal; Rafael Turcios; Robert Yamane](#)  
**Cc:** ["David Fernandez"; bryan.reyes@sanjoseca.gov; "District3"; Barbara Keegan; Board of Directors; "Jean-Marie White"](#)  
**Subject:** Urgent meeting needed for the Alley around the outdoor classroom flood wall  
**Date:** Monday, May 13, 2024 3:22:38 PM  
**Importance:** High

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The original plan was to have the flood wall be the back of our properties with an easement. Even two months ago, I was told we would get to pick our concrete style. Now, an alley will open to criminals and the unhoused will roam the 4-foot alley between our 7-foot rear fence and the 8-10 foot flood wall. This gap will be closed with a gate behind my garage. I have never seen a gate or fence not cut and opened along Coyote Creek and Guadalupe Rivers. I know the gate will be opened and be unseen by anyone including SJPD. This gives unrestricted access to the backs of our houses. We have had our garage and home broken into several times and every time; it was from the backyard. I don't believe there is any precedent of such an alley being installed behind homes in the valley. The water district states it is to "service" the concrete wall. Our rear redwood fences have been falling down for 7 years after the flood, and the district doesn't service them much. I doubt a cement wall need much in terms of service. We need the local government to step up and help the residents with our concerns. There have not been any specific plans, drawings, or renderings of this gap and the gates, yet it is being built as we speak. I hope the city of San Jose and the County can help us or at least the Valley Water board.

**Eric Heckman, CFP®**

(Do not use this email for Heckman Financial business)

Owen, Ethan & Aidan's Dad Heckman Financial [WealthCreator.com](http://WealthCreator.com)

Rotary Club of San Jose: Chair-Scout Committee, Troop 116 Treasurer

Author "[Worry Less Wealth](#)" – Radio Show host [Wealth Creator Radio 860 AM The Answer](#)

# **OUTGOING BOARD CORRESPONDENCE**

**From:** [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)  
**To:** [Jennifer Codianne](#); [Shanika Richards](#); [Kathy Nguyen](#); [Mark Bilski](#)  
**Cc:** [Michele King](#); [Board of Directors](#)  
**Subject:** FW: Fire Hazard: Tree Trimmings and Area Along Creek  
**Date:** Thursday, May 9, 2024 1:09:59 PM  
**Attachments:** [image001.png](#)  
[FAQ Sheet Permitting Info for Creek Maintenance.pdf](#)  
[Trees and Valley Water Right of Way 2019.pdf](#)

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Good afternoon,

C-24-0122 has been approved, sent and closed. I had forgotten you had resent another version with updated information so I sent a second email with the update.

Thanks,  
Candice

---

**From:** Candice Kwok-Smith **On Behalf Of** Board of Directors  
**Sent:** Thursday, May 9, 2024 1:07 PM  
**To:** [patalongi@yahoo.com](mailto:patalongi@yahoo.com)  
**Subject:** RE: Fire Hazard: Tree Trimmings and Area Along Creek

Dear Patrick Alongi,

As a follow up, it appears our staff reinspected the site yesterday and the piles of cut tree trimmings have been removed by an unknown party.

Sincerely,



Jim Beall  
Director, District 4

C-24-0122

---

**From:** Candice Kwok-Smith **On Behalf Of** Board of Directors  
**Sent:** Thursday, May 9, 2024 12:57 PM  
**To:** [patalongi@yahoo.com](mailto:patalongi@yahoo.com)  
**Subject:** Re: Fire Hazard: Tree Trimmings and Area Along Creek

-  
**Sent on Behalf of Director Beall:**

Dear Patrick Alongi,

Thank you for your email and concerns regarding the tree trimmings left on Cross Springs Drive. Valley Water recently sent a letter to your neighbors addressing a recent incident concerning the unauthorized pruning and removal of riparian vegetation on Valley Water property adjacent to your neighborhood. We understand the concerns about overgrown vegetation and potential fire hazards; however, it is crucial that you are aware of the importance of proper procedures for vegetation management.

We are taking this situation very seriously and understand that last month neighbors from Cross Springs Drive trespassed onto Valley Water property and conducted unauthorized pruning and removal of riparian vegetation. A similar situation occurred last year, and neighbors were asked at that time to refrain from these activities. After you spoke with the Integrated Vegetation Unit Manager John Chapman, Valley Water maintenance crews did report to this site on April 29<sup>th</sup> to remove the cut vegetation from Valley Water property. Upon arriving maintenance crews found all the material had been relocated across the street in front of private properties.

Please work with your neighbors to coordinate pickup and disposal of the cut material and please encourage them to discontinue these types of activities in the future. This time of year, we are working throughout the county to mow grasses on Valley Water properties. Due to environmental priorities and work already scheduled, mowing of grasses adjacent to Cross Springs Drive is anticipated by the end of May.

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 Jennifer Codianne, Deputy Officer for Watersheds Operations and Maintenance at [jcodianne@valleywater.org](mailto:jcodianne@valleywater.org) for follow up information.

Thanks again for contacting us.

Sincerely,



Jim Beall  
Director, District 4

C-24-0122

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**From:** PATRICK ALONGI <[REDACTED]>  
**Sent:** Monday, May 6, 2024 1:06 PM  
**To:** Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>; Mayor Matt Mahan <[mayormatt@sanjosecagov.ccsend.com](mailto:mayormatt@sanjosecagov.ccsend.com)>; [district10@sanjoseca.gov](mailto:district10@sanjoseca.gov); Daniel Lee <[\[REDACTED\]](mailto:[REDACTED])>; Pat Alongi <[REDACTED]>

**Subject:** Fire Hazard: Tree Trimmings and Area Along Creek

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

Santa Clara Valley Board,

I am writing as we have a significant amount of tree trimmings that have been left on Cross Springs Drive now for over one month. They are all dead and are a significant fire hazard to our neighborhood. I was told by your office two weeks ago that you didn't trim the trees and leave the debris, but would come and pick it up last week. Nothing has happened and it is not only an eye sore but also a tremendous fire hazard to our neighborhood. In addition, the entire area along the creek on Cross Springs Drive is completely over grown and again a huge fire hazard. Weeds are now over four feet high and there are many trees along the creek that are dead. I have to believe that this would be a tremendous liability for your organization.

Can you please have someone come out and pick up the trimmings along Cross Springs Drive and also send out a crew to trim the area along the street and creek area? Please let me know when you believe this can be accomplished.

Sincerely,  
Patrick Alongi

## Responsibility for Creek Maintenance

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

Not all creek maintenance work requires permitting. Subject to best management practices to prevent pollution, activities such as hand removal of trash or graffiti removal would not require permits.

Additional creek maintenance work could require permitting from the following agencies:

- Local municipality
- California Department of Fish and Wildlife (CDFW)
- U.S. Army Corps of Engineers (USACE)
- Regional Water Quality Control Board (RWQCB)
- San Francisco Bay Conservation and Development Commission (BCDC)

## Local and County Planning Departments

Prior to beginning work (e.g., **vegetation and/or tree removal, grading, building**, etc.), property owners are responsible for contacting their respective jurisdiction's planning department to secure any applicable permits. Contact your local municipality (your city or Santa Clara County) planning department to determine if the California Environmental Quality Act (CEQA) review is necessary for your proposed creek maintenance activities. The planning department can also help property owners comply with CEQA, which requires state and local government agencies to evaluate potential environmental impacts of proposed activities.

Visit Santa Clara County Planning and Development's website: [plandev.sccgov.org/home](http://plandev.sccgov.org/home)

## California Department of Fish and Wildlife

The CDFW manages California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. **All creeks, lakes, and ponds as well as associated riparian vegetation**, are subject to CDFW jurisdiction.



Fish and Game Code Section 1602 regulates projects that alter the flow, bed, banks or channel of rivers, streams and lakes. Section 1602 requires project proponents to notify and potentially enter into a Lake and Streambed Alteration Agreement (LSAA) with CDFW before beginning any activity that may divert, obstruct, or change the natural flow; change or use any material from the bed, channel, or bank of, any river, stream, or lake; or result in disposal or deposition of debris or waste. Any river, stream, or lake includes those that are dry part of the year.

Prior to performing any work around creeks, lakes, ponds, and associated riparian vegetation, property owners are responsible for notifying CDFW and entering into a LSAA, if determined necessary. Visit [wildlife.ca.gov/Conservation/Environmental-Review/LSA](http://wildlife.ca.gov/Conservation/Environmental-Review/LSA) for more information.

## U.S. Army Corps of Engineers

The USACE administers and enforces Section 10 of the Rivers and Harbors Act of 1899 (RHA) and Section 404 of the Clean Water Act (CWA). Under RHA Section 10, a permit is required for **work or structures in, over or under navigable waters of the United States**. Under CWA Section 404, a permit is required for the discharge of dredged or fill material into "waters of the United States" (WOTUS). Many waterbodies and wetlands in the nation are waters of the United States and are subject to USACE regulatory authority. The USACE evaluates permit applications for essentially all construction activities that occur in the nation's waters, including wetlands.

The San Francisco District uses the WOTUS definition when making permit decisions and providing landowners written determinations of the limits of federal jurisdiction on their property. The limits of USACE jurisdiction extend to the **ordinary high-water mark in non-tidal waters and also include adjacent**

**wetlands.** The landward limits of USACE jurisdiction in tidal waters extends to the high tide line. Visit [www.spn.usace.army.mil/Missions/Regulatory.aspx](http://www.spn.usace.army.mil/Missions/Regulatory.aspx) for more information.

If the USACE is issuing a permit, the USACE may consult with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act (ESA) to ensure that an action will not jeopardize the continued existence of endangered or threatened species or result in adverse modification of designated critical habitat. ESA Section 9 prohibits the take of any fish or wildlife species listed as endangered or threatened unless otherwise authorized by federal regulations. Take means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” “Harm” is defined as “any act that kills or injures the species, including significant habitat modification.”

USFWS is dedicated to the conservation, protection, and enhancement of fish, wildlife and plants, and their habitats. USFWS is responsible for protection of listed plants and wildlife other than marine species and anadromous fishes. Native bird species are protected by Migratory Bird Treaty Act. USFWS enforces the Bald and Golden Eagle Protection Act, which provides protection of bald eagle and golden eagle by prohibiting taking, possession, and commerce of such birds. Visit [fws.gov](http://fws.gov) for more information.

NMFS is responsible for protection of federally listed marine species and anadromous fishes. Federally threatened or endangered species determined to occur in Santa Clara County include steelhead and green sturgeon. Visit [fisheries.noaa.gov](http://fisheries.noaa.gov) for more information.

## Regional Water Quality Control Boards (RWQCB)

The Porter-Cologne Act established the State Water Resources Control Board (SWRCB) and divided California into nine regions, each overseen by a RWQCB. The SWRCB and its nine RWQCBs have jurisdiction over the **bed and banks of a stream channel and its beneficial uses**. Each RWQCB makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions.

There are two regional water quality control boards that have jurisdiction in Santa Clara County.

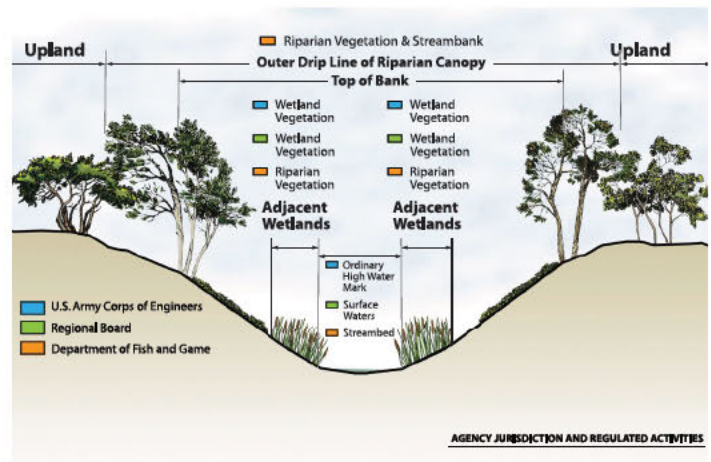
San Francisco Bay RWQCB (Region 2) oversees watersheds draining to San Francisco Bay. Visit [waterboards.ca.gov/sanfranciscobay](http://waterboards.ca.gov/sanfranciscobay) for more information.

Central Coast RWQCB (Region 3) oversees watersheds draining to Pajaro River and then to Monterey Bay. Visit [waterboards.ca.gov/centralcoast](http://waterboards.ca.gov/centralcoast) for more information.

## San Francisco Bay Conservation and Development Commission

BCDC has regulatory responsibility over development in San Francisco Bay and along Bay’s nine-county shoreline. It is necessary to obtain BCDC approval prior to undertaking work in the Bay or within 100 feet of the shoreline, including filling, dredging, shoreline development and other work.

Maintenance activities that are conducted within tidal waters of South San Francisco Bay or areas determined to be within shoreline band may also require BCDC permit. Visit [bcdc.ca.gov](http://bcdc.ca.gov) for more information.



## Questions?

Please contact Public Information Representative Jennifer Codianne via email at [jcodianne@valleywater.org](mailto:jcodianne@valleywater.org) or by calling 408-630-3876.

## CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, use our **Access Valley Water** customer request system at [access.valleywater.org](http://access.valleywater.org).



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## Preserving trees for a healthy watershed

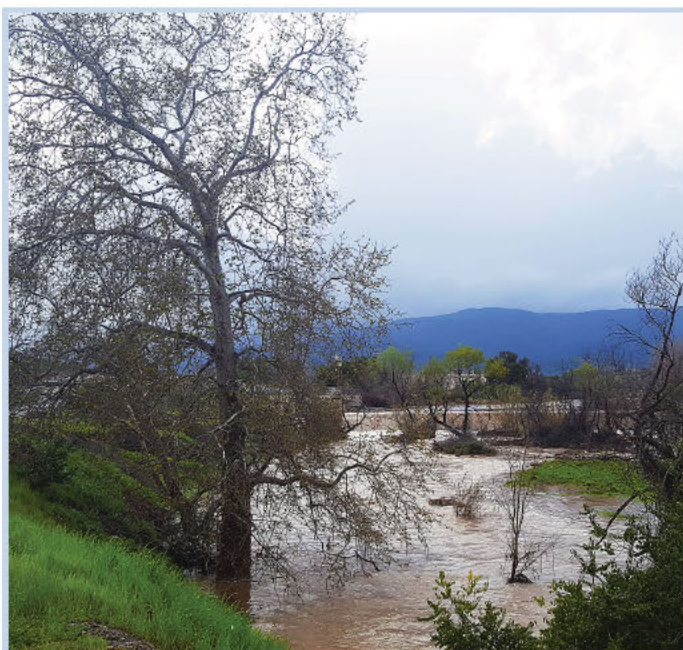
As stewards of Santa Clara County's watersheds and hundreds of miles of streams, Santa Clara Valley Water District (Valley Water) maintains trees to preserve stream habitats. Native trees and plants are critical to the long-term viability of the stream corridor.

Valley Water's tree maintenance policy balances preservation of native plant life with the community's needs for flood protection, fire prevention, safety and avoidance of property damage.

## Valley Water's right-of-way defined

This sheet provides information about Valley Water's maintenance of trees on Valley Water's property and easements. Valley Water's right-of-way includes:

- Property owned by Valley Water in fee title which is managed with available resources consistent with federal, state and local laws and ordinances;
- Property where Valley Water has an exclusionary easement, meaning that the underlying fee property owner is effectively excluded from actively using the property; and
- Property where Valley Water has an easement for flood protection, storm drainage or water conservation purposes.



Guadalupe River between Blossom Hill Rd. and Almaden Lake Park, San Jose.



Blue oak (*Quercus douglasii*) near Smith Creek, Los Gatos

## Managing trees on Valley Water's property

Valley Water conducts inspections and welcomes information from the community to identify and prioritize trees needing maintenance on its property.

Depending on the availability of staff and equipment, Valley Water may take action to manage trees when:

- A hazard is present: A certified arborist or qualified Valley Water staff certifies trees or limbs are hazardous with the potential to cause injury or significant property damage.
- Another public safety hazard is present: Trees or limbs obscure traffic lines of sight, lean precariously or require removal or trimming to comply with a city ordinance.
- Valley Water's business is affected: trees impede access to inspect and maintain Valley Water facilities or an invasive tree species is present.

## Managing trees on property where Valley Water has an easement

Easements typically provide Valley Water with the right, but not the obligation, to trim or remove trees on those properties.

At its discretion, Valley Water may remove or trim trees for reasons consistent with the terms of the easement. Tree maintenance on easements for flood protection purposes is prioritized, otherwise tree maintenance must meet one or more of the conditions noted earlier.

Valley Water will not perform tree maintenance on easements on private property for concerns such as:

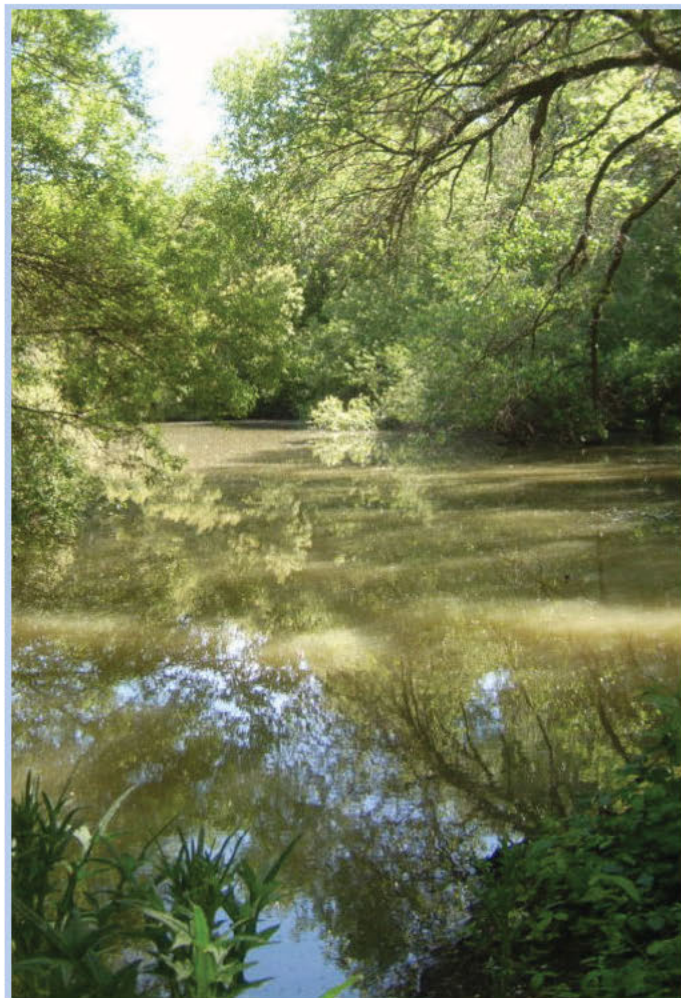
- Nuisances such as dropping leaves, seedling volunteers or insect pests;
- Aesthetic considerations;
- Overhanging growth that does not create a hazard; or
- Line-of-sight issues not related to public safety, such as blocking of business signs or views.

## Managing trees on private property

Private property owners are responsible for maintaining the trees on their property, even if Valley Water has an easement.

Landowners next to Valley Water property have the right to trim overhanging branches of trees growing on Valley Water property. However, property owners must first contact Valley Water to determine whether they need an encroachment permit, especially if they must access Valley Water's property to maintain the trees.

Tree removal on private property may be subject to local city or county permits. For tree pruning or removal along creeks, owners may be required to secure permits from regulatory agencies such as the California Department of Fish and Wildlife, [www.wildlife.ca.gov](http://www.wildlife.ca.gov).



Streamside vegetation, Pajaro River in South Santa Clara County.

Si habla español y tiene preguntas sobre el contenido de este mensaje por favor de comunicarse con José Villarreal al [JVillarreal@valleywater.org](mailto:JVillarreal@valleywater.org) o (408) 630-2879.

Nếu bạn nói tiếng Việt và có thắc mắc về nội dung của thông báo này, xin vui lòng liên hệ với Ngọc Nguyen tại [NNguyen@valleywater.org](mailto:NNguyen@valleywater.org) hoặc (408) 630-2632.

如果你說中文並對上述訊息有疑問, 請聯繫 Sarah Young, 電郵 [SYoung@valleywater.org](mailto:SYoung@valleywater.org), 或者電話: (408) 630-2468.

## CONTACT US

For more information, contact John Chapman at (408) 630-2645. Or use our **Access Valley Water** customer request and information system at <https://delivr.com/2yukx> to find out the latest information on Valley Water projects or to submit questions, complaints or compliments directly to a Valley Water staff person.



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