

June 16, 2017

**Board Policy: EL-7 Communication and Support to the Board**

The BAOs shall inform and support the Board in its work.

**Page #      A. NEWSLETTERS & BRIEFINGS**

4              **Water Tracker Report:** 06/01/17

6              **ACWA e-news:** 06/14/17

**B. CEO BULLETIN**

12             **Week of:** 06/09/17 – 06/15/17

**C. BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS**

16             **BMR/IBMR Weekly Reports:** 06/15/17

18             Memo from Jim Fiedler, COO – Water Utility Enterprise, to the Board, dated 06/06/17, regarding San Jose Water Company's Project profiled in PAX Water Technologies' promotional material.

21             Memo from Rachael Gibson, Interim DAO – Government Relations, to Rick Callender, CEA, dated 06/09/17, regarding the Monthly Legislative Summary for May 2017.

27             Memo from Melanie Richardson, Interim COO – Watersheds, to Norma Camacho, Interim CEO, dated 06/13/17, regarding maps and lists of primary creeks prone to flooding (I-17-0009).

**D. INCOMING BOARD CORRESPONDENCE**

44             **Board Correspondence Weekly Report:** 06/15/17

45             Email from Steven Ferla, Sierra Club/Loma Prieta Chapter, to the Board, dated 06/09/17, regarding the Lower Berryessa Creek Program Redesign, Permits, and CEQA (C-17-0223).

61             Email from Katja Irvin to the Board, dated 06/11/17 regarding public input during board meetings (C-17-0224).

64             Email from Patrick Ferraro to the Board, dated 06/13/17, regarding FEMA regulations on no-rise certification for floodways (C-17-0225).

65             Email from Jeffrey Hare to Director Keegan, dated 06/14/17, regarding a meeting to discuss emergency pumps (C-17-0226).

68             Email from Doris Tuck to Vice-Chair Santos, dated 06/15/17, regarding the Piedmont Perc Ponds (C-17-0227).

69             Email from John Tang, SJWC, to the Board, dated 06/14/17, regarding wording used in water conservation resolutions (C-17-0228).

#### **E. OUTGOING BOARD CORRESPONDENCE**

- 71                Reply email from Chair Varela to Michael Kraus, dated 06/12/17, regarding the conditions of Penitencia Creek Park Pond (C-17-0219).

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](mailto:publicrecords@valleywater.org).

# **NEWSLETTERS & BRIEFINGS**

A monthly assessment of trends in water supply and use for Santa Clara County, California

## Outlook as of June 1, 2017

January and February storms generated extraordinarily large flows in local creeks, and District reservoirs are currently at 98% of average for this date.

On January 31, 2017, the Board of Directors (Board) approved a resolution calling for 20 percent reduction and continued certain water waste prohibitions, but removed the recommendation that retailers implement mandatory measures. The Board also called for continued restrictions on watering schedules to a maximum of three times a week.

On April 7, 2017, the Governor issued an Executive Order (EO) ending the drought state of emergency for a majority of the state. In response to the EO, the State Board rescinded their mandatory conservation and stress test requirements, however they are continuing with the water use prohibitions and monthly reporting for urban water retailers.

Groundwater recharge in 2016 was far greater than in normal years. Preliminary water supply analysis shows that 2017 District recharge, together with natural recharge, will sustain or further improve groundwater storage in 2017.

### Weather



#### Rainfall in San Jose

- Month of May = 0 inches
- Rainfall year to date = 17.17 inches (Rainfall year is July 1 to June 30)
- Normal rainfall for the full year = 14.33 inches
- June 2 Northern Sierra snowpack was 185% of normal for this date

### Local Reservoirs



- Total June 1 storage = 109,358 acre-feet
  - » 98% of 20-year average for that date
  - » 65% of total capacity
  - » 96% of restricted capacity (169,009 acre-feet total storage capacity limited by seismic restrictions to 113,667 acre-feet)
- Approximately 490 acre-feet of imported water was delivered into local reservoirs during May 2017
- Total estimated releases to streams (local and imported water) during April was 12,980 acre-feet

### Groundwater



- Groundwater (GW) Storage: Total storage at the end of 2017 is predicted to fall within Stage 1 (Normal) of the District's Water Shortage Contingency Plan

	Santa Clara Subbasin		Llagas Subbasin
	Santa Clara Plain	Coyote Valley	
May managed recharge estimate (AF)	6,500	900	2,000
January to May managed recharge estimate (AF)	13,800	4,100	4,000
January to May managed recharge, % of 5-year avg.	72%	100%	60%
April pumping estimate (AF)	6,200	900	2,400
January to April pumping estimate (AF)	17,700	3,200	9,500
January to April pumping, % of 5-year average	82%	108%	98%
GW index well level compared to last May	Increase	Increase	Increase

AF = acre-feet

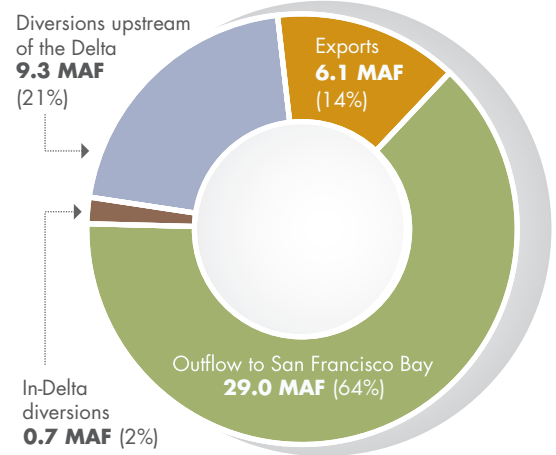


## Imported Water



- As of June 1, 2017, the Statewide Average snowpack water content is 192% of the historic average for this date
- 2017 State Water Project (SWP) and Central Valley Project (CVP):
  - » 2017 SWP allocation: 85% announced on April 14, 2017, provides 85,000 acre-feet
  - » 2017 South-of-Delta CVP allocations announced on April 11, 2017.
    - M&I water service allocation: 100%, District's M&I allocation is 119,400 AF
    - Agricultural water service allocation: 100%, or 33,100 AF
- Reservoir storage information, as of June 1, 2017:
  - » Shasta Reservoir at 96% of capacity (112% of average for this date)
  - » Oroville Reservoir at 70% of capacity (82% of average for this date)
  - » San Luis Reservoir at 94% of capacity (118% of average for this date)
- District's Semitropic groundwater bank reserves: An estimated 196,697 acre-feet as of June 1, 2017
- Estimated SFPUC deliveries to Santa Clara County:
  - » Month of May = 3,450 acre-feet
  - » 2017 Total to Date = 13,864 acre-feet
  - » Five-year annual average is 48,700 acre-feet

**Delta Watershed Diversions and Outflow  
Typical Annual Balance  
Average Years (45.1 MAF)**



**Note:** Percentages may not add up to 100% due to rounding to the nearest percent.

## Treated Water



- Below average demands of 10,475 acre-feet delivered in May
- This total is 97% of the five-year average for the month of May
- Year-to-date = 34,102 acre-feet or 89% of the five-year average

## Conserved Water

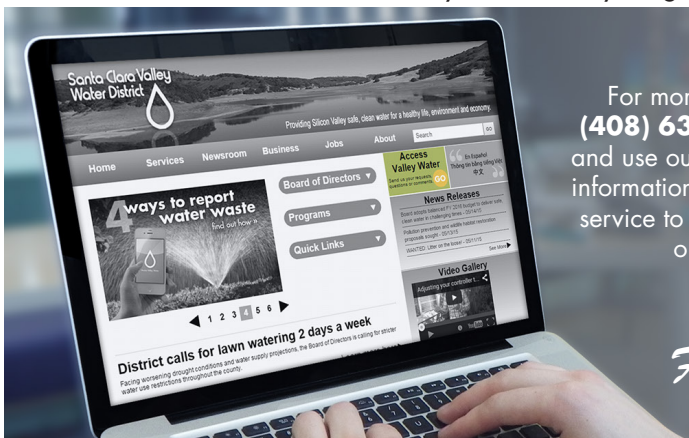


- Saved 69,000 acre-feet in FY16 from long-term program (baseline year is 1992)
- Long-term program goal is to save nearly 72,000 acre-feet in FY17
- The Board has called for a 20% reduction and a limit of three days per week for irrigation of ornamental landscape with potable water
- Achieved a 28% reduction in water use through the first four months of 2017, compared to 2013

## Recycled Water



- Estimated May 2017 production = 1,500 acre-feet
- Estimated Year-to-Date through May = 4,800 acre-feet or 73% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.3 billion gallons (3,900 acre-feet) of purified water in 2016. Since the beginning of 2017, about 900 acre-feet of purified water has been blended with existing tertiary recycled water for South Bay Water Recycling Program's customers



## CONTACT US

For more information, contact **Customer relations** at **(408) 630-2880**, or visit our website at [valleywater.org](http://valleywater.org) and use our **Access Valley Water** customer request and information system. With three easy steps, you can use this service to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person.



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## ACWA eNews for June 14, 2017

in [ACWA eNews](#)

ACWA's eNews is a weekly roundup of California water news and events. Manage your subscription [here](#).

### **Blog Post: PPIC Weighs in at a Key Time in Conservation Policy Debate**

Submitted by Lisa Lien-Mager on Wed, 06/14/2017 - 1:01pm



As lawmakers debate competing proposals for long-term conservation, the Public Policy Institute of California is weighing in with some important conclusions that affirm what ACWA and the water community have been advocating, ACWA Executive Director Timothy Quinn writes in the latest entry in the Voices on Water Blog.

Read the complete blog post [here](#).

### **PPIC Report: California Urban Water Suppliers Well Prepared for Recent Drought**

Submitted by Pamela Martineau on Thu, 06/08/2017 - 12:33pm



California's urban water suppliers were generally well prepared for the most recent drought due to investments in local supplies and programs, but the state's mandated conservation targets

disrupted some local programs and created uncertainties about future state and local roles.

[Read more](#)

## **ACWA Seeks Leaders for 2018-'19 Elected Term**

Submitted by Emily Allshouse on Thu, 06/08/2017 - 1:39pm



The ACWA Nominating Committee is seeking nominations for qualified candidates to serve as ACWA president and vice president for the 2018-'19 elected term.

To be eligible for election, candidates must be elected or appointed directors of ACWA member agencies according to ACWA Bylaws and Board of Directors' policy.

[Read more](#)   [2 attachments](#)

## **Legislative Proposals Due Sept. 1**

Submitted by Pamela Martineau on Wed, 05/31/2017 - 4:03pm



The ACWA State Relations Department is accepting legislative proposals from member agencies for the second year of the 2017-'18 legislative session. The State Legislative Committee will review final legislative proposals at its upcoming annual planning meeting on Oct. 20 in Sacramento.

[Read more](#)

## **Call for Candidates for ACWA Region Boards Closes June 30**

Submitted by Pamela Martineau on Wed, 05/03/2017 - 5:21pm



Want to become more involved in ACWA and serve your community at the same time? Join one of ACWA's region boards. The call for candidates wishing to serve on ACWA region boards for the

2018-'19 term opened May 1 and will close on June 30.

[Read more](#)

## **Call for Entries: ACWA's Fall Awards Recognize Leadership, Communication**

Submitted by Marie Meade on Thu, 06/08/2017 - 1:48pm



Innovative communications programs and outstanding leadership will be recognized with ACWA's annual awards at the association's 2017 Fall Conference & Exhibition Nov. 28-Dec. 1 in Anaheim.

ACWA's Huell Howser Best in Blue Award honors public water agency efforts in communicating with customers, legislators, media and the public. The award focuses on creativity, transparency and use of available funds.

[Read more](#)

## **Special Outreach Awards Acknowledge ACWA Member Legislative Efforts**

Submitted by Marie Meade on Fri, 06/09/2017 - 11:31am



ACWA member efforts impact the direction of California water legislation, and a variety of these contributions are honored with four special outreach awards.

In addition to the Regional and Overall Outreach Awards, ACWA also offers four special outreach awards: Most Active Small Agency, Most Effective Agency on Federal Issues, Most Compelling Case, and Rising Star. ACWA member agencies may apply for all four categories of special recognition if eligible.

[Read more](#)

## **10th Annual O.C. Water Summit**

Fri, 06/16/2017 - 7:30am - 1:30pm

**Location:** Grand Californians Hotel, Disneyland Resort, Anaheim, CA

The 10th Annual O.C. Water Summit will be held June 16 and delve into such issues as desalination, aging infrastructure, storm water capture and the "four water revolutions. A strong line-up of speakers is slated for the event including best-selling author Seth M. Siegel, who wrote "Let There Be Water: Israel's Solution for a Water Starved World."

[Registration and further information](#)

## **PPIC Briefing and Webinar: "Building Drought Resilience in California's Cities and Suburbs"**

Fri, 06/16/2017 - 12:00pm - 1:30pm

**Location:** Capitol Event Center, 1020 11th St., Second floor, Sacramento

The Public Policy Institute of California is hosting an in-person briefing and simultaneous webinar to discuss its most recent report -- "Building Drought Resilience in California's Cities and Suburbs." The report examines how local water districts helped the state endure the most recent drought through investment in local water supply and locally tailored demand management efforts.

[PPIC Webinar and Briefing Registration](#)

## **International Water Association - 11th International Conference on Water Reclamation and Reuse**

Sun, 07/23/2017 - Thu, 07/27/2017

**Location:** Long Beach, CA

National Water Research Institute (NWRI), Water Environment and Research Foundation (WE&RF), and WaterReuse California (WRA CA) are teaming up to host the International Water Association's (IWA) annual conference in Long Beach, California, on July 23-27, 2017.

[Conference Website](#)

[Read more](#)

## **HEADWATERS TOUR 2017**

Wed, 09/13/2017 - Thu, 09/14/2017

**Location:** TBD

THIS TOUR WAS RESCHEDULED FROM APRIL TO SEPTEMBER DUE TO SNOW CONDITIONS. Presented by the Water Education Foundation. Sixty percent of California's developed water supply originates high in the Sierra Nevada mountains. Our water supply is largely dependent on the health of our Sierra forests, which are suffering from ecosystem degradation, drought, wildfires and widespread tree mortality. Join us as we head up into the foothills and the mountains to examine water issues that happen upstream but have dramatic impacts downstream and throughout the state.

[Registration](#)

[Read more](#)

## **NORTHERN CALIFORNIA TOUR 2017**

Wed, 10/11/2017 - Fri, 10/13/2017

**Location:** The tour begins and ends at Sacramento International Airport.

Presented by the Water Education Foundation, this tour will explore the Sacramento River and its tributaries

### **INFORMATION**

[Read more](#)

## **ACWA 2017 Fall Conference & Exhibition**

Tue, 11/28/2017 - Fri, 12/01/2017

**Location:** Anaheim, CA

ACWA's 2017 Fall Conference & Exhibition is set for November 28-December 1 at the Anaheim Marriott Hotel in Anaheim. Further details to come.

### **IMPORTANT LINKS:**

- [Exhibitor Information](#)

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# **CEO BULLETIN**

To: Board of Directors  
From: Norma J. Camacho, Interim CEO

## Chief Executive Officer Bulletin Week of June 9 –15, 2017

### 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.*

Page	IN THIS ISSUE
<a href="#"><u>1</u></a>	Status of Wolfe Road Recycled Water Facilities Project
<a href="#"><u>2</u></a>	South Bay Salt Pond Restoration Project Update – All Gates at Pond A8 Notch Fully Open for First Time on June 2, 2017
<a href="#"><u>3</u></a>	<u>Director Varela</u> Chair Varela has requested that staff provide the Board with a map and list of the primary creeks within the county prone to flooding identifying ownership of specific areas of each creek, i.e. city, county, private I-17-0009

### Status of Wolfe Road Recycled Water Facilities Project

On February 9, 2016, the board awarded the Wolfe Road Recycled Water Facilities Project (Project) construction contract to JMB Construction, Inc. (JMB) in the amount of \$\$8,868,584, with a \$1,330,000 contingency fund.

JMB began work on the project in March of 2016, and substantially completed construction of the project's 2.5 miles of 24-inch diameter recycled water piping and pump station.

JMB is currently completing work identified on the Project's deficiency list. One item is the relocation of an air valve assembly and enclosure from the sidewalk into a public utility easement. The City of Sunnyvale requested this work to improve sidewalk clearance and meet required Americans with Disabilities Act (ADA) guidelines.

The owner of the property, on which the public utility easement exists, has objected to the proposed relocation of the air valve assembly and enclosure onto the easement, stating that the City of Sunnyvale and the water district do not have the proper authority to perform the relocation.

A property line survey and title report evaluation have been conducted and confirmed the limits and availability of the public utility easement for the relocation. Additionally, both the City of Sunnyvale and water district's legal counsel have reviewed the easement language and determined that sufficient rights exist to perform the relocation.



With concurrence from the City of Sunnyvale, the water district notified the property owner of the plans to utilize the easement on April 21, 2017. Since that time, the water district and City of Sunnyvale have worked together to provide the property owner with additional information and both have met directly with the property owner and responded to their inquiries. Nonetheless, the property owner remains resolute in their position.

To avoid further delay and enable completion of the construction work, the water district provided an additional notice to the property owner on May 26, 2017, indicating that relocation of the air valve will proceed the week of June 5, 2017. The City of Sunnyvale concurs with, and supports, the decision to proceed with the relocation work during the week of June 5, 2017, as noticed.

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

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### **South Bay Salt Pond Restoration Project Update – All Gates at Pond A8 Notch Fully Open for First Time on June 2, 2017**

The South Bay Salt Pond Restoration Project (SBSPRP) is the largest wetland restoration project on the West Coast in the United States. The water district has been a major partner in the restoration effort since it was initiated in the early 2000's.

As a part of SBSPRP, the water district started construction of a water control structure (an 8-bay weir that is referred to as the 'notch') to connect Pond A8 to Alviso Slough in January 2010. The gradual opening of this former salt pond to tidal action is a major part of the restoration effort.

In June 2011, the first of eight gates of the notch was intermittently opened. The SBSPRP includes an adaptive management approach where additional gates continue to be opened as analysis from ongoing monitoring and scientific investigation reduced the uncertainties related to possible spread of mercury contaminated sediments to the environment, including fish and bird populations. The mercury contaminated sediments in Pond A8 and Alviso Slough are the result of historic mining activities in the New Almaden Quicksilver mines.

Opening the additional gates not only contributes toward the restoration goal of converting Pond A8 to tidal inputs, it also may help scour Alviso Slough, creating a deeper and wider channel that would enhance the recreational opportunities for both the Alviso community and Santa Clara County.

For the past three years, the water district has made significant financial contributions toward monitoring and research efforts to study mercury and fish stranding issues related to gate openings. With the water district's assistance, the SBSPRP was able to achieve opening all the gates on June 2, 2017.

Through monitoring and research efforts, the water district will continue to study the impacts of fully opening all the gates with the goal of making the entire A8 pond complex fully tidal. Additional detailed project updates will be provided to the board during its August 22, 2017, meeting.

Further information is available on the SBSPRP Facebook page:  
<https://www.facebook.com/southbayrestoration/posts/1537213572970229>

For further information, please contact Afshin Rouhani at (408) 630-2616.

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**Chair Varela has requested that staff provide the Board with a map and list of the primary creeks within the county prone to flooding identifying ownership of areas of each creek, i.e. city, county, private  
I-17-0009**

The maps showing property ownership along creeks that are prone to flooding are included in the June 16, 2017, Non-Agenda packet.

For further information, please contact Sue Tippetts at (408) 630-2353.

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# **BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS**

Request	Completed Date	Meeting Date	Director	GM / AGM	Description	20 Days Due Date	Expected Completion Date	Disposition
R-16-0021	Pending	04/12/16	Keegan	Stanton	Staff to take a preliminary look at the use of PLAs on Non-federal District projects.	03/22/17		03/02/17 Continued. 07/28/16 CEO Bulletin.
R-17-0016	Pending	05/23/17	Kremen	King	The Board directed staff to agendize an item for Board Discussion on the roles and functions of directors serving on external committees.	06/12/17		
R-17-0014	Pending	05/09/17	Santos	King	Staff to schedule Board policy meeting to review and discuss EL-5 (Procurement).	05/30/17		
R-17-0017	Pending	06/13/17	Varela	Camacho	Staff to follow up with Quyen Vuong in regards to questions asked during 6/13/17 Public Hearing on the Safe, Clean Water-Coyote Creek Flood Protection Project (see attached Request to Speak card).	07/04/17		
R-17-0018	Pending	06/13/17	Varela	Camacho	Staff to follow up with Aurelia Sanchez in regards to questions asked during 6/13/17 Public Hearing on the Safe, Clean Water-Coyote Creek Flood Protection Project (see attached Request to Speak card).	07/04/17		

Request	Completed Date	Request Date	Director	GM / AGM	Description	20 Days Due Date	Expected Completion Date	Disposition
I-17-0008	Pending	05/15/17	Varela	Fiedler	Chair Varela has requested information on the reinforced concrete pipeline from the Uvas Dam to Llagas Creek that was created to divert water from Uvas Creek to percolate in Llagas Creek, as described in 1956 Agreement between So. SCV Water Conservation District and Department of Fish and Game	06/04/17		
I-17-0009	Pending	05/23/17	Varela	Camacho	Staff to provide the Board with a map and list of the primary creeks within the county prone to flooding that identifies ownership of specific areas of the each creek, i.e. city, county, private and/or District ownership.	06/15/17		

**TO:** Board of Directors

**FROM:** Jim Fiedler

**SUBJECT:** San Jose Water Company Project Profiled by  
PAX Water Technologies

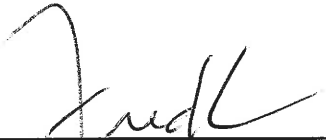
**DATE:** June 6, 2017

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San Jose Water Company (SJWC) undertook a project in 2014 to install a PAX aeration system in one of their More Avenue reservoirs. The purpose of the PAX system is to reduce the level of disinfection byproducts, particularly trihalomethanes (THM) in drinking water. SJWC's project is profiled in PAX Water Technology's company promotional material (Attachment 1).

From 2014 to 2016, the extended drought in California resulted in degraded water quality in the water imported from the Delta. Coupled with increased water detention times due to reduced water usage, THMs from the District's Rinconada Water Treatment Plant, which still relies on chlorine for disinfection, were high at times. THMs continue to form in the drinking water distribution system, and are generally at the highest levels in retailer distribution systems. Currently, THMs are back to pre-drought levels with improved source water quality. THMs from Rinconada are also expected to be significantly reduced once the Reliability Improvement Project is completed in 2020.

The District evaluated PAX mixers for our finished water clearwells and reservoirs as well. However, the high turnover rates in District clearwells and reservoirs would require much bigger systems, making the use of PAX mixers a less attractive alternative for the District.



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James M. Fiedler, P.E., D.WRE  
Chief Operating Officer  
Water Utility Enterprise

Attachment 1: PAX Water Technologies Project Profile: *California Utility Takes Proactive Approach to THM control in a 12 MG Underground Water Tank.*

cc: A. Cheung, J. Castro

## California Utility Takes Proactive Approach to THM Control in a 12-MG Underground Water Tank

San Jose Water Company, situated in the heart of California's Silicon Valley, is used to being on the forefront of innovation. As one of the largest and most technologically advanced investor-owned utilities in the United States, San Jose Water has taken a proactive approach to improve drinking water quality and lower operating costs.

San Jose Water carries out a thorough and sophisticated water quality monitoring program to protect public health. In February 2014, these programs alerted management to a significant new threat to drinking water quality: disinfection by-products (DBPs).

"As part of our Stage 2 DBP monitoring program, we evaluate DBP levels across the system," explains Water Quality Engineer Adam Feffer. "In February 2014, results showed a significant increase in DBP levels. Our wholesale supplier (Santa Clara Valley Water District) corroborated that water quality was deteriorating due to drought. The projection was that it was going to get worse."



*Empty tank – Empty More Ave. reservoir during installation of in-tank aeration system.*

Drought has a direct effect on DBPs in two ways. First, lower-than-average water flows often result in higher concentrations in organic matter in raw water: organic matter reacts with chlorine to form disinfection by-products. Secondly, due to the geology of the area, bromide levels in raw water also increase. Bromide drives the formation of bromoform and other bromine-containing disinfection by-products.

The part of the San Jose Water system that caused the greatest concern was the western part of the system. Water for this part of the system is treated by Santa Clara Valley Water's Rinconada Treatment Plant and then enters the San Jose system at the 12 MG More Avenue reservoir. Five DBP sample locations downstream of the More Ave. reservoir showed significant elevations in THM levels. While the water system remained in compliance, managers at San Jose Water wanted to eliminate the risk of a future operational exceedance in the summer of 2014 – when THM levels were expected to be highest.

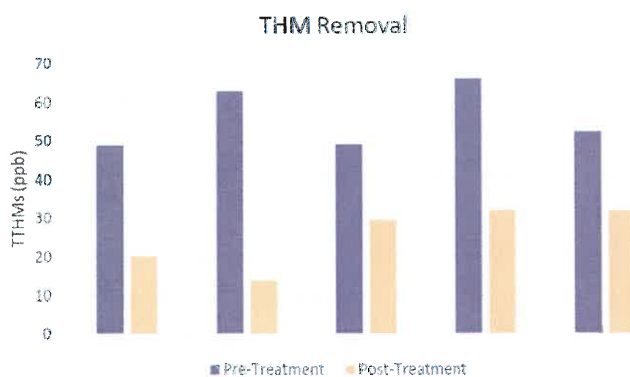
"I had recently attended a webinar on the subject of in-tank aeration as a means of reducing THM levels in finished drinking water," recalls Feffer, "and it seemed like a promising approach to try." In-tank aeration utilizes conventional water aeration technology in a new way. Instead of transferring oxygen into water, aeration is used to strip THMs out of the water after they form. The advantage of this approach is that aeration can be applied in selective parts of a water distribution system – lowering THM levels where the need is greatest.



San Jose Water contacted PAX Water, who began the design phase of the project immediately. The aeration system would consist of seven surface aerators and two PAX Water Mixers to efficiently deliver water to each aerator to maximize removal of THMs. Finally, the system utilized a custom-designed air-handling unit (AHU) to exhaust THMs out of the headspace.

"We faced several challenges including the placement of the AHU and the fact that residents lived right on the other side of the fence. Our system had to be energy-efficient, easy to maintain and quiet," recalls Utility Service Group project lead Rich Ducote.

The aeration system was designed, installed and began operation in a span of less than four months. The immediate reduction in THMs were significant and sustained.



"We are seeing THM levels 40-70% lower leaving More Ave. than those coming in," reports Feffer. Total removal rates may be higher because some THMs also form in the water while it is in the More Ave. reservoir.

"We are very happy so far," reports Feffer. "We are seeing excellent results from the system, and noise has not been a problem. It's impressive how fast this project went."

*Figure 1. THMs leaving the More Ave. reservoir were 40-70% lower than the water coming into the tank.*



*Filled More Ave. reservoir with in-tank aeration system in operation.*

*"We are seeing THM levels 40-70% lower leaving More Ave. than those coming in."*  
Adam Feffer, Water Quality Engineer, San Jose Water Company



**TO:** Rick L. Callender

**FROM:** Rachael Gibson

**SUBJECT:** Monthly Legislative Summary for May 2017

**DATE:** June 9, 2017

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## **FEDERAL ISSUES**

### **Washington DC Advocacy Trip Update**

In a strong showing of leadership by our District Board, Chair John Varela, Vice Chair Richard Santos, and Director Tony Estremera led advocacy efforts to ensure advancement of the District's priorities and needs in Washington DC. Their aggressive schedule included 22 meetings from May 1 through May 3.

Meetings included key agency members from the U.S. Army Corps of Engineers (USACE), Office of Management and Budget, the U.S. Environmental Protection Agency, and U.S. Fish and Wildlife. Meetings also included representatives from the House Natural Resources Committee, Water Appropriations Majority and Minority staff, as well as meetings with staff from our federal delegation and other elected officials who could help the District achieve our goals for obtaining federal budget authorization and appropriations, as well as administrative and regulatory policies beneficial to the District.

A key priority for this trip was to seek a path for funding of a Coyote Creek project. In working with USACE, a potential path was identified. Staff plans to meet with USACE Division in June to further explore the viability of this path.

### **South Santa Clara County Recycled Water Project Receives Funding**

On May 12, Secretary of the Interior Ryan Zinke announced Bureau of Reclamation funding of \$1,680,593 for the South Santa Clara County Recycled Water Project.

In total, \$23.6 million was awarded to communities in seven states for planning, designing, and constructing water recycling and re-use projects; developing feasibility studies; and researching desalination and water recycling projects. The funding is part of the Title XVI Water Reclamation and Reuse program.

### **Delegation Letter to Acting Assistant Secretary of the Army for Civil Works**

Staff worked with Representative Lofgren and received her personal agreement to assume a leadership role with our California House delegation advocacy efforts. Staff prepared a letter for the Representative to ensure the U.S. Army Corps of Engineers' budget decision makers fully consider our fiscal year 2017 and 2018 funding needs for the District's flood protection projects, including funding for a Coyote Creek study. In May, staff received a copy of the letter, which was signed by Representatives Lofgren, Khanna, Eshoo, Panetta, and Speier.

### **U.S. Army Corps of Engineers Press Book Posted—No District Priorities Included**

On May 23, the U.S. Army Corps of Engineers Fiscal Year 2018 press book was posted online.

No District priorities were listed in this document, nor were any new start recommendations for either studies or construction included. Rather, the Fiscal Year 2018 budget focuses on funding projects to completion.

Consequently, staff is working to have the District's funding needs added in during the FY18 work plan process. In addition, staff will be meeting in June to determine a path for a new start construction designation for Shoreline.

(Note that the press book is a companion to the President's budget and it provides a more detailed project-by-project/account-by-account look at the USACE portfolio and mission. The requirements for inclusion in the press book are higher than the work plan. Projects must have at least a 2.5 to 1 BCR at a 7% discount rate.)

### **Federal Legislation With Board-Approved Positions**

<b>Bill</b>	<b>Author</b>	<b>Subject</b>	<b>District Position</b>	<b>Status</b>
S 698	Cantwell	National Landslide Preparedness Act	Support	No hearing dates set.
HR 434	Denham	New WATER Act	Support	No hearing dates set.
HR 448	Huffman	Water Conservation Rebate Tax Parity Act	Support	No hearing dates set.
HR 547	DeLauro	National Infrastructure Development Bank Act of 2017	Support if Amended	No hearing dates set.
HR 1269	LaMalfa	Sacramento Valley Water Storage and Restoration Act	Support	No hearing dates set.

## **STATE ISSUES**

### **Legislative Days at the Capitol**

Following on the great strides made at the federal level during the Board's advocacy trip to Washington DC, on May 16 and May 17 Chair John Varela, Vice Chair Richard Santos, and Director Tony Estremera led subsequent advocacy efforts in Sacramento to ensure advancement of the District's priorities and needs, meeting with legislators, state department heads, and other key administration officials. The busy schedule included 19 meetings to advance the District's policy priorities.

Meetings included agency leaders at the Natural Resources Agency, the Environmental Protection Agency, the Department of Water Resources, and the Department of Fish and Wildlife, as well as meetings with the Santa Clara County state legislative delegation and District-relevant legislative policy committee chairs.

A key priority for this trip was to advocate for funding of flood risk reduction and water supply projects, and to discuss the California WaterFix with state administration officials. The Directors also advocated for legislation on water conservation and efficiency, potable reuse, dam safety, and District-sponsored legislation to expand design-build authority. Staff is continuing the discussions initiated by the Directors.

### **Making Water Conservation a California Way of Life**

The Governor's proposed budget trailer bill language to implement the recommendations made in the "Making Conservation a California Way of Life" framework that was released on April 7, stalled in the Assembly and Senate budget committees. Staff testified with the District's "Support if Amended" position at the Assembly Budget Subcommittee #3 on Resources and Transportation on May 3. Both committees have indicated that they prefer the policy changes to be made through the legislative bill process rather than the budget. This decision by the budget committees came amid substantial opposition from water agencies around the state. To alleviate the concerns by the water agency community, the administration has indicated that they will be offering amended trailer bill language in the coming weeks.

While the budget trailer bill language appears to have stalled, there are several policy bills that continue to advance through the legislative process. AB 1654 (Rubio) and AB 1668 (Friedman) were successfully passed out of the Assembly Appropriations Committee, the Assembly Floor, and now move on to the Senate. Both Assemblymembers Rubio and Friedman lost one of their water conservation bills in the Assembly Appropriations Committee when AB 968 (Rubio) and AB 1669 (Friedman) were held on the suspense file. It is expected that the bill authors will be negotiating through the Bipartisan Working Group on Water Conservation which was formed to chart a policy direction on water conservation and legislation to implement the Governor's "Making Conservation a California Way of Life" framework.

### **Little Hoover Commission Releases Report on Permitting**

On Friday, June 2, 2017, the Little Hoover Commission (LHC) released a report on "Improving State Permitting for Local Climate Change Adaptation" which makes several recommendations based on District staff's written and public testimony in October of 2016 and February of this year. Several of the recommendations made by the LHC are intended to address issues that the District has encountered when pursuing state permits for flood risk reduction and environmental stewardship projects. Staff will be following up on the recommendations by advocating that state agencies and the legislature to implement the recommendations made in the report.

The recommendations include:

1. The Legislature should convene a working group of permitting agencies and regular permit applicants to formalize a "big table" approach for important climate-impact infrastructure projects in which parties sit down early to discuss potential delaying problems and work to avoid them. The process agreed to by the working group should be formalized in statute as a requirement for specified projects.

2. The Legislature should require state government permitting agencies to move beyond current practices of putting guidance for permitting applicants on their websites. They also should provide detailed so-called “cookbooks,” as they were described in the Commission’s February 23, 2017, hearing, that spell out precisely the expectations and requirements for applicants when filling out application forms for their permits.
3. The Legislature should put into statute requirements for a formal dispute resolution process and structure to mediate permitting conflicts for major projects necessary to guard the state against impacts of climate change.
4. The Legislature should require state government permitting agencies to develop guidelines that encourage greater flexibility regarding endowments to finance mitigation lands that offset impacts of infrastructure projects strengthening California’s defenses against climate change impacts. State agencies also should make greater use of alternatives already identified and allowed in statute.

### **District-Sponsored State Legislation**

#### *AB 851 (Caballero)—Design-Build*

The District-sponsored bill, AB 851, which sought to expand the state’s design-build law for local public works projects, was amended in the Assembly Appropriations Committee and passed by the Committee on May 24. The bill now expands design-build authorization only for our District, instead of all local agencies. AB 851 would now authorize the District to use the design-build contracting method for buildings, flood protection improvements, habitat restoration, groundwater recharge or storage facilities, water treatment facilities, and the retrofit, repair, or expansion of existing surface water storage facilities.

On May 30, the bill passed the Assembly Floor on consent in a bipartisan vote of 77-0. It is now pending in the Senate and is expected to be referred to the Senate Governance and Finance Committee in early June for a hearing sometime before July 14.

The bill is supported by the following organizations: State Building and Construction Trades Council of California, California Special Districts Association, California State Association of Counties, Valley Ag Water Coalition, American Council of Engineering Companies of California, California Municipal Utilities Association, El Dorado Irrigation District, Desert Water Agency, Santa Clara Valley Water District (Sponsor), Design-Build Institute of America, Rural County Representatives of California (RCRC), and Santa Clara Valley Open Space Authority, the Gilroy Chamber of Commerce, and the Cupertino Chamber of Commerce.

### State Legislation With Board-Approved Positions

Following is the status of bills on which the Board has adopted formal positions:

Bill	Author	Subject	Position/ Priority	Status
Budget Trailer Bill 810	Governor	Making Water Conservation a California Way of Life	Support if Amended	Failed—Assembly and Senate Budget Committees  To be pursued in legislative bills outside of budget process. See AB 1654, AB 1667, and AB 1668.
Budget Trailer Bill on Dam Safety	Governor	Dam Safety	Support	Open Item—Joint Budget Conference Committee—Likely to be enacted through budget process.
AB 18	E. Garcia	California Clean Water, Climate, Coast Protection, and Outdoor Access for All Act of 2018	Support if Amended	Senate—Pending policy committee assignment
AB 574	Quirk	Potable reuse	Support	Senate—Pending policy committee assignment
AB 791	Frazier	SWP and CVP: new conveyance facility	Oppose	Failed—Assembly Appropriations Committee—Suspense 2-Year Bill
AB 792	Frazier	Delta Plan: certification of consistency	Oppose	Failed—Assembly Water, Parks, and Wildlife Committee 2-Year Bill
AB 793	Frazier	Delta: financing	Oppose	Failed—Assembly Water, Parks, and Wildlife Committee 2-Year Bill
AB 851	Caballero	Design Build	Sponsor	Senate—Pending policy committee assignment

Bill	Author	Subject	Position/ Priority	Status
AB 968	Rubio	Urban water use: water efficiency	Support	Failed—Assembly Appropriations Committee—Suspense 2-Year Bill
AB 979	Lackey	Local agency formation commissions: district representation	Support	Pending - Senate Governance and Finance Committee
AB 1427	Eggman	Water: underground storage	Oppose	Failed—Assembly Appropriations Committee—Suspense 2-Year Bill
AB 1587	Levine	Invasive species: dreissenid mussels	Support	Senate—Pending policy committee assignment
AB 1608	Kalra	Vibrant landscapes for California	Support	Failed—Assembly Appropriations Committee—Suspense 2-Year Bill
AB 1654	Rubio	Water shortage: urban water management planning	Support	Senate—Pending policy committee assignment.
AB 1667	Friedman	Agricultural water management planning (Mirrors Governor's Budget Trailer Bill Language)	Neutral	Senate—Pending policy committee assignment
AB 1668	Friedman	Water management planning (Mirrors Governor's Budget Trailer Bill Language)	Support if Amended	Senate—Pending policy committee assignment
AB 1669	Friedman	Urban water conservation standards and use reporting (Mirrors Governor's Budget Trailer Bill Language)	Support if Amended	Failed—Assembly Appropriations Committee—Suspense 2-Year Bill

Bill	Author	Subject	Position/ Priority	Status
SB 3	Beall	Affordable Housing Bond Act of 2018	Support	Assembly—Pending policy committee assignment
SB 5	De Leon	California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018	Support if Amended	Assembly—Pending policy committee assignment
SB 231	Hertzberg	Local Government fees and charges	Support	Pending—Assembly Local Government
SB 424	Allen	The California Regional Environmental Education Community Network	Support	Assembly—Pending policy committee assignment
SB 492	Beall	Midpeninsula Regional Open Space District: purchase of property: San Jose Water Company	Support	Pending—Assembly Water, Parks and Wildlife
SB 519	Beall	Santa Clara Valley Water District	Sponsor	Pulled by the author—Senate Governance and Finance Committee 2-Year Bill
SB 740	Wiener	Onsite treated water	Support	Failed—Senate Appropriations Committee—Suspense 2-Year Bill

## LOCAL AND REGIONAL ISSUES

### Joint Meeting of the Santa Clara Valley Water District and the Santa Clara County Board of Supervisors

On May 18, Office of Government Relations (OGR) staff coordinated a Joint Meeting of the District Board of Directors and the Santa Clara County Board of Supervisors. Topics included discussion of the Master Reservoir Lease and Proposed Master Partnership Agreement between the two agencies, efforts to reduce homelessness, the South San Francisco Bay Shoreline Study Project, the Permanente Creek Rancho San Antonio Project, and Past and Future Water Supply Sources.

The Boards engaged in robust dialogue on each issue, formed a Task Force to delve into the Master Reservoir Lease, and agreed to meet again later in the year to continue discussing issues of mutual interest.

### **Strong Engagement Continues for Festival Season**

During the month of May, OGR staffed community booths for the Berryessa Art and Wine Festival on May 13 and Boogie: Campbell's Music Festival on May 20 and 21. Together, these events drew thousands of people and provided the District with the opportunity to educate and engage our diverse community on priority District issues, initiatives, and programs, including the Anderson Dam Seismic Retrofit Project and Coyote Creek flooding. District participation in these events also allows the District to update event attendees about specific projects and upcoming events in those communities.

### **Board Members Engage the Community on Water Issues**

Each month, OGR facilitates and supports Board Members' participation at water- and legislative related forums, presentations, and other events across the county.



#### **May 4 Silicon Valley Leadership Group Neighborhood Leadership Council**

On May 4, OGR prepared opening remarks for Director Barbara Keegan's participation at the Silicon Valley Leadership Group (SVLG) Neighborhood Leaders Council Meeting. This was the first of five sessions hosted by the SVLG for neighborhood leaders from across Santa Clara County. The program goal is to have prospective city council and planning commissioners from across the County learn about the vital role of local agencies and how they would interact with them if they were to be elected or appointed. In addition to providing opening remarks, Director Keegan also participated in the panel discussion on topics including flood protection, drought policies, relationship between the District and water retailers, and conservation efforts.



#### **May 6 Anderson Dam and Coyote Creek Community Tour**



On May 6, OGR coordinated a community tour of Anderson Dam and Coyote Creek for more than three dozen residents in Vice Chair Santos's and Director Keegan's districts, to educate them about the role Anderson Dam plays in the water supply system and to engage them in support of District efforts to obtain funding and permits for flood protection efforts along Coyote Creek.



**May 25 Silicon Valley Leadership Group Energy & Sustainability Summit**

On May 25, OGR prepared remarks for and facilitated Director Gary Kremen's presentation at the Silicon Valley Leadership Group Energy and Sustainability Summit. Director Kremen gave an overview of the District's mission and the District's role on sustainability and climate change, including their work on developing a District-wide comprehensive climate change action plan, which addresses both greenhouse gas reduction and climate change adaptation.

A handwritten signature in blue ink, consisting of a series of loops and flourishes, positioned above a horizontal line.

Interim Deputy Administrative Officer  
Office of Government Relations

rg:fd

**MONTHLY REPORTS FROM  
WASHINGTON D.C. AND SACRAMENTO**

**Contract Representatives**

**April 2017**

(Please Note: The consultant reports will be one month behind due to the fact that monthly report of the Office of Government Relations is provided prior to the consultant reports being due).

## **MONTHLY REPORT CARPI & CLAY**

**April 2017**

On behalf of the Santa Clara Valley Water District (District), the report below summarizes the Federal Agency and Executive Branch activities advanced and monitored by Carpi & Clay during the month of April.

### **U.S. ARMY CORPS OF ENGINEERS ANNUAL CALL FOR PROJECTS**

The U.S. Army Corps of Engineers (Corps) published their annual call for projects in the Federal Register. This notice invites interested and eligible non-federal sponsors to propose studies and construction projects for future authorization by Congress. The process, known as the Section 7001 Report, is a requirement of the Water Resources and Reform Development Act of 2014. Further, information about the process and past reports can be found here: <http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/WRRDA-7001-Proposals/>. We have assisted the District with past submissions and remain available to do so with the latest process. Should the District wish to submit a proposal, you have until August 9<sup>th</sup> to do so.

### **COYOTE CREEK**

We continue to assist the District explore and assess options for Corps involvement on Coyote Creek. This includes securing determinations on the status and outcomes of past studies as well as reviewing provisions within the WIIN Act. At present, the Corps is working on implementation of WIIN Act provisions. We have engaged the Corps on the implementation process as it may present a new path for the District.

### **ADMINISTRATION APPOINTMENTS**

We continue to monitor the nomination process to fill vacated positions within the federal government. During the month of April, several appointments of interest to the District were made. They are:

- David Bernhardt—Deputy Secretary, U.S. Department of the Interior
- Aurelia Skipwith—Deputy Assistant Secretary for Fish, Wildlife and Parks, U.S. Department of the Interior
- Katharine MacGregor—Deputy Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior
- Alan Mikkelsen—Deputy Commissioner Bureau of Reclamation, U.S. Department of the Interior
- Thomas DiNanno—Assistant Administrator, Federal Emergency Management Administration, Grant Programs, Department of Homeland Security
- Brock Long—Administrator, Federal Emergency Management Agency, Department of Homeland Security

## **BUREAU OF RECLAMATION ANNOUNCEMENT REGARDING WATER DATA**

The Bureau of Reclamation announced that it is making its water data publicly available and easily accessible through a new open data pilot project. Per the press release, “RWIS is designed to meet modern data standards allowing for anyone to view, access, and download Reclamation's water data. Data in the pilot system is available from 2010 and enables users to track past and present streamflows, reservoir water releases, canal flows, and other types of water data. RWIS also features a web service that allows data retrieval to be programmed and automated for use in models and applications.” You can access the data base here: <https://water.usbr.gov>

## **PRESIDENT ISSUES EXECUTIVE ORDER ON “BUY AMERICAN AND HIRE AMERICAN”**

President Trump issued a “Buy American and Hire American” executive order. According to the White House, the order’s goal is “maximizing Made in America content and minimizing waivers and exceptions to Buy American laws.” Agencies have 150 days to evaluate their current compliance with Buy American statutes and develop new policies to maximize the use of domestic content and minimize requests for waivers. Any proposed waivers must be reviewed by agency heads and consider the cost advantage of foreign-sourced iron and steel as the result of “injuriously subsidized steel, iron, or manufactured goods.”

On the labor side, the Executive Order tasks the Department of Labor, Department of Justice, and Department of Homeland Security with reviewing the H-1B and lottery visa programs and “rigorously enforce” the laws governing entry into the United States of workers from abroad. While the order does not trigger any immediate requirements on employers, the agency reviews are likely to serve as the basis for changes in hiring and reporting practices in the future.

## **EXECUTIVE ORDER TARGETS LARGE NATIONAL MONUMENT LAND DESIGNATIONS**

President Trump issued a new executive order that will begin a review of large national monument land designations made since January 1, 1996, that span at least 100,000 acres. The order is in response to widespread criticism that designations have ignored state and local opposition and exceeded the intent of the 1906 Antiquities Act.

In signing the order, President Trump stated, “The Antiquities Act does not give the federal government unlimited power to lock up millions of acres of land and water, and it’s time that we ended this abusive practice” and the order cited the Act’s language “...that reservations of land not exceed ‘the smallest area compatible with proper care and management of the objects to be protected.’” Trump and other critics have not suggested that the designations of his predecessors be overturned, but they have indicated that the size of the monuments be reduced.

In California, the following monuments will be subject to review: Giant Sequoia, Carrizo Plain, San Gabriel Mountains, Berryessa Snow Mountain, Mojave Trails, and Sand to Snow.

## **TRUMP ISSUES EXECUTIVE ORDER PROMOTING OFFSHORE ENERGY PRODUCTION**

President Trump issued an Executive Order that seeks to expand offshore oil and gas exploration and production in the Outer Continental Shelf (OCS). His order calls for a review of the five-year leasing program and reconsideration of regulations pertaining to offshore energy development. The order also directs the Secretary of the Interior to implement a streamlined permitting approach for privately-funded seismic data collection to determine offshore energy resource potential. The rule will not affect the status of OCS drilling off the California coast.

**MONTHLY REPORT  
KADESH & ASSOCIATES**

**April 2017**

**APRIL LEGISLATIVE HIGH NOTES**

April featured a two-week Easter/Passover/Spring recess, thus limited Congressional interaction.

The most relevant legislative activity focused on the (ultimately successful) effort to conclude the FY17 appropriations bills with an Omnibus package to govern spending for the remainder of Fiscal Year 2017 which concludes September 30, 2017.

FY18 Budget details were expected the week of May 14, but there is significant discussion that they will be later than this, possibly early June. [Ultimately, it was released the week of May 21.]

With the successful completion of an Omnibus Appropriations bill for the remainder of FY17 (through September 30, 2017), the House and Senate passed the Omnibus and it was signed into law (Public Law No. 115-31) on May 5, 2017. EPA's overall FY17 budget suffered a 1% reduction in the House-Senate Omnibus package, far better than the 30% cut suggested by the Trump Administration for FY18 in its so-called "skinny budget" released in mid-March.

**ACTIVITIES SUMMARY**

- Prepared for May DC fly-in by Members of the Santa Clara Valley Water District (District) Board and staff.
- Prepped for staff and Congressional member meetings.
- Answered specific questions from District staff.
- Kept staff updated as to legislative changes, Budget developments and confirmations.
- Monitored and shared updates on Administration Transition regarding EPA, Interior, water and environmental policies and personnel.
- Interacted between Hill staff and District re flood issues.

The Senate will be in for four weeks in May, the House for three.

**MONTHLY REPORT  
GOVERNMENTAL ADVOCATES, INC.**

**April 2017**

As we close out April, we also move past a major deadline for the legislature, policy committees meet and approve policy bills prior to April 28, 2017, in order for those bills to continue to be eligible for them to continue to move this year. Unfortunately, many of these bills failed to make this deadline due to last minute opposition, attempting to work out language or the author's or sponsor's that were unclear on the direction they would like to go. However, given that this is the first year of the two-year session, this is fairly a common practice.

Below is an update on bills of interest to the Santa Clara Valley Water District (District), please take a look; we will continue to work with your staff on these bills as they continue to move through the legislature and keep you updated.

AB 18 (Garcia), which has a support if amended position by the District. This is his park bond that was reintroduced from last year, AB 2444. The bill seeks to allocate \$3 billion in parks and water revenues to various projects in the state. It has a counterpart in the Senate, SB 5 by Senator DeLeon. While the bills are not identical, we believe as they move through the process they will either be double-joined or amended to be identical much like what happened with the Wolk and Rendon water bonds in 2014. The District has a support and amend position on the bill to ensure equal access to flood protection funding for statewide projects as well as increased funding for Upper Guadalupe. Currently, AB 18 is sitting in the Senate Rules committee awaiting a committee assignment.

AB 574 (Quirk), which is a bill that is supported by the District. The bill has been on the consent calendar, but lacks a funding mechanism, which will present challenges as it sits on the Appropriations suspense file. This bill would remove certain references to "direct potable reuse," "indirect potable reuse for groundwater recharge," and "surface water augmentation," and would instead specify the four different types of potable reuse projects as "groundwater augmentation," "reservoir augmentation," "raw water augmentation," and "treated drinking water augmentation." The bill would require the state board, on or before December 31, 2021, to adopt uniform water recycling criteria for potable reuse through raw water augmentation, as specified, and would allow the board to extend this date if certain criteria is met. The bill would permit the state board to adopt the uniform water recycling criteria as emergency regulations, as specified.

AB 791 (Frazier), which is a bill that is opposed by the District. Under current law, the Sacramento-San Joaquin Delta Reform Act of 2009, would prohibit construction of a new Delta conveyance facility from being initiated until the persons or entities that contract to receive water from the State Water Project and the federal Central Valley Project or a joint powers authority representing those entities that have made arrangements or entered into contracts to pay for certain costs required for the construction, operation, and maintenance of the facility and full mitigation of property tax or assessments levied for land used in the construction, location, mitigation, or operation of the facility. This bill would change that by requiring, before a water contractor enters into a contract to pay for these costs, that the lead agency provide the breakdown of costs for each water contractor entering into a contract and what benefits each contractor will receive based on the proportion it has financed of the proposed conveyance project. The bill is currently in the Assembly Appropriations committee waiting to be heard May 10, 2017.

AB 792 (Frazier), which is a bill that is opposed by the District. The bill is a two-year bill so it will be eligible to be heard in January of 2018. Under current law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council and requires the council to develop, adopt, and commence implementation of a comprehensive management plan for the Delta, known as the Delta

Plan. The act requires a state or local public agency that proposes to undertake a covered action to prepare and submit to the council a written certification of consistency with the Delta Plan before undertaking that action. This bill would prohibit the council from granting a certification of consistency with the Delta Plan until the board has completed its update of a specified water quality control program.

AB 851 (Caballero), which is our sponsored bill related to design build. This bill will allow for various water projects to use design build, which is not allowed under current law. We have worked with the trades and construction labor and other stakeholders to ensure that this could be applied statewide while keeping with the spirit of what the Senator Wolk bill, which cleaned up the codes in 2014 in order to harmonize the various piecemeal bills that have passed over the last 15 years related to design build; however, the committee chair required us to amend the bill down to ten special districts, ours and nine others to be named later. The bill was heard in the Assembly Local Government committee on April 26, 2017, it got out 9-0, with the committee chair's proposed amendments, which we are still in the process of finalizing at this time.

AB 968 (Rubio), which is a bill that is supported by the District. The bill sets up other water conservation measures ensuring that the state make water conservation a way of life, not just during a drought, especially in light of our climate change and the anticipation that having a drought will become normal for us. Specifically, this bill would revise the definitions of "gross water use" and "recycled water" in an effort for California to meet the stated percentages for conservation. The bill would require the Department of Water Resources to reconvene its Urban Stakeholder Committee by April 1, 2018, composed as specified under current law, and would require, by July 1, 2019, the department, in consultation with the committee, to develop certain methodologies. The bill will be heard in the Assembly Appropriations committee on May 10, 2017.

AB 979 (Lackey), which is a bill that is supported by the District. Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, there is a process for the selection of representatives of independent special districts on each local agency formation commission by an independent special district selection committee pursuant to a nomination and election process. This requires the commission, if it does not have representation from independent special districts on January 1, 2001, to initiate proceedings for representation of those districts upon the commission if requested by independent special districts, and specifies the procedures for those proceedings. This bill would revise the procedures for special district representatives to initiate those proceedings, and would authorize the commission to combine proceedings for appointing a member representing independent special districts on an oversight board pursuant to those proceedings. The bill has been significantly amended so it was pulled from Assembly Local Government on April 26, 2017 and will be heard on May 10, 2017.

AB 1427 (Eggman), which is a bill that is opposed by the District. This bill would revise the declaration to additionally provide that certain uses of stored water while underground constitute beneficial use. The bill would provide that the forfeiture periods of a water right do not apply to water being beneficially used or being held in storage for later beneficial use. The bill is currently on the Assembly Appropriations suspense file.

AB 1654 (Rubio), which is a bill that is supported by the District. This bill creates a new drought response plan by recasting the requirements of a water shortage contingency analysis (WSCA), and creates a new annual water supply reporting requirement for urban water suppliers. The bill will be heard in the Assembly Appropriations committee on May 10, 2017.

AB 1668 (Friedman), which has a support if amended position by the District. This bill and AB 1669 are very similar to what the Administration would like to accomplish in the budget trailer bill. There is some dispute as to whether or not these issues should be handled with budget trailer bill language or as a matter of policy and therefore go through the policy committees. This bill creates a new drought



response plan by making numerous changes to water supply planning and drought planning to incorporate climate change, enhance water supply analysis, and strengthen the enforceability of urban water management plans (UWMP) and drought contingency planning. The bill will be heard in Assembly Appropriations committee on May 10, 2017.

AB 1669 (Friedman), which has a support if amended position by the District. (Please see the comments above in AB 1668). This bill requires the State Water Resources Control Board (SWRCB), in consultation with the Department of Water Resources (DWR), to adopt long-term standards for urban water conservation and water use by May 20, 2021. The bill will be heard in Assembly Appropriations committee on May 10, 2017.

SB 3 (Beall), which is a bill that is supported by the District. This bill would enact the Affordable Housing Bond Act of 2018, which authorizes the sale of \$3 billion in general obligation bonds, upon approval by voters at the November 6, 2018 statewide general election. The bill is sitting on the Senate Appropriations committee suspense file.

SB 5 (DeLeon), which is a bill that has a support if amended position by the District. This is the second of two potential water and parks bonds. The other bill is AB 18 (Garcia) listed above. At this time, the two authors are talking and trying to meld them into one bill for the 2018 election. For now, they are both sitting in the Senate as they continue to work out the details.

SB 231 (Hertzberg), which is a bill that is supported by the District. This bill would clarify the term "Sewer" to include storm water for the purpose of the California Constitution to ensure storm water management. The District is supporting this bill; it got out of Senate Governance and Finance on April 5<sup>th</sup>, 2017. It went to the Senate floor for a full senate vote; it passed and now is sitting in the Assembly Rules committee awaiting a committee referral.

SB 492 (Beall), which is a bill that is supported by the District. This bill would authorize the San Jose Water Company (SJWC) to sell lands in the Upper Guadalupe watershed, including the Los Gatos Creek and Saratoga Creek watersheds, to the Midpeninsula Regional Open Space District (MROSD). There will be some challenges with funding should this bill be approved; the Senator has stated that he will work with the state and leverage that with local funding as well to get this property purchased. The bill is currently sitting at the Assembly desk waiting to be referred to a policy committee.

SB 519 (Beall), this is another one of our sponsored bills related to cleaning up the District Act. The bill seeks to clarify that when there is a vacancy in one of the seven districts all applicants must be from that district. It also clarifies what the roles and responsibilities are in working with the homeless community to clean up our waterways ensuring we are in compliance with our permits and are able to maintain our waterways. The bill is parked in the Senate Governance and Finance committee, while we continue to work with staff to ensure the language works to achieve our intended goals.

## **CONCLUSION**

With one major deadline passed, we now look ahead at the May Revise, which will be released on May 11, 2017. Staff will review it once it is released to look at any potential impacts on the District and keep you updated. Additionally, we are focusing on the Appropriations committee and their suspense file. The deadline for all bills to move out of the Fiscal committee is May 26, 2017. We will watch for any bills that the District has a position on to ensure we continue to follow them if they are successful.

We will continue to process the many bills that we have identified as important for the District to take positions on. We will also keep the District apprised of the bills that we have already taken positions on as they move through the process. As always, please let me know if you or your staff has questions.



**TO:** Norma Camacho, ICEO

**FROM:** Melanie Richardson

**SUBJECT:** IBMR 17-0009

**DATE:** 6/13/17

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This is to notify the Board that Chair Varela requested staff provide the Board with maps and a list of primary creeks within the county prone to flooding and identifying ownership of specific areas of each creek, i.e. city, county, private and/or District ownership (IBMR 17-0009). As these maps are too large to be included in the IBMR response in the CEO Bulletin, they will be included in the June 16, 2017 Non-Agenda package.

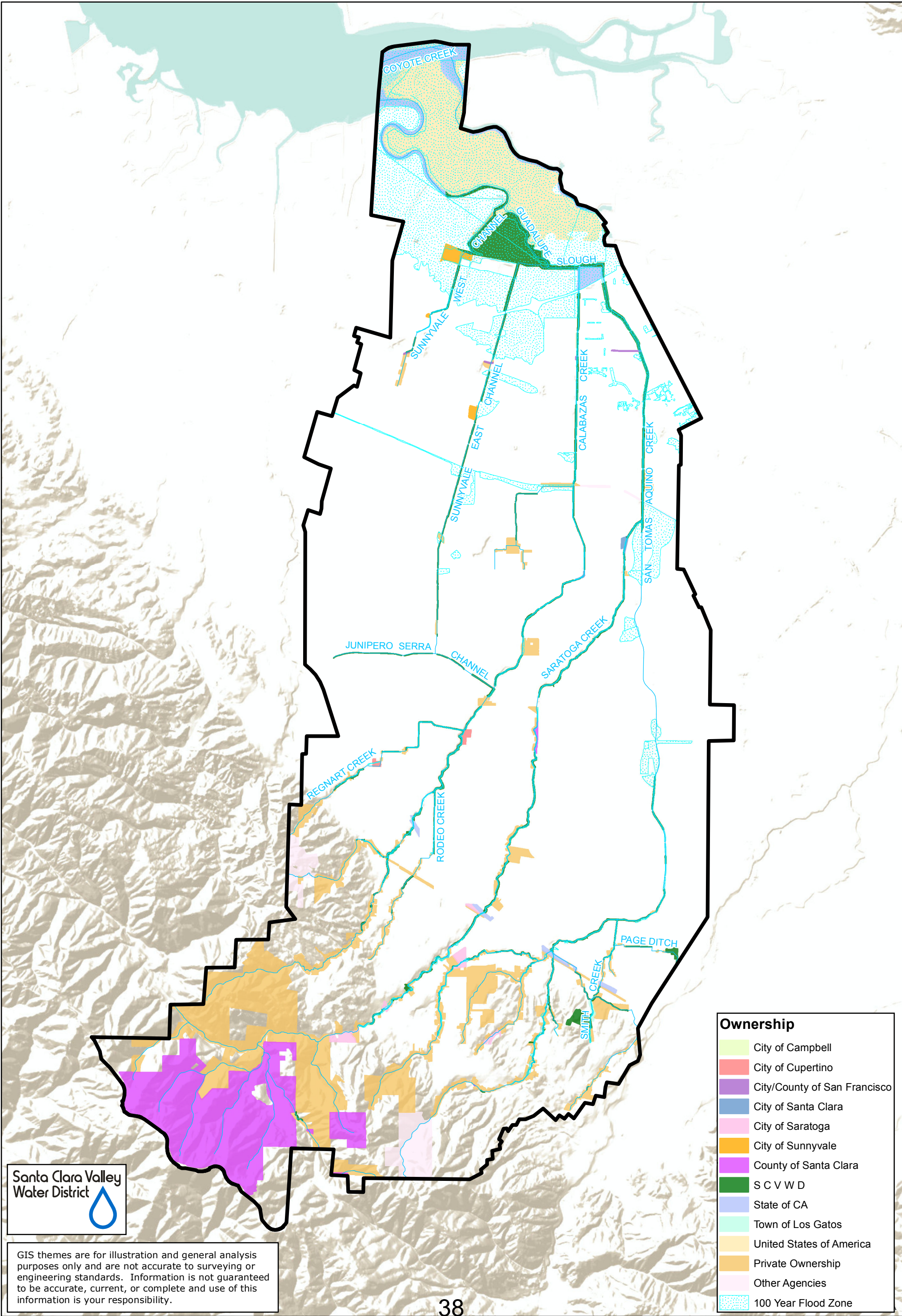
Please contact Sue Tippetts at extension 2253 with questions.



Melanie Richardson  
Interim Chief Operating Officer  
Watersheds

cc: S. Tippetts

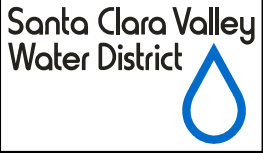
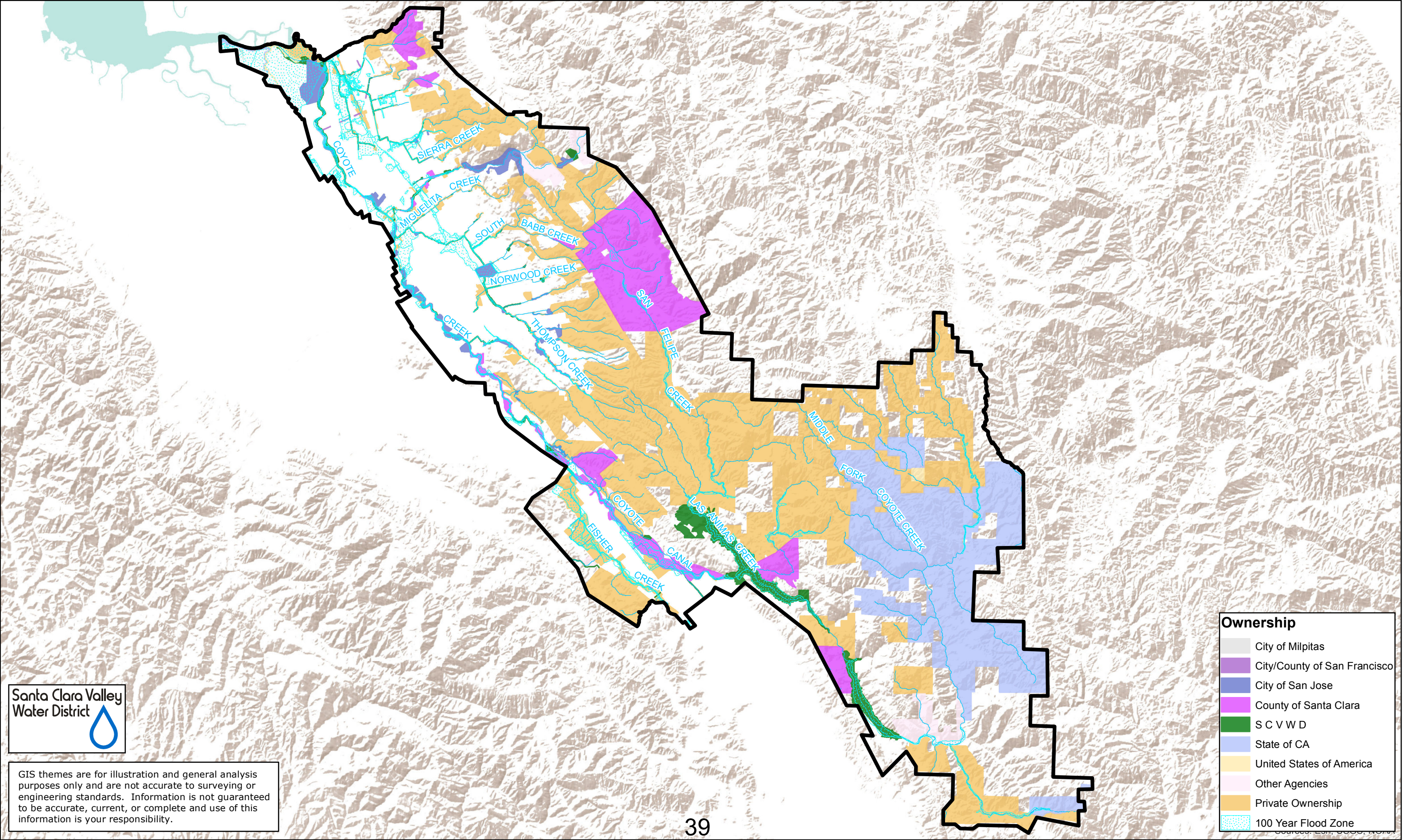
# West Valley Watershed Flood Zones with Ownership



GIS themes are for illustration and general analysis purposes only and are not accurate to surveying or engineering standards. Information is not guaranteed to be accurate, current, or complete and use of this information is your responsibility.



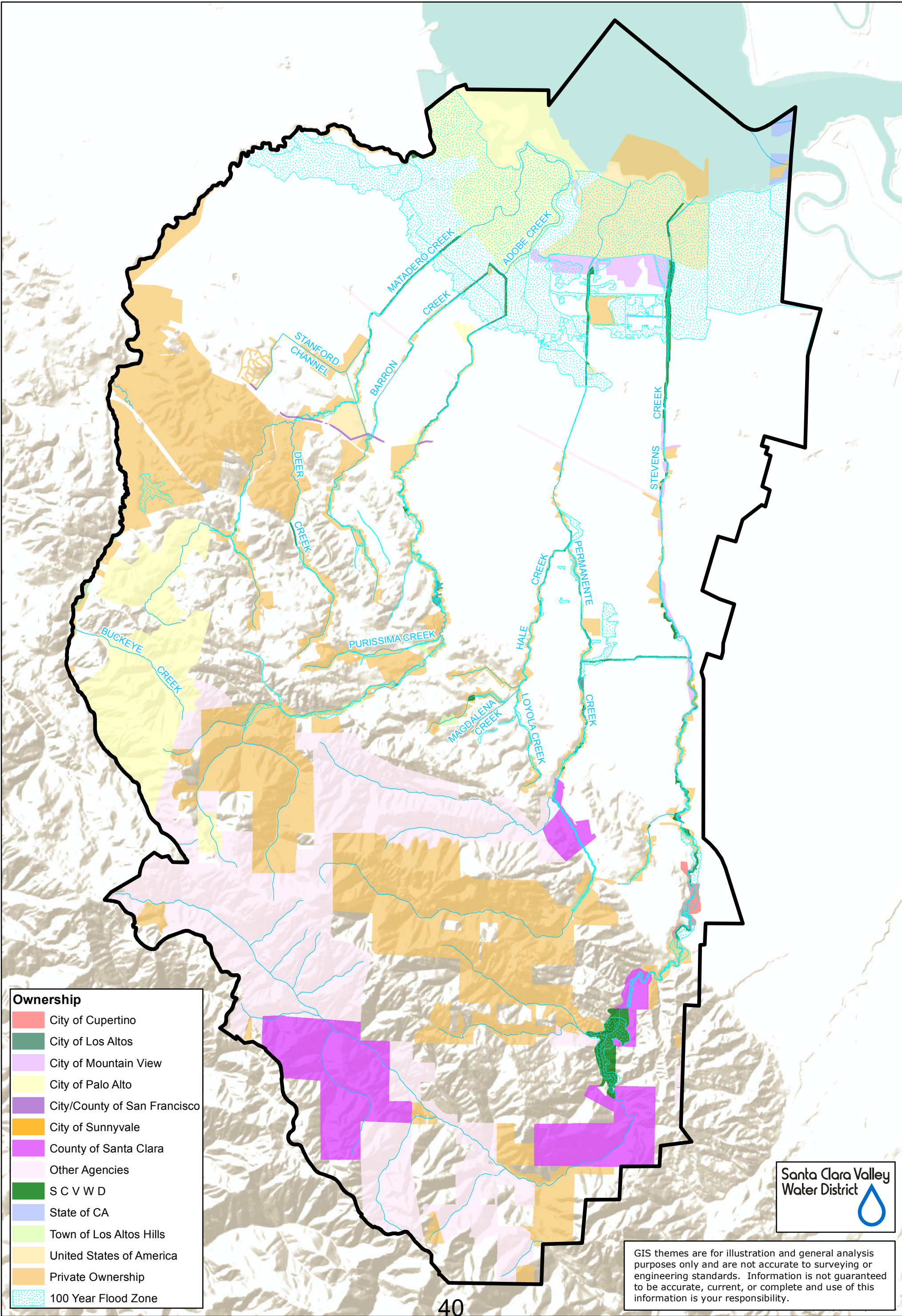
# Coyote Watershed Flood Zones with Ownership



GIS themes are for illustration and general analysis purposes only and are not accurate to surveying or engineering standards. Information is not guaranteed to be accurate, current, or complete and use of this information is your responsibility.

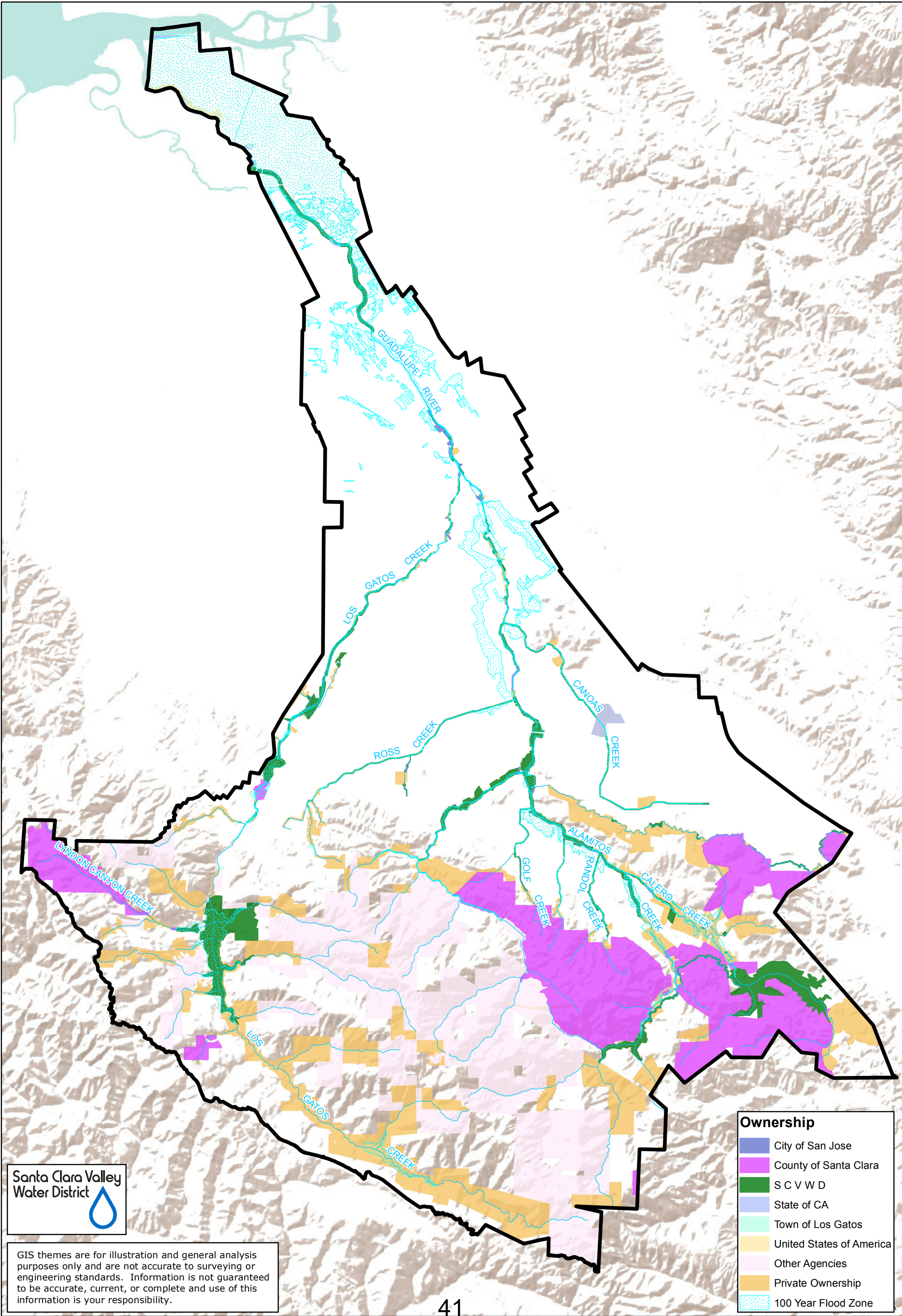


# Lower Peninsula Watershed Flood Zones with Ownership





# Guadalupe Watershed Flood Zones with Ownership



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Ownership	
	City of San Jose
	County of Santa Clara
	S C V W D
	State of CA
	Town of Los Gatos
	United States of America
	Other Agencies
	Private Ownership
	100 Year Flood Zone



# Uvas/Llagas Watershed Flood Zones with Ownership

