



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

December 10, 2021

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>
3	CEO Bulletin: Weeks of November 19 – December 9, 2021
12	December 2021 Water Tracker
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
	BMR/IBMR Weekly Reports: None.
15	Memo from Christopher Hakes, DOO, Dam Safety & Capital Delivery, to the Board of Directors, dated 12/2/21, response to IBMR I-21-0009 regarding Anderson and Pacheco Dam Reservoirs.
	<u>INCOMING BOARD CORRESPONDENCE</u>
22	Board Correspondence Weekly Report: 12/09/21
23	Email from Joe Wilson, to the Board of Directors, dated 12/2/21, regarding Water Rates and Usage (C-21-0184).
27	Email from Mike Culcasi, to the Board of Directors, dated 12/6/21, regarding Homeless Activity along the Creeks (C-21-0185).
28	Email from Naomi Nakano-Matsumoto, County of Santa Clara, to the Board of Directors, dated 12/6/21, regarding Motel Placement Program Referral (C-21-0186).
30	Letter from Scott Vanderlip, Slow Food South Bay, to Director Kremen, dated 11/3/21, regarding Water Conservation (C-21-0187).
	<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

CEO BULLETIN



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

Weeks of November 19 – December 9, 2021

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Weeks of November 19 – December 9, 2021

Item	IN THIS ISSUE
<u>1</u>	2022 State Water Project Initial Allocation
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<u>6</u>	Pacheco Reservoir Expansion Project Draft Environmental Impact Report (EIR) - Public Review Period
<u>7</u>	Penitencia Water Treatment Plant Sanitary Sewer Inspection
<u>8</u>	Refinery Recycled Water Exchange Project Feasibility Analysis Update
<u>9</u>	Revisions to Board Governance Ends Policies
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<u>11</u>	Valley Water Hosts Retailer Workshop to Discuss System Capacity and Collaboration on Treated Water Delivery
<u>12</u>	Valley Water Hosts Two Surface Water Program Virtual Public Meetings
<u>13</u>	<u>Hsueh</u> Staff is asked to provide a written response to Mr. Jim Stallman's 11/9 public comment question, "Please provide an update on the estimated cost for the Sites Reservoir Expansion project." R-21-0006
<u>14</u>	<u>Kremen</u> Staff is to Provide Director Kremen with a draft copy of the Fiscal Year 2021 Annual Comprehensive Financial Report (ACFR).

I-21-0010

1. 2022 State Water Project Initial Allocation

On December 1, 2021, the Department of Water Resources (DWR) issued a Notice to State Water Project Contractors (Notice) stating that the initial 2022 State Water Project allocation will be based on unmet minimum health and safety needs. Exceptions to the minimum health and safety need of 55 gallons per capita per day may be requested for DWR's consideration and approval. Valley Water submitted a request for public health and safety water on October 8, 2021 and is currently working with DWR to confirm the specific quantity allocated.

The Notice can be found at the following website: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/SWP-Water-Contractors/Files/NTC-21-07_2022-SWP-Initial-Allocation-Minimum-Human-Health-and-Safety_120121.pdf

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

2. 2022 Temporary Urgency Change Petition Submittal

On December 1, 2021, the U.S. Bureau of Reclamation (Reclamation) and the Department of Water Resources (DWR) submitted a Temporary Urgency Change Petition (TUCP) to the State Water Resources Control Board (SWRCB). The TUCP is a proposal to modify some terms of the Central Valley Project and State Water Project (Projects) water rights permits as defined in Water Rights Decision 1641 (D-1641). Reclamation and DWR are petitioning for these modifications because operational flexibility is needed to ensure there is enough water to provide for minimum human health and safety needs, preserve upstream storage for salinity protection later in the year, and preserve a cold water pool for species protection. In the past, Reclamation and DWR have used TUCPs in times of drought and have done so as recently as the Summer of 2021.

If approved by the SWRCB, the 2022 TUCP would be in effect from February 1, 2022 to April 30, 2022, and would introduce the following changes in operational requirements for the Projects:

- Modifications to export limits: sets export limits during times when D-1641 standards cannot be met and eases the requirements that must be met before maximum exports are possible.
- Delta Cross Channel (DCC) flexibility: allows DCC gates to be opened to help protect water quality for municipal and industrial beneficial uses.
- Modifications to flow requirements: lowers the minimum monthly average Delta outflow and San Joaquin River flow requirements.

The 2022 TUCP is one of several actions being taken by DWR and Reclamation in case dry conditions persist for a third consecutive year. DWR recently announced an initial allocation of only human health and safety water for State Water Project contractors. In addition, the emergency drought salinity barrier installed earlier in 2021 will remain in place into 2022 and additional emergency drought salinity barriers are being considered.

DWR and Reclamation intend to provide an overview of the 2022 TUCP during the December 7, 2021 SWRCB meeting. A SWRCB decision on the TUCP will occur at a future undetermined date.

View the TUCP here: <https://www.waterboards.ca.gov/drought/tucp/>.

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

3. FY21 Safe, Clean Water and Natural Flood Protection Program Annual Report – Year 8

As authorized by the Valley Water Board of Directors on September 28, 2021, the “Fiscal Year 2020-2021 Safe, Clean Water and Natural Flood Protection Program Annual Report – Year 8” has been finalized. The report is available on the Valley Water website at <https://tinyurl.com/SCWFY21AnnualReport>.

The Fiscal Year 2020-21 (FY21) Annual Report is the final report for the 2012 Safe, Clean Water Program, which has been replaced by the renewed Safe, Clean Water Program that voters approved in November 2020. The report incorporates unaudited financial data as the final audit opinion is pending and expected in December 2021. If the audited financial data differs from the numbers included in the report, Valley Water will provide the new information to the Board and Independent Monitoring Committee (IMC), as well as print an updated report with audited financial data.

The report incorporates the Board-approved IMC recommendations and feedback and includes the following revisions:

- Addition of Financial Summary section before the financial appendices
- Separate columns for “Budget Adjustments” and “Carryforward” in annual financial tables
- Pie charts showing funding breakdown for projects with more than one Valley Water funding source
- All completed projects compiled in separate section at the back of the report under the “Completed Projects” section
- Definition of financial terms included in Glossary section

The report was provided electronically on November 19, 2021, to Valley Water’s Board of Directors and the IMC. Additional hard copies will be available to the public upon request. The report with audited financials will be distributed electronically through Valley Water’s eNewsletter.

The IMC is scheduled to reconvene on December 8, 2021. The agenda includes receiving presentations from Valley Water staff as recommended in the IMC’s Report reviewing the FY20 Safe, Clean Water Annual Report. Additionally, the IMC will be setting the schedule and process for its review of the FY21 Safe, Clean Water Annual Report.

For further information, please contact Melanie Richardson at (408) 630-2035.

4. Delta Conveyance Project Updates

The California Department of Water Resources (DWR) recently announced several updates on the Delta Conveyance Project (DCP).

Permitting and Environmental Review

DWR recently submitted a letter to the U.S. Army Corps of Engineers informing them that they are amending their Section 404 permit application to identify the Bethany Alternative as the new proposed project. Section 404 of the Clean Water Act regulates the dredging and filling of waters and requires a permit before projects may proceed. Through the environmental review process, DWR has determined that the Bethany Alternative has the potential to reduce significant environmental impacts such as reducing fill activities into the waters of the United States. The

Bethany Alternative follows the eastern alignment (the previous proposed project) to Lower Robert Island and instead of delivering water to a new forebay upstream of the existing Banks Pumping Plant, delivers water directly to Bethany Reservoir downstream of the Banks Pumping Plant. This amendment does not reflect a final decision by DWR on the project; that will not occur until DWR has completed the environmental analysis, considered public comment, and issued a final Environmental Impact Report (EIR). The letter can be viewed here: <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Environmental-Planning/Department-of-the-Army-Permit-Application-SPK201900899-for-Proposed-DCPAmended-PP112221Final.pdf>.

Public Outreach and Communications

This July through September 2021, DWR led four informational webinars to provide background information on the preparation of the Draft EIR for the proposed DCP. DWR has now made available new materials related to these webinars. The first is a Frequently Asked Questions (FAQ) document that responds to questions around common themes heard during the webinars. The second is a digital article that summarizes information provided during the Fisheries webinar. DWR anticipates releasing similar articles for each of the webinar topics.

The FAQ document can be viewed here:

https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Environmental-Planning/DCP_Info_Webinars_FAQ_Nov2021_Final.pdf.

The Fisheries article can be viewed at the following link:

<https://water.ca.gov/News/Blog/2021/November/Fisheries-Informational-Webinar-Highlights>.

Lastly, the Delta Conveyance Deep Dive video series has published several new videos over the last several months including informational videos entitled Building the Tunnel, Environmental Justice Community Survey, and Seismic Risk. All videos in this series can be viewed at the following link: <https://www.youtube.com/playlist?list=PLEod6x87Tu6dDjEDXMgQYMLdUrUGHcQRG>.

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

5. New Environmental Justice (EJ) Impact Statement being added to all Board Agenda Memos starting January 2022

Last February 2021, Valley Water's Board of Directors adopted the revised Board Governance Ends policy (E-1) on Environmental Justice (EJ), calling for equitable distribution of Valley Water programs, projects and services and the meaningful engagement of communities impacted by our work.

At the directive of Valley Water's CEO, the Office of Racial Equity, Diversity and Inclusion (REDI) has been working with the Clerk of the Board to revise the Board Agenda Memo template to incorporate a new Environmental Justice (EJ) Impact statement section. The inclusion of an EJ Impact statement on the Board Agenda Memo is an opportunity for Valley Water to consider the Environmental Justice implications of its work and report on mitigation strategies being implemented to ensure all members of our communities, regardless of race, color, gender identity, disability status, national origin, tribe, culture, income, immigration status, or English language proficiency, benefit equitably from Valley Water projects and have equal access to Valley Water's decision-making process.

Starting with the January 11, 2022 Board Meeting, all Board Agenda Memos will be required to include the new Environmental Justice Impact statement.

For further information, please contact Marta Lugo at (408) 630-2237.

6. Pacheco Reservoir Expansion Project Draft Environmental Impact Report (EIR) - Public Review Period

At the Valley Water Board of Directors Meeting held on November 9, 2021, a member of the public made a request for a review period of 90 days following release of the Pacheco Reservoir Expansion Project Draft Environmental Impact Report (EIR), which took place on November 17, 2021. The current review period deadline is January 21, 2022 which accounts for a total of 66 days of public review. This is greater than the 45-day minimum statutory requirement. Nevertheless, the project team and its consultants discussed the potential schedule impacts of extending the deadline into February 2022 or the 90 days requested, following release of the Pacheco Draft EIR.

At this time, Valley Water has decided to keep the current January 21, 2022 deadline. This is consistent with the information in the Draft EIR and Notice of Availability released to the public on November 17, 2021. During the public review period, Valley Water can elect to revise the deadline to a later date, if deemed necessary.

For further information, please contact Christopher Hakes at (408) 630-3796.

7. Penitencia Water Treatment Plant Sanitary Sewer Inspection

On November 18, 2021, the City of San José Environmental Services Division contacted Valley Water's Environmental, Health & Safety Unit requesting permission to conduct an on-site inspection at the Penitencia Water Treatment Plant. The focus of the inspection was related to the on-site sanitary sewer system.

In 2005, as part of the Treated Water Improvement Project, Part 2, an under-drain system was installed at the base of the Ozone Generator building. Since the Ozone Generator building was cut into the hillside, an under-drain system was included in the building design to drain away any groundwater that accumulated at the base of the building. The filter under-drain, that captures the groundwater, was connected to the on-site sanitary sewer system to drain the groundwater. Given that this discharge was not solely domestic sewage, a permit to connect to San José's sanitary sewer was required.

As is typical with most regulatory permits, the overseeing regulatory agency periodically conducts on-site compliance inspections. Staff from the City of San José's Environmental Services Division met Valley Water staff at the Penitencia Water Treatment Plant to conduct this inspection. During the inspection, the inspector's primary focus was to review on-site chemical management practices to ensure that chemicals are prevented from entering the sanitary sewer system, in the event of an incidental chemical spill. The inspector viewed locations where hazardous waste is stored and conducted a visual inspection of the various bulk chemical storage areas. The result of the inspection was that no corrective actions were noted by San José staff and good housekeeping practices were observed throughout the facility.

For further information, please contact Tina Yoke at (408) 630-2385.

8. Refinery Recycled Water Exchange Project Feasibility Analysis Update

In April 2018, the Santa Clara Valley Water District (Valley Water) entered into a Memorandum of Understanding (MOU) with Central Contra Costa Sanitary District (Central San) and Contra Costa Water District (CCWD) to explore a regional water exchange project referred to as the Refinery Recycled Water Exchange Project (RRWE) that could provide Valley Water up to approximately 9 thousand acre-feet of water annually. RRWE involves Central San partnering with Valley Water to design, build, and operate a recycled water facility to provide recycled water to CCWD to serve their two existing oil refinery customers and CCWD providing Valley Water the Central Valley Project (CVP) contract supply that would have otherwise gone to those refineries. Central San and Valley Water would share the costs to design, build and operate the recycled water facility; the cost allocation would need to be negotiated among the partners. Conveyance costs of the CCWD CVP water to Valley Water would be borne by Valley Water.

Recent work under the MOU has focused on refining the cost estimate for developing and delivering the recycled water and performing a cost allocation study. Central San and Valley Water hired Raftelis Financial Consultants, Inc. to conduct a cost allocation evaluation based on the economic value of the project benefits provided to both partners. Based on the current 100-year lifecycle cost estimate, the study found that approximately \$800/Acre-Foot (AF) may be allocated to Central San with the remaining \$1000/AF being the responsibility of Valley Water. Central San's preliminary allocated cost represents approximately 50% of the cost to design, build and operate a recycled water facility, including conveying the recycled water to the refineries, but not to convey CVP supplies to Valley Water.

Since Valley Water would be receiving CVP water that is subject to water allocation by the U.S. Bureau of Reclamation (Bureau), RRWE water supply benefit will rely on imported supplies and have the associated risk of reduced future allocations. In addition, the imported water exchange associated with RRWE has regulatory and operational uncertainties that could impact the reliability of Valley Water receiving the project water. If all partners decide to move forward with this project, these issues will need to be further evaluated with the Bureau and CCWD. In addition to these water transfer and drought curtailment considerations, further evaluation of uncertainties and challenges related to conveyance capacity, effective utilization rate, confirmation of the refineries being willing customers of the recycled water, and potential for future reductions in refinery customer demands can be addressed at the next phase of the feasibility analysis and/or in collaboration with other regional projects that have similar needs and challenges.

This item was presented at the Recycled Water Committee on July 28, 2021. Next steps under the current MOU are to finalize the report summarizing the feasibility and cost allocation work and present the final report to the RRWE Board Liaison Committee. Valley Water Chair Tony Estremera represents Valley Water on the RRWE Board Liaison Committee.

For further information, please contact Kirsten Struve at (408) 630-3138.

9. Revisions to Board Governance Ends Policies

In 2020, the Valley Water Board of Directors requested that staff work with the Board Policy and Planning Committee to review and revise the Board Governance Ends Policies. Throughout the year, the revised Ends Policies were presented to the Board for consideration and adoption. At their November 23, 2021 meeting, the Board completed the review and adoption of these policies.

Ends 1 – Mission and General Principles (adopted February 23, 2021)

Ends 2 – Water Supply (adopted June 22, 2021)

Ends 3 – Natural Flood Protection (adopted November 23, 2021)

Ends 4 – Water Resources Stewardship (Adopted June 22, 2021)

Ends 5 – Climate Change Mitigation and Adaptation (Adopted June 22, 2021)

The revised policies have been published and can be accessed here:

<https://www.valleywater.org/how-we-operate/board-governance-policies>

For further information, please contact Michele King at (408) 630-2711.

10. Safe, Clean Water Mini-Grant Closeout: Bay Area Ridge Trail Council's Ridge Trail Berryessa BioBlitz Project

In Fiscal Year 2021, Valley Water awarded the Bay Area Ridge Trail Council a \$5,000 Safe, Clean Water Program D3 Mini-Grant for their Ridge Trail Berryessa BioBlitz Project (Project). Bay Area Ridge Trail Council completed the Project on August 31, 2021 and submitted the final invoice items on October 15, 2021, allowing for grant closeout.

The Bay Area Ridge Trail Council is a non-profit organization whose mission is to plan, promote, and sustain a connected recreational trail around the San Francisco Bay. The Ridge Trail Berryessa BioBlitz Project provided an educational ecosystem exploration in partnership with Keep Coyote Creek Beautiful and BioBlitz Club. The BioBlitz experience took place along the Penitencia Creek Trail in San José on the weekend of March 20, 2021. Local residents explored their neighborhood parks and creek trails and learned about the plants and animals around them.

During the BioBlitz, participants learned how to examine and explore local plants and wildlife using the iNaturalist app. Informational videos were sent to all participants before and after their experience for training purposes. The BioBlitz videos, maps and brochures are published on the Ridge Trail website (<https://ridgetrail.org/bioblitz/>) as a guide to help others explore nature along the Penitencia Creek Ridge Trail anytime. All materials were translated and made available in both Spanish and Vietnamese.

Key Outcomes:

- Distributed over 800 informational brochures in English, Spanish and Vietnamese to local schools and the community.
- Engaged 32 attendees in person to learn about concepts of a watershed and local natural resources and build knowledge of local ecosystems through hands-on experiences.
- Recorded 287 observations of living things with 124 different species documented using a mobile app during the BioBlitz.

- 100% of surveyed attendees reported a stronger desire to care for local wildlife and watersheds after participating in the BioBlitz.

For further information, please contact Marta Lugo at (408) 630-2237.

11. Valley Water Hosts Retailer Workshop to Discuss System Capacity and Collaboration on Treated Water Delivery

On November 16, 2021, Valley Water hosted a virtual workshop with all the water retailers to discuss retailers' system capacities and potential inter-agency collaboration of the treated water delivery within Santa Clara County. This workshop is a continuation of the ongoing dialogue between Valley Water and water retailers regarding operational strategies and contingency planning in response to the upcoming pipeline outage and raw water supply shortage during historical drought. Representatives from all seven treated water retailers plus City of Morgan Hill and Great Oaks Water Company attended this workshop.

In this workshop, Valley Water presented five major raw water and treated water pipeline projects that are scheduled in the next 2-5 years and discussed the impacts of these pipeline outages on the treated water operations as well as challenges to the treated water delivery to retailers. The retailers were engaged in an interactive discussion on their respective system capacities, alternate sources of treated water, and the contingency plan they might utilize. Valley Water received useful feedback from workshop attendees about their respective system limitations and potential backup sources they could rely upon under various situations. This ongoing collaborative effort will help Valley Water and water retailers understand each other's system limitations and challenges so that all are better prepared to ensure uninterrupted service to our mutual customers, the residents and businesses of Santa Clara County.

For further information, please contact Bhavani Yerrapotu at (408) 630-2735.

12. Valley Water Hosts Two Surface Water Program Virtual Public Meetings

Valley Water hosted two virtual public meetings on November 16 and 18, 2021 to seek public input on the potential updates to the Surface Water Program and the "Rules and Regulations for the Service of Surface Water" that have governed that program.

Valley Water Director Hsueh provided comments at both virtual meetings, with Chair Estremera and Director Santos participating in the first meeting. A combined total of 18 people participated in the virtual events through Zoom and 12 participants joined via Facebook Live.

The Surface Water Program was established in 1974 to allow direct surface water deliveries to a limited number of properties. Currently, the program delivers raw (untreated) water to only 64 customers whose properties are adjacent to large water transmission pipelines or streams managed by Valley Water. The primary purpose of incentivizing surface water use was to discourage groundwater pumping and maintain sustainability for the two groundwater sub-basins that Valley Water manages.

Valley Water responded to inquiries on the proposed changes to domestic surface water users and how properties with domestic and agricultural uses will be handled. Participants learned that the Valley Water Board of Directors will discuss the proposed changes to the Surface Water Program and the "Rules and Regulations for the Service of Surface Water" in 2022.

Recordings of the two virtual public meetings are available on Valley Water's Facebook page: www.facebook.com/SCVWD/videos.

For further information, please contact Rachael Gibson at (408) 781-4739.

13. Hsueh

Staff is asked to provide a written response to Mr. Jim Stallman's 11/9 public comment question, "Please provide an update on the estimated cost for the Sites Reservoir Expansion project."

R-21-0006

At the November 9, 2021 Board of Directors meeting, Valley Water was asked to provide a written response to Mr. Jim Stallman's public comment question, "Please provide an update on the estimated cost for the Sites Reservoir Expansion project." Valley Water responded on November 24, 2021 via email to Mr. Stallman with the following:

The Sites Project Authority released an updated estimate in June 2021 showing a capital cost of \$3.9 billion based on the current value of dollars in 2021. When accounting for inflation, the capital cost is expected to be \$4.4 - 4.5 billion. This new estimate was based on a 10% level of design. A prior estimate, showing the capital cost at \$3.1 billion (2021 dollars) was based on a level of design of less than 2%.

Valley Water's share of the capital costs will be dependent upon its ultimate participation level in the project. If Valley Water maintains its current participation level at 0.2%, then its cost share is expected to be \$10 million after accounting for inflation, based on the allocation of costs in the Sites Project 2021 Draft Plan of Finance. In addition to the capital cost, Valley Water would also need to pay its share of financing, operations, maintenance, and replacement costs.

Valley Water has contributed \$1.9 million towards the development of the project so far. Most of these contributions were made when Valley Water was seeking a larger share of the project benefits. Due to reducing its participation level to 0.2%, Valley Water has a contribution credit of \$1.8 million that may be applied to future participation payments or reimbursed to Valley Water as outlined in the Sites Credit Reimbursement Policy.

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

14. Kremen

Staff is to Provide Director Kremen with a draft copy of the Fiscal Year 2021 Annual Comprehensive Financial Report (ACFR).

I-21-0010

On Friday, November 19, 2021, staff provided Valley Water's Director Kremen with a draft copy of the Fiscal Year 2021 Annual Comprehensive Financial Report (ACFR). A copy of the file can be obtained by contacting the Clerk of the Board.

For further information, please contact Darin Taylor at (408) 630-3068.

Outlook as of December 1, 2021

Santa Clara County and most of California remain in extreme to exceptional drought after two consecutive dry years. Due to drought and the loss of Anderson Reservoir storage, the Board of Directors declared a water shortage emergency in June 2021 and called for water use reduction of 15% relative to 2019. Valley Water has secured emergency water supplies and ramped up water conservation programs and outreach, and most cities and retailers have enacted water use restrictions. Groundwater storage at the end of 2021 is projected to be in Stage 1 (Normal) of the Water Shortage Contingency Plan, but continued drought response is needed since dry conditions may continue. On December 1, the California Department of Water Resources set the initial 2022 State Water Project allocation at 0% of contract but pledged to meet unmet public health and safety needs. Valley Water will continue to closely track and adapt to changing conditions to ensure reliable water supplies, and encourages the community to make conservation a California way of life.

Weather

- Rainfall in San José:
 - » Month of November, City of San José = 0.15 inches
 - » Rainfall year total = 2.87 inches or 117% of average to date (rainfall year is July 1 to June 30)
- San José average daily high temperature was 69.3 degrees Fahrenheit in November, which is higher than the five-year average for November (67.9 degrees Fahrenheit)

Local Reservoirs

- Total December 1 storage = 18,625 acre-feet

Reservoir Storage	All Ten Valley Water Reservoirs	All Reservoirs Except Anderson
Current storage as % of unrestricted capacity	11%	20%
Current storage as % of restricted capacity ⁽¹⁾	30%	26%
Current storage as % of the 20-year average for December 1	30%	65%

(1) Per the Federal Energy Regulatory Commission's order, the capacity of Anderson Reservoir was restricted to the deadpool storage of about 3,050 AF. The total restricted capacity for all ten reservoirs is 62,592 acre-feet.

- Approximately 10 acre-feet of imported water delivered into Calero Reservoir during November 2021
- Total estimated releases to streams (local and imported water) during November were 2,950 acre-feet (based on preliminary hydrologic data)

Groundwater

- Seasonal recovery has begun to stabilize or increase groundwater levels in most areas, but groundwater levels continue to decline due to the drought in a few areas and levels remain lower than those at this time last year. Groundwater storage at the end of 2021 is projected to be in Stage 1 (Normal) of Valley Water's Water Shortage Contingency Plan

	Santa Clara Subbasin		Llagas Subbasin
	Santa Clara Plain	Coyote Valley	
November managed recharge estimate	4,200	1,400	1,300
January to November managed recharge estimate	31,900	12,900	14,800
January to November managed recharge as % of 5-year average	55%	80%	74%
October pumping estimate	6,600	1,200	4,500
January to October pumping estimate	70,300	11,700	37,500
January to October pumping as % of 5-year average	127%	125%	103%
Current index groundwater levels compared to November 2020	3 Feet Lower	3 Feet Lower	14 Feet Lower

All volumes are in acre-feet. All data is for 2021 except where noted.

Imported Water

- 2022 State Water Project (SWP) and Central Valley Project (CVP) allocations:
 - » SWP initial allocation is set to meet a contractor's unmet public health and safety needs
 - » South-of-Delta CVP allocations have not yet been identified
- Statewide reservoir storage information, as of November 30, 2021:
 - » Shasta Reservoir at 25% of capacity (46% of average for this date)
 - » Oroville Reservoir at 30% of capacity (60% of average for this date)
 - » San Luis Reservoir at 24% of capacity (46% of average for this date)
- Valley Water's Semitropic groundwater bank reserves are near 89% of capacity, or 309,966 acre-feet, as of October 31, 2021
- Estimated SFPUC deliveries to Santa Clara County:
 - » Month of October = 3,654 acre-feet
 - » 2021 Total to Date: 40,710 acre-feet
 - » Five-year annual average = 48,700 acre-feet
- Board Governance Policy No. EL-5.3.3 includes keeping the Board informed of imported water management activities on an ongoing basis. No imported water agreements have been executed under EL-5.3.3 since the last Water Tracker update

Treated Water

- Below average demands of 6,116 acre-feet delivered in November
- This total is 84% of the five-year average for the month of November
- Year-to-date deliveries are 89,111 acre-feet or 92% of the five-year average

Conserved Water

- Saved 74,198 acre-feet in FY20 through Valley Water's long-term conservation program (baseline year is 1992)
- Long-term program goal is to save nearly 100,000 acre-feet by 2030 and 110,000 acre-feet by 2040
- On June 9, 2021, the Board called for a 15% reduction in water use compared to 2019, for the public to limit irrigation of ornamental landscapes with potable water to a maximum of three days per week, and for retailers, cities and the County to implement local water restrictions
- The community has continued to increase its drought-related conservation from June 2021, with October 2021 water use approximately 16% less than October 2019 water use. October was a relatively wet month compared to October 2019

Recycled Water

- Estimated November 2021 production = 1,104 acre-feet
- Estimated year-to-date through November = 15,659 acre-feet or 94% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.6 billion gallons (4,864 acre-feet) of purified water in 2020. Since the beginning of 2021, about 5,110 acre-feet of purified water has been produced. The purified water is blended with existing tertiary recycled water for South Bay Water Recycling Program customers

Alternative Sources

- As of December 10, 2019, Valley Water's wastewater contract right from Palo Alto/Mountain View remains at 11,200 acre-feet/year

CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, email info@valleywater.org or use our **Access Valley Water** customer request system at <https://deliver.com/2yukx>.



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BOARD MEMBER REQUESTS and Informational Items



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Christopher Hakes, P.E.
Deputy Operating Officer

SUBJECT: Response to Informal Board Member
Request I-21-0009 Regarding
Anderson and Pacheco Dams/Reservoirs

DATE: December 2, 2021

On November 19, 2021 Director Santos requested information on the Anderson Dam, the 2017 Coyote Creek Flooding, and Pacheco Dam. The attached factsheet is in response to Individual Board Member Request I-21-0009.

A handwritten signature in blue ink, appearing to read "Ch Hakes", positioned above a horizontal line.

Christopher Hakes, P.E.
Deputy Operating Officer
Dam Safety & Capital Delivery

Cc: M. Richardson

Attachment 1: Fact Sheet for Anderson and Pacheco Dams/Reservoirs

Attachment 1

Fact Sheet for Anderson and Pacheco Dams/Reservoirs

November 2021

Topic	Requested Info	Facts
Anderson Dam	Anderson Dam's construction date	Anderson Dam was constructed in 1950 . (The total reservoir capacity is 90,000 acre-feet.)
	(Original) State and federal (permitting) agencies	The California Department of Water Resources Division of Safety of Dams (DSOD) approved the original dam construction.
	What Federal & State agencies condemned the dam because of earthquake potential? Dates?	<ul style="list-style-type: none"> • DSOD imposed a seismic restriction in 2009, limiting storage to 74% of capacity. DSOD updated its restriction in 2010 to 56%, in 2011 to 68%, and in 2017 to 58% of reservoir capacity. • The Federal Energy Regulatory Commission (FERC) imposed a seismic restriction on February 20, 2020, to operate the reservoir below Elevation 565 feet (35% of capacity), and ordered VW to start, no later than October 1, 2020, to draw down the reservoir to reach Elevation 488 feet, that is, a deadpool of 3% of reservoir capacity. (Deadpool was reached in mid-December 2020.)
	Short version on AB 3005 (Rivas) to reduce the amount of time to construct, date Gov. Newsom vetoed bill, and why?	<ul style="list-style-type: none"> • AB 3005 (R. Rivas), the bill to expedite permitting for the Anderson Dam Seismic Retrofit Project (ADSRP), was vetoed by Governor Newsom on September 29, 2020. His official veto message stated that the bill set unrealistic timelines to expedite permitting and would divert state agency staff away from other critical projects throughout the state that are going through the CEQA process. • His message also stated that it would set a problematic precedent that may undermine the quality of review by state departments. It went on to state that a project of this magnitude will have significant environmental impacts and that a review through the full CEQA process is necessary. • Inconsistent with this message, the Governor signed a bill with identical language for expedited judicial review of CEQA challenges for a large waterfront development in San Diego. • AB 3005 was supported internally by the California Natural Resources Agency, the State Water Resources Control Board, the California Department of Fish and Wildlife, and the Department of Water Resources.

		<ul style="list-style-type: none"> • The California Air Resources Board is believed to have opposed the signature of AB 3005, because the offsets for the greenhouse gas emissions of the ADSRP construction would not be approved by the Valley Water Board before the start of construction and instead would have been approved within 2 years of the occurrence of the emissions. (The urgent start of construction did not provide enough time to commence local offset programs, and the urgent project could not wait for offset programs to be established.) • Valley Water staff successfully parleyed the AB 3005 veto into the establishment of the Governor’s Office Anderson Dam Executive Working Group, which has met several times during 2021 and has been instrumental in holding state permitting agencies accountable for the timely issuance of Anderson Dam permits. Staff believe that the Executive Working Group has resulted in getting state permits faster than otherwise would have been possible.
	<p>What date did Gov Newsom declare water drought emergency in SC County?</p>	<p>On July 8, 2021, Governor Gavin Newsom extended the emergency drought proclamation to include nine additional counties, including Santa Clara County. On that date, the proclamation included 50 of the state’s 58 counties.</p>
	<p>List the 13 or so agencies (state/Fed) we have to work with to construct this Dam?</p>	<p><u>Federal:</u></p> <ul style="list-style-type: none"> • Federal Energy Regulatory Commission (FERC) • United States Army Corps of Engineers (USACE) • United States Fish and Wildlife Services (USFWS) • National Marine Fisheries Service (NMFS) <p><u>State:</u></p> <ul style="list-style-type: none"> • California Department of Water Resources Division of Safety of Dams (DSOD) • California Department of Fish and Wildlife (CDFW) • Valley Habitat Plan (VHP) • California State Water Resources Control Board (SWRCB) • San Francisco Bay Regional Water Quality Control Board (SFRWQCB) • State Historic Preservation Officer (SHPO) <p><u>Local:</u></p> <ul style="list-style-type: none"> • County of Santa Clara (Parks) • Valley Habitat Agency (VHA) • City of Morgan Hill • City of Gilroy • City of San José

2017 Coyote Creek Flooding	When, date, time and what agencies informed VW to release water from Anderson Dam?	No agencies advised Valley Water to release water from Anderson Reservoir. We operate the reservoir based on Valley Water rule curves to maximize water supply and reduce the risk of flooding.
	How much water were we supposed to keep for drinking water?	<p>There is no one number. The optimal or target storage for water supply varies throughout the year. It follows a rule curve yearlong, designed to maximize the water supply benefit.</p> <p>A sequence of storms from early January through February 2017 caused the reservoir storage to exceed the rule curve. Staff opened the outlet valve 100%, but the watershed runoff (inflow) entering the reservoir far exceeded the outlet pipe capacity (of about 450 cfs), so the storage kept on building up above the rule curve. By Presidents' Day weekend, storage was way higher than the rule curve and the reservoir started to spill, as it was designed to do.</p> <p>Anderson Dam worked as designed in January-February of 2017. It captured as much of the inflow as its volume allowed, and then it safely conveyed the excess flows (reduced significantly compared to the inflow peaks) over the spillway, exactly as designed. In fact, if it were not for the dam's seismic issue, there would be nothing to fix at Anderson Dam in terms of its intended use. The reservoir has been throttling (or routing) flows for more than 70 years and it did so in 2017 as well.</p>
	When did VW inform city of San José of potential flood risk?	The earliest mention of potential issues is an e-mail exchange between Jack Xu (VW) and Casey Hirasaki (City of San José) the morning of February 8, 2017, in which it was mentioned that Anderson may spill as a result of the following week's storms.
	What time and date did VW open up first EOC?	Operation Period 1 began at 0800 on February 20, 2017.
	When did SJ open up their EOC?	City of San Jose activated their EOC on 2/20/17 at 0700 hrs (7:00 am).
Pacheco Dam	When built, by who, when was it non operable, and why?	The existing North Fork Dam was constructed in 1938 by Pacheco Pass Water District (PPWD). PPWD has received a series of letters from the California Department of Water Resources, Division of Safety of Dams (DSOD) regarding

		<p>deficiencies of the spillway of the existing dam. The initial DSOD letter was received in early 2017 identifying the need for a plan for repairs; however, as progress has not been demonstrated to DSOD, the severity of operational restrictions has increased over time.</p>
	<p>When did VW start looking into this as to re-construct and who was the players in this project?</p>	<p>Valley Water never officially looked into re-construction of the existing North Fork Dam because of liability issues associated with potential dam failure.</p> <p>The proposed expansion of Pacheco Reservoir would decommission (i.e., remove) the existing North Fork Dam and construct a new dam and appurtenant facilities (spillway, inlet/outlet structure) upstream of the existing dam. Due to geological conditions, the location of the existing dam is not a feasible site for a larger dam.</p> <p>Valley Water initially looked at potential new/expanded storage on Pacheco Creek in the 1990s, which identified several potential dam sites/reservoir locations (the 'Wahler Report' 1993). In the early 2000s, prior to Reclamation engagement, Valley Water initiated studies on the San Luis Low Point Improvement Project (SLLPIP), including a Pacheco Reservoir expansion alternative. In 2002, Reclamation initiated their Federal Feasibility Study on SLLPIP, which included Pacheco Reservoir Expansion as an alternative and continues to lead SLLPIP related studies in partnership with Valley Water.</p> <p>In 2016, Valley Water reformulated Pacheco Reservoir Expansion to include multiple public benefits to apply for funding under the for the California Water Commission's Water Storage Investment Program (WSIP).</p>
	<p>Cost & how much have we received?</p>	<p>WSIP Funding: <i>Current cost of the project:</i></p> <ul style="list-style-type: none"> • November 2021 WSIP Supplemental Feasibility Documentation submitted to CWC (April 2021 price levels excludes inflation escalation): \$1.87 billion • 2022-2026 Five Year CIP (with inflation escalation): \$2.519 billion • Current CWC award amount: \$496,663,750 • Early funding award amount: \$24.2 million <p>Valley Water has received \$10,360,680 from Early Funding Agreement for reimbursement of Pacheco project costs incurred through June 30, 2021. An additional \$1,340,876 in costs through September 30, 2021 has been approved for payment by the CWC and is awaiting receipt. Early Funding Agreement expires at the</p>

		<p>end of 2021. We are finalizing an amendment to the Agreement to extend the duration and scope of the early funding so that we can continue billing to the \$24.2 million limit of the award.</p> <p>WIFIA Funding: Through the U.S. Environmental Protection Agency’s Water Infrastructure Finance and Innovation Act (WIFIA), Valley Water has been selected to submit loan applications totaling \$1.27 billion (based on two letters of interest for \$693 million and \$575 million that were both selected). WIFIA provides very low interest loans for infrastructure projects.</p>
	<p>How much can we get from the Biden’s infrastructure bill?</p>	<p>WIIN Act Funding: Title IX – Western Water Infrastructure of the Infrastructure Investment and Jobs Act extends the Storage Water Infrastructure for the Nation (WIIN) Act grant program. SLLPIP is one of the 12 projects eligible for WIIN Act storage program grant funding (see Section 40901(1) Authorizations of Appropriations). The Pacheco Reservoir Expansion Alternative was identified as the Recommended Plan in the Draft SLLPIP Feasibility Report issued in 2019. Under the WIIN Act Storage Program, the expansion of Pacheco Reservoir would be eligible for up to 25% of Project costs including construction and interest during construction.</p>

Original e-mail from Director Santos:

Subject: Request for information - Dick Santos

Anderson Dam – when date constructed, what state and federal agencies approved – date & what Federal & State agencies condemned the dam, because of earthquake potential? Short version, on AB 3005 (Rivas) to reduce the amount of time to construct, & date Gov Newsom vetoed bill and why? What date did Gov Newsom declare water drought emergency in SC County?

2017 flood – when, date, time and what agencies informed VW to release water from Anderson Dam, and how much were we suppose to keep for drinking water – when did VW inform city of San Jose of potential flood risk, what time date did VW open ups l’st EOC Bldg and when did SJ open up theirs? List the 13 or so agencies (state/Fed) we have to work with to construct this Dam?

Pacheco Dam – when built by who & when was it non operable and why – I know much of this, but I would like some info in chronicle order with facts? When did VW start looking into this as to re-construct and who was the players in this project? Cost & how much have we received? How much can we get from the Biden’s infrastructure bill?

I would like this if possible before the last week in Nov – Have anyone to call me, and I can be helpful – Thanks, see who you can get, what Chief to approve, Dick Santos