



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

July 03, 2026

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

Page	<u>CEO BULLETIN & NEWSLETTERS</u>
	CEO Bulletin: None
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
3	BMR/IBMR Weekly Reports: 07/01/26
4	Memo from Lisa Bankosh, Assistant Officer, to the board, dated 06/16/26, providing the Greenhouse Gas Reduction Plan CEQA comments.
5	Memo from Luz Penilla, Assistant Officer, to Director Hsueh, dated 06/22/26, providing a response to BMR 26-0003 Future Funding for Water Conservation Programs.
	<u>INCOMING BOARD CORRESPONDENCE</u>
7	Board Correspondence Weekly Report: 07/01/26
9	Email from Liang Chao, Cupertino Vice Mayor, to Director Hsueh, dated 06/19/26, responding to their response regarding AB 1572 Compliance, Certification, and Local Implementation. BC-26-0055
14	Email from Russell Lowery, California African American Water Education Foundation, to Valley Water, dated 06/26/26, requesting a partnership in identifying talented, emerging leaders within Valley Water for their next E2L cohort. BC-26-0056
15	Email from Hamilton Hitchings to the board, dated 06/30/26, requesting clarification on Valley Water's role. technical participation, and funding commitment to the San Francisquito Creek Joint Powers Authority. BC-26-0057
17	Email from Kim Macpherson to Ryan McCarter, Deputy Operating Officer, dated 07/01/26, providing availability to meet at the current construction site offices on Cochrane Road and show their group around the project. BC-26-0058
	<u>OUTGOING BOARD CORRESPONDENCE</u>
25	Email from Director Ballard to rrtalley@att.net , dated 06/26/26, responding to their inquiry regarding the Coyote Creek bike trail.

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
IBMR-26-0002	06/01/26	Varela	Baker	Struve	Director Varela has asked staff to review the Amazon project proposed in Gilroy and determine impacts on potable water supply and to agriculture. https://www.cityofgilroy.org/1019/Gilroy-Data-Center-by-AWS	06/21/26		



MEMORANDUM

FC 14 (03-11-25)
Page 1 of 1

TO: Board of Directors

FROM: Lisa Bankosh

SUBJECT: Greenhouse Gas Reduction Plan CEQA
Comments

DATE: June 16, 2026

SUMMARY

Santa Clara Valley Water District (Valley Water) prepared a Greenhouse Gas Reduction Plan (GHGRP) to reduce Valley Water's GHG emissions and achieve a carbon neutrality target by 2045. Valley Water intends to use the GHGRP for tiering and streamlining of the GHG analysis for future Valley Water projects through 2045, that have environmental documents, such as Environmental Impact Reports (EIRs), which have not yet initiated the public review process and/or do not already include actions to achieve net zero GHG emissions. Valley Water projects that demonstrate consistency with the GHGRP may be able to conclude that they cause no additional significant environmental effects with respect to GHG emissions and climate change in their CEQA review.

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.) and CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.), an Initial Study (IS) of the GHGRP was prepared to evaluate environmental impacts. Based on the Initial Study, it has been determined that a Negative Declaration (ND) is the appropriate level of review.

Valley Water provided a thirty-day public comment period for the IS/ND that ended June 8, 2026. Two comments were received and neither related to the IS/ND. Comments and responses are included in the document link below. Staff will present the GHGRP and IS/ND to the Board of Directors so they can consider adoption.

Hard copies of these documents are available at the Clerk of the Board office. Electronic copies of these documents can be found at the link here: [Greenhouse Gas Reduction Plan CEQA \(IS/ND\)](#), [CEQA Comments](#), and [Greenhouse Gas Reduction Plan](#).

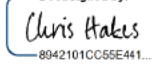
APPROVALS

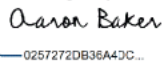
DocuSigned by:

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6/16/2026
Date
Lisa Bankosh
Assistant Officer
Watershed Stewardship and Planning Division

DocuSigned by:

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6/17/2026
Date
John Bourgeois
Deputy Operating Officer Watershed
Stewardship and Planning Division

DocuSigned by:

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6/17/2026
Date
Christopher Hakes, P.E.
Chief Operating Officer
Watersheds

DocuSigned by:

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6/17/2026
Date
Aaron Baker
Acting Assistant Chief Executive Officer

DocuSigned by:

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6/24/2026
Date
Rachael Gibson
Acting Chief Executive Officer

cc: J. Bourgeois, S. Greene

TO: Director Nai Hsueh**FROM:** Luz Penilla
Assistant Officer
Office of Integrated Water
Management**SUBJECT:** Response to BMR R-26-0003: Future
Funding for Water Conservation Programs**DATE:** June 22, 2026

BACKGROUND

At the Board Meeting on June 9, 2026, during the discussion of the 5-Year Implementation Plan for Fiscal Years 2027-2031 for the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program), staff received a Board Member Request (BMR R-26-0003) to consider extending funding for water conservation programs beyond the seven-year funding period identified in the Safe Clean Water and Natural Flood Protection Program.

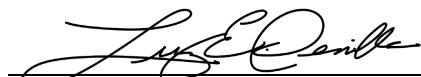
RESPONSE

Safe, Clean Water Program Project A2: Water Conservation Rebates and Programs includes a fiscal Key Performance Indicator (KPI) that provides up to \$1 million annually to support eligible water conservation activities, including rebate programs, technical assistance, and public education efforts, during the first seven years of the Program. Based on the current forecast, funding is available through Fiscal Year 2028.

Because Safe, Clean Water Program revenues are finite, extending funding for Project A2 beyond the currently authorized period could affect the delivery, scope, schedule, or funding of other Program projects. Any proposed changes will be evaluated in accordance with the Safe, Clean Water Program Change Control Process and will require Board consideration and approval, as appropriate.

In response to this BMR, staff will evaluate the long-term funding outlook for water conservation programs as part of the upcoming financial forecast and budget development process. Staff will return to the Board during the next budget cycle with funding alternatives, associated impacts, and recommendations for the Board's consideration.

If you have additional questions, please contact Luz Penilla at extension 2228.



Luz Penilla
Assistant Officer
Office of Integrated Water Management

6/22/2026
Date

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
BC-26-0054	06/22/26	06/22/26	All	DOUG PETERSON	Email from Doug Peterson to the board and the Palo Alto Park and Recreation Committee, dated 06/22/26, requesting that the Palo Alto Flood Basin's broken Sluice gate be repaired.	Refer to Staff	Hakes	Yerrapotu	06/30/26	06/25/26	n/a	07/06/26
BC-26-0055	06/25/26	06/25/26	Hsueh	LIANG CHAO	Email from Liang Chao, Cupertino Vice Mayor, to Director Hsue, dated 06/19/26, responding to their response regarding AB 1572 Compliance, Certification, and Local Implementation.	Refer to Staff	Baker	Struve	07/03/26	-	n/a	07/09/26
BC-26-0057	07/01/26	07/01/26	All	HAMILTON HITCHINGS	Email from Hamilton Hitchings to the board, dated 06/30/26, requesting	Refer to Staff	Chan	Penilla	07/09/26	-	n/a	07/15/26

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
					clarification on Valley Water's role. technical participation, and funding commitment to the San Francisquito Creek Joint Powers Authority.							

From: [Candice Kwok-Smith](#)
To: [Board of Directors](#)
Subject: FW: Inquiry Regarding AB 1572 Compliance, Certification and Local Implementation
Date: Thursday, June 25, 2026 1:27:55 PM
Attachments: [image001.png](#)

From: Liang Chao <LChao@cupertino.gov>
Date: June 19, 2026 at 7:31:40 PM PDT
To: Nai Hsueh <NHsueh@valleywater.org>
Subject: Re: Inquiry Regarding AB 1572 Compliance, Certification and Local Implementation

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

Dear Director Nai Hsueh,

Thank you for your detailed response and for clarifying Valley Water's role as the wholesaler and groundwater management agency, as well as the distinction between Valley Water's education and conservation role and the enforcement role of the retail water agencies and other agencies under AB 1572.

I appreciate Valley Water's work to develop educational materials and outreach resources regarding non-functional turf, including information on identifying non-functional turf, protecting trees during landscape transitions, improving irrigation efficiency, and planning water-wise landscapes.

One concern raised by some Cupertino residents and HOAs is how to comply with AB 1572 while also addressing fire-safety concerns. A large portion of Cupertino has been designated as a High or Very High Fire Hazard Severity Zone. Some residents have expressed concern that certain alternatives to green turf may be more susceptible to fire risk, depending on the material, location, slope, defensible-space needs, and site conditions.

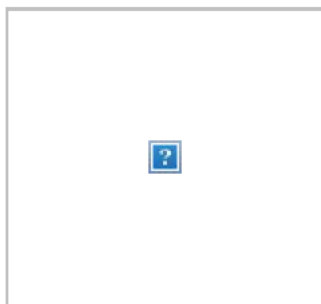
I understand that Valley Water is not the agency responsible for the enforcement of AB 1572 or for fire-safety determinations. I would value your personal advice as Cupertino's representative on how the City might approach this issue.

For example, where turf or landscaped areas in a Fire Hazard Severity Zone may serve a documented fire-safety purpose, such as defensible space, fuel break function, emergency access protection, slope stabilization, or protection of trees and other perennial non-turf plantings, it would be helpful for the City to understand what process or local guidance could help clarify when limited irrigation may continue to the minimum extent necessary to address a health and safety need, consistent with State law and applicable water-provider requirements.

Given your years of experience on the Valley Water Board and your representation of Cupertino residents, I would appreciate any advice you may have on how the City could coordinate with various agencies so residents and HOAs receive practical guidance that supports both water conservation and fire safety.

Sincerely,

Liang Chao



Liang Chao

Vice Mayor

City Council

LChao@cupertino.gov

408-777-3192



From: Candice Kwok-Smith <ckwok-smith@valleywater.org> on behalf of Board of Directors <board@valleywater.org>

Sent: Thursday, June 18, 2026 9:17 AM

To: Liang Chao <LChao@cupertino.gov>

Subject: Re: Inquiry Regarding AB 1572 Compliance, Certification and Local Implementation

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

Sent on Behalf of Director Hsueh:

Dear Vice Mayor Chao:

Thank you for your inquiry regarding Assembly Bill (AB) 1572 and its implementation within Santa Clara County. We appreciate your interest in helping residents and businesses understand this new statewide water conservation requirement. Valley Water is the wholesaler and groundwater management agency for the county. Valley Water's role under AB 1572 is primarily to support our water retailers, property owners, and landscape managers through education, technical assistance, and water conservation programs. While Valley Water administers Ordinance 23-02, Enforcement Measures for Water Conservation in Santa Clara County, the retailers serving Cupertino are San Jose Water Company and California Water Service. Valley Water is not an enforcement agency under AB 1572 and does not have a direct compliance or enforcement role.

AB 1572 establishes a phased prohibition for use of potable (drinking) water to irrigate non-functional turf, generally defined as ornamental turf that is not regularly used for recreation or community gathering purposes. The compliance deadlines are January 1, 2027, for public properties, January 1, 2028, for commercial, industrial, and institutional properties, and January 1, 2029, for common areas managed by homeowners' associations and similar organizations. It is important to note that the law does not require turf removal by these dates; rather, it requires that potable water irrigation of non-functional turf cease by the applicable compliance deadline.

Regarding your question about certification requirements, based on information published by the State Water Resources Control Board (State Water Board), guidance and implementation materials are expected to be released in July 2026. Decisions regarding certification requirements, compliance procedures, and enforcement of AB 1572 will ultimately be determined through the State Water Board's implementation process and any applicable local requirements.

Valley Water has already taken steps to address non-functional turf irrigation locally through Ordinance 23-02, which was adopted by the Board of Directors in 2023 after extensive collaboration with the water retailers that Valley Water serves. Ordinance 23-02 includes restrictions on the irrigation of non-functional turf as part of Valley Water's permanent water waste prohibitions. These provisions are similar in intent to AB 1572 and were adopted to increase local awareness of non-functional turf and encourage long-term water-use efficiency ahead of the State's implementation timeline.

To help customers prepare for both existing local requirements and future AB 1572 compliance deadlines, Valley Water is developing educational materials and outreach resources regarding non-functional turf, including information on identifying non-functional turf, protecting trees during landscape transitions, improving irrigation efficiency, and planning water-wise landscapes. Valley Water also offers landscape rebates and other conservation programs that may assist property owners interested in converting turf to more water-efficient landscaping. Additional information about available rebates and water-saving resources can be found at WaterSavings.org

Thank you again for your interest in this important water conservation measure. As additional guidance becomes available from the State Water Board, Valley Water will continue working with our retail water agencies and customers to provide information and resources that support compliance with the law.

Please do not hesitate to contact Kirsten Struve, Assistant Officer of Water Supply at kstruve@valleywater.org should you have any further questions.

Sincerely,



Nai Hsueh
Director, District 5
BC-26-0048

From: Liang Chao <LChao@cupertino.gov>

Sent: Sunday, June 7, 2026 4:32 PM

To: Board of Directors <board@valleywater.org>

Cc: Clerk of the Board <clerkoftheboard@valleywater.org>

Subject: Inquiry Regarding AB 1572 Compliance, Certification and Local Implementation

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Dear Valley Water Board Members,

I am the Vice Mayor of Cupertino, writing in my individual capacity. A few businesses and residents have inquired about

the implementation of AB 1572, which would prohibit the use of potable water to irrigate nonfunctional turf. As I understand it, the compliance deadline is January 1, 2027 for local governments, January 1, 2028 for commercial properties, and January 1, 2029 for HOAs.

AB 1572 authorizes “the State Water Resources Control Board to create a form for compliance certification and would require owners of covered properties to certify their compliance, as specified. The bill would authorize a public water system, city, county, or city and county to enforce these provisions, as specified.”

Has Valley Water received any guidance from the State Water Resources Control Board regarding the AB 1572 compliance certification form or certification process? I would also appreciate any clarification on Valley Water’s expected role, if any, in local implementation, including adoption of regulations or policies, compliance procedures, or enforcement.

Thank you for your assistance.

Sincerely,

Liang Chao

Liang Chao

Vice Mayor
City Council

✉ LChao@cupertino.gov
[408-777-3192](tel:408-777-3192)
[cupertino.gov](#)

From: [CAAWEF Team](#)
Subject: Cultivating the Next Generation of Water Leaders: A Call for E2L Nominations
Date: Friday, June 26, 2026 3:41:57 PM

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Our colleagues at the Water Education for Latino Leaders (WELL) worked with the UC Davis Water Management Lab to produce a groundbreaking study titled "Assessing Representation, Access, and Transparency Among Decision-Makers in California's Water Sector." It put numbers to something any of us who have ever attended a California Water Conference know. California's water community does not reflect the rich diversity that exists in the State of California.

The findings are stark: women hold only 26% of water sector board seats, Latinos hold just 14%, and non-Latino BIPOC professionals hold a mere 5%. Furthermore, 67% of public water agencies report zero women in C-suite positions, and 90% of current board members possessed "insider connections" prior to their appointment.

To address these disparities, the California African American Water Education Foundation (CAAWEF) and WELL co-developed the Educate to Lead (E2L) program.

E2L is a transformative, statewide initiative designed specifically for mid-level women and BIPOC professionals. By pairing participants with active utility general managers and industry executives, E2L breaks down "insider" barriers, equipping emerging leaders with the strategic planning, empathy, and systems-level thinking required for C-suite and appointed board roles.

We are writing to ask for your partnership in identifying talented, emerging leaders within your agency for the next E2L cohort.

We are looking for mid-level managers and technical experts who possess the potential to become the visionary executives and appointed officials of tomorrow. By sponsoring their participation in E2L, you provide them with direct access to the mentorship, professional networks, and leadership training essential for thriving in high-stakes public service.

Please share this [application link](#) with professionals in your organization who share our commitment to building a highly-trained, inclusive, and representative water workforce.

Sincerely,

Russell Lowery

Executive Director, California African American Water Education Foundation

From: [Hamilton Hitchings](#)
To: [Board of Directors](#)
Subject: Clarification Requested on Measure S KPI E5 and San Francisquito Creek Flood Protection
Date: Tuesday, June 30, 2026 8:04:50 PM

*** 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 Chair and Members of the Valley Water Board,

Ahead of the July 14 discussion of Measure S KPI E5 for San Francisquito Creek Flood Protection, I am writing to request clarification on Valley Water's ongoing role, technical participation, and funding commitment to the San Francisquito Creek Joint Powers Authority.

At the June 23 Valley Water Board meeting, staff publicly assured the community that the proposed KPI E5 modification would change only how Valley Water measures the success of its work with the JPA, not Valley Water's participation, role, or funding allocation. Specifically, during the staff presentation, staff stated:

"This proposed KPI modification has no impact on Valley Water's participation with or role with the San Francisquito Creek Joint Powers Authority or on the project's funding allocation. The KPI revision is only pertinent to how we track Safe Clean Water Program and Project Performance."

That assurance was helpful. However, I am concerned that Director Hsueh's comments at the April 21 Valley Water Board Policy and Monitoring Committee meeting may suggest a more restrictive interpretation. Director Hsueh stated that Valley Water stands ready to provide technical support, but that such support must be initiated by the JPA through an agreement with clear roles and responsibilities. I have included the video link and timestamp for reference:

https://scvwd.granicus.com/MediaPlayer.php?view_id=3&clip_id=2406 timestamp starting at 17:02

I respectfully request that Valley Water staff and Director Hsueh clarify the following for the public, the City of Palo Alto, and the SFC JPA:

1. Does Valley Water agree that the existing JPA member agreement remains sufficient for the SFC JPA to request and receive Valley Water technical support?
2. Is Valley Water saying that a new agreement is needed before technical support can continue?
3. Will Valley Water continue to make its experienced technical staff and subject matter experts available to support the Reach 2 project when requested by the SFC JPA?

4. Will eligible Valley Water technical support for this project continue to be funded through Measure S, consistent with past practice?

I believe this clarification should be stated clearly on the record and, ideally, reflected in the KPI language. Regardless of which agency serves as project lead, Valley Water's technical participation and subject matter expertise are vital to the success of San Francisquito Creek flood protection.

Finally, Valley Water's website, last updated in April 2026, currently lists \$53.5 million in funding for this project. Please clarify whether that funding amount remains unchanged under the proposed KPI modification. In addition, has Valley Water provided the SFC JPA, and made public, how much Measure S funding has been spent so far on San Francisquito Creek Flood Protection and, at least at a high level, how those funds were used? This information is necessary for the SFC JPA, Palo Alto, and the public to understand the remaining funding available and to plan the Reach 2 project responsibly.

Thank you for your consideration and for clarifying these issues before or during the July 14 discussion.

Sincerely,

Hamilton Hitchings

From: [Kim Macpherson](#)
To: [Ryan McCarter](#)
Cc: [dorothy david-malig](#); [Monica Anderson](#); [derek Soriano](#); [derek Soriano](#); [John Varela](#); [Jiana Escobar](#); [Candice Kwok-Smith](#); [Board of Directors](#); [Real Estate](#)
Subject: Re: ADSRP Correspondence - Macpherson
Date: Wednesday, July 1, 2026 7:51:18 AM
Attachments: [image001.png](#)

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Dear Mr. McCarter,

Thank you for the follow-up. A Friday afternoon in August would actually work better for our group as well.

Would any of the following dates work for your team?

- **Friday, August 7th**
- **Friday, August 14th**
- **Friday, August 21st**

We are still aiming for a 1:00 PM start time, if that remains convenient for you. Meeting at the construction site offices on Cochrane Road for the tour sounds perfect.

Please let me know if any of these dates fit your schedule, and I will confirm with my group.

Best regards,

Kim Macpherson

On Tue, Jun 16, 2026 at 11:00 AM Ryan McCarter <RMcCarter@valleywater.org> wrote:

Dear Ms. Macpherson,

How does 1pm on Friday, July 24th work for your group?

Valley Water staff will likely be five people with two environmental experts that developed the EIR, our Anderson Project Engineering Unit Manager, Jiana from Public Outreach, and myself.

If that works, we can meet at the current construction site offices on Cochrane Road and show your group around the project, or wherever you prefer.

Thanks,

RYAN McCARTER, PE

DEPUTY OPERATING OFFICER

Dam Safety and Capital Delivery Division

Tel. (408) 630-2983 / Cell. (408) 398-7889



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

From: Kim Macpherson <[REDACTED]>

Sent: Monday, June 15, 2026 7:35 AM

To: Ryan McCarter <RMcCarter@valleywater.org>

Cc: dorothy david-malig <[REDACTED]>; Monica Anderson <[REDACTED]>; derek Soriano <[REDACTED]>; derek Soriano <[REDACTED]>; John Varela

<jvarela@valleywater.org>; Jiana Escobar <JEscobar@valleywater.org>; Candice Kwok-Smith <ckwok-smith@valleywater.org>; Board of Directors <board@valleywater.org>; Real Estate

<RealEstate@valleywater.org>; Kim Macpherson <[REDACTED]>

Subject: Re: ADSRP Correspondence - Macpherson

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Dear Mr. McCarter,

Thank you for your response. We appreciate you taking the time to coordinate with your team, and we agree that a discussion would be helpful to better understand how the EIR impacts, monitoring, and mitigation measures will function together in practice.

We would like to schedule a meeting after July 13. We are generally available on Mondays and Fridays, with afternoons being the most convenient.

If needed, we can be flexible to accommodate your team's schedule. Please let us know what works best, as well as who from Valley Water will be participating, so we can ensure the appropriate members of our group are present.

We look forward to a constructive discussion.

Sincerely,
Kimberlee Macpherson
(on behalf of Holiday Lake Estates residents)

On Mon, May 11, 2026 at 1:54 PM Ryan McCarter <RMcCarter@valleywater.org> wrote:

Dear Ms. Macpherson,

Thank you for your response and request to meet. I have been discussing with various experts from our team and we agree that a discussion would be best to describe how the impacts in the EIR, monitoring, and mitigation are all interrelated. We are in a very busy time with our contractor procurement so I apologize I did not get back to you sooner. What days of the week and times of the day are best for you and others in your group?

Sincerely,

RYAN McCARTER, PE

DEPUTY OPERATING OFFICER

Dam Safety and Capital Delivery Division

Tel. (408) 630-2983



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

From: Kim Macpherson <[REDACTED]>
Sent: Monday, April 27, 2026 8:00 AM
To: Ryan McCarter <RMcCarter@valleywater.org>; Jiana Escobar <JEscobar@valleywater.org>; John Varela <jvarela@valleywater.org>; Board of Directors <board@valleywater.org>; Real Estate <RealEstate@valleywater.org>
Cc: Collette Frawley <CFrawley@valleywater.org>; Candice Kwok-Smith <ckwok-smith@valleywater.org>; Kim Macpherson <[REDACTED]>; William Macpherson <[REDACTED]>; dorothy david-malig <[REDACTED]>; Monica Anderson <[REDACTED]>; derek Soriano <[REDACTED]>; derek Soriano <[REDACTED]>
Subject: Re: ADSRP Correspondence - Macpherson 20260327

*** 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. ***

Subject: Follow-Up: Health & Safety Mitigation for Sensitive Residents — Anderson Dam Seismic Retrofit Project

Dear Mr. McCarter, Director Varela & Ms. Escobar,

Thank you for your April 10, 2026 response and for outlining the mitigation measures currently planned for the Anderson Dam Seismic Retrofit Project (ADSRP).

We understand that the Relocation Assistance Program is limited to properties being acquired due to landslide and reservoir rim instability (e.g., the Hoot Owl Way properties) and does not apply to residents experiencing construction-related noise, vibration, or air quality impacts. Our concern, however, is focused on a separate but related issue: whether the planned mitigation is adequate to protect the health and habitability of homes occupied by **sensitive residents over age 70** within the broader impact area identified in the Final EIR.[scvwd.legistar+3](#)

As documented in the environmental review, the project will result in “significant and unavoidable” impacts related to noise, vibration, and air quality, including particulate emissions associated with Naturally Occurring Asbestos (NOA) and legacy contaminants during extended construction and earthmoving activities. For older residents, these are not merely quality-of-life issues; they present elevated health risks that can affect the ability to safely occupy a primary residence during peak construction phases.[ceqanet.lci.ca+1](#)

Given this, we respectfully request clarification and consideration of the following site-specific measures for our households in Holiday Lake Estates:

1. **In-home air quality protection**

Provision or support for medical-grade/HEPA HVAC filtration or equivalent measures to reduce exposure to particulate matter and any NOA-related dust during high-activity construction periods.[rcdsantaclara](#)

2. **Access to localized air quality information**

Either property-level or neighborhood-level access to PM10/PM2.5 monitoring data (e.g.,

through a nearby sensor or integration into the additional air monitoring stations described in project documents), with transparent reporting so residents can make informed decisions about when to remain in or temporarily leave the home.[rcdsantaclara](#)

3. Defined response protocol for sensitive residents

Clear thresholds and response actions for periods when noise, vibration, or air quality levels remain elevated for sustained durations, including how Valley Water will evaluate and, where appropriate, support temporary alternatives (such as short-term accommodations) for sensitive individuals when conditions affect habitability.[morganhilltimes+1](#)

We recognize that the EIR proposes monitoring and mitigation at and near the project limits, and we appreciate that commitment. Our question is how those measures will be operationalized for senior residents who are outside the immediate blasting radius but still within an area where the impacts have been characterized as significant and unavoidable over multiple construction seasons.[morganhilltimes+2](#)

We would appreciate the opportunity to meet with you and the appropriate environmental health and community mitigation staff to review how these concerns can be addressed proactively. We are available over the next several weeks and welcome your guidance on dates and the appropriate Valley Water participants for that discussion.

Thank you again for your time and consideration.

Sincerely,

Kimberlee Macpherson & William Macpherson

Dorothy David-Malig

Holiday Lake Estates, Morgan Hill, CA

Contact information:

William Macpherson

[REDACTED]

Phone:

Email:

[REDACTED]

Dorothy David-Malig

[REDACTED]

Phone:

Email:

[REDACTED]

Kimberlee Macpherson

[REDACTED]

(messages via William or Dorothy as needed)

On Fri, Apr 10, 2026 at 1:16 PM Ryan McCarter <RMcCarter@valleywater.org> wrote:

Dear Ms. Macpherson,

Thank you for reaching out with your questions and expressing your concerns regarding the Anderson Dam Seismic Retrofit Project (ADSRP) sent on March 27, 2026.

The first email we received requested clarification on the Relocation Assistance and Mitigation Reimbursement Program. The Relocation Assistance Program applies specifically to residents whose properties are being acquired due to the project — not to residents experiencing construction-related noise, vibration, or air quality impacts. The program was established for the Hoot Owl Way landslide area, where Valley Water acquired six occupied single-family residences situated above a historic landslide. The reservoir operations (rapid draining) could exacerbate ground displacement on these properties.

Noise, vibration, and air quality impacts have specific mitigation measures to help protect residents. The table below provides a summary of these mitigation measures.

Impact Type	Mitigation Measure	Key Requirements
Noise (General/ Seismic Retrofit)	NOI-1: Construction Noise Reduction NOI-2: Seismic Retrofit Construction Noise Reduction	30-day prior notice to residents within 500 feet of the Project Area; mufflers/silencers on equipment; staging areas away from residences; 24-hour hotline posted at construction sites Nighttime noise monitoring; noise complaint phone number posted Additional contract requirements: Contractor noise monitoring program
Blasting/Vibration	NOI-5: Blasting Plan	Vibration/air overpressure monitoring; blasting restricted to 8:00 a.m.–5:00 p.m.; advance notice to residents; Peak Particle Velocity thresholds enforced Additional contract requirement: Contractor Vibration Monitoring Program and structure inspection program
Air Quality (Criteria Pollutants)	AQ-1, AQ-2, AQ-3	BAAQMD-compliant dust suppression BMPs; model year 2010+ trucks; idling limits; engine electrification where feasible
Hazardous Materials/NOA	HAZ-1 through HAZ-6	Dust control; track-out controls; suspension of activities when wind exceeds 20 mph; NOA separation and management plan Additional contract requirement: Contractor to comply with the Air District approved Asbestos Dust Mitigation Plan; Additional air monitoring stations along Project boundary to monitor for NOA and Metals (PM ₁₀); Contract requirements include measures to reduce emissions when perimeter

	monitoring stations detect exceedances.
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Valley Water will provide the 24-hour hotline and post it at construction sites. Complaints, concerns, and questions received will be promptly investigated and addressed.

The second email we received included a request for preconstruction surveys at your property to establish a baseline condition prior to the ADSRP. Both of the addresses listed in your email are well outside the radius of potential impact from blasting and earthwork compaction activities. Noise and vibration monitoring stations will be established closer to the project limits to capture the levels leaving the project site, as both noise and vibration attenuate with distance. Valley Water will monitor vibration and noise levels near the source to ensure they remain within allowable thresholds.

There are two historical landslide areas on the reservoir slopes below Holiday Lake Estates. The Hoot Owl Way landslide area is just north of the old boat ramp and the Boat Marina landslide area is just south of the old boat ramp. Valley Water has been monitoring and assessing these landslide areas, as well as the entire reservoir rim stability, for many years. Properties of concern have been purchased by Valley Water, and no other relocations for reservoir rim instability are anticipated. Both of the addresses listed in your email are outside of known areas with slope instability.

For questions or further discussion, please free to reach out to me directly.

Sincerely,

RYAN McCARTER, PE
DEPUTY OPERATING OFFICER

Dam Safety and Capital Delivery Division

Tel. (408) 630-2983



Clean Water • Healthy Environment • Flood Protection

OUTGOING BOARD CORRESPONDENCE

From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Christopher Hakes](#); [Lisa Bankosh](#); [John Bourgeois](#); [Emelia Lamas](#)
Cc: [Board of Directors](#)
Subject: FW: Coyote Creek bike trail
Date: Friday, June 26, 2026 3:33:21 PM

From: Shiloh Ballard <SBallard@valleywater.org>
Sent: Friday, June 26, 2026 2:48 PM
To: rrtalley [REDACTED]
Subject: Re: Coyote Creek bike trail

Hello,

Thanks for reaching out on this matter. Wouldn't it be nice if it was as easy as simply opening up some gates! In this case, I'm told we don't own that property, but we have an easement for flood protection purposes.

You likely know that Valley Water does not typically build or maintain these types of trails but enters into agreements with the landowner if they want to do so. In this case, it looks like this area is intended to be built out as a part of the Bay Trail, something which would require permission from the property owners (Milpitas and Valley Transportation Authority).

I'm guessing that the City of San Jose would be taking the lead on that but am not entirely sure. I would suggest checking with them - have you done that? Or have you checked in with some of the trails advocacy folks, maybe SVBC? They might know a little more. I believe that Save the Bay recently took on a more prominent role in helping to plan and build the Bay Trail. Erin Pang is one of the people there working on this, epang@savesfbay.org.

Some information on this:

<https://www.sanjoseca.gov/Home/Components/FacilityDirectory/FacilityDirectory/2947/2058>
<https://savesfbay.org/bay-trail/>

And a map that shows Valley Water fee and easements:

<https://valleywater.maps.arcgis.com/apps/instant/sidebar/index.html?appid=e196003620be4762aa31a4a212b24234>

I'm happy to connect you with some folks if you don't already know a lot of the people who are more deeply involved in trails advocacy.

Take care~

Shiloh

From: rrtalley@valleywater.org
Sent: Sunday, June 7, 2026 4:15 PM
To: Shiloh Ballard <SBallard@valleywater.org>
Subject: Coyote Creek bike trail

***** 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. *****

With your position at Valley Water and advocacy for expanding safe cycling, I am hoping you might be able to help with the critical missing connection on the Coyote Creek trail at highway 237. Presently the Valley Water gates on the west side, both north and south of highway 237, restrict access to pedestrians and cyclists. They do not prevent people from through and under the highway because they go around or through the gates and fence. But that is a less safe route. The entire access down and under the highway is concrete. The only obstacle to a continuous trail is the VW gates and fence.

I would like to suggest the following:

1. VW staff modify the existing gates to allow safe pedestrian and cycling through -access.
2. VW staff contact the City of San Jose to modify the existing Coyote Creek trail agreement to ensure it is inclusive of the ramps and trail at highway 237.
3. Consider that the agreement with City of San Jose extend to the west bank levee north of highway 237 where the trail could eventually connect to the recent levee constructed by the Corps of Engineers.

Thank you for any assistance in this matter.