



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

April 3, 2020

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>
	None.
3	Article: Governor Newsom Issues Executive Order Protecting Homes, Small Businesses from Water Shutoffs.
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
5	BMR/IBMR Weekly Reports: 04/02/20
6	Memo from Nina Hawk, COO, WUE, to the Board of Directors, dated 3/30/20, regarding America's Water Infrastructure Act of 2018.
7	Memo from Nina Hawk, COO, WUE, to the Board of Directors, dated 3/30/20, regarding Jerry Brown Joining Sites Project Authority as Executive Director.
10	Memo from Nina Hawk, COO, WUE, to the Board of Directors, dated 4/01/20, regarding Department of Fish and Wildlife Approves New Incidental Take Permit for Long-Term Operations of the State Water Project.
	<u>INCOMING BOARD CORRESPONDENCE</u>
21	Board Correspondence Weekly Report: 04/02/20
22	Email from Cheri and Andy Holiday, to the Board of Directors, dated 3/29/20, regarding Hand Sanitizer distributed to Field Employees (C-20-0045).
23	Email from Neddyjo, to the Board of Directors, dated 3/30/20, regarding Feral Cats on Valley Water Property (C-20-0046).
24	Email from Amy McElroy, Senior Field Representative, Office of State Assembly member Robert Rivas, to Director John Varela, dated 3/31/20, regarding Coronavirus and Drinking Water (C-20-0047).
29	Email from Peter Drekmeier, Policy Director, Tuolumne River Trust, to the Board of Directors, dated 4/1/20, regarding Restoration of the Delta Article Written by Professor Peter Moyle (C-20-0048).
	<u>OUTGOING BOARD CORRESPONDENCE</u>
43	Email from Director Hsueh, to Cheri and Andy Holiday, dated 4/02/20, regarding Hand Sanitizer distributed to Field Employees (C-20-0045).

CEO BULLETIN

Governor Newsom Issues Executive Order Protecting Homes, Small Businesses from Water Shutoffs

Published: Apr 02, 2020

Order protects consumers who may be unable to pay for water service during COVID-19 crisis

SACRAMENTO – Governor Gavin Newsom today signed an executive order that will restrict water shutoffs to homes and small businesses while the state responds to the COVID-19 pandemic.

The order protects consumers who may not be able to pay for their water service from shutoffs. Already, over 100 public and private water systems across California have voluntarily suspended water shutoffs for non-payment as a result of COVID-19. Under the order, the State Water Resources Control Board will issue best practices and guidelines on support for the state’s water systems during this time.

“This executive order will help people who have been financially impacted by the COVID-19 pandemic by ensuring they have water service,” said Governor Newsom. “Water is critical to our very lives, and in this time, it is critically important that it is available for everyone.”

Additionally, the executive order will restore water for occupied residences that may have had their water shut off as of March 4, 2020, which is when the Governor proclaimed a state of emergency due to COVID-19.

A copy of the Governor’s executive order can be found [here](#), and the text of the order can be found [here](#).

Learn more about the state’s ongoing COVID-19 response efforts [here](#). Visit covid19.ca.gov for critical steps Californians can take to stay healthy, and resources available to those impacted by the outbreak.

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-20-0006	03/02/20	Kremen	Yoke	Fuller	Provide Director Kremen with copies of contracts with our fuel suppliers and chemical suppliers.	03/22/20		
I-20-0007	03/06/20	Kremen	Hawk	Hall	Provide information on voting thresholds required at typical water JPAs for cost allocation, general resolutions within South of Delta Central Valley. Include a couple of GSA, canal sharing agreements, flood control, etc. Focus on when is a super-majority required rather than a quorum.	03/26/20		
R-19-0014	11/12/19	Varela	Camacho	Chinte	Director Varela requesting the CEO provide a report to the Directors via one-on-one meetings or confidential memo on the cancellation of the October 28, 2019 Joint SCVWD/Morgan Hill/Gilroy Board/Council meeting.	12/04/19		

TO: Board of Directors**FROM:** Nina Hawk**SUBJECT:** America's Water Infrastructure Act of 2018**DATE:** March 30, 2020

Overview

The America's Water Infrastructure Act (AWIA) of 2018 was signed into law on October 23, 2018. The requirements of this act are detailed in S. 3021 (<https://www.congress.gov/bill/115th-congress/senate-bill/3021/text#toc-HA97A54F8197D4FA881D1D4658E4D0E90>). Section 2013 of S. 3021 requires community water systems serving more than 3,300 people to complete a risk and resiliency assessment (RRA) of the system and to prepare an emergency response plan (ERP) that incorporates the findings of the assessment. The assessments must address both natural hazards such as earthquakes and malevolent acts such as cyber-attacks.

Valley Water's water supply, treatment, and distribution system qualifies as a community water system and is required to certify to the EPA that a RRA of our system has been completed by March 31, 2020 and that an ERP has been completed within six months of RRA certification. Valley Water submitted its RRA certification to the EPA on March 20, 2020.

Evaluation

The AWIA allows organizations to utilize past risk and resiliency studies for meeting the requirements. Over the years Valley Water has completed numerous risk assessments through its asset management, infrastructure reliability, security, and cybersecurity programs, and has utilized these existing assessments for meeting the requirements of the AWIA for the 2020 certification.

West Yost was retained by Valley Water to assist with the RRA and ERP certifications, and to perform a gap analysis of existing Valley Water reports and documents to ensure all aspects of the AWIA were addressed in existing studies. For highly sensitive documents that could not be provided (e.g. security and cybersecurity assessments and emergency response plans), interviews were conducted with staff to assess AWIA compliance.

West Yost identified one gap for Valley Water to address prior to certification: a chemical supply chain resilience assessment. The chemical supply chain resilience assessment was completed in February 2020 and did not identify any immediate improvements needed.

West Yost identified several improvements that were not required for certification, but recommended as best practices, and prepared a final report that documents the process, findings, and best practice recommendations.

Certification and Next Steps

On Friday, March 20, 2020, staff submitted certification that the RRA was completed to the EPA. Staff will submit ERP certification by September 20, 2020.

Section 2013 of the AWIA requires recertification every five years. Prior to the 2025 recertification, staff will further evaluate the additional best practice recommendations identified in the final report, and will implement any necessary best practices.



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

TO: Board of Directors**FROM:** Nina Hawk**SUBJECT:** Jerry Brown Joins Sites Project Authority as
Executive Director**DATE:** 3/30/2020

On March 26, 2020, the Site Project Authority announced the selection of Jerry Brown as the new Executive Director for the Sites Reservoir Project. Jerry Brown previously served as general manager of the Contra Cost Water District (CCWD) where he oversaw the development of the first Los Vaqueros Reservoir expansion.

Jerry Brown assumed his role as Executive Director on March 30, 2020.

A copy of the Sites Project Authority press release announcing Jerry Brown's selection is included as Attachment 1.



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

Attachment 1: Sites Project Authority Press Release

For Immediate Release:

March 26, 2020

Contact:

Sara M. Katz

619-813-9551

Jerry Brown Joins Sites Project Authority as Executive Director

Brown's Expertise Critical in Supporting Next Project Stages



Sacramento, Calif. – Following a comprehensive outreach and recruitment effort, the Sites Project Authority Board of Directors has selected Jerry Brown as the Executive Director for Sites Reservoir.

Jerry Brown previously served as general manager of Contra Costa Water District where he oversaw the operations and management of a large water system that served more than 500,000 customers. In this role, he also oversaw development of the first Los Vaqueros Reservoir expansion in 2012. Since leaving CCWD in 2019, he has been working closely with Bay Area water agencies, refuge managers and Central Valley water users to develop the second expansion of Los Vaqueros as a regional asset funded by Prop 1, similar to Sites Reservoir.

“As we enter the next phase of developing Sites Reservoir, the Authority Board was looking for someone with experience navigating the complexity of water storage development that could accelerate the pace of development. Among a well-qualified pool of candidates, Mr. Brown stood out as the person we needed to take the project through the next stage,” said Fritz Durst, chairman of the Sites Project Authority.

Last year, in response to a comprehensive organizational assessment directed by the Sites Project Authority and Reservoir Committee membership, the Sites Project Authority began recruitment for an executive director who could meet the needs of the project throughout the next phase of development. Mr. Brown will assume this role effective March 30, 2020.

“I’m looking forward to this exciting opportunity, especially working with the Authority Board and the local community which is so vital to the success of the project. My skills and experience along with the amazing team of professionals already working on the project make-up a strong, dedicated group that share in the commitment to get this project done in a manner that protects and enhances fish and wildlife and water reliability,” said incoming executive director Jerry Brown.

Located 10 miles west of the town of Maxwell in rural Glenn and Colusa counties, the Sites Reservoir would be an off-stream storage facility that captures and stores stormwater flows in the Sacramento River—after all other water rights and regulatory requirements are met—for release in dry and critical years for environmental use and for California communities, farms and businesses when it is so desperately needed.

Now more than ever, California needs to address its statewide water management challenges by implementing innovative solutions that address the need for a sustainable and affordable water supply. Sites Reservoir will provide a new water supply for both people and the environment, and significantly improve the state’s water management system in drier periods and restore much needed flexibility and reliability in the system.

Sites is an off-river reservoir proposed north of the Sacramento-San Joaquin Delta, where it would provide unique water supply and environmental benefits during dry and critical water years, and especially during extended drought periods. Additional information can be found at: <https://www.sitesproject.org>. Follow the Sites Project on social media @SitesProject.

TO: Board of Directors**FROM:** Nina Hawk**SUBJECT:** Department of Fish and Wildlife Approves
New Incidental Take Permit for Long-Term
Operations of the State Water Project**DATE:** 4/1/2020

On March 31, 2020 the California Department of Fish and Wildlife (CDFW) issued a new Incidental Take Permit to the Department of Water Resources (DWR) for operation of the State Water Project (SWP) under the California Endangered Species Act (CESA). DWR's press release is provided in Attachment 1. Since February 19, 2020, when the U.S. Bureau of Reclamation began operating the Central Valley Project (CVP) to the new federal biological opinions, DWR has been operating under an interim CESA permit that was set to expire at midnight on March 31, 2020. The new SWP CESA permit has a 10-year term and differs in several ways from the permits governing the SWP and CVP under the federal Endangered Species Act.

Some of the key differences are that the SWP CESA permit:

1. Requires more Delta outflow than the federal permits;
2. Gives CDFW final decision authority in the real-time decision making process;
3. Includes operation of a non-physical barrier at Georgiana Slough to minimize juvenile Chinook salmon entrance into the Central Delta; and
4. Includes additional triggers to manage flows in Old and Middle rivers and minimize entrainment of listed fish species at the SWP export facilities; and

The State Water Contractors issued an immediate response stating, *"Although we are still reviewing the Incidental Take Permit issued by Fish and Wildlife and are assessing our options, the SWC and its member agencies do not support the permit conditions, which fail to incorporate the best available science, burden ratepayers with obligations far exceeding the impacts of water operations and will make compliance with the Sustainable Groundwater Management Act and climate change adaptation substantially more difficult."* The State Water Contractors' response is provided in Attachment 2.

Staff is still reviewing the new CESA permit and the final Environmental Impact Report that was certified by DWR on March 27, 2020. DWR's Notice of Determination is provided in Attachment 3.

The new CESA Permit can be found at the following website: <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Files/ITP-for-Long-Term-SWP-Operations.pdf>

The Final EIR documents are located here: <https://water.ca.gov/News/Public-Notices/2020/March-2020/Final-EIR-for-SWP-Operations>



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

Attachment 1: DWR Press Release
Attachment 2: SWC Response
Attachment 3: Notice of Determination

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[CDFW Issues Permit to DWR for Long-Term Operations of the State Water Project](#)

[Print Page](#)

CDFW Issues Permit to DWR for Long-Term Operations of the State Water Project

Published: Mar 31, 2020



Aerial view looking east along San Joaquin River in the foreground is Mandeville Tip County Park, part of the Sacramento-San Joaquin River Delta in San Joaquin County, California.

SACRAMENTO, Calif. – Today, the California Department of Fish and Wildlife (CDFW) issued an Incidental Take Permit (ITP) to the Department of Water Resources (DWR) for long-term operations of the State Water Project (SWP). The permit covers four species protected under the California Endangered Species Act: Delta smelt, longfin smelt, winter-run Chinook salmon and spring-run Chinook salmon.

DWR Director Karla A. Nemeth and CDFW Director Charlton H. Bonham issued the following statement:

“California’s water operations need to support our communities while protecting our fish and wildlife. This

Incidental Take Permit (ITP) enables this balance. Most importantly, it ensures that our state water infrastructure operates in a manner protective of fish species listed under state’s endangered species

law. It does so in many ways, including by dedicating water for Delta outflows during drier periods when fish and habitat need it the most. The permit also provides flexibility to capture and store water during wet years for both water supply and the environment. The ITP also better utilizes existing infrastructure to improve habitat conditions; creates a new barrier to minimize entrainment of migrating salmon at SWP pumps; and commits significant new funding to ecosystem improvements and expanded scientific research. It enables adaptive water management based on scientific monitoring while providing final decision-making authority to CDFW on operational changes that protect fish. Together, DWR and CDFW will implement this permit to meet the needs of Californians and our state's natural environment.”

DWR's final environmental document can be found [here](#) and CDFW's ITP can be found [here](#).

Background

Under the California Endangered Species Act, DWR is required to obtain an ITP to minimize, avoid and fully mitigate impacts to threatened or endangered species as a result of State Water Project operations.

In past years, DWR obtained coverage for SWP operations under CESA by securing a consistency determination from DFW based on federal biological opinions issued by federal regulatory agencies. In 2018, as federal agencies were working to update biological opinions, President Trump issued a Presidential Memorandum to greatly accelerate their completion.

In February 2019, state agencies announced they would for the first time pursue a separate state permit to ensure SWP's compliance with CESA. Pursuing a separate permit enables the state to avoid relying on federal permits and provides the opportunity to utilize transparent, science-based guidelines to establish rules to protect endangered fish.

In November 2019, DWR issued a draft document prepared under the California Environmental Quality Act (CEQA) that identified potential operational changes to protect species and manage the SWP based on real-time conditions in the Delta ecosystem, including additional flows dedicated to the environment. After a public comment period, DWR developed and submitted an application for an ITP to DFW in December 2019.

DWR certified its final environmental document on March 27, and DFW issued the ITP on March 31.

###

For more information, follow us on [Twitter](#) or [Facebook](#) and read our [news releases](#).

Tags

Delta

Water Supply

State Water Project ...

Dates



STATE WATER
CONTRACTORS
FOUNDED 1982

For Immediate Release:

March 31, 2020

Contact:

Ian Anderson
(818) 760-2121

ianderson@fionahuttonassoc.com

SWC Response to California Department of Fish and Wildlife Incidental Take Permit for the Long-Term Operation of the State Water Project

Sacramento, CA – Today, the California Department of Fish and Wildlife (CDFW) issued the Incidental Take Permit (ITP) for the long-term operation of the State Water Project (SWP). The SWP provides 27 million Californians with the water needed to run their homes, schools and businesses, and provides 750,000 acres of farmland with the water they need to help keep the nation fed. The ITP is a permit required under state law to protect endangered and threatened fish species like Longfin Smelt, Delta Smelt, Sacramento River Winter-run Chinook Salmon and Central Valley Spring-run Chinook Salmon.

“Although we are still reviewing the Incidental Take Permit issued by Fish and Wildlife and are assessing our options, the SWC and its member agencies do not support the permit conditions, which fail to incorporate the best available science, burden ratepayers with obligations far exceeding the impacts of water operations and will make compliance with the Sustainable Groundwater Management Act and climate change adaptation substantially more difficult,” **said Jennifer Pierre, General Manager of the State Water Contractors.**

“While we will continue to support adaptive management activities that help us better understand and manage the Delta ecosystem and water supply, including testing Delta outflow hypotheses, we are disappointed that DWR is moving forward with a project that imposes restrictions far beyond the impacts of SWP operations.”

###

The State Water Contractors is a statewide, non-profit association of 27 public agencies

from Northern, Central and Southern California that purchase water under contract from the California State Water Project. Collectively the State Water Contractors deliver water to more than 27 million residents throughout the state and more than 750,000 acres of agricultural land. For more information on the State Water Contractors, please visit www.swc.org.



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To:

Office of Planning and Research

U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA Sacramento, CA
95812-3044 95814

County Clerk

County of: _____
Address: _____

From:

Public Agency: Department of Water Resources
Address: P.O. 942836
Sacramento, CA 94236-0001
Contact: Dean F. Messer, Chief
Email: ROConLTO@water.ca.gov

Lead Agency (if different from above):

Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2019049121

Project Title: Long-term Operation of the California State Water Project

Project Applicant: Department of Water Resources (DWR)

Project Location (include county): State Water Project (SWP) storage and export facilities located within the Delta and vicinity, including the SWP service areas (multiple counties). Figure 1 presents the locations of these facilities.

Project Description:

The underlying purpose of the Project is to obtain incidental take authorization from the California Department of Fish and Wildlife (CDFW) pursuant to the California Endangered Species Act to allow DWR to continue the long-term operation of the SWP consistent with applicable laws, contractual obligations, and agreements. Consistent with this underlying purpose, DWR’s project objectives are to store, divert, and convey water in accordance with DWR’s existing water rights to deliver water pursuant to water contracts and agreements up to full contract quantities and to optimize water supply and improve operational flexibility while protecting fish and wildlife based on the best available scientific information.

The Project (referred to as “Refined Alternative 2b” in the Final Environmental Impact Report) consists of multiple elements that characterize future operations of SWP facilities including Banks Pumping Plant, Skinner Fish Protection Facility, Clifton Court Forebay, Barker Slough Pumping Plant, and Suisun Marsh facilities; modify ongoing programs being implemented as part of SWP operations; improve specific activities that would enhance protection of special-status fish species; and support ongoing studies and research on these special-status species to improve the basis of knowledge and management of these species.

The Project includes a dedicated "block" of water for summer or fall Delta outflow and spring maintenance flows, which through the adaptive management plan could be shifted for use in the summer-fall period of the current year or spring-fall of the subsequent year. In addition, the Project would: (1) result in the total amount of SWP water exported from the Delta to generally be expected to remain the same as under existing conditions; (2) provide CDFW with authority in the real-time decision making process and implement decisions from the Water Operations Management Team or CDFW; (3) include a behavioral modification barrier at Georgiana Slough to minimize emigrating juvenile Chinook Salmon entrance into the Central Delta; (4) include Spring-run Chinook Salmon loss thresholds to manage flows at Old and Middle rivers and minimize entrainment at the SWP export facilities; and (5) and include adaptive management actions.

This is to advise that the Department of Water Resources has approved the above described
(Lead Agency or Responsible Agency)
project on March 27, 2020 and has made the following determinations regarding the above
(date)

described project:

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: the DWR website
http://www.water.ca.gov and from the DWR Lead CEQA contact person, identified above.

Signature (Public Agency): Karl J. Nemej Title: Director

Date: 3-27-20 Date Received for filing at OPR: _____

Governor's Office of Planning & Research

MAR 30 2020

STATE CLEARINGHOUSE

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.



State of California - Department of Fish and Wildlife
2020 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

Print **StartOver** **Finalize&Email**

RECEIPT NUMBER:
 59 — 3/30/2020 — 039
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2019049121

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Department of Water Resources	LEAD AGENCY EMAIL	DATE 3/30/2020
COUNTY/STATE AGENCY OF FILING OPR/SCH	DOCUMENT NUMBER	

PROJECT TITLE

Long-term Operation of the State Water Project

PROJECT APPLICANT NAME California Department of Water Resources	PROJECT APPLICANT EMAIL	PHONE NUMBER (716) 3769700
PROJECT APPLICANT ADDRESS PO Box 942836	CITY Sacramento	STATE CA
		ZIP CODE 94236-0000

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity


CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|----------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | \$3,343.25 | \$ | 3,343.25 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,406.75 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,136.50 | \$ | 0.00 |
|
 | | | |
| <input type="checkbox"/> Exempt from fee | | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |

- | | | | |
|---|----------|----|------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input type="checkbox"/> County documentary handling fee | | \$ | |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other
 TOTAL RECEIVED \$ 3,343.25

SIGNATURE  Digitally signed by Mikayla Vaba Date: 2020.03.30 11:41:56 -07'00'	AGENCY OF FILING PRINTED NAME AND TITLE Mikayla Vaba
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