



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

October 30, 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
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
4		BMR/IBMR Weekly Reports: 10/29/20
5		Memo from David Cahen, Risk Manager, to the Board of Directors, dated 10/21/20, regarding Risk Management Communication.
15		Memo from Aaron Baker, COO, Water Utility, to the Board of Directors, dated 10/26/20, regarding Comments on Environmental Review of B.F Sisk Dam Raise and Reservoir Expansion Project.
		<u>INCOMING BOARD CORRESPONDENCE</u>
25		Board Correspondence Weekly Report: 10/29/20
26		Email from Matt Wendt, to Director Varela, dated 10/21/20, regarding Landscaping Included in Madrone Channel Trail Project (C-20-0170).
27		Email from David Lewis, to Director Kremen, dated 10/21/20, regarding Water Retention Basin at Rancho San Antonio (C-20-0171).
28		Email from Council Member Teresa O'Neill, to Directors Santos and Keegan, dated 10/23/20, requesting Meeting to Discuss Encampments in Santa Clara Creeks (C-20-0172).
29		Email from Loana Lumina, Open Space Authority, to the Board of Directors, dated 10/26/20, regarding Convening Stakeholder Working Group for Rancho San Antonio County Park and Open Space Preserve (C-20-0173).
		<u>OUTGOING BOARD CORRESPONDENCE</u>
		None

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/ attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN

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-20-0014	08/20/20	Kremen Santos	Yoke	Gordon	Director Kremen requested staff to take a look at the potential of hiring private fire fighting organization to protect the Penitenia WTP. In addition, Director Santos requested information on whether any consideration has been given to installing fire suppression sprinklers on the perimeter or other effective location on WTPs. Copies of both email requests are attached below.	09/10/20		
R-20-0011	10/13/20	Lezotte	Gibson	Hoang	At the 10/13/20 Board meeting, Director LeZotte requested a list of subjects and locations of the 19 Editorial Columns listed as accomplishment in the Board Provides Linkage to the Community section in the FY20 Board Performance Report.	11/02/20		



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: October 21, 2020

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

Please find the following:

- 1) October 21, 2020 claim confirmation letter to State Farm Insurance on behalf of insured, Lorin Edlund. Also attached is the corresponding claim.
- 2) October 21, 2020 claim confirmation letter to Mr. Amit Sarin (District 3). Also attached is the corresponding claim.

For additional information, please contact me at 408-630-2213.

DocuSigned by:

David Cahen

David Cahen
Risk Manager

October 21, 2020

Stephanie Easterbrook
State Farm Insurance
P.O. Box 106172
Atlanta, GA 30348-6172

Re: Receipt of Claim – L2010009
Insured – Lorin Edlund

Dear Ms. Easterbrook,

We received your claim on behalf of your insured Lorin Edlund regarding the vehicle damages.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact Risk Manager, David Cahen at (408) 630-2213.

Sincerely,



Lilian Dennis
Management Analyst II
(408) 630-2652





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 10/25/20 COB - MKing</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"/> E-mail:</td> <td><input checked="" type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/> BOD (District #): <u> 3 </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"/> E-mail:	<input checked="" type="checkbox"/> Risk Management	<input type="checkbox"/> Other: _____	<input type="checkbox"/> COB		<input checked="" type="checkbox"/> BOD (District #): <u> 3 </u>
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<input checked="" type="checkbox"/> E-mail:	<input checked="" type="checkbox"/> Risk Management												
<input type="checkbox"/> Other: _____	<input type="checkbox"/> COB												
	<input checked="" type="checkbox"/> BOD (District #): <u> 3 </u>												

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: <small>Amit Sarin</small>			
Address of Claimant: 186-192 Selwyn Dr., #3	City: <small>Milpitas</small>	State: <small>CA</small>	Zip: <small>95035</small>
Mailing Address to Which Notices Should be Sent if Different From Above:	City:	State:	Zip:
Home Phone Number:	Cell Phone Number: <small>415-596-3958</small>	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: <small>Multiple incidents Aug-Sept 2020</small>	Location of incident or loss (address): <small>Property behind 188-190 Selwyn Drive</small>	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: <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):

Santa Clara Valley Water District worked on the parcel directly adjacent to our property (behind 186-192 Selwyn Drive) for several weeks, cleaning the site, removing trees and brush, and generally clearing the land. After several days when major trees and brush removal took place, the shared fence was damaged and no longer stands up properly. It is now unsightly, ineffective, and unsafe for our tenants. I have photos of the crew working and the fence damage.



**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 above. A new fence is required since the posts have been damaged

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

I witnessed, as did my business partner.

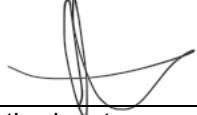
DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the 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. Wood to replace damaged panels	\$ 1210
2. Wood to replace damaged posts	\$ 1122
3. Labor to install	\$ 2500
4. Material + Labor to stain	\$ 1200
TOTAL AMOUNT	\$ 6032

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 14 day of October , 2020 

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.



October 21, 2020

Amit Sarin
186 Selwyn Drive #3
Milpitas, CA 95035

Re: Receipt of Claim – L2010004

Dear Mr. Sarin,

We received your claim regarding the damage to your fence as a result of maintenance work being performed by Valley Water (VW) staff.

As part of the claim investigation, Risk Manager, David Cahen met with you on Monday, October 19 for a site visit. As a follow up to the site visit, please provide your photographs of the VW crew performing the maintenance work as well as proper documentation for the cost of fence repair/replacement. Please email the photos and estimates to David Cahen at dcahen@valleywater.org and cc: me at ldennis@valleywater.com.

If you have any questions, please don't hesitate to contact David Cahen at (650) 787-6949.


Sincerely,

A handwritten signature in black ink that reads "Lilian Dennis".

Lilian Dennis
Management Analyst II



Copies to:
 Risk Management (Org)
 CEO
 District Counsel
 COB

Santa Clara Valley Water District 
 Phone 408 266 2600
 Fax 408 266-2897

**Claim Against the
 Santa Clara Valley Water District
 California Government Code
 Sections 900 and following.**

General Counsel form updated July, 2003
 For Office Use Only
 Date Received:
 By:

Serve or mail this form to: Clerk of the Board
 Santa Clara Valley Water District
 5760 Almaden Expressway
 San Jose, California 95118

1. Name(s) and Address(es) of the person or persons making the claim	Name(s): State Farm Insurance a/s/o Lorin Edlund Address: PO Box 106172 Atlanta, GA 30348-6172 Phone number (optional): (877) 787-8276
2. Is this claim filed on behalf of a minor? Yes ___ No <u>X</u>	If so, please indicate minor's date of birth: Relationship of claim filer to minor:
3. Name and address of the person to who notices are to be sent, if different than Number 1.	Name n/a Address:
4. Date, place and other circumstances of the occurrence, incident, injury or transaction <i>Attach additional sheets for more space, if needed.</i>	Date: Thursday, September 10, 2020 @ 4:15 p.m. Location (address and or nearest intersection): Coleman Rd W Windman Blvd in San Jose Other circumstances, including time, if known:
5. Describe the debt, obligation, injury, damage or loss suffered so far as they are known. Include a description of the facts giving rise to the claim and why you believe the Santa Clara Valley Water District is responsible <i>Attach additional sheets for more space, if needed, and photos, if available.</i>	Description: The insured vehicle, a 2018 Toyota Camry, driven by Lorin Edlund, along w/ another vehicle (also State Farm insured), were both stopped at red light. Your vehicle, unknown, driven by Steven Edward King, rearended another vehicle and pushed that vehicle into the insured vehicle, driven by Lorin Edlund.
6. Name of the District employee who caused the injury, if known	Name Steven Edward King
7. Is the amount of this claim now.	Under \$10,000? Yes <u>X</u> No ___ Over \$10,000? Yes ___ No <u>X</u>
8. If the amount is now over \$10,000, is this:	A Limited Civil Case? (Less than \$25,000) Yes ___ No ___ An Unlimited Civil Case? (Greater than \$25,000) Yes ___ No ___
Signature: <i>S. Easterbrook</i> State Farm Insurance a/s/o Lorin Edlund Date: October 1, 2020	Additional Signature(s) _____ Date(s): October 1, 2020 Digitally signed by Stephanie Easterbrook Date: 2020.10.01 15:02:27 -05'00'

**Stephanie
 Easterbrook**

FIX AUTO SOUTH SAN JOSE
5755 WINFIELD BLVD, SAN JOSE, CA 95123
Phone: (408) 225-5053
FAX: (408) 225-5199

Workfile ID: 4de3ce67
PartsShare: 5XWbYv
Federal ID: 371443938
State EPA: CAL000260289
BAR: AK-224182

Supplement of Record 2 with Summary

RO Number: 30612-2-RAUL

Written By: Osvaldo Perea, 9/21/2020 9:04:29 AM
Adjuster: Customer Initiated Repair

Insured: EDLUND, LORIN
Type of Loss: Collision
Point of Impact: 06 Rear

Policy #:
Date of Loss: 9/10/2020 4:15 PM

Claim #: 05-11J1-43S01
Days to Repair: 3

Owner:
EDLUND, LORIN
5025 WAYLAND AVE
SAN JOSE, CA 95118-2631
(408) 265-7851 Cell
(408) 265-7851 Evening

Inspection Location:
FIX AUTO SOUTH SAN JOSE
5755 WINFIELD BLVD
SAN JOSE, CA 95123
Repair Facility
(408) 225-5053 Business

Insurance Company:
STATE FARM INSURANCE COMPANIES
STATE FARM - CA
BAKERSFIELD

Vehicle Drop Off Date: 09/17/2020
Repair Completion Date: 09/18/2020

Promise Date: 09/18/2020
Vehicle Pick Up/Return Date: 09/18/2020

Repair Start Date: 09/17/2020

VEHICLE

2018 TOYO Camry SE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection SILVER

VIN: 4T1B11HK4JU587522 Interior Color: Mileage In: 20,380 Vehicle Out: 9/18/2020
License: 8CXF533 Exterior Color: SILVER Mileage Out:
State: Production Date: 2/2018 Condition: Excellent Job #:

TRANSMISSION

Automatic Transmission

POWER

Power Steering

Power Brakes

Power Windows

Power Locks

Power Mirrors

Power Driver Seat

DECOR

Dual Mirrors

Tinted Glass

Console/Storage

Overhead Console

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Alarm

Steering Wheel Touch Controls

Telescopic Wheel

Climate Control

Backup Camera

Intelligent Cruise

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

Hands Free Device

Rear Side Impact Air Bags

Lane Departure Warning

SEATS

Cloth Seats

Bucket Seats

Reclining/Lounge Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control

Stability Control

Rear Spoiler

Xenon Headlamps

California Emissions

Power Trunk/Gate Release

Supplement of Record 2 with Summary

RO Number: 30612-2-RAUL

2018 TOYO Camry SE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection SILVER

Line		Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	#	S02	Final Bill		1			
2	#	S02	***AUTHORIZATION TO PAY SECURED		1			
3	#	S02	Customer received copy of initial estimate / final bill		1			
4	#	S02						
5	REAR BODY & FLOOR							
6	*	Rpr	Rear body panel (HSS)				5.0	1.6
7			Add for Clear Coat					0.6
8	#		Base Coat Reduction ""Full Clear Coat""		1			-0.3
9		R&I	Rear panel trim				0.2	
10		R&I	RT Trunk side trim				0.3	
11		R&I	LT Trunk side trim				0.3	
12		Repl	RT Support bracket	5830306030	1	52.03	1.0	0.3
13			Add for Clear Coat					0.1
14		Repl	LT Support bracket	5830406050	1	52.03	1.0	0.3
15			Add for Clear Coat					0.1
16		R&I	Rear shield w/o XSE				0.3	
17	TRUNK LID							
18	*	R&I	Weatherstrip Note: for paint access				0.2	
19	REAR BUMPER							
20			O/H rear bumper				1.7	
21	<>	Repl	Bumper cover w/o TRD w/o pk sensor Note: FIRST QUALITY BUMPER NOTE QUOTE DAMAGE BUMPER HAS EXCESSIVE CONTOUR LINES DAMAGE MOST COST EFFECTIVE TO REPLACE.	521590X915	1	323.79	Incl.	3.2
22			Overlap Major Non-Adj. Panel					-0.2
23			Add for Clear Coat					0.6
24		Repl	Absorber	5261506190	1	40.08	Incl.	
25		R&I	Impact bar (ALU)				0.4	
26		R&I	RT Extension				Incl.	
27		R&I	LT Extension				Incl.	
28		R&I	RT Lower molding				Incl.	
29		R&I	LT Lower molding				Incl.	
30	#	Subl	HAZARDOUS WASTE REMOVAL		1	3.50 T		
31	#	Repl	FLEX ADDITIVE		1	5.00		
32	#	Repl	CORROSION PROTECTION		1	8.00	0.3	
33	#	Repl	SEAM SEALER		1	27.00	0.3	
34	#	Rpr	COLOR TINT				0.5	
35	#	Rpr	Disconnect battery Note: DUE TO SHEET METAL REPAIR-REAR BODY PANEL				0.3	

Supplement of Record 2 with Summary

RO Number: 30612-2-RAUL

2018 TOYO Camry SE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection SILVER

36	#	Rpr	Memory function resets			0.5	M
37	#	Rpr	De-Nib & Finesse			0.3	
38	#	Repl	COVER VEHICLE EXTERIOR	1	6.00		
39	#	Rpr	Set-up for floor pull			1.0	
40	#	Rpr	Sheet Metal pull			1.0	
			Note: REAR BODY PANEL PUSHED IN				
41	#		COVID-19 Sanitizing and Clean Up	1	25.00	T	1.0
<hr/>							
42	VEHICLE DIAGNOSTICS						
43	*	Rpr	Pre-repair scan			m	<u>0.5</u>
			Note: Pre-repair scan				
44	*	S01 Rpr	Post-repair scan			m	<u>0.5</u>
			Note: Post-repair scan				

SUBTOTALS	542.43	16.6	6.3
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NOTES

Prior Damage Notes:
NONE

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			513.93
Parts Discount	\$ 467.93	-1.0 %	-4.68
Body Labor	16.1 hrs @	\$ 74.00 /hr	1,191.40
Paint Labor	6.3 hrs @	\$ 74.00 /hr	466.20
Mechanical Labor	0.5 hrs @	\$ 74.00 /hr	37.00
Paint Supplies	6.3 hrs @	\$ 34.00 /hr	214.20
Miscellaneous			28.50
Subtotal			2,446.55
Sales Tax	\$ 751.95 @	9.2500 %	69.56
Grand Total			2,516.11
Deductible			500.00
CUSTOMER PAY			500.00
INSURANCE PAY			2,016.11

Register online to check the status of your claim and stay connected with State Farm®. To register, go to <http://www.statefarm.com/> and select Check the Status of a Claim. If you are already registered, thank you!

Supplement of Record 2 with Summary

RO Number: 30612-2-RAUL

2018 TOYO Camry SE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection SILVER

SUPPLEMENT SUMMARY

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
Deleted Items							
1	#	S01	FINAL BILL	1			
2	#	S01	***AUTHORIZATION TO PAY SECURED	1			
3	#	S01	Customer received copy of initial estimate / final bill	1			
Added Items							
1	#	S02	Final Bill	1			
2	#	S02	***AUTHORIZATION TO PAY SECURED	1			
3	#	S02	Customer received copy of initial estimate / final bill	1			
4	#	S02					
SUBTOTALS					0.00	0.0	0.0

TOTALS SUMMARY

Category	Basis	Rate	Cost \$
Parts			0.00
Subtotal			0.00

CUMULATIVE EFFECTS OF SUPPLEMENT(S)

Estimate	2,479.11	Oswaldo Perea
Supplement S01	37.00	Oswaldo Perea
Supplement S02	0.00	Oswaldo Perea
Job Total:	\$ 2,516.11	
CUSTOMER PAY:	\$ 500.00	
INSURANCE PAY:	\$ 2,016.11	

TO: Board of Directors**FROM:** Aaron Baker**SUBJECT:** Comments on Environmental Review of B.F
Sisk Dam Raise and Reservoir Expansion
Project**DATE:** 10/26/2020

The Bureau of Reclamation released the public draft Supplemental Environmental Impact Report/Environmental Impact Statement on the B.F. Sisk Dam Raise and Reservoir Expansion Project (Project) on August 25, 2020. The Project is evaluating a 10-foot increase in dam height at San Luis Reservoir on top of a 12-foot increase that is already planned to address seismic safety concerns on the Safety of Dams Modification Project. The State Water Contractors and Department of Water Resources each submitted comments by the September 28, 2020 deadline that identified several concerns with the analysis and potential impacts of the Project. The State Water Contractor's letter noted that it represented all its member agencies except Valley Water. The letters express concerns regarding several potential impacts, with highlights including: the State Water Project's water supply, the Safety of Dams Modification Project stability and construction schedule, existing infrastructure, and the potential cumulative impacts from multiple other planned storage projects. The Bureau of Reclamation is working on their response to these comments.



Aaron Baker, P.E.
Chief Operating Officer
Water Utility Enterprise

Attachment 1: SWC Comment Letter
Attachment 2: DWR Comment Letter

September 28, 2020



Sent via email: carthur@usbr.gov, pablo.arroyave@sldmwa.org

Ms. Casandra Arthur
Bureau of Reclamation
Willows Construction Office
1140 W. Wood Street
Willows, CA, 95988

Mr. Pablo Arroyave
San Luis and Delta-Mendota Water Authority
842 6th Street
Los Banos, CA 93635

Subject: CEQA and NEPA Comments on B.F. Sisk Dam Raise and Reservoir Expansion
Project Draft Environmental Impact Report/Supplemental Environmental Impact
Statement

Dear Ms. Arthur and Mr. Arroyave:

The State Water Contractors (“SWC”) on behalf of its member agencies¹, and the Metropolitan Water District of Southern California (“Metropolitan”) have reviewed the B.F. Sisk Dam Raise and Reservoir Expansion Project Draft Environmental Impact Report/Supplemental Environmental Impact Statement (“Sisk Dam Raise Draft EIR/SEIS”) analyzing the potential impact of raising the elevation of B.F. Sisk Dam and enlarging the San Luis Reservoir (herein referred to as “Water Supply Modification Project” or “Project”) and submit this comment letter.

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California.

The DEIR/SEIS was prepared pursuant to the California Environmental Quality Act (“CEQA”) and National Environmental Policy Act (“NEPA”) by the Bureau of Reclamation (Reclamation) and San Luis & Delta Mendota Water Authority (“SLDMWA”) as the respective NEPA and CEQA Lead Agencies. The proposed Project consists of constructing an additional 10-feet of crest height to the B.F. Sisk Dam, San Luis Reservoir beyond the approved 12-foot crest raise actions of the B.F. Sisk Dam Safety of Dams (“SOD”) Modification Project (“SOD Modification Project”). The purpose of the proposed Project is to provide operational flexibility and water supply reliability for South-of-Delta Central Valley Project (“CVP”) and State Water Project (“SWP”). However, the Department of Water Resources (“DWR”) who operates the State Water Project is not serving as the CEQA lead agency for the Project even though the DWR was the lead agency for the initial Environmental Review for the SOD Modification Project.

¹ The State Water Contractors submit this letter on its behalf and on behalf of all its member agencies, except Santa Clara Valley Water District.

As described in detail below, SWC and Metropolitan are concerned about the CEQA and NEPA analysis and conclusions contained in Reclamation and SLDMWAs' Sisk Dam Raise Draft EIR/SEIS. While we are generally supportive of additional storage, the potential water supply impacts that this Water Supply Modification Project will have on the SWP are a significant concern.

The Draft EIR/SEIS and associated modeling shows that this Project will have a significant impact on the SWP operations, causing up to a 147,000 acre-feet reduction in annual SWP exports and up to a 148,000 acre-feet reduction in Oroville storage. At the same time, the impacts to SWP are likely not fully disclosed because the Draft EIR/SEIS does not consider the SWP's operations under its California Endangered Species Act (CESA) Incidental Take Permit (ITP) in the modeling conducted for the Project. The SWC and Metropolitan request that Reclamation and SLDMWA fully mitigate any impacts to the SWP so that this Water Supply Modification Project will have no redirected negative impacts, the full extent of which needs to be disclosed and analyzed in the Sisk Dam Raise Draft EIR/SEIS.

I. A Subsequent EIR Hides Impacts

Even though the Notice of Availability identified the Water Supply Modification Project as a subsequent EIR in the text of the notice, the Draft EIR is not titled as a subsequent EIR. SLDMWA's failure to title the Draft EIR/SEIS as a subsequent EIR is misleading. Informed decision making and public participation are fundamental purposes of the CEQA process. (*Union of Med. Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1184; *Friends of the Eel River v. North Coast R.R. Auth.* (2017) 3 Cal.5th 677, 711.) The title of the Draft EIR/SEIS tells the public that the SLDMWA is analyzing a new project from scratch when in reality, SLDMWA is attempting to utilize CEQA's subsequent review procedures applicable to projects that have already received environmental review. This is confusing, inaccurate, and in violation of CEQA's informational purpose. Furthermore, the Draft EIR/SEIR is devoid of any discussion explaining why a subsequent EIR is appropriate. Here the SOD Modification Project is solely for the purpose of seismic reinforcement and does not create water supply benefits, but the Water Supply Modification Project discussed in this Draft EIR/SEIS is for water supply purposes. These two projects happen to involve the same location (the B. F. Sisk Dam), but they are fundamentally different in their purposes, benefits, and as to most potential impacts.

Based on our review of the Draft EIR/SEIS, it is not clear whether SLDMWA has principal responsibility for carrying out the Project. For example, it is unclear whether SLDMWA has the authority to proceed with dam modifications, to approve actions that will increase water volume in the reservoir, or to undertake contractual modifications (if any) that may be needed to address increased reservoir volumes. It is also unclear whether SLDMWA can use the subsequent EIR procedures given that it was not lead agency for the SOD Modification Project, nor does it appear to be identified as a responsible agency in the SOD Modification Project EIR/EIS.

The Draft EIR/SEIS states that "As a connected action this EIR/SEIS uses the baseline evaluation presented in the B.F. Sisk Dam SOD Modification Project EIS/EIR and considers the incremental impacts of action alternatives presented herein." However, by using this incremental baseline, the actual impacts of the Modification Project are not fully disclosed or analyzed.

II. Draft EIR/SEIS indicates potential for significant impacts to SWP water supply.

The Draft EIR/SEIS and the associated modeling indicate potential significant impacts to SWP. The modeling performed for this Project did not consider the 2020 California Endangered Species Act (CESA) Incidental Take Permit (ITP), and therefore, does not accurately represent existing SWP operations. The ITP limits CVP's use of SWP facilities under certain circumstances. It is important to recognize these

nuances to accurately estimate potential impacts due to the Project. The modeling performed for the Project indicates potential reductions of up to 155,000 acre-feet annual SWP Table A deliveries, up to 50,000 acre-feet of SWP carryover deliveries and up to 137,000 acre-feet of SWP Article 21 deliveries. The modeling also indicates potential impacts to Oroville storage levels. The Project can also potentially cause water quality changes in the Delta resulting in impacts to SWP operations. The Draft EIR/SEIS incorrectly concludes that these impacts are not significant. Neither the project description nor the modeling assumptions included in the Draft EIR/SEIS describe how the expanded storage would be operated in coordination with ongoing SWP and CVP operations, especially under the investor-directed option. Operations of the expanded storage will require revisiting the December 2018 COA amendment between DWR and Reclamation. The Draft EIR/SEIS also does not analyze and disclose potential water supply impacts to SWP during the 8-year construction period. Finally, the Draft EIR/SEIS does not describe how these impacts to SWP will be mitigated.

III. Potential dam safety impacts are not analyzed and disclosed.

The DEIR/SEIS states that the "environmental consequences of the proposed alternatives were analyzed qualitatively" with respect to geology, seismicity, and soils. The impacts of constructing an additional 10-foot raise requires a quantitative, not qualitative, analysis. The effects of raising the crest of the existing B. F. Sisk Dam by 22 feet (12 feet by the SOD Modification Project and 10 feet by the Water Supply Modification Project) on the structural integrity of the dam and appurtenances requires defensive engineering in order to ensure its continuing security under both the gravity load and the design seismic events. The additional embankment and water loads resulting from the additional ten-foot raise in storage could create significant adverse effects on the seismic performance of the B.F. Sisk Dam SOD Modification Project and requires a new seismic analysis.

DWR and USBR have performed over a decade of analyses and exploration to design the final Safety of Dams (SOD) modification for the existing dam configuration. The final SOD modification concept, including but not limited to berms, cutoff trench, drains, is designed to stabilize the embankment for the loads and saturation zones of embankment foundation associated with the current dimensions and the current maximum storage elevations. The additional embankment and water loads resulting from the additional 10-foot raise and expanded storage will potentially require the SOD modification design to be reevaluated. A totally new SOD stability analysis and design may be warranted and there is significant risk of considerable added expense and time delay to the ongoing SOD Modification work. Similarly, the added height of the massive concrete outlet towers and access bridge columns would need to be analyzed for the seismic stability.

IV. Constructability issues are not analyzed and disclosed.

Constructability issues such as availability of local borrow materials for the fill associated with the additional 10-foot dam raise have not been evaluated. Where would this borrow material come from? Do these activities create additional noise, traffic, and air quality impacts? These issues should be analyzed in the Draft EIR/S.

V. Impacts on existing infrastructure are not analyzed and disclosed.

The impacts to existing Gianelli infrastructure, largely pumps and generators, need to be evaluated and disclosed as they would be required to operate under a higher reservoir head under the Water Supply Modification Project. The additional pumping load caused by the reservoir raise could potentially damage the valves and pumps/generators. Furthermore, potential impacts to Gianelli Plant's structural stability because of the expanded embankment should be analyzed, disclosed, and fully mitigated. The Water Supply Modification Project and associated dam raise and expanded storage are expected to increase the operations

and maintenance costs of existing infrastructure for SWP. Additional energy use, greenhouse gas emissions and costs should be analyzed, disclosed, and mitigated.

VI. Impacts to SWP during construction of the Project are not analyzed and disclosed.

Adding the considerable construction time for the Water Supply Modification Project's 10-foot raise will add additional inconvenience and result in negative impacts to the normal SWP operations and recreation access. Adding the additional Sisk Dam raise will potentially cause significant delay in the construction time of the SOD Modification Project. These impacts need to be analyzed, disclosed, and fully mitigated.

VII. Cumulative impacts of various ongoing planned storage projects by Reclamation should be analyzed and disclosed.

Reclamation and CVP contractors are simultaneously pursuing several expanded storage projects including Shasta Enlargement and Los Vaqueros expansion in addition to B.F. Sisk Dam raise. Each project individually and cumulatively will likely impact SWP operations. The Draft EIR/SEIS should analyze and disclose the fullest extent of the cumulative impacts of all the ongoing projects on the SWP.

It is clear based on the project description and the limited analysis presented in the Draft EIR/SEIS, there is the potential for impacts to the SWP during construction and operation of this Project. Therefore, the project description should include this commitment: "The existence and extent of any SWP water supply reduction or other impacts from the B. F. Sisk Dam Raise and Reservoir Expansion Project ("Project") will be assessed prior to construction, during construction and at the time that any new regulatory requirement or permit issued for the Project affects SWP operations. SLDMWA and USBR, shall avoid, mitigate, or offset, through measures agreed to by DWR and SWC, any SWP water supply reduction resulting from the Project operations or construction impacts. Any restrictions imposed on SLDMWA, USBR, or the CVP through permits or other regulatory approvals issued for the Project operations or construction shall not impact SWP water supply. This mitigation measure does not modify or impair the rights and obligations between USBR and DWR agreed to in other independent agreements."

The SWC and Metropolitan appreciate this opportunity to comment and look forward to working with SLDMWA and Reclamation on this Project. Both the SWC (cchilmakuri@swc.org) and Metropolitan (jsafely@mw2o.com) also request that they be added to the notification and distribution lists for all CEQA notices, public meeting notices, and public meeting/hearing notices relating to the Project under CEQA and California's open meeting laws. Should you have any questions, please contact Chandra Chilmakuri at 916-562-2583.

Sincerely,



Jennifer Pierre
General Manager

DEPARTMENT OF WATER RESOURCES

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September 28, 2020

Casey Arthur
Bureau of Reclamation
Willows Construction Office
1140 West Wood Street
Willows, California 95988

Via electronic mail

B.F. Sisk Dam Raise and Reservoir Expansion Project Draft Environmental Impact Report/Supplemental Environmental Impact Statement SCH# 2009091004

Dear Mr. Arthur,

The California Department of Water Resources (DWR) has reviewed the San Luis and Delta-Mendota Water Authority (SLDMWA) and the United States Department of the Interior, Bureau of Reclamation's Draft Environmental Impact Report/Supplemental Environmental Impact Statement (EIR/SEIS) for the B.F Sisk Dam Raise and Reservoir Expansion Project (Project) dated August 2020 and provides the enclosed comments. DWR appreciates the opportunity to comment on the Draft EIR/SEIS and looks forward to working with SLDMWA and Bureau of Reclamation as the Project moves forward.

If you have any questions, please contact me at Ted.Craddock@water.ca.gov or your staff may contact David Duval, Chief of State Water Project Operations and Maintenance, at David.Duval@water.ca.gov.

John Hartbrough for

Ted Craddock
Deputy Director
State Water Project

Enclosure

Enclosure: Department of Water Resources' Comments on the August 2020 Draft Environmental Impact Report/Supplemental Environmental Impact Statement for the B.F Sisk Dam Raise and Reservoir Expansion Project

2.2 Proposed Alternatives

Elements Common to all sub-alternatives.

1. On page 2-7, the Draft EIR/SEIS states the 10-foot raise would start during the final stages of the Safety of Dams (SOD) modification construction. The Project schedules require further analysis to optimize construction timelines to minimize impacts to reservoir operations. It is likely the final stages of construction for the SOD Modification Project will take until 2030 to complete. As a result, the schedule for completion and potential environmental impacts related to the extended timeline for construction (e.g., air quality and greenhouse gas emissions) need to be addressed in the EIR/SEIS.
2. On page 2-7, the Draft EIR/SEIS states the fill materials would be sourced from two borrow sites – Basalt Hill and Borrow Area 6. The potential local borrow supply needs to be evaluated further to ensure sufficient materials are available for the Project. The EIR/SEIS should evaluate whether materials (quarried rock and sand) may be available onsite, after the SOD Project is completed. If additional materials cannot be acquired onsite for the Project, then additional analysis of offsite material resources needs to be included in the EIR/SEIS.
3. Page 2-8, the Draft EIR/SEIS states postconstruction maintenance activities would not increase the frequency of maintenance workers being on-site compared to existing maintenance activities at BF Sisk Dam. DWR is responsible for the operation and maintenance of BF Sisk Dam. The EIR/SEIS should include the rationale or analysis which provides the factual basis for this statement and further assess impacts on DWR's maintenance activities and staffing during construction and in the long term.

4.1 Water Quality and 4.11 Recreation

4. The San Luis Reservoir experiences periodic algae blooms. The EIR/SEIS should evaluate potential for long-term changes to water quality as a result of the reservoir raise and/or any changes to operations of the reservoirs that could induce algae blooms. If the evaluation indicates algae blooms may be induced, potential impacts to recreation should be analyzed.

4.2 Surface Water Supply

5. Potential water supply effects were estimated by using the CALSIM II model. The CALSIM II modeling and other analyses show there is the potential for impacts to the State Water Project (SWP). Given the importance of effective coordinated operations of the Central Valley Project (CVP) and SWP, the existence and/or extent of any SWP water supply reduction from the Project will be reassessed prior to construction, during construction, and at the time that any new regulatory requirement or permit issued for the Project affects SWP operations. SLDMWA, through these reassessments and ongoing coordination of operations between Bureau of Reclamation (Reclamation) and DWR, should

avoid, mitigate, or offset, through measures agreed to by DWR, any significant SWP water supply reduction resulting from the Project operations or construction impacts. Any adaptive management measures or restrictions imposed on SLDMWA, Reclamation, or the CVP through permits or other regulatory approvals issued for Project operations will be coordinated with DWR consistent with the rights and obligations of and between Reclamation and DWR agreed to in other independent agreements.

The EIR/SEIS should evaluate the potential water supply impacts to the SWP and if recent operational agreements between Reclamation and DWR with resource agencies may need to be re-negotiated to utilize the expanded storage available with the Project. If re-negotiations and new agreements between agencies are warranted, the environmental impact of expanded mitigation or compliance measures for resource agency permits should be addressed.

4.14 Public Utilities and Power

6. On Page 4-46, the Draft EIR/SEIS Section 4.14.5.3 Operation of Alternative 3 states that Alternative 3 would increase demand on existing pumps at Gianelli Plant by approximately 10% in years when the new reservoir space is filled. The existing Gianelli Plant's pumps/generators need to be evaluated to ensure they can operate under a higher reservoir head during generation and/or pumping. If the Gianelli pumps/generators are insufficient, the EIR/SEIS needs to analyze the additional environmental impacts of adding new and/or different pumping/generating facilities to meet operational need.
7. Currently, only three of the eight units can "top off" the filling of the reservoir without potential cavitation. The additional pumping load caused by the reservoir raise could accelerate cavitation damage to both the valves and pumps/generators. Similar to the comment above, if new pumps/generators are required, the EIR/SEIS needs to address if new facilities will be required and/or if those facilities can be accommodated onsite and if there are potential environmental impacts of new facilities.
8. Raising the crest while maintaining a sufficient crest width for maintenance access could require the extension of the downstream face which could encroach on the Gianelli Plant. This resulting configuration and loading condition need to be evaluated. The EIR/SEIS needs to evaluate if the additional dam raise would require physical relocation and/or re-configuration of Gianelli pumping plant that may have potential environmental impacts.

Dam Safety

9. Reclamation is evaluating the Project as a connected action to Reclamation and DWR's B. F. Sisk Dam SOD Modification Project. DWR agrees the proposed Project is an independent action to the SOD Modification Project.
10. The Project's additional expansion of reservoir and water loads resulting from the 10-foot raise in storage may require revisions to the SOD modification design. DWR and Reclamation have performed over a decade of analyses and exploration to design the final SOD modification for the existing dam configuration. The final SOD modification concept (berms, cutoff trench, drains)

is designed to stabilize the embankment for the loads and phreatic surface (saturation zones of embankment/foundation) associated with the current dimensions and maximum storage elevations. A new SOD stability analysis and design may be warranted and will require review by the independent consulting review board and may require additional time to the SOD modification design work. Similarly, the added height of the outlet towers and access bridge towers may require further seismic analysis. The EIR/SEIS should evaluate the new potential impacts on the underlying soils, geology, and hydrology in front of the dam resulting from the proposed Project as a result of expanded project disturbance areas (larger footprint) near the base of the dam.

11. Considering the Project may increase the dam's inundation area, the Public Services, Utilities and Hazards sections of the EIR/SEIS should analyze the potential environmental impacts of a larger inundation area below the dam.