



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

December 1, 202

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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	<u>INCOMING BOARD CORRESPONDENCE</u>
23	Board Correspondence Weekly Report: 12/01/23
28	Email from Madeline Liao to the board, dated 11/27/23, inquiring on about the unhoused. C-23-0284
29	Email from Nishka Gurnani to Director Hsueh, dated 11/25/23, forwarding interview questions regarding water quality issues in the Bay Area. C-23-0285.
30	Email from Kelly to the board, dated 11/28/23, regarding EBMUD Los Vaqueros project updates. C-23-0286
32	Letter from Julie Hutcheson, Executive Director, Green Foothills, to the board, dated 11/17/23, expressing appreciation for support. C-23-0287
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37	Email from Director Hsueh to Tom Lawrence, dated 11/22/23, regarding his request for assistance in addressing recent bank erosion on Calabazas Creek.

CEO BULLETIN

CEO BULLETIN



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

Weeks of November 10 – November 30, 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>	2023 Valley Water "Meet the Primes" Event
<u>2</u>	Comment Deadline Extended for Bay-Delta Plan Update Substitute Environmental Document
<u>3</u>	Safe, Clean Water Mini-Grant Closeout: Omniware Network's Water in Art Education Project
<u>4</u>	Safe, Clean Water Refill Station Grant Closeout: City of Gilroy's Valley Water Refill Station Project – Gilroy City Hall
<u>5</u>	Safe, Clean Water Refill Station Grant Closeout: Santa Teresa Parish's Valley Water Refill Station Project – Santa Teresa Parish
<u>6</u>	<u>Eisenberg</u> Director Eisenberg requests information on what Valley Water is doing in regard to PFAS and PFAS pollution. I-23-0030

1. 2023 Valley Water "Meet the Primes" Event

On October 26, 2023, Valley Water procurement staff hosted a "Meet the Primes" event aimed at connecting small and locally-owned businesses with prime contractors. The event provided a platform for diverse businesses, including small and locally-owned enterprises, to connect with prime contractors on contracting opportunities. The event also provided an opportunity for vendors to learn how to do business with Valley Water, discuss upcoming contracting opportunities, and receive information about the Small Business Enterprise (SBE) Preference and the Project Labor Agreement (PLA).

The turnout was excellent, with approximately 25 prime contractors hosting their own booths, and over 175 diverse businesses actively participating in the event. Feedback from attendees has been very positive and Valley Water has received multiple thank-you emails and phone calls from attendees. This successful Meet the Primes event will pave the way for fruitful partnerships on Valley Water contracts, bringing innovation and diversity to projects, and ultimately contributing to the success of Valley Water's mission.

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

2. Comment Deadline Extended for Bay-Delta Plan Update Substitute Environmental Document

The California State Water Resources Control Board (State Board) released a revised notice extending the comment period of their Substitute Environmental Document (SED) that evaluates alternatives for updating the Sacramento River and Delta portion of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan). The comment deadline has been extended from December 15, 2023 to January 19, 2024. The revised notice also modifies small details on timing and participation in the public hearing.

Valley Water is reviewing and analyzing the SED in coordination with partner agencies.

See the State Board's revised notice here:

https://www.waterboards.ca.gov/board_info/calendar/docs/2023/revisednotice_sacdeltastffrpt_111423.pdf

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

3. Safe, Clean Water Mini-Grant Closeout: Omniware Network's Water in Art Education Project

In Fiscal Year 2023, Valley Water awarded Omniware Networks a \$5,000 Safe, Clean Water Program F9 Mini-Grant for their Water in Art Education Project (Project). Omniware Networks completed the Project on August 9, 2023 and submitted the final invoice items on October 17, 2023, allowing for grant closeout.

Omniware Networks is a 501(c)(3) non-profit with a mission to strengthen relations and understanding among peoples of different regions and backgrounds; to promote people's knowledge and understanding of various cultures, values, arts and communities in a peaceful and enriching way. The mini-grant provided funding for a free of charge water-in-art education program to promote the awareness and education of the importance of water conservation and wildlife habitat conservation to Title 1 K-12 students in the cities of Mountain View and San Jose. The program increased students' awareness of water conservation and wildlife habitat, taught the students art skills, and resulted in them taking action to save water.

Key Outcomes:

- 300 students in the cities of Mountain View and San Jose participated in the Water-in-Art project
- 90% of students increased their awareness of water conservation and wildlife habitat, and took actions to save water
- 100% of students learned art skills
- 95% of students completed their artwork

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

4. Safe, Clean Water Refill Station Grant Closeout: City of Gilroy’s Valley Water Refill Station Project – Gilroy City Hall

In Fiscal Year 2023, Valley Water awarded the City of Gilroy a \$5,000 Safe, Clean Water Program F9 Valley Water Refill Station Grant for their Valley Water Refill Station Project (Project) at Gilroy City Hall. The City of Gilroy completed the Project on August 21, 2023 and submitted the final invoice items on September 14, 2023, allowing for grant closeout.

The City of Gilroy is a public agency in California that serves the community in Gilroy. The grant funds were used to purchase and install a new water bottle refill station at Gilroy City Hall. The Project provides access to safe, clean drinking water to more than 7,000+ visitors a year. The station features a counter that tracks how many plastic water bottles are saved each time the station is used.

Key Outcomes:

- Installed one new water bottle refill station at Gilroy City Hall
- Promotes the use of reusable water bottles and reduces the amount of plastic water bottle waste generated by staff and visitors
- Saved over 540 plastic water bottles within one month of installation

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

5. Safe, Clean Water Refill Station Grant Closeout: Santa Teresa Parish’s Valley Water Refill Station Project – Santa Teresa Parish

In Fiscal Year 2024, Valley Water awarded Santa Teresa Parish a \$5,000 Safe, Clean Water Program F9 Valley Water Refill Station Grant for their Valley Water Refill Station Project (Project) at Santa Teresa Parish. Santa Teresa Parish completed the Project on September 6, 2023 and submitted the final invoice items on October 16, 2023, allowing for grant closeout.

Santa Teresa Parish is a faith-based organization located in San Jose, CA. The grant funds were used to purchase and install a new water bottle refill station at the church’s community hall where both church members and the broader public participate in community events. The Project provides access to safe, clean drinking water to more than 1,100 monthly visitors who attend the church, participate in summer camps, and other activities hosted by the church. Santa Teresa Parish held their annual celebration of their patron saint on October 15, 2023 which featured a blessing ceremony for the newly installed station and engaged about 25 attendees. Grantee acknowledged Valley Water’s contribution to support their goal to reduce plastic waste and promote sustainability.

Key Outcomes:

- Installed one new water bottle refill station at Santa Teresa Parish’s community hall
- Promotes the use of reusable water bottles and reduces the amount of plastic water bottle waste generated by members of the church’s community
- Saved over 900 plastic water bottles within the first month of installation

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

6. Eisenberg

Director Eisenberg requests information on what Valley Water is doing in regard to PFAS and PFAS pollution.

I-23-0024

Valley Water continues to proactively respond to PFAS (Per- and Polyfluoroalkyl Substances), a group of thousands of chemicals widely used in consumer and industrial products. PFAS are persistent in the environment and have known and suspected adverse health effects. In addition to tracking rapidly evolving scientific and regulatory developments, Valley Water has been proactive in voluntarily testing water supplies including source water, groundwater, and treated water, as well as facilities like recharge ponds. To support this, Valley Water's lab is accredited to test for PFAS in drinking water. While no widespread water supply impacts have been identified, a number of water retailer wells are impacted by PFAS. Valley Water continues to meet regularly with water retailers and regulatory agencies to evaluate local supply impacts, potential sources, regulatory developments, and treatment technologies.

Valley Water participates in focused PFAS workgroups in collaboration with other water and wastewater agencies at the state and federal levels through various organizations including the Association of California Water Agencies and the American Water Works Association. Providing timely, transparent communication to customers and the public continues to be a priority, with messaging and outreach materials updated as conditions change. To protect rate payers, Valley Water has joined countless other water suppliers across the United States in filing suit against PFAS manufacturers. Valley Water will continue its vigilance in understanding and responding to the threat posed by PFAS.

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

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
R-23-0011	08/08/23	Eisenberg	Taylor	Chinte Salandan an	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-23-0017	11/14/23	Beall	Baker	Williams	Provide regular updates to the Board or Board committee on the rehabilitation of the Sunnyoaks Percolation Pond and work with the City of Campbell and the Santa Clara County Fire Department on a resolution.	12/05/23		
R-23-0018	11/14/23	Beall	Callender	Taylor	Provide Director Beall with the number of low income senior exemption participants and consider comparing program with other low income senior exemptions programs offered by other agencies for other exemptions.	12/05/23		



MEMORANDUM

FC 14 (01-25-23)

TO: Board of Directors

FROM: David Cahen

SUBJECT: Risk Management Communication

DATE: November 27, 2023

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

Please find the following:

- 1) October 13, 2023 – Letter acknowledging receipt of claim to Joe and Sheila Giancola (District 1).
- 2) October 31, 2023 – Letter acknowledging receipt of claim to Cathleen McPartland (District 1).

For additional information, please contact me at 408-630-2652.

DocuSigned by:

A handwritten signature in cursive script that reads "David Cahen".

62E0E69C39D435...

David Cahen
Risk Manager
Risk Management Unit



Clean Water • Healthy Environment • Flood Protection

October 13, 2023

Joe and Sheila Giancola
2290-A Cochrane Rd.
Morgan Hill, CA 95037

Re: Receipt of Claim – L2340004

Dear Mr. and Mrs. Giancola:

We received your claim regarding reimbursement for future loss of rental income due to Anderson Dam Seismic Retrofit project.

We are currently investigating the claim and will notify you of our findings.

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

Sincerely,

DocuSigned by:

62E0EF69C39D435...
David Cahen
Risk Manager
Risk Management Unit





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT California Government Code Sections 900 and following

<p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	<p>Clerk of the Board's Date Stamp 10/12/23</p> <p style="text-align: center;">For SCVWD Use Only</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date Received:</td> <td style="width: 50%;">ROUTING</td> </tr> <tr> <td><input type="checkbox"/> Via U.S. Mail</td> <td><input checked="" type="checkbox"/> CEO</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered</td> <td><input checked="" type="checkbox"/> District Counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> Email</td> <td><input checked="" type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input checked="" type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/> BOD (District #): <u>1</u></td> </tr> </table>	Date Received:	ROUTING	<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO	<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB		<input checked="" type="checkbox"/> BOD (District #): <u>1</u>
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With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: Sheila Giancola		Email Address: ssarich@hotmail.com	
Address of Claimant: 2290-A Cochrane Rd		City: Morgan Hill	State: CA
		Zip: 95037	
Address to which Notices should be sent, if different from above: Same		City:	State:
		Zip:	
Home Phone Number: 408-779-1230	Cell Phone Number: 408-472-4766	Work Phone Number: 408-472-4766	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: Starting November 1, 2023	Location of incident or loss (address): 2370 Cochrane Rd. Morgan Hill, CA 95037	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (*Please attach additional sheets if necessary*):

See Attached letter from Stephanie Navarro and David Moody (our tenants at 2370 Cochrane Rd. Morgan Hill).



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following**

In detail, describe the damage or injury *(Please attach additional sheets if necessary)*:

See Attached letter from Stephanie Navarro and David Moody (our tenants at 2370 Cochrane Rd. Morgan Hill).

List Name(s) and contact information of any witness(es) or District employee involved (if any):

See above

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000? Yes No
 Court Jurisdiction: (Check One) Limited Civil Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Loss of Rental Income	\$
2. Plus other issues to be discussed	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 12 day of October, 2023

Joe DiAmola Sheila Gianeda
 Claimant's Signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

Stephanie Navarro & David Moody

2370 Cochrane Rd.

Morgan Hill, CA 95037

10/01/23

Sheila Giancola

2290 Cochrane Rd.

Morgan Hill, CA 95037

Dear Sheila,

I hope this letter finds you well. I am writing to provide you with my formal 30-day notice of my intent to vacate the premises at 2370 Cochrane Rd. on 10/31/23, which will effectively terminate my lease agreement. I have truly appreciated my time at this property; however, I am left with no choice but to seek alternative housing due to the untenable living conditions caused by the construction site located across the street.

During my tenancy, the construction activities across the street have escalated to the point where they have significantly disrupted the peace and comfort of my home. The issues I have experienced are as follows:

Initially, the construction site drained the reservoir, resulting in constant vibrations that shook my entire house, making it impossible to live comfortably. Loud semi-trucks continuously driving past throughout the night have created a persistent noise disturbance that affects my sleep and daily activities. The construction work has damaged the street, leading to the formation of large and hazardous potholes, posing a risk to both my vehicle and personal safety. Excessive construction noises persist throughout the night, making it challenging to find restful sleep or concentrate during the day. There have been literal explosions associated with the construction activities, causing my house to shake, and adding to the overall discomfort. Extremely bright lights from the construction site shine into my house at night and early in the morning, disrupting my sleep patterns and overall quality of life. The construction site has disrupted the local wildlife, leading to increased wildlife presence on my property and in the streets, which can be a nuisance and potential safety concern.

These ongoing issues have left me with no choice but to seek alternative housing for the well-being and safety of myself and my family. I kindly request that you consider compensating me for the undue hardships and inconveniences that the construction site has caused during my tenancy. This compensation would greatly assist in covering the costs associated with relocating to a more suitable living environment.

Please let me know the procedures for finalizing my move-out, and I would appreciate your prompt attention to this matter.

Thank you for your understanding, and I hope we can resolve this situation amicably.

Sincerely,

Stephanie Navarro & David Moody



Clean Water • Healthy Environment • Flood Protection

October 31, 2023

Cathleen McPartland
17610 Pacheco Pass Hwy
Apt A
Hollister, CA 95023

Re: Receipt of Claim – L2340005

Dear Ms. McPartland:

We received your claim regarding veterinarian expenses and potential future treatments related to your horse's injuries sustained in Hurricane Canyon.

We are currently investigating the claim and will notify you of our findings.

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

Sincerely,

DocuSigned by:

62E0EF69C39D435...
David Cahen
Risk Manager
Risk Management Unit





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT California Government Code Sections 900 and following

<p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	<p style="text-align: right;">Clerk of the Board's Date Stamp 10/30/23</p> <p style="text-align: center;">For SCVWD Use Only</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date Received:</td> <td style="width: 50%; text-align: center;">ROUTING</td> </tr> <tr> <td><input type="checkbox"/> Via U.S. Mail</td> <td><input checked="" type="checkbox"/> CEO</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered</td> <td><input checked="" type="checkbox"/> District Counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> Email</td> <td><input checked="" type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input checked="" type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input type="checkbox"/> BOD (District #): _____</td> </tr> </table>	Date Received:	ROUTING	<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO	<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB		<input type="checkbox"/> BOD (District #): _____
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With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: Cathleen McPartland		Email Address:	
Address of Claimant: 17610 Pacheco Pass Hwy apt A		City: Hollister	State: ca
Address to which Notices should be sent, if different from above: same		City:	State: Zip:
Home Phone Number:	Cell Phone Number: 6692719797	Work Phone Number:	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: August 7th, 2023	Location of incident or loss (address): Hurricane canyon (west of Kaiser atena)	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (*Please attach additional sheets if necessary*):

August 7th, I attempted to move cattle that are in Hurricane canyon. The notice that was sent out by Emil Collado, did not indicate that there would be water district personnel in that field. When bringing the cattle around the corner where I have never had an issue. Until, three water district personnel were walking along the road. This caused the cattle to spook, turn back on me and my dog, which I then had to run my horse, up and down a steep hill to try to get them to go back and past them (Water district personnel). As I have explained before once they learn they can get by you it is 10x harder to get them to go. My horse tripped and was immediately sore, not to mention pouring sweat from having to run up and down the steep hill, EXCESSIVELY in the heat. Luckily, I was not hurt as well. If I was not experienced, this incident could have been even more detrimental.

This is unnecessary and unacceptable. She, myself, or my dog should not be in that situation. Now, to top it off... I have spent over a couple thousand dollars in vet bills, from a local vet to a major clinic & specialist to find out that her injury from that day is career ending and will be ongoing treatment to try to make as comfortable as possible. Not only did she work being used to gather cattle, she was also a high caliber performance team roping heel horse. I will give them that they attempted to get out of the way but at that point it made ZERO difference. My horse not hurt.



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT California Government Code Sections 900 and following

In detail, describe the damage or injury *(Please attach additional sheets if necessary)*:
 This is unnecessary and unacceptable. She, myself, or my dog should not be in that situation. Now, to top it off.... I have spent over a couple thousand dollars in vet bills, from a local vet to a major clinic & specialist to find out that her injury from that day is career ending and will be ongoing treatment to try to make as comfortable as possible. Not only did she work being used to gather cattle, she was also a high caliber performance team roping heel horse. I will give them that they attempted to get out of the way but at that point it made ZERO difference. My horse got hurt, my dog overheated, I did NOT get my cattle moved.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000? Yes No
 Court Jurisdiction: (Check One) Limited Civil Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Vet & Treatment to date, this does not include all future treatments or the value of the horse.	\$9500
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$9500

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 29 day of october, 2023


 Claimant's Signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

Statement

Charles W. Tobias, DVM

Charles W. Tobias, DVM
 P.O. Box 1127
 Tres Pinos, California 95075
 (831) 635-9632

*Date Seen
 August
 7th*

KM LIVESTOCK LLC
 17610 Pacheco Pass Hwy
 Hollister, CA 95023-

Acct #: **2874**
September 30, 2023

Date	Description	Units	Charge	Ext. Shr.	Payment	Balance
8/31/2023					Beginning Balance:	\$320.00
	~ Other Items ~					
9/30/2023	service charge	1.00 x	\$4.73 =		\$4.73	
			<u>Subtotal:</u>		\$4.73	\$324.73
9/30/2023					Current Balance:	\$324.73

Accounts are due when billed. A service charge (\$ 3) minimum is computed at a periodic rate of (1.5 %) per month. resulting in an annual percentage rate of (18 %) applied to account balances (30) days past due.

Please make checks payable to Charles W. Tobias DVM and include your account number on your check. Thank you.

Steinbeck Peninsula Equine Clinic - Salinas



15881 Toro Hills Avenue
Salinas, CA 93908
www.steinbeckpeninsulaequine.com

Tel: (831) 455-1808
Fax: (831) 455-1906
Email: info@steinbeckequine.com

Account Statement

Katie McPartland
2005 Hayes Lane
San Martin, CA 95046

Range:	Aug-01-23 to Aug-31-23	
Printed:	Sep-01-23 06:15 PM	
	Name	Number
Account:	Katie McPartland	14651

Date	Reference #	Description	Patient	Invoice Total	Balance		
Aug-17-2023	I[222929]	Invoice (In-Patient-Salinas)	Handy	\$3,823.70	\$3,823.70		
Aug-17-2023	P[113576]	Payment (Visa (OE))		\$(3,823.70)	\$0.00		
Aug-30-2023	I[223251]	Invoice (In-Patient-Salinas)	Lil D	\$2,763.75	\$2,763.75		
	0-30	31-60	61-90	91-120	121-150	151+	Balance
Balances:	\$2,763.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,763.75

< Totals based on statement date of 'Aug 31, 2023' >

All accounts are due and payable in full upon receipt. Should an account become delinquent a 1.5% monthly finance charge will be applied. We accept Visa, Master Card, American Express, Care Credit and Discover. Our website has a payment portal.

Cut here and return with payment

Printed: Sep-01-23 06:15 PM

Please remit with payment

Steinbeck Peninsula Equine Clinic - Salinas
15881 Toro Hills Avenue
Salinas, CA 93908

	Name	Number
Account:	Katie McPartland	14651
Balance:	\$2,763.75	
Paid:	_____ (Please write amount)	

Remember we also offer small animal services! We are very pleased to have Dr. Ashley Amaral available at our Steinbeck Country Small Animal Clinic. For an appointment, please call 831-455-9712.

Steinbeck Peninsula Equine Clinic - Salinas



15881 Toro Hills Avenue
Salinas, CA 93908
www.steinbeckpeninsulaequine.com

Tel: (831) 455-1808
Fax: (831) 455-1906
Email: info@steinbeckequine.com

Account Statement

Katie McPartland
2005 Hayes Lane
San Martin, CA 95046

Range:	Oct-01-23 to Oct-25-23	
Printed:	Oct-25-23 09:06 AM	
	Name	Number
Account:	Katie McPartland	14651

Date	Reference #	Description	Patient	Invoice Total	Balance
Oct-11-2023	I[225179]	Invoice (Over-the-Counter - Salinas)	Betty	\$57.60	\$57.60
Oct-20-2023	I[225162]	Invoice (Out-Patient-Salinas)	Lil D	\$668.15	\$725.75
Oct-25-2023	P[115506]	Payment (Visa (OE))		\$(725.75)	\$0.00

Note: Auto. ap

All accounts are due and payable in full upon receipt. Should an account become delinquent a 1.5% monthly finance charge will be applied. We accept Visa, Master Card, American Express, Care Credit and Discover. Our website has a payment portal.

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-23-0278	11/14/23	11/15/23	Beall Estremera	ALETTE LUNDEBERG	Email from Alette Lundeborg to Directors Estremera and Beall, dated 11/14/23, regarding access to the locked park on Williams Street across from the William Street Park.	Refer to Staff	Yoke	Ndah	11/23/23	-	n/a	11/29/23
C-23-0280	11/20/23	11/20/23	All	KATJA IRVIN Water Committee - Sierra Club, Loma Prieta	Letter from Sierra Club to the board, dated 11/20/23,	Refer to Staff	Gibson Baker	Rocha Gin	11/28/23	11/29/23	n/a	12/04/23

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
				Chapter	providing input on outreach and engagement processes.							
C-23-0282	11/20/23	11/21/23	All	AFSHIN ROUHANI	Email from Afshin Rouhani to the board, dated 11/20/23, regarding Anderson Dam Options.	Refer to Staff	Richardson	Mccarter	11/29/23	11/29/23	n/a	12/05/23
C-23-0283	11/25/23	11/27/23	Hsueh	NISHKA GURNANI	Email from Nishka Gurnani to Director Hsueh, 11/25/23, with interview questions on water quality issues in the Bay Area.	Noted and Filed	-	-	12/05/23	-	n/a	12/11/23
C-23-0284	11/27/23	11/28/23	All	MADLINE LIAO	Email from Madeline Liao to the board, dated 11/27/23, inquiries on the Homeless for Highschool essay.	Refer to Staff	Hakes	Codianne	12/06/23	-	n/a	12/12/23
C-23-0287	11/29/23	11/29/23	Hsueh	DWIGHT NICKERSON	Email from Dwight Nickerson to Director Hsueh, dated 11/29/23, regarding damaged	Refer to Staff	Hakes	Codianne	12/07/23	-	n/a	12/13/23

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
					retaining wall on Saratoga Creek.							

Michele King

From: Madeline Liao [REDACTED]
Sent: Monday, November 27, 2023 8:01 PM
To: Board of Directors; alarks@sjusd.org
Subject: Inquiries on the Homeless

***** 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. *****

To whom this may concern,

My name is Madeline Liao, a student attending Leland High School in San Jose, CA. I am drafting an essay on the effects of the housing crisis/homelessness in the Bay Area. As workers who maintain Santa Clara County's water ways, I was curious about the measures you take to prevent the homeless from living around these waters. Listed below are a few inquiries regarding the crisis:

1. What measures does your organization take to prevent the homeless from congregating around Santa Clara's water ways?
2. If actions are taken, how does this displacement affect the homeless?
3. From the experiences of your organization, how can this issue be resolved?

Regards,
Madeline Liao

Michele King

Subject: FW: Expert Interview- Water Quality Issues in the Bay Area

From: Nishka Gurnani [REDACTED]
Date: November 25, 2023 at 1:30:18 PM PST
To: Nai Hsueh <NHsueh@valleywater.org>, alarks@sjusd.org
Subject: Expert Interview- Water Quality Issues in the Bay Area

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Dear Ms.Nai Hsueh,

I hope this email finds you well. I'm Nishka Gurnani and I'm a 10th grader at Leland High School in San Jose,CA. Recently I have been working on an opposite editorial essay regarding water quality in the Bay. I was wondering if you would be interested in answering a few questions as part of my english assignment. I'd also like to let you know that my English teacher is CC'ed in this email. The questions are listed below:

- 1.
- 2.
3. What do you think are the main issues with the water quality in the San Jose/Bay Area?
- 4.
- 5.
- 6.
7. What are some of the improvements in technology that have improved the quality of drinking
8. water?
- 9.
- 10.
- 11.
12. How do agricultural processes negatively impact the quality of drinking water?
- 13.
- 14.
- 15.
16. How do you think we can ensure safe and clean water in communitie where that is not currently
17. available?
- 18.
- 19.
- 20.
21. Which communities in the Bay Area lack access to clean water? What causes this issue?
- 22.

Thank you,
Nishka Gurnani

Michele King

From: Kelly [REDACTED]
Sent: Tuesday, November 28, 2023 7:07 AM
To: Richard Santos; Board of Directors; Rebecca Eisenberg
Cc: Rick Callender
Subject: Los Vaqueros member agencies balk at "outstanding critical issues" after CCWD declares a design and construction impasse

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EBMUD Los Vaqueros project updates

November 28, 2023

https://www.ebmud.com/application/files/7517/0069/5858/11282023_finance_admin_presentations.pdf

[The] JPA agreements schedule is being revised to allow more time to resolve critical issues raised by CCWD and member agencies

- Previously targeting spring 2024 for execution of agreements

Outstanding Critical Issue #1

- CCWD water quality and water supply risks during LVR dam construction (LVR empty during dam construction and unavailable to CCWD for water quality blending, drought supply, and emergencies for 4 years)
- EBMUD providing backstop water conveyance is one potential mitigation option, but EBMUD cannot provide full backstop for entire period
- EBMUD working with CCWD to develop a backstop conveyance agreement for the period that EBMUD can assist
- CCWD to evaluate other options to fill in the gaps and address their risk tolerance

Outstanding Critical Issue #2

- CCWD's proposed amendments to the JPA Agreement (executed October 2021)

1. Adherence to CCWD's Board Principles
 2. Unanimous vote requirement for new member agencies
 3. Prohibition on advocacy by the JPA
- Proposed Amendments would give CCWD nearly complete control over project operations and JPA decisions, which is unacceptable to EBMUD
 - Senior management from EBMUD and other member agencies are meeting with CCWD to discuss

Outstanding Critical Issue #3

- CCWD declared an impasse on the Des Agreement
- CCWD negotiating to have overall autho construction costs while JPA member ag financial risk
- Senior management from EBMUD and c meeting with CCWD to explore alternativ

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Other Outstanding Issues to Determine Participation

- Need to resolve points on agreements
- Operational priorities for filling the reservoir
- Priority of EBMUD requesting water through an exchange with CCWD
- Storage, cost, and usage rights allocations
- Public benefits
- Cost for use of CCWD facilities
- Complete updated cost evaluation
- Advancing source of water supply for storage

Next Steps

- Continue to engage with CCWD on outstanding critical issues
- Continue to resolve issues necessary to determine participation
- Updates to the Committee and Board to occur in 2024 prior to deciding on participation



Thank you for your support that allows us to defend the places we all love and helps more community members get involved to make a difference.

November 17, 2023

Valley Water Board of Directors
5750 Almaden Expy
San Jose, CA 95118-3614

Dear Directors,

When people feel welcome in green spaces, they want to protect those places. Yet, too many people do not feel like they belong in the environmental movement. Green Foothills is working to change that. **We need everyone working together to create a resilient region where wildlife thrives, everyone has natural beauty to enjoy, and communities live in balance with nature.**

Thank you for your support that allows us to defend the places we all love and helps more community members get involved to make a difference.

Green Foothills' mission is to protect open space, farmland, and natural resources for the benefit of all. Everyone needs access to natural spaces, clean air and water, healthy food, and a healthy climate. For far too long, people from marginalized communities have been excluded from decisions about the lands we all share, and in many cases have not had access to or felt welcome to spend time on these lands. It is imperative to strengthen the environmental movement with their voices and learn from one another to create a climate resilient region where everyone feels welcome.

It Starts with a Feeling of Connection

I've always felt a deeply satisfying bond with nature. From peaceful walks across fields covered in new-fallen snow during my childhood in my native Canada, to scenic drives past the stunning fall foliage of the Blue Ridge Mountains while attending college in Virginia, to family hikes through the spring green and summer golden hillsides of the Bay Area that is now my home, I have been lucky to have opportunities to enjoy and be close to wilderness and green spaces.

This bond with nature spurred my environmental activism. I formed a small community group that raised its voice for the preservation of farmland under threat of development. My activism gave

Local. Vocal. Effective.

(650) 968-7243 • info@greenfoothills.org • greenfoothills.org • 3921 E Bayshore Road, Palo Alto, CA 94303

me purpose and I sought to connect with others who shared my passion for protecting local nature. That's when I found Green Foothills.

I consider myself incredibly fortunate to be part of the Green Foothills community, first as an advocate, then as Director of Impact, and now as Executive Director. It is a deeply meaningful part of my identity. But not everyone has had these opportunities.

How Do You Connect to Nature?

What makes you feel connected to nature? Do you feel welcome in local parks and open space preserves? Do you speak up for what's important to you and do you feel like your voice is heard?

We hope you do! That's part of the reason Green Foothills was founded. Too many people in the areas we serve – San Mateo, Santa Clara and San Benito Counties – don't always feel welcome in green spaces and their voices aren't being heard. Green Foothills is dedicated to changing this. Our goal is to ensure that everyone has equal access to and benefits from the natural environment.

“Green Foothills’ Healing in Nature program has empowered People of Color like me and many from marginalized communities to come forward and participate in the local conservation movement. With its focus on nature, connection, and belonging, the program has opened doors to these communities so they may have equal access to protected parks and open space preserves in our area...Loss of green habitat affects all communities. Some in marginalized communities have never had a say in the matter or access to these parks and open spaces before.”

- Dr. Smita Garg, Green Foothills Leadership Program graduate, Advisory Board member, and Healing in Nature Earth Healer

“I support and appreciate the mission and work of Green Foothills because they grasp the connection between protection of open space for native plants and animals and the protection of rights of Indigenous people whose culture and spirituality is rooted in this land.”

- Elisa Marina Alvarado, LCSW and Green Foothills supporter

Building A More Inclusive Conservation Movement

At Green Foothills, we believe the environmental movement must reflect the diversity of our community. For the past decade, we have worked to make the conservation movement in our region more inclusive, equitable, and just.

Some key efforts include:

- **Tuition-free bilingual Leadership Program.** The program trains people from diverse backgrounds in inclusive environmental advocacy. This year, we offered Spanish translation and welcomed our first cohort of six Spanish-speaking participants. In 2024, we will offer our program tuition-free for the first time.
- **Accessible, restorative nature experiences.** Our Healing in Nature program provides restorative experiences in nature for people of all backgrounds and abilities to connect deeply with nature, and share ecological knowledge. We've expanded 2024 outings to be accessible to Spanish speakers, youth, and people with disabilities.
- **Supporting Indigenous-led conservation efforts.** We have raised nearly \$300,000 in grants for Indigenous-led conservation efforts and continue to build authentic partnerships with local area tribes and Indigenous groups. Next year, we will work to raise another \$100,000 in support of these efforts.

Defending the Places We Love Together: 200,000 Acres and Counting

It's thanks to your unwavering support that Green Foothills has protected nearly 200,000 acres of forests, farms, and wild habitats in San Mateo and Santa Clara Counties. We continue working to protect the natural landscapes that make our region special.

- **Victory for Stanford Foothills.** After many years of advocacy, we have succeeded in our efforts to get a 99-year extension on the requirement that no development may be approved in the Stanford foothills without a supermajority vote by the Santa Clara County Board of Supervisors.
- **Launch of the Upper Pajaro Watershed program.** Our new Environmental Associate Jessica Wohlander will spearhead our work in the Upper Pajaro Watershed area of San Benito County. This program allows us to strengthen and build upon our success in protecting wildlife corridors and stopping sprawl in San Mateo and Santa Clara Counties.

- **Protecting Coyote Valley from new threats.** Despite San Jose’s decision in 2019 to protect most of Coyote Valley, development threats remain. Some landowners want more intense development along Monterey Road, while others are attempting to persuade the California Energy Commission to override the city’s zoning to build a giant battery storage facility in the middle of Coyote Valley. We will continue to protect Coyote Valley’s wildlife corridors, farmland, and groundwater from disruptive development.
- **Protecting urban green space and parks.** We are working to ensure significant new public open space is created as a part of the plan to develop the 114-acre former Pleasant Hills golf course site, which will be the largest development in San Jose in recent years.
- **Restoring Lehigh Quarry to open space.** After decades of advocacy, the cement kiln at Lehigh Quarry – the largest single source of air pollution in Santa Clara County – will be shut down and demolished. However, not all of Lehigh’s industrial operations have ceased and we will persist until the entire quarry site is reclaimed and restored to open space and public access.
- **Preventing the loss of farmland to bad “builder’s remedy” projects.** Numerous suburban subdivisions have been proposed on rural farmland near Morgan Hill and Gilroy, threatening to pave over open space with luxury estate homes. We will urge elected officials to uphold the provisions in the state law that protect farmland from “builder’s remedy” projects.

It is your support that makes this all possible. Thank you!

The natural world nourishes all our lives. Only by working together across all communities can we ensure nature’s – and our own – resilience. Thank you for standing with us as we work to grow a diverse, just, and inclusive environmental movement.

With gratitude,



Julie Hutcheson
Executive Director

OUTGOING BOARD CORRESPONDENCE

Michele King

Subject: FW: Calabazas Creek erosion carve out public safety danger
Attachments: FAQ Sheet Permitting Info for Creek Maintenance.pdf; Stream Maintenance and Property Management Fact Sheet.pdf

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

Sent: Wednesday, November 22, 2023 8:30 AM

To: Tom Lawrence >

Cc:

Subject: Re: Calabazas Creek erosion carve out public safety danger

Sent on Behalf of Director Hsueh:

Dear Mr. Lawrence,

Santa Clara Valley Water District (Valley Water) staff has reviewed your request for assistance in addressing the recent bank erosion that may be partially within a Valley Water easement on Calabazas Creek. Valley Water understands your concerns regarding the potential impact to the roadway and infrastructure, and we hope that the information provided below is helpful.

There is not a singular entity in charge of the creeks and property owners whose land extends into the creek have a primary role. Valley Water owns or has access to maintain approximately 294 miles of the 800 miles of the creeks and rivers in Santa Clara County. The remaining stretches of creeks are owned by Santa Clara County, private entities, cities in which the creeks are located, and other public agencies. Valley Water maintains property where it has built flood protection projects and possesses land rights. **This section of Calabazas Creek is owned by various private properties.**

Valley Water has constructed flood protection projects on approximately 183 miles of creek within the 295 miles of right-of-way. Maintaining these 183 miles of constructed and improved channels is a top priority for Valley Water. Valley Water also conducts many maintenance activities outside the limits of constructed projects, but still within sections of Valley Water right-of-way. These may be performed for maintenance access, water quality, fire code compliance, erosion repair and mitigation purposes.

After you first reported your concern, our watershed engineer did investigate the erosion adjacent to the roadway. Valley Water does have an easement for flow conveyance and flood protection at this location which limits any work we would perform in the area to activities that would reduce flood risk. At the time of the inspection our watershed engineer did not identify anything that would constitute a flood risk and therefore we do not plan on taking any action on or around the erosion at this time. As for the erosion, it was caused because the channel is naturally angled towards the roadway and during high flows the water will naturally attack the outward bend of a bank. This was not due to flooding, but it is what will naturally occur in a higher flow scenario due to the increase in water velocity and water extending higher up the bank. On site we have discussed the concerns you have about the movement of the channel embankment up against the road that is beginning to threaten the adjacent roadway. The additional erosion has not increased the likelihood for flooding in this location but does pose a potential future impact to infrastructure if the erosion continues. Valley Water staff have contacted PG&E about potential future risk to their underground utilities in the area in the event the roadway is impacted.

While Valley Water does have easement rights for flood protection and/or storm water drainage purposes over a small section of Calabazas Creek in this area, erosion repair work to protect individual privately-owned property is the responsibility of the individual property owner. Valley Water may only lawfully conduct erosion repair work that benefits the public at large, namely, within erosion areas that have been determined to be of such a size and nature that the erosion will increase flood risk. Valley Water would also perform work to repair any of its constructed works in easements, but no records exist to indicate that any constructed works exist in this area. Removal of fallen trees, debris or other flow conveyance obstructions are flood protection activities Valley Water may undertake on easement. We will continue to monitor this reach as the current erosion does not pose an immediate flood risk. When it comes to doing work for flow conveyance to minimize the chance of flooding (or the water over topping the channel) our main tool is to remove debris or blockages in areas where we have fee or easement. There are other things we can do depending on what is happening to increase the water surface elevation, but none of those are applicable to this area (removal of built-up sediment for example).

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

I have also attached a fact sheet on permitting info for creek maintenance that I hope is helpful on better informing the neighborhood on the path to pursuing a bank repair project.

If the project footprint does occur within a Valley Water easement there will also need to be a submission to our Community Projects Review Unit for an encroachment permit. More information can be found at this link: <https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/encroachment-permits>. In addition, they can provide some guidance on the permit process if you have any additional questions. Valley Water staff is available to provide additional guidance or answer questions on the process to hire a professional to design bank stabilization measures you may perform in the future, if needed.

Regarding the type of bank repair, generally the bank needs to be restored to its original condition and in as natural of a state as possible. Use of concrete or other hardscape materials is highly discouraged and may not be permitted by the regulatory agencies particularly in a natural creek such as this. Some general guidance regarding bank repairs can be found in the Guidelines and Standards for Land Use Near Streams Chapter4 , Bank Protection/Erosion Repair Design Guide, and below is a link to the document for your reference <https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams>. This document also contains other information regarding landscaping and building near the creek that you may find informational as well, each chapter is broken down individually on the website.

Sincerely,



Nai Hsueh
Director, District 5

C-23-0281

Begin forwarded message:

From: Thomas Lawrence [REDACTED]
Date: November 19, 2023 at 4:11:47 PM PST
To: Nai Hsueh <NHsueh@valleywater.org>
Cc: Till Guldimann [REDACTED], Vita Bruno [REDACTED], Bruce Bruno [REDACTED], Connie Curry [REDACTED], Joshua Williams [REDACTED], Tadashi Okuno [REDACTED], Gurpreet Lally [REDACTED], Donna Guldimann [REDACTED], Jennifer Codianne <JCodianne@valleywater.org>
Subject: Re: Calabazas Creek erosion carve out public safety danger

*** 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 Nai, would you please advise if Valley Water is planning to undertake embankment repair work on the Calabazas Creek channel carve out near Via Regina created in the flooding this past January. As we have mentioned, any further erosion in this area threatens to sever the road and access for both residents and emergency responders. Are there other persons / agencies that we should also make aware of this dangerous situation? Thank you again for your site visit.

Thomas Lawrence
[REDACTED]

On Nov 8, 2023, at 5:13 PM, Thomas Lawrence [REDACTED] wrote:

Dear Board Member Nai, I am writing to followup on our conversations during your site visit to Via Regina last Wednesday. The persons I have copied on this email are the residents you met at your site visit.

Please advise if Valley Water has made any decisions on actions to restore the creek flow channel embankment to the west of Via Regina where any additional flooding erosion could sever access to Via Regina residents and emergency services. The time available to restore this channel area before more rains is becoming more limited which is increasing our concern level.

Thank you in advance for taking this danger under consideration.

Thomas Lawrence
[REDACTED]

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

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 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 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 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 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.

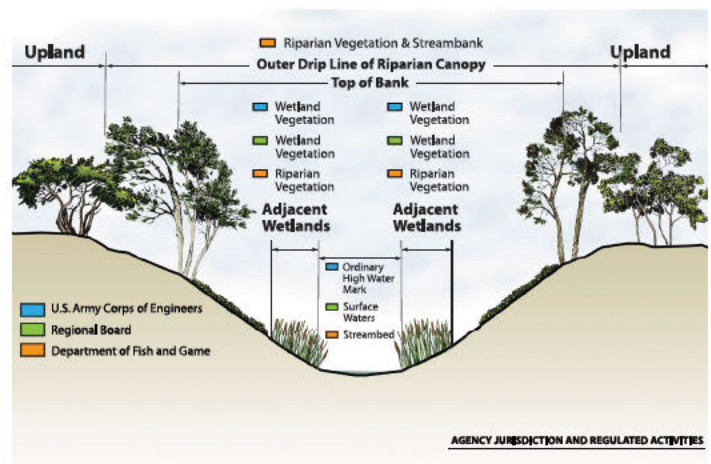
San Francisco Bay RWQCB (Region 2) oversees watersheds draining to San Francisco Bay. Visit waterboards.ca.gov/sanfranciscobay for more information.

Central Coast RWQCB (Region 3) oversees watersheds draining to Pajaro River and then to Monterey Bay. Visit 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 for more information.



Questions?

Please contact Public Information Representative Jennifer Codianne via email at 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.



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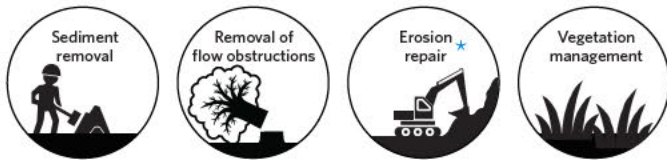
Stream Maintenance by Valley Water

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

Maintenance of Capital Projects

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

Maintenance activities for Capital Projects



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

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

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

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



Staff removing fallen trees blocking creek flow.

Maintenance as a Landowner

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

Maintenance activities as a landowner



Maintenance on easements

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

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

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

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

Property Owner's Responsibility for Creek Maintenance

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

Property owner's responsibilities for creek management



Site of completed erosion repair.

Exceptions and Joint Efforts

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

Emergency Work

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

Stream Stewardship

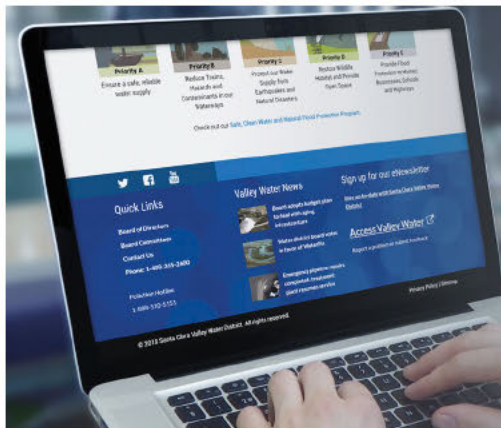
Stream stewardship activities that remove invasive plants along streams are conducted by Valley Water staff. This work may occur on Valley Water property and easements with permission from the property owner. Because it is important to eradicate invasive plants along a creek on a watershed and watershed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



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

See link for care guidelines:

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



CONTACT US

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



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