

July 10, 2019

MEETING NOTICE & REQUEST FOR RSVP

TO: SANTA CLARA VALLEY WATER COMMISSION

Municipality

City of Campbell
City of Cupertino
City of Gilroy
City of Los Altos
Town of Los Altos Hills
Town of Los Gatos
City of Milpitas
City of Monte Sereno
City of Morgan Hill
City of Mountain View
City of Palo Alto
City of San Jose
City of Santa Clara
City of Saratoga
City of Sunnyvale
Santa Clara County Board of Supervisors
Midpeninsula Regional Open Space District
Open Space Authority Santa Clara Valley

Representative

Hon. Susan M. Landry
Hon. Darcy Paul
Hon. Peter Leroe-Muñoz
Hon. Anita Enander
Hon. Courtenay Corrigan
Hon. Steve Leonardis
Hon. Carmen Montano
Hon. Liz Lawler
Hon. Rich Constantine
Hon. Lucas Ramirez
Hon. Tom DuBois
Hon. Pam Foley
Hon. Debi Davis
Hon. Rishi Kumar
Hon. Nancy Smith
Hon. Mike Wasserman
Hon. Yoriko Kishimoto
Hon. Mike Flaughner

Alternate

Hon. Anne Bybee
Hon. Steven Scharf
Hon. Fred Tovar
Hon. Lynette Lee Eng
Hon. Marcia Jensen
Hon. Karina R. Dominguez
Hon. Javed Ellahie
Hon. Yvonne Martinez Beltran
Hon. Alison Hicks
Kerrie Romanow
Hon. Kathy Watanabe
Hon. Yan Zhao
Hon. Larry Klein
Hon. Cindy Chavez
Hon. Jed Cyr
Hon. Shay Franco-Claussen

The regular meeting of the Santa Clara Valley Water Commission is scheduled to be held on Wednesday, **July 24, 2019, at 12:00 p.m.**, in the Headquarters Building Boardroom, located at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California. Lunch will be provided.

Enclosed are the meeting agenda and corresponding materials. Please bring this packet with you to the meeting. Additional copies of this meeting packet are available on-line at <https://www.valleywater.org/how-we-operate/committees/board-advisory-committees>.

A majority of the appointed membership is required to constitute a quorum, which is fifty percent plus one. A quorum for this meeting must be confirmed at least 48 hours prior to the scheduled meeting date or it will be canceled.

Name

Page 2

Date

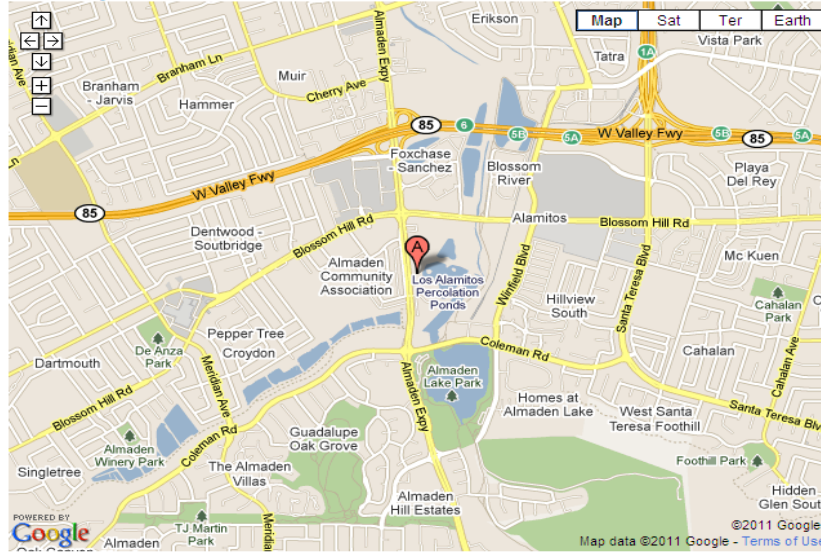
Further, a quorum must be present on the day of the scheduled meeting to call the meeting to order and take action on agenda items.

Members with two or more consecutive unexcused absences will be subject to rescinded membership.

Please confirm your attendance **no later than Friday, July 19, 2019; noon** by contacting Glenna Brambill at 1-408-630-2408, or gbrambill@valleywater.org.

Enclosures

**Santa Clara Valley Water District - Headquarters Building,
5700 Almaden Expressway, San Jose, CA 95118**



From Oakland:

- Take 880 South to 85 South
- Take 85 South to Almaden Expressway exit
- Turn left on Almaden Plaza Way
- Turn right (south) on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Morgan Hill/Gilroy:

- Take 101 North to 85 North
- Take 85 North to Almaden Expressway exit
- Turn left on Almaden Expressway
- Cross Blossom Hill Road
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Sunnyvale:

- Take Highway 87 South to 85 North
- Take Highway 85 North to Almaden Expressway exit
- Turn left on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From San Francisco:

- Take 280 South to Highway 85 South
- Take Highway 85 South to Almaden Expressway exit
- Turn left on Almaden Plaza Way
- Turn right (south) on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Downtown San Jose:

- Take Highway 87 - Guadalupe Expressway South
- Exit on Santa Teresa Blvd.
- Turn right on Blossom Hill Road
- Turn left at Almaden Expressway
- At Via Monte (first traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Walnut Creek, Concord and East Bay areas:

- Take 680 South to 280 North
- Exit Highway 87-Guadalupe Expressway South
- Exit on Santa Teresa Blvd.
- Turn right on Blossom Hill Road
- Turn left at Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance



Santa Clara Valley Water District Santa Clara Valley Water Commission Meeting

**HQ Boardroom
5700 Almaden Expressway
San Jose CA 95118**

REGULAR MEETING AGENDA

**Wednesday, July 24, 2019
12:00 PM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

All public records relating to an item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

**Santa Clara Valley Water District
Santa Clara Valley Water Commission
REGULAR MEETING
AGENDA**

Wednesday, July 24, 2019

12:00 PM

HQ Boardroom

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the public: This item is reserved for persons desiring to address the Commission on any matter not on this agenda. Members of the public who wish to address the Commission on any item not listed on the agenda should complete a Speaker Form and present it to the Commission Clerk. The Commission Chair will call individuals in turn. Speakers comments should be limited to two minutes or as set by the Chair. The law does not permit Commission action on, or extended discussion of, any item not on the agenda except under special circumstances. If Commission action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Commission may take action on any item of business appearing on the posted agenda.

3. APPROVAL OF MINUTES:

3.1. Approval of Minutes.

[19-0615](#)

Recommendation: Approve the April 10, 2019, Meeting Minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 041019 Water Comm Draft Mins](#)

4. STANDING ITEMS REPORTS:

Recommendation: A. For the Santa Clara Valley Water Commission to receive information on the Board's priorities on the following subjects:

1. Finalize the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE). (Assigned to FAHCE) *Nothing to report at this time!*
2. Actively Pursue Efforts to Increase Water Storage Opportunities. (Assigned to Water Storage Exploratory Committee) *See Attachment 1.*
3. Actively Participate in Decisions Regarding the California Delta Conveyance. (Assigned to California Delta Conveyance Working Group) *Nothing to report at this time!*
4. Lead Recycled and Purified Water Efforts with the City of San Jose and Other Agencies. (Assigned to Recycled Water Committee) *Valley Water and Cities of Palo Alto and Sunnyvale have been discussing recycled and purified water expansions. During the Joint Recycled Water Policy Advisory Committee meeting on Dec. 3, 2018, Cities of San Jose and Santa Clara have plans to expand the Recycled Water systems in their service areas as well as the City of Milpitas.*
5. Engage and educate the community, local elected officials and staff on future water supply strategies in Santa Clara County. (Assigned to Water Conservation and Demand Management Committee) *Nothing to report at this time!*
6. Advance Anderson Dam Seismic Retrofit Project. (Assigned to Capital Improvement Program Committee) *Nothing to report at this time!*
7. Provide for a Watershed-Wide Regulatory Planning and Permitting Effort. (Assigned to FAHCE) *Nothing to report at this time!*
8. Attain net positive impact on the environment when implementing Valley Water's mission. *Nothing to report at this time!*
9. Promote the protection of creeks, bay, and other aquatic ecosystems from threats of pollution and degradation (E-4.1.3). (Assigned to Homeless Encampment Ad Hoc Committee) *Nothing to report at this time!*
10. Advance Diversity and Inclusion Efforts. Carry forward to

FY20. (Assigned to Diversity and Inclusion Ad Hoc Committee) *Nothing to report at this time!*

11. Understand if the level of services Valley Water provides to the public are reasonable and the costs of providing services are affordable and effective. (Assigned to Revenue Working Group) *The Group has started working on this, however, there is nothing to report at this time!*

B. This is informational only and no action is required.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: WSEC Report](#)

5. ACTION ITEMS:

- 5.1. Update on Water Supply Master Plan [19-0616](#)

Recommendation: This is a discussion item and no action is required. However, the Committee may make recommendations for Board consideration.

Manager: Jerry De La Piedra, 408-630-2257

Attachments: [Attachment 1: Staff Presentation](#)
[Attachment 2: Risk Ranking Report](#)
[Attachment 3: Draft Implementation Schedule](#)

Est. Staff Time: 20 Minutes

- 5.2. Discuss Policy Framework and Outreach Plan for Use of Santa Clara Valley Water District Property for Trails. [19-0617](#)

Recommendation: This is a discussion item and no action is required. However, the Committee may make recommendations for Board consideration.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: June 2018 Trails Summit Attendees and Summary](#)
[Attachment 3: PLACEHOLDER Board Correspondence Recieved](#)

Est. Staff Time: 20 Minutes

- 5.3. Review Santa Clara Valley Water Commission Work Plan, the Outcomes of Board Action of Commission Requests; and the Commission's Next Meeting Agenda. [19-0619](#)

Recommendation: Review the Commission work plan to guide the commission's discussions regarding policy alternatives and implications for Board deliberation.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Water Comm 2019 Work Plan](#)
[Attachment 2: 102319 Water Comm Draft Agenda](#)

6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

7. REPORTS:

- 7.1. Director's Report
- 7.2. Manager's Report
- 7.3. Commission Member Report
- 7.4. Links to Informational Reports

8. ADJOURN:

- 8.1. Adjourn to Regular Meeting at 12:00 p.m., on October 23, 2019, in the Santa Clara Valley Water District HQ Boardroom, 5700 Almaden Expressway, San Jose, California.



Santa Clara Valley Water District

File No.: 19-0615

Agenda Date: 7/24/2019

Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM

Santa Clara Valley Water Commission

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve the April 10, 2019, Meeting Minutes.

SUMMARY:

A summary of Commission discussions, and details of all actions taken by the Committee, during all open and public Commission meetings, is transcribed and submitted for review and approval.

Upon Commission approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Commission's meetings.

ATTACHMENTS:

Attachment 1: 041019 Water Comm Draft Mins.

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711



SANTA CLARA VALLEY WATER COMMISSION MEETING

DRAFT MINUTES

WEDNESDAY, APRIL 10, 2019
12:00 PM

(Paragraph numbers coincide with agenda item numbers)

A regular meeting of the Santa Clara Valley Water Commission (Commission) was held on April 10, 2019, in the Headquarters Building Boardroom, located at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

1. CALL TO ORDER/ROLL CALL

Hon. Vice Chair Rich Constantine called the meeting to order at 12:01 p.m.

Members in attendance were:

| <u>Municipality</u> | <u>Representative</u> | <u>Alternate</u> |
|---|--------------------------|--|
| City of Campbell | Hon. Susan M. Landry | |
| City of Cupertino | Hon. Darcy Paul | |
| City of Gilroy | Hon. Peter Leroe-Muñoz | |
| City of Los Altos | Hon. Anita Enander | |
| Town of Los Altos Hills | Hon. Courtenay Corrigan* | |
| Town of Los Gatos | Hon. Steve Leonardis* | |
| Town of Monte Sereno | Hon. Liz Lawler | |
| City of Morgan Hill | Hon. Rich Constantine | |
| City of Mountain View | Hon. Lucas Ramirez | |
| City of San José | Hon. Pam Foley* | |
| City of Santa Clara | | Hon. Kathy Watanabe |
| City of Saratoga | Hon. Rishi Kumar | Hon. Yan Zhao |
| Santa Clara Valley Open Space Authority | Hon. Mike Flaughner | Hon. Shay Franco-Clausen (non voting) |
| County of Santa Clara | Hon. Mike Wasserman* | |
| Midpeninsula Regional Open Space District | Hon. Yoriko Kishimoto | |

Members not in attendance were:

| <u>Municipality</u> | <u>Representative</u> | <u>Alternate</u> |
|-----------------------|-----------------------|--------------------------|
| City of Campbell | | Hon. Anne Bybee |
| City of Cupertino | | Hon. Steven Scharf |
| | | Timm Borden |
| City of Gilroy | | Hon. Fred Tovar |
| City of Los Altos | | Hon. Lynette Lee Eng |
| Town of Los Gatos | | Hon. Marcia Jensen |
| City of Milpitas | Hon. Carmen Montano | Hon. Karina R. Dominguez |
| Town of Monte Sereno | | Hon. Javed Ellahie |
| City of Morgan Hill | | Hon. Larry Carr |
| City of Mountain View | | Hon. Alison Hicks |
| City of Palo Alto | Hon. Tom DuBois | |
| City of San José | | Kerrie Romanow |
| City of Santa Clara | Hon. Debi Davis | |
| City of Sunnyvale | Hon. Nancy Smith | Hon. Larry Klein |
| County of Santa Clara | | Hon. Cindy Chavez |
| Midpeninsula Regional | | Hon. Jed Cyr |
| Open Space District | | |

Board members in attendance were: Directors Nai Hsueh and Linda J. LeZotte, Board Representatives.

Staff members in attendance were: Kurt Arends, Joseph Atmore, Glenna Brambill, Jerry De La Piedra, Michal Helman, Cindy Kao, Eric Leitterman, Anthony Mendiola, Katherine Oven, Paul Randhawa, Afshin Rouhani, Darin Taylor and Bhavani Yerrapotu.

Special Guests were: Alan Giberson, Meg Giberson, Chris Hoem, Tony Ndah, John Tang Dave Warner and Gary Welling.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON AGENDA

There was one public speaker: Mr. Dave Warner who spoke on the Bay Delta Water Quality Control Plan.

*Hon. Steve Leonardis arrived at 12:06 p.m.

3. APPROVAL OF MINUTES

It was moved by Hon. Yoriko Kishimoto, seconded by Hon. Peter Leroe-Muñoz, and unanimously carried, to approve the January 23, 2019, Santa Clara Valley Water Commission meeting minutes as presented.

4. 4.1. STANDING ITEMS REPORTS

Ms. Glenna Brambill gave an overview of the new standing agenda item.

Hon. Peter Leroe-Muñoz, Hon. Susan M. Landry and Hon. Yoriko Kishimoto had questions regarding: Diversity and Inclusion, Riparian Corridor, Board priorities and Anderson Dam.

Directors Nai Hsueh and Linda J. LeZotte were available to answer questions.

*Hon. Pam Foley arrived at 12:11 p.m.

No action taken.

5. ACTION ITEMS

5.1 REVIEW AND COMMENT TO THE BOARD ON THE FISCAL YEAR 2019-20 PROPOSED GROUNDWATER PRODUCTION CHARGES

Mr. Darin Taylor reviewed the materials as outlined in the agenda. The Protection and Augmentation of Water Supplies (PAWS) report was distributed.

*Hon. Courtenay Corrigan arrived at 12:29 p.m.

*Hon. Mike Wasserman arrived at 12:39 p.m.

Hon. Rishi Kumar, Hon. Susan M. Landry and Hon. Anita Enander, spoke on the following: receiving more financial data; debt service, methodology of income regions being considered and timing of water supply changes.

Directors Nai Hsueh and Linda J. LeZotte were available to answer questions.

It was moved by Hon. Susan M. Landry, seconded by Hon. Rishi Kumar and by majority vote carried, to approve that the Board of Directors consider having staff review increasing the M&I groundwater charge by a few cents per month to help reduce the amount of future debt issuances and thereby reduce future debt service costs that are projected to increase significantly over the next 10 years and, also, look for revenue sources that would reduce future debt service.

5.2 UPDATE ON OPEN SPACE CREDIT

Mr. Joseph Atmore reviewed the materials as outlined in the agenda item.

Hon. Rishi Kumar left at 1:00 p.m. and did not return. Hon. Yan Zhao became representative.

Hon. Mike Wasserman, Hon. Courtenay Corrigan, Hon. Rich Constantine, Hon. Mike Flaughner, Hon. Lucas Ramirez, Hon. Susan M. Landry, Hon. Steve Leonardis, Hon. Anita Enander, Hon. Yoriko Kishimoto, Hon. Pam Foley and Hon. Kathy Watanabe spoke on the following: the County handout on preservation of ag land rates the Commissioners received today, private funding sources, South County's farmland, Williamson Act, pressure economically to develop ag lands, cannabis cultivation, sustainability of farmers maintaining ag lands, finding ways for farmers to

retain open space, and Commissioners are in total agreement of helping farmers as much as possible.

Mr. Marc Landgraf from the Santa Clara Valley Open Space Authority spoke on this agenda item.

It was moved by Hon. Anita Enander, seconded by Hon. Steve Leonardis and unanimously carried, to approve that the Board consider freezing agricultural groundwater rates and retain Open Space Credit for 2020-2022 to further explore efforts that support the health of agriculture in Santa Clara County (referencing the County Ag Plan).

5.3 REVIEW SANTA CLARA VALLEY WATER COMMISSION WORK PLAN, THE OUTCOMES OF BOARD ACTION OF COMMISSION REQUESTS AND THE COMMISSION'S NEXT MEETING AGENDA

Ms. Glenna Brambill reviewed the materials as outlined in the agenda item.

Hon. Anita Enander discussed work plan #14 (Update Salmonid in the District's waterways) and Hon. Susan M. Landry discussed work plan #15 (Discussion on the Riparian Corridor Ordinance, Encroachment Process) they would like to see these 2 items put on the agenda per Board approval.

No action was taken.

6. CLERK REVIEW AND CLARIFICATION OF COMMISSION REQUESTS TO THE BOARD

Ms. Glenna Brambill reported there were two items for Board consideration.

Agenda Item 5.1

Approved that the Board of Directors consider having staff review increasing the M&I groundwater charge by a few cents per month to help reduce the amount of future debt issuances and thereby reduce future debt service costs that are projected to increase significantly over the next 10 years and, also, look for revenue sources that would reduce future debt service.

Agenda Item 5.2.

Approved that the Board consider freezing agricultural groundwater rates and retain Open Space Credit for 2020-2022 to further explore efforts that support the health of agriculture in Santa Clara County (referencing the County Ag Plan).

7. REPORTS

7.1 Director's Report

None.

7.2 Manager's Report

None.

7.3 Commission Member Reports

Introduction of Hon. Pam Foley, newest Commission Member

7.4 Informational Link Reports

None.

8. ADJOURNMENT

Vice Chair Hon. Rich Constantine adjourned at 1:38 p.m. to the next regular meeting on Wednesday, July 24, 2019, at 12:00 p.m., in the Santa Clara Valley Water District Headquarters Boardroom.

Glenna Brambill
Board Committee Liaison
Office of the Clerk of the Board

Approved:



Santa Clara Valley Water District

File No.: 19-0620

Agenda Date: 7/24/2019

Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM

Santa Clara Valley Water Commission

SUBJECT:

Standing Items Report.

RECOMMENDATION:

- A. For the Santa Clara Valley Water Commission to receive information on the Board's priorities on the following subjects:
1. Finalize the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE). (Assigned to FAHCE) *Nothing to report at this time!*
 2. Actively Pursue Efforts to Increase Water Storage Opportunities. (Assigned to Water Storage Exploratory Committee) *See Attachment 1.*
 3. Actively Participate in Decisions Regarding the California Delta Conveyance. (Assigned to California Delta Conveyance Working Group) *Nothing to report at this time!*
 4. Lead Recycled and Purified Water Efforts with the City of San Jose and Other Agencies. (Assigned to Recycled Water Committee) *Valley Water and Cities of Palo Alto and Sunnyvale have been discussing recycled and purified water expansions. During the Joint Recycled Water Policy Advisory Committee meeting on Dec. 3, 2018, Cities of San Jose and Santa Clara have plans to expand the Recycled Water systems in their service areas as well as the City of Milpitas.*
 5. Engage and educate the community, local elected officials and staff on future water supply strategies in Santa Clara County. (Assigned to Water Conservation and Demand Management Committee) *Nothing to report at this time!*
 6. Advance Anderson Dam Seismic Retrofit Project. (Assigned to Capital Improvement Program Committee) *Nothing to report at this time!*
 7. Provide for a Watershed-Wide Regulatory Planning and Permitting Effort. (Assigned to FAHCE) *Nothing to report at this time!*
 8. Attain net positive impact on the environment when implementing Valley Water's mission. *Nothing to report at this time!*
 9. Promote the protection of creeks, bay, and other aquatic ecosystems from threats of pollution and degradation (E-4.1.3). (Assigned to Homeless Encampment Ad Hoc Committee) *Nothing to report at this time!*
 10. Advance Diversity and Inclusion Efforts. Carry forward to FY20. (Assigned to Diversity and Inclusion Ad Hoc Committee) *Nothing to report at this time!*
 11. Understand if the level of services Valley Water provides to the public are reasonable and the

costs of providing services are affordable and effective. (Assigned to Revenue Working Group)

The Group has started working on this, however, there is nothing to report at this time!

B. This is informational only and no action is required.

SUMMARY:

The Santa Clara Valley Water Commission was established to assist the Board with policy review and development, provide comment on activities in the implementation of the District mission, and to identify Board-related issues.

On March 12, 2019, the Board of Directors approved aligning the Board Advisory Committees' agendas and work plans with the Board's yearly work plan.

The new agenda format will allow regular reports on the Board's priorities from the Board's committees and/or Board committee representative and identify subjects where the committees could provide advice to the Board on pre-identified subjects in a timely manner to meet the Board's schedule, and distribute information/reports that may be of interest to committee members.

ATTACHMENTS:

Attachment 1: Standing Items Report

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

Los Vaqueros Reservoir Expansion Project

Background

Los Vaqueros is an off-stream reservoir located in the foothills west of the Delta in Contra Costa County. Los Vaqueros was initially constructed by the Contra Costa Water District (CCWD) in 1998 with a capacity of 100,000 acre-feet (AF) and then expanded to 160,000 AF in 2012. The original reservoir and first expansion were completed on time, within budget, and without opposition. The Los Vaqueros Expansion (LVE) Project would increase the reservoir capacity to 275,000 AF and build the Transfer-Bethany Pipeline, which would connect CCWD's system to the California Aqueduct at Bethany Reservoir. Regardless of whether the Santa Clara Valley Water District (Valley Water) stores water in the expanded Los Vaqueros Reservoir, imported water could be moved from CCWD's intakes in the Delta to Valley Water's system without relying on the South-of-Delta pumps. Water delivered through the Transfer-Bethany Pipeline would then continue through the South Bay Aqueduct (SBA) to Santa Clara County. Valley Water staff are evaluating the water supply benefit of the LVE Project and Transfer Bethany Pipeline and the conveyance capacity of the SBA and Valley Water facilities for conveying LVE Project water.

Project Participants

The LVE Project started with 14 Local Agency Partners (LAP). Since then, Eastern Contra Costa Irrigation District has left the project and four members have consolidated under the San Luis & Delta Mendota Water Authority. Therefore, there are currently nine (9) LAPs (not including CCWD), and they are:

1. Alameda County Water District
2. Bay Area Water Supply & Conservation Agency
3. City of Brentwood
4. East Bay Municipal Utility District
5. Grassland Water District
6. Santa Clara Valley Water District
7. San Francisco Public Utilities Commission
8. Zone 7 Water Agency
9. San Luis & Delta Mendota Water Authority
 - 9.1. Byron Bethany Irrigation District
 - 9.2. Del Puerto Water District
 - 9.3. Panoche Water District
 - 9.4. Westlands Water District

Total Project Cost

The total project implementation cost of the LVE Project based on assumptions made in the Proposition 1 Water Storage Investment Program (WSIP) application is approximately \$980 million in 2015 constant dollars. LVE Project Cost in 2018 constant dollars is \$864 million. The LVE Project costs have decreased due to the elimination of project elements no longer needed, such as the East Contra Costa Irrigation District interconnection pipeline and an improved alignment for the Transfer-Bethany Pipeline. CCWD received the maximum eligibility award for WSIP funding of \$459 million. In addition, California Water Commission (CWC) authorized \$13.65 million in early funding for planning and design and CCWD received an eligibility award of \$2.15 million in federal funding for planning and design through the Water Infrastructure Improvement for the Nation Act (WIIN Act).

In 2016, Valley Water Board of Directors authorized the CEO to execute an agreement to participate in the LVE Project and contribute \$100,000 to support CCWD's Proposition 1 WSIP application. In 2019, the Board authorized the CEO to execute an agreement to continue its participation in the LVE Project and contribute \$315,000 to continue various planning, permitting and design efforts. Additionally, some of these funds will be used as matching local funds required by WSIP and the WIIN Act.

Project Governance

The LVE Project currently is being led by CCWD. CCWD's financial consultant will work with the LAPs to develop a JPA agreement, anticipated to be established in 2020. The LAPs are planning to hire independent special counsel to represent them during JPA formation (Attachment 2). To participate in the special counsel selection process, each LAP and CCWD can designate an attorney or senior manager to serve on the ad hoc legal work group. Once the JPA is in place, responsibilities such as project financing and executing agreements will transition from CCWD to the JPA.

Potential Valley Water Benefits

The LVE Project water supply and operational benefits could be realized by diverting State Water Project (SWP), Central Valley Project (CVP), and/or surplus water without relying on the South-of-Delta pumps for direct delivery through Transfer Bethany Pipeline or pumped into an expanded Los Vaqueros Reservoir for later delivery. Pending further analysis, the LVE Project may provide the following benefits to Valley Water:

- An increase in water supply, primarily in dry years;
- Banking capacity of SWP and CVP contract supplies in an expanded Los Vaqueros Reservoir;
- Alternate points of diversion during periods when SWP and CVP exports are restricted by regulatory requirements that do not apply to CCWD diversions;
- Operational flexibility by conveying imported water from the California Aqueduct through the Transfer-Bethany Pipeline; and
- Improved operational flexibility of regional projects (e.g., desalination, refinery recycled water exchange, Bay Area Regional Reliability water market) by providing an additional conveyance path via Transfer-Bethany Pipeline.

The extent to which these benefits may be realized depends on several issues that have yet to be resolved, including the level of participation (i.e., with or without storage in Los Vaqueros), permit requirements, regulatory conditions, adequate conveyance capacity in the SBA and Valley Water infrastructure, integration of operations with SWP and CVP, and integration of operations with existing and proposed Valley Water operations and infrastructure.

Valley Water staff continues to participate in the LVE Project discussions and is working with regional partners to evaluate system constraints. Staff is collaborating with SBA contractors and neighboring LAPs to assess SBA and Valley Water infrastructure (e.g., water treatment plants, Milpitas Intertie) capacity requirements and availability to deliver LVE Project water to Valley Water and neighboring LAPs.

Next Steps

Key near-term meetings and decision points on the LVE Project include:

- Spring/Summer 2019 - Form committee to select outside counsel to form JPA
- Summer 2019 – Review of user fees by third party consultant
- 2019/2020 – Conduct and review various financial model scenarios
- 2020 – Formation of JPA

The Committee discussed the following: Contra Costa Water District's (CCWD) contributions, water rights, conveying water, project benefits, Purissima Hills Water District and California Water Service Company nexus and next steps.

The Committee took no action.



Santa Clara Valley Water District

File No.: 19-0616

Agenda Date: 7/24/2019

Item No.: 5.1.

COMMITTEE AGENDA MEMORANDUM

Santa Clara Valley Water Commission

SUBJECT:

Update on Water Supply Master Plan

RECOMMENDATION:

This is a discussion item and no action is required. However, the Committee may make recommendations for Board consideration.

SUMMARY:

The Water Supply Master Plan (Master Plan) is the Santa Clara Valley Water District's (Valley Water) strategy for providing a reliable and sustainable water supply in a cost-effective manner consistent with Board Policy E-2. - "There is a reliable, clean water supply for current and future generations". The current draft (hardcopies to be provided at the meeting) is an update to the 2012 Water Supply and Infrastructure Master Plan. The plan informs investment decisions by describing the type and level of water supply investments Valley Water is planning to make through 2040, the anticipated schedule, the associated costs and benefits, and how Master Plan implementation will be monitored and adjusted.

This memorandum summarizes the water supply strategy for the Master Plan, updates to Valley Water's water supply reliability level of service goal, discusses the additional water supplies needs, proposed water supply investments, and how the Master Plan will be monitored and assessed, and next steps.

Water Supply Strategy

The Master Plan builds upon the Board's 2012 investment strategy, called "Ensure Sustainability", which is comprised of three elements:

1. Secure existing supplies and infrastructure,
2. Expand water conservation and reuse, and
3. Optimize the use of existing supplies and infrastructure.

The three elements of the strategy work together to provide a framework for providing a sustainable and reliable water supply. These elements protect and build on past investments in water supply reliability, leverage those investments, and develop alternative supplies and demand management measures to manage risk and meet future needs, especially during extended droughts in a changing climate.

Water Supply Reliability Level of Service Goal

The water supply reliability level of service goal is important because it guides long-term water supply planning efforts and informs Board decisions regarding long-term investments. Since 2012, the Board's adopted level of service goal was "to develop water supplies designed to meet at least 100 percent of average annual water demand identified in the District's Urban Water Management Plan during non-drought years and at least 90 percent of average annual water demand in drought years."

As part of the current Master Plan update, staff reviewed this level of service with stakeholders and the Board. Based on those discussions, as well as an internal analysis, staff recommended the following changes:

1. Reference the Master Plan demand projection rather than the Urban Water Management Plan projection because it is closer to historic trends and will be reviewed and updated annually as part of Master Plan monitoring.
2. Update the level of service goal to meeting 80 percent of demands in drought years because it strikes a balance between minimizing shortages and the costs associated with the higher level of service.

Further considerations included the fact that the community was able to reduce water use as much as 28 percent in 2015, indicating that shortages in the range of 20 percent are manageable. Additionally, the recommendation for reducing the level of service to meeting 80 percent of demands in droughts is consistent with the following:

- Telephone Survey of Santa Clara County Voters re: Water Conservation
- Stakeholder Input
- Incremental Benefit:Costs - The incremental costs of increasing the level of service from meeting 80 percent of demands in drought years to meeting 90 percent of demands in drought years exceed the value of benefits achieved by the increase.
- Frequency of Shortage - Modeling indicates that most scenarios that achieve the recommended level of service goal have shortages in less than 10 percent of years. By comparison, the District has called for mandatory water use reductions in about 30 percent of the last 30 years.
- Planning for Uncertainty - The water supply planning model evaluates water supply conditions under a variety of scenarios, but it cannot anticipate every potential scenario and there is inherent uncertainty in projections.

In January 2019, the Board adopted the revised level of service goal "to develop water supplies designed to meet at least 100 percent of average annual water demand identified in the District's Water Supply Master Plan during non-drought years and at least 80 percent of average annual water demand in drought years."

Additional Water Supplies Needs

The Master Plan evaluates the baseline water supply system against projected water demands through year 2040. The baseline water supply system includes current water supplies and existing

infrastructure. Baseline water supplies include natural groundwater recharge, local runoff, recycled water, imported water through the Central Valley Project (CVP) and the State Water Project (SWP), and imported water delivered by the San Francisco Public Utilities Commission (SFPUC). Existing infrastructure includes 10 dams, 17 miles of canals, four water supply diversion dams, 393 acres of recharge ponds, 91 miles of controlled in-stream recharge, 142 miles of pipelines, three drinking water treatment plants, one advanced water purification center, and three pump stations. The Master Plan assumes Valley Water will implement the dam seismic retrofits to remove operating restrictions, complete the Rinconada Water Treatment Plan reliability improvement project, implement the 10-year pipeline rehabilitation, complete the Vasona pumping plant upgrade, and increase water conservation savings to approximately 100,000 AFY by 2030. It also assumes that countywide non-potable recycled water use will increase to about 33,000 AFY by 2040.

The amount of total water supply varies greatly from year to year, based primarily on precipitation levels. In years where water supplies exceed water demands, Valley Water is able to store surplus water in local groundwater basins, the Semitropic Water Bank, or local and statewide surface water reservoirs for later use. In dry years, Valley Water draws on these reserves to meet local water demands.

Water demands are projected to increase from about 360,000 acre-feet per year (AFY) in 2020 to about 400,000 AFY in 2040. Average baseline water supplies in 2040 are projected to be about 368,000 AFY, resulting in a small shortfall of about 32,000 AFY between average demands and average baseline supplies. However, the projected shortfall during drought is more significant. Without new investments, reserves would be depleted during extended droughts and short-term water use reductions of up to 50 percent would be needed to avoid land subsidence and undesirable groundwater conditions. Valley Water develops the Master Plan specifically for this reason: to identify and evaluate projects to fill gaps between supplies and demands, and to recommend a strategy for long-term water supply reliability.

Master Plan Methodology, Risk, and Recommended Projects

The purpose of the Water Supply Master Plan (Water Master Plan) is to present Valley Water's strategy and investments for ensuring a reliable, clean water supply to meet future demands. The methodology to determine those necessary investments includes identifying the water supply reliability goal (i.e., level of service), evaluating the current and future water supply and demand trends, identifying the water supply gap, and investigating potential projects to fill those gaps. Staff identified over 40 projects that could fill that gap between supplies and demands; evaluation included analyzing their water supply yield and their associated lifecycle costs. However, no individual project can address the county's future water supply needs, therefore, various combinations of projects were evaluated for their ability to meet Valley Water's reliability goal under various scenarios.

Next, staff performed a risk ranking of the Master Plan projects under consideration to assess their ability to provide the estimated water supply benefits on schedule and budget. The four different risk categories are stakeholder, implementation, operations, and cost. Stakeholder risks include public perception, regulatory restrictions, and partnerships. Implementation risks include construction complexity and phasing potential. Operation risks include climate change and uncertainty in long-term operations and maintenance. Cost risks include stranded assets and financing security. The

risk ranking report in Attachment 2 has more detailed information on the risk categories, the risk ranking methodology, and the results. Based on direction from the Board on November 20, 2018, staff performed an update to the risk analysis of the projects under consideration. This risk analysis considered the probabilities and consequences of projects not achieving their projected water supply yields by 2040. The results were similar to the results reported in the 2017 Risk Ranking Report. The notable difference was that the risk ranking for storage projects are lower than the 2017 result, going from a high risk to medium risk, due to increased certainty in funding (i.e., Proposition 1 funding) and additional information on project benefits.

| Project | Average Annual Yield (AFY) | Valley Water Lifecycle Costs ² | Unit Cost (AF) | Risk |
|---|----------------------------|---|----------------|--------------|
| Delta Conveyance Project | 41,000 | \$630 million | \$600 | High/Extreme |
| Additional Conservation & Stormwater Projects | 11,000 | \$100 million | \$400 | Medium |
| Potable Reuse | 19,000 | \$1.2 billion | \$2,000 | Medium |
| Pacheco Reservoir Expansion ¹ | 6,000 | \$340 million ³ | \$2,000 | Medium |
| Transfer-Bethany Pipeline ¹ | 3,500 | \$78 million | \$700 | Medium |
| South County Recharge | 2,000 | \$20 million | \$400 | Medium |

The amount of project yield and benefit that is usable by Valley Water depends on the portfolio of water supply projects that Valley Water ultimately implements and the outcome of ongoing regulatory processes.

¹ Assumes Prop. 1 Water Storage Investment Program funding. Cost would be roughly double without the funding.

² Valley Water lifecycle costs are presented in 2018 present value dollars.

³ Assumes Prop. 1 and WIIN funding, WIFIA loan, and partner agencies pay 20% of the project.

The suggested Master Plan projects (Delta Conveyance Project (SWP and CVP), 24,000 AFY of potable reuse, a package of additional water conservation and stormwater capture projects, South County Recharge, Transfer-Bethany Pipeline, and Pacheco Reservoir Expansion) exceed Valley Water's newly-adopted level of service goal. However, it is unlikely that all the projects will be implemented as currently planned and be able to deliver their assumed benefits by Year 2040, the planning horizon for this Master Plan. For that reason, as well as the uncertainties of demand projections and climate change, staff has developed a Monitoring and Assessment Plan, as discussed below.

Master Plan Monitoring and Assessment Plan

A primary purpose of the Master Plan is to inform investment decisions. Therefore, a critical piece of the water supply plan is a process to monitor and report to the Board on the demands, supplies, and status of projects and programs in the Master Plan. The Board can then use this information in the annual water rate setting, Capital Improvement Plan (CIP), and budget processes, which typically begin in September of each year. Monitoring will identify where adjustments to the Master Plan might be needed to respond to changed conditions. Such adjustments could include accelerating and delaying projects due to changes in the demand trend, updating projects due to implementation

challenges, adding projects due to lower than expected supply trends, etc. The monitoring and assessment plan approach for the Master Plan includes the following steps:

1. Develop an implementation schedule (Attachment 3).
2. Manage unknowns and risks through regular monitoring and assessment.
3. Report to the Board on Master Plan implementation on at least an annual basis, usually in summer.
4. Adjust projects as necessary and recommend for Board approval.

Next Steps

Over the next few months, staff is scheduled to present the draft Master Plan to Board Advisory Committees, Board Committees, and conduct two workshops - one with water retailers and government agencies, and one with other interested stakeholders. Staff plans to present a final Master Plan to the Board in September 2019, with the first annual report being presented to the Board in Summer 2020. Any changes would then be incorporated into the FY 21 CIP, budget, and water rates setting processes.

ATTACHMENTS:

Attachment 1: Staff Presentation
Attachment 2: Risk Ranking Report
Attachment 3: Draft Implementation Schedule

UNCLASSIFIED MANAGER:

Jerry De La Piedra, 408-630-2257



Valley Water

Clean Water • Healthy Environment • Flood Protection



Water Supply Master Plan

Presented by: Metra Richert, Unit Manager
Water Supply Planning & Conservation



Overview

- Master Plan Purpose
- Water Supply Strategy
- Water Supply Reliability Level of Service
- Master Plan Projects
- Monitoring and Assessment Approach
- Next Steps



Master Plan Purpose

- Comprehensive evaluation of project and program costs, benefits, and risks
- Recommend investment strategy
- Recommend level of service goal
- Recommend projects to ensure water reliability
- Monitor and assess to avoid overinvestments



Water Supply Strategy “Ensure Sustainability”

- Protects existing assets
- Leverages past investments
- Meets new demands with drought-resilient supplies
- Develops local and regional supplies to reduce reliance on the Delta
- Increases flexibility
- Increases resiliency to climate change



1.
Secure
existing
supplies and
infrastructure



2.
Expand
conservation
and reuse



3.
Optimize the
system

Water Supply Reliability Level of Service

Develop water supplies designed to meet 100 percent of demands identified in the ~~Urban Water Management Plan~~ Water Supply Master Plan in non-drought years and at least ~~90~~ 80 percent of average annual water demand in drought years.

Rationale

- 2017 Telephone Survey
- Stakeholder Input
- Incremental Costs
- Frequency of Shortage
- Planning for Uncertainty
- Conservation efforts

Master Plan Projects



Sustainability



Operational Flexibility



Yield



Local vs. Regional Supply



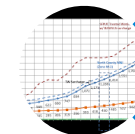
Environmental Impacts



Climate Change



Cost



Rate Impacts



Regulatory Restrictions



And more...

Master Plan Projects

- Baseline Projects¹
- Delta Conveyance Project
- Additional Conservation & Stormwater Projects
- Potable Reuse (Phase 1 - 24,000 AF by FY28)
- Pacheco Reservoir Expansion
- Transfer-Bethany Pipeline
- South County Recharge

¹ Dam seismic retrofits, Rinconada Water Treatment Plan reliability improvement project, 10-year pipeline rehabilitation program, Vasona pumping plan upgrade, 100,000 AFY water conservation savings, and assumes 33,000 AFY of countywide non-potable recycled water.



| Project | Average Annual Yield (AFY) | Valley Water Lifecycle Cost ³ | Unit Cost (AF) | Risk |
|---|----------------------------|--|----------------|--------------|
| Delta Conveyance Project | 41,000 | \$630 million | \$600 | High/Extreme |
| Additional Conservation & Stormwater Projects | 11,000 | \$100 million | \$400 | Medium |
| Potable Reuse | 19,000 | \$1.2 billion | \$2,000 | Medium |
| Pacheco Reservoir Expansion ² | 6,000 | \$340 million ⁴ | \$2,000 | Medium |
| Transfer-Bethany Pipeline ² | 3,500 | \$78 million | \$700 | Medium |
| South County Recharge | 2,000 | \$20 million | \$400 | Medium |

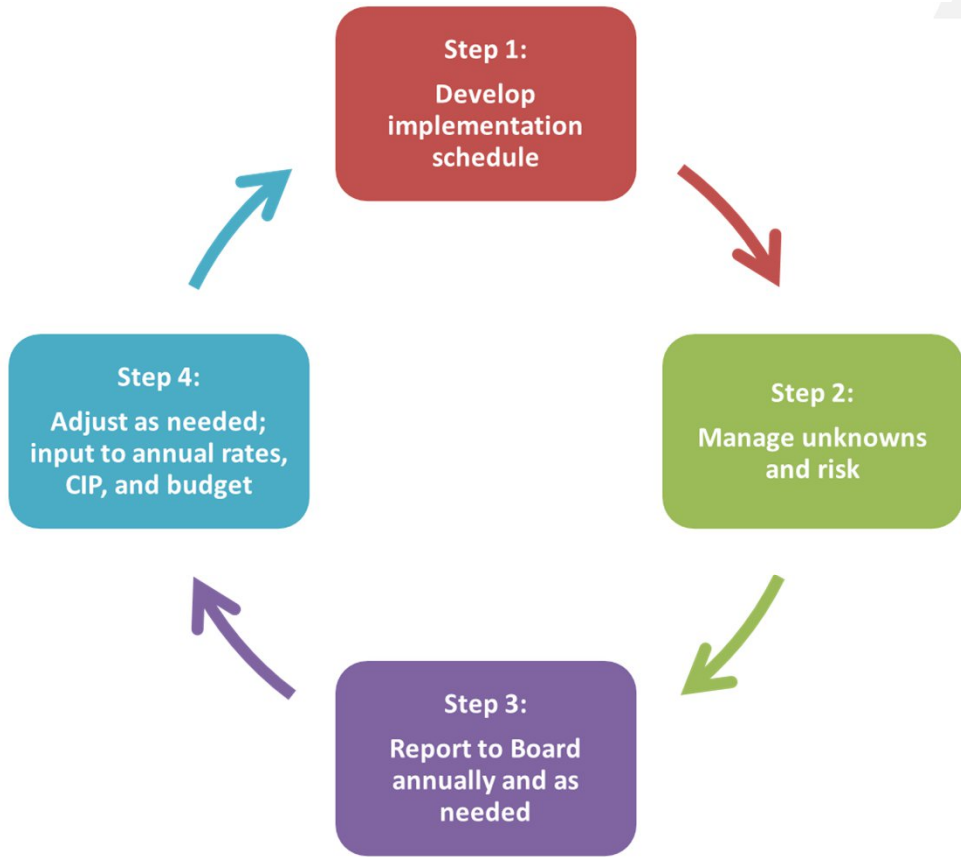
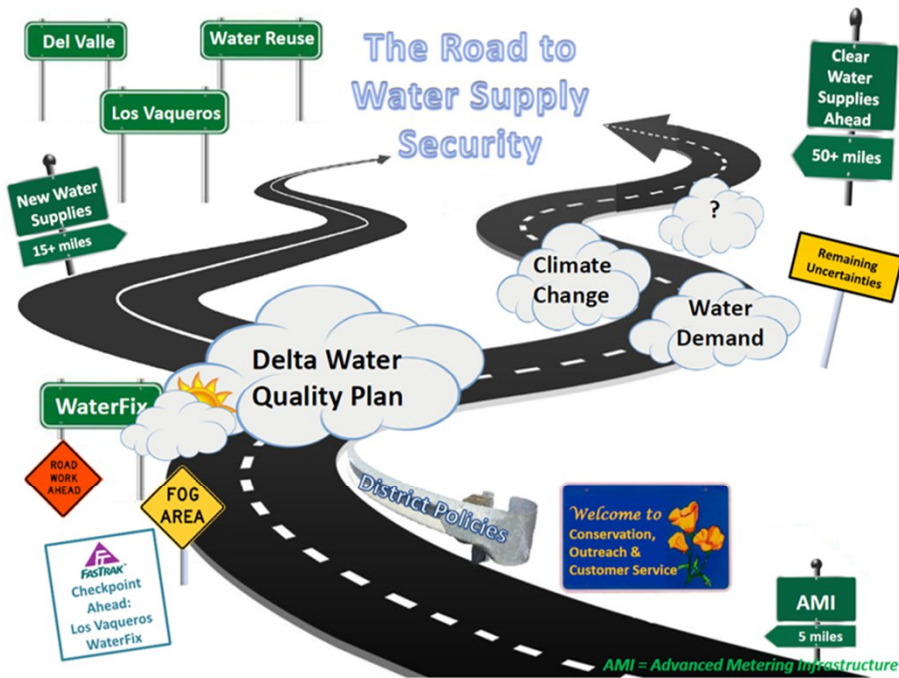
Ultimately the amount of project yield and benefit that is usable by Valley Water depends on the portfolio of water supply projects that Valley Water ultimately implements and the outcome of ongoing regulatory processes.

² Assumes Prop. 1 Water Storage Investment Program funding. Costs would roughly double without funding.

³ Valley Water lifecycle costs are presented in 2018 present value dollars.

⁴ Assumes Prop. 1 and WIIN funding, WIFIA loan, and partner agencies pay 20% of the project.

Monitoring and Assessment Plan



Next Steps

- Stakeholder outreach
 - Board Advisory Committees
 - Board Committees
 - Water retailers and government agencies
 - 2 stakeholder outreach meetings
- Present final Master Plan to Board in September 2019

QUESTIONS



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A word cloud centered around the word "Project" in large blue letters. Other prominent words include "Risk" in large black letters, "Water" in large orange letters, "Stakeholder" in large red letters, and "Infrastructure" in large red letters. A red die with "HIGH RISK" and "NO RISK" is also visible. The background is white with a faint grid pattern.

Results of Pairwise and Traditional Risk Analyses

Contents

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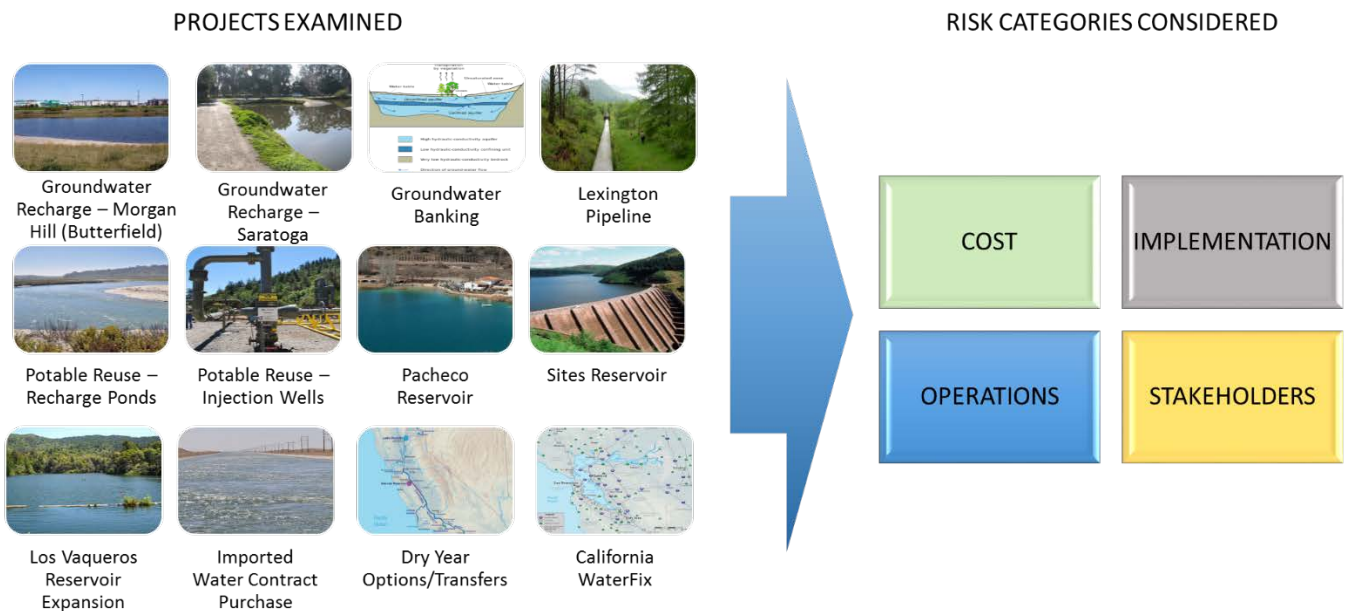
- A. Project Descriptions
- B. Methodology

OVERVIEW

Santa Clara Valley Water District (District) staff conducted a risk analysis of the projects being considered for inclusion in the 2017 Water Supply Master Plan (WSMP; Figure 1). The WSMP is the District’s strategy for providing a reliable and sustainable water supply in a cost-effective manner. The WSMP process includes assessing the existing water supply system, estimating future supplies and demands, identifying and evaluating projects to fill gaps between supplies and demands, and recommending a strategy for long-term water supply reliability. This risk analysis helps evaluate the types, severity, and likelihood of risk associated with each WSMP project so that the District Board of Directors and community better understand the uncertainties associated with each project’s ability to meet future water demands.

This report summarizes the results of the risk analysis developed to quantitatively assess the types and level of risk impacting each project. Project descriptions and cost estimates are in Appendix A - Project Descriptions. Appendix B details the methodology used to conduct the risk analysis.

FIGURE 1. PROJECTS AND RISK CATEGORIES – PROJECTS BEING CONSIDERED FOR THE 2017 WSMP AND THE TYPES OF RISK INCLUDED IN THE RISK ANALYSIS.



RISK CATEGORIES

During an Expert Panel meeting on June 8, 2017, staff and panel experts discussed different types of project risks. Afterwards, staff grouped the risks into four risk categories: Cost, Implementation, Operations, and Stakeholders. The types (or elements) of risk are summarized in Table 1 by risk category. At four meetings, one for each risk category, District subject matter experts discussed risk elements within the risk category and then conducted pairwise and traditional risk analyses of the 2017 WSMP projects. Many risks spanned the categories, but the aspects of the risk were distinct in each meeting. For example, the capital costs risk was considered during the Cost and Stakeholders risk meetings, but the Costs meeting considered the uncertainty of the capital cost estimates for each project while the Stakeholders meeting considered whether higher capital costs could result in greater stakeholder opposition. Table 1 summarizes the risks by risk category.

TABLE 1. RISK ELEMENTS BY CATEGORY. SUBJECT MATTER EXPERTS IN EACH RISK CATEGORY MET TO ASSESS PROJECT RISK WITH CONSIDERATION OF THE RISK ELEMENTS WITHIN EACH RISK CATEGORY. SEPARATE MEETINGS WERE HELD FOR EACH RISK CATEGORY.

| Risk Category | Risk Elements |
|-----------------------|--|
| Costs | <ul style="list-style-type: none"> • Capital costs, including quality of cost estimate • Costs of regulatory compliance • Match requirements and cost-sharing • Counter-party risk/ability of partners to pay costs • Stakeholders and rate payer ability to pay • Financing and funding security • Scheduling issues • Economic fluctuations and instability • Potential for stranded assets |
| Implementation | <ul style="list-style-type: none"> • Phasing potential • Project duration and schedule • Reoperation requirements • Land availability • Constructability (e.g., structural issues, technology) • Managerial capacity (knowledge and resource availability) • Range of implementation options • Regulatory requirements • Project planning maturity |
| Operations | <ul style="list-style-type: none"> • Climate change • Yield variability and reliability • Operating Partnerships • Uncertainty of long-term operations and maintenance costs • Project inter-dependency • Environmental and water quality regulations • Control • Appropriate infrastructure • Redundancy • Emergency operations/asset failures |
| Stakeholders | <ul style="list-style-type: none"> • Public support • Permitting risks • Media • Internal stakeholder concerns • External stakeholder opposition • Environmental/special interest groups • Partnership risks • Government stakeholders • Costs |

PAIRWISE RISK ANALYSIS

A pairwise risk analysis provides a quantitative approach for ranking projects by risk. Having projects ranked by riskiness improves the District Board's and community's ability to compare projects' ability to meet future needs. To complete the risk assessment, the project team assembled five to six subject matter experts from the District into four groups, one group for each risk category. The team chose District experts that had knowledge specific to their assigned risk category. Then, the subject matter experts compared each project against another project using the pairwise matrix in Table 2. The crossed-out boxes represent duplicate comparisons or compare the project against itself. The subject matter experts each determined which of the two projects being compared was a higher risk for the risk category. For example, the first comparison is Morgan Hill (Butterfield) Recharge and Groundwater Banking. If someone determined that Groundwater Banking has more risk, they would enter a "G" for Groundwater Banking

PAIRWISE RISK ANALYSIS BY RISK ELEMENT

Tables 3a-d provide the results of the pairings by risk category. Each project is represented by an abbreviation and the numbers indicate how many people chose it as the higher risk. For example, all six participants assessing cost risks thought that Imported Water Contract Purchase was higher risk than Morgan Hill (Butterfield) Recharge, so the associated cell is filled with "I6." Alternatively, two of the six participants thought Imported Water Rights Purchase (I) was higher risk than Groundwater Banking (G), so the associated cell is filled with "I2 G4."

TABLE 2. PAIRWISE COMPARISON MATRIX. EACH SUBJECT MATTER EXPERT COMPLETED THE PAIRWISE ANALYSIS BY ENTERING THE LETTER ASSOCIATED WITH THE HIGHER RISK PROJECT IN EACH EMPTY CELL.*** Morgan Hill (Butterfield) Recharge Pond**

| | Dry Year Options/ Transfers D | Lexington Pipeline LX | Ground-water Recharge-Saratoga SP | Ground-water Recharge - Morgan Hill* B | Ground-water Banking G | Sites Reservoir S | Los Vaqueros Reservoir Expansion L | Potable Reuse – Los Gatos Ponds PL | Potable Reuse – Ford Pond PF | Potable Reuse – Injection Wells PI | Imported Water Contract Purchase I | Pacheco Reservoir PR | California Water Fix C |
|---|--|---------------------------------|---|--|----------------------------------|-----------------------------|--|--|--|--|--|--------------------------------|----------------------------------|
| Dry Year Options/ Transfers D | X | | | | | | | | | | | | |
| Lexington Pipeline LX | X | X | | | | | | | | | | | |
| Groundwater Recharge-Saratoga SP | X | X | X | | | | | | | | | | |
| Groundwater Recharge - Morgan Hill* B | X | X | X | X | | | | | | | | | |
| Groundwater Banking G | X | X | X | X | X | | | | | | | | |
| Sites Reservoir S | X | X | X | X | X | X | | | | | | | |
| Los Vaqueros Reservoir Expansion L | X | X | X | X | X | X | X | | | | | | |
| Potable Reuse – Los Gatos Ponds PL | X | X | X | X | X | X | X | X | | | | | |
| Potable Reuse – Ford Pond PF | X | X | X | X | X | X | X | X | X | | | | |
| Potable Reuse – Injection Wells PI | X | X | X | X | X | X | X | X | X | X | | | |
| Imported Water Contract Purchase I | X | X | X | X | X | X | X | X | X | X | X | | |
| Pacheco Reservoir P | X | X | X | X | X | X | X | X | X | X | X | X | |
| California Water Fix C | X | X | X | X | X | X | X | X | X | X | X | X | X |

Water Supply Master Plan 2017 – PROJECT RISKS

TABLE 3A-D. PAIRWISE COMPARISON RESULTS. THE TABULATED RESULTS FOR THE COST (A), IMPLEMENTATION (B), OPERATION (C), AND STAKEHOLDER (D) PAIRWISE ANALYSIS. EACH LETTER PRESENTS A PROJECT AS SHOWN IN THE HEADER ROW AND COLUMN. THE NUMBER FOLLOWING THE LETTERS IN EACH CELL REPRESENTS THE NUMBER OF EXPERTS WHO THINK THE ASSOCIATED PROJECT IS RISKIER.

a.

| COST RISKS | Dry Year Options/ Transfers | Lexington Pipeline | Ground-water Recharge Saratoga | Ground-water Recharge - Morgan Hill* | Ground-water Banking | Sites Reservoir | Los Vaqueros Reservoir Expansion | Potable Reuse – Los Gatos Ponds | Potable Reuse – Ford Pond | Potable Reuse – Injection Wells | Imported Water Contract Purchase | Pacheco Reservoir | California WaterFix |
|--|--------------------------------|--------------------|--------------------------------|--------------------------------------|----------------------|-----------------|----------------------------------|---------------------------------|---------------------------|---------------------------------|----------------------------------|-------------------|---------------------|
| | D | LX | SP | B | G | S | L | PL | PF | PI | I | PR | C |
| Dry Year Options/ Transfers D | X | D2 LX2 | D2 SP2 | D2 B2 | D2 G2 | D0 S4 | D0 L4 | D1 PL3 | D1 PF3 | D1 PI3 | D2 I2 | D0 PR4 | D0 C4 |
| Lexington Pipeline LX | X | X | LX3 SP1 | LX4 B0 | LX1 G3 | LX0 S4 | LX0 L4 | LX0 PL4 | LX0 PF4 | LX0 PI4 | LX2 I2 | LX0 PR4 | LX0 C4 |
| Groundwater Recharge-Saratoga SP | X | X | X | SP4 B0 | SP1 G3 | SP0 S4 | SP0 L4 | SP0 PL4 | SP0 PF4 | SP0 PI4 | SP1 I3 | SP0 PR4 | SP0 C4 |
| Groundwater Recharge - Morgan Hill* B | X | X | X | X | B0 G4 | B0 S4 | B0 L4 | B0 PL4 | B0 PF4 | B0 PI4 | B0 I4 | B0 PR4 | B0 C4 |
| Groundwater Banking G | X | X | X | X | X | G1 S3 | G0 L4 | G0 PL4 | G0 PF4 | G0 PI4 | G1 I3 | G0 PR4 | G0 C4 |
| Sites Reservoir S | X | X | X | X | X | X | S3 L1 | S3 PL1 | S3 PF1 | S3 PI1 | S3 I1 | S0 PR4 | S0 C4 |
| Los Vaqueros Reservoir Expansion L | X | X | X | X | X | X | X | L3 PL1 | L3 PF1 | L3 PI1 | L2 I2 | L0 PR4 | L0 C4 |
| Potable Reuse – Los Gatos Ponds PL | X | X | X | X | X | X | X | X | PL1 PF3 | PL0 PI4 | PL2 I2 | PL0 PR4 | PL0 C4 |
| Potable Reuse – Ford Pond PF | X | X | X | X | X | X | X | X | X | PF0 PI4 | PF2 I2 | PF0 PR4 | PF0 C4 |
| Potable Reuse – Injection Wells PI | X | X | X | X | X | X | X | X | X | X | PI2 I2 | PI0 PR4 | PI0 C4 |
| Imported Water Contract Purchase I | X | X | X | X | X | X | X | X | X | X | X | I0 PR4 | I0 C4 |
| Pacheco Reservoir P | X | X | X | X | X | X | X | X | X | X | X | X | PR1 C3 |
| California WaterFix C | X | X | X | X | X | X | X | X | X | X | X | X | X |

* Morgan Hill (Butterfield) Recharge Pond

b.

| IMPLEMEN- TATION RISKS | Dry Year Options/ Transfers | Lexington Pipeline | Ground- water Recharge- Saratoga | Ground- water Recharge - Morgan Hill* | Ground- water Banking | Sites Reservoir | Los Vaqueros Reservoir Expansion | Potable Reuse – Los Gatos Ponds | Potable Reuse – Ford Pond | Potable Reuse – Injection Wells | Imported Water Contract Purchase | Pacheco Reservoir | California WaterFix |
|---|-----------------------------------|-----------------------|---|--|-----------------------------|--------------------|---|--|------------------------------------|--|---|----------------------|------------------------|
| | D | LX | SP | B | G | S | L | PL | PF | PI | I | PR | C |
| Dry Year Options/ Transfers D | X | D1 LX3 | D2 SP2 | D3 B1 | D4 G0 | D0 S4 | D0 L4 | D1 PL3 | D0 PF4 | D0 PI4 | D4 I0 | D0 PR4 | D0 C4 |
| Lexington Pipeline LX | X | X | LX3 SP1 | LX3 B1 | LX3 G1 | LX1 S3 | LX1 L3 | LX1 PL3 | LX1 PF3 | LX1 PI3 | LX3 I1 | LX0 PR4 | LX0 C4 |
| Groundwater Recharge- Saratoga SP | X | X | X | SP3 B1 | SP2 G2 | SP2 S2 | SP1 L3 | SP1 PL3 | SP0 PL4 | SP0 PI4 | SP3 I1 | SP0 PR4 | SP0 C4 |
| Groundwater Recharge - Morgan Hill* B | X | X | X | X | B3 G1 | B0 S4 | B0 L4 | B0 PL4 | B0 PF4 | B0 PI4 | B3 I1 | B0 PR4 | B0 C4 |
| Groundwater Banking G | X | X | X | X | X | G0 S4 | G0 L4 | G0 PL4 | G0 PI4 | G0 PI4 | G3 I1 | G0 PR4 | B0 C4 |
| Sites Reservoir S | X | X | X | X | X | X | S3 L1 | S4 PL0 | S3 PF1 | S4 PI0 | S4 I0 | S0 PR4 | S0 C4 |
| Los Vaqueros Reservoir Expansion L | X | X | X | X | X | X | X | L3 PL1 | L2 PF2 | L3 PI1 | L4 I0 | L1 PR3 | L0 C4 |
| Potable Reuse – Los Gatos Ponds PL | X | X | X | X | X | X | X | X | PL3 PF1 | PL0 PI4 | PL4 I0 | PL0 PR4 | PL0 C4 |
| Potable Reuse – Ford Pond PF | X | X | X | X | X | X | X | X | X | PF1 PI3 | PF4 I0 | PF0 PR4 | PF0 C4 |
| Potable Reuse – Injection Wells PI | X | X | X | X | X | X | X | X | X | X | PI2 I2 | PI0 PR4 | PI0 C4 |
| Imported Water Contract Purchase I | X | X | X | X | X | X | X | X | X | X | X | I0 PR4 | I0 C4 |
| Pacheco Reservoir P | X | X | X | X | X | X | X | X | X | X | X | X | PR0 C4 |
| California WaterFix C | X | X | X | X | X | X | X | X | X | X | X | X | X |

* Morgan Hill (Butterfield) Recharge Pond

Water Supply Master Plan 2017 – PROJECT RISKS

c.

| OPERATION RISKS | Dry Year Options/ Transfers | Lexington Pipeline | Ground-water Recharge-Saratoga | Ground-water Recharge - Morgan Hill* | Ground-water Banking | Sites Reservoir | Los Vaqueros Reservoir Expansion | Potable Reuse – Los Gatos Ponds | Potable Reuse – Ford Pond | Potable Reuse – Injection Wells | Imported Water Contract Purchase | Pacheco Reservoir | California Water Fix |
|---|--------------------------------|--------------------|--------------------------------|--------------------------------------|----------------------|-----------------|----------------------------------|---------------------------------|---------------------------|---------------------------------|----------------------------------|-------------------|----------------------|
| | D | LX | SP | B | G | S | L | PL | PF | PI | I | PR | C |
| Dry Year Options/ Transfers D | X | D3 LX2 | D4 SP1 | D4 B1 | D3 G2 | D0 S5 | D2 L3 | D3 PL2 | D3 PF2 | D2 PI3 | D4 I1 | D1 PR4 | D0 C4 |
| Lexington Pipeline LX | X | X | LX5 SP0 | LX5 B0 | LX0 G5 | LX0 S5 | LX0 L5 | LX0 PL5 | LX0 PF5 | LX0 PI5 | LX2 I3 | LX0 PR5 | LX0 C5 |
| Groundwater Recharge-Saratoga SP | X | X | X | SP1 B4 | SP0 G5 | SP0 S5 | SP0 L5 | SP0 PL5 | SP0 PF5 | SP0 PI5 | SP0 I5 | SP0 PR5 | SP0 C5 |
| Groundwater Recharge - Morgan Hill* B | X | X | X | X | B0 G5 | B0 S5 | B0 L5 | B0 PL5 | B0 PF5 | B0 PI5 | B2 I3 | B0 PR5 | B0 C5 |
| Groundwater Banking G | X | X | X | X | X | G0 S5 | G0 L5 | G3 PL2 | G3 PF2 | G1 PI4 | G2 I3 | G0 PR5 | G0 C5 |
| Sites Reservoir S | X | X | X | X | X | X | S5 L0 | S5 PL0 | S5 PF0 | S4 PI1 | S5 I0 | S4 PR1 | S0 C5 |
| Los Vaqueros Reservoir Expansion L | X | X | X | X | X | X | X | L5 PL0 | L5 PF0 | L4 PI1 | L5 I0 | L5 PR0 | L0 C4 |
| Potable Reuse – Los Gatos Ponds PL | X | X | X | X | X | X | X | X | PL3 PF2 | PL1 PI4 | PL3 I2 | PL0 PR5 | PL0 C5 |
| Potable Reuse – Ford Pond PF | X | X | X | X | X | X | X | X | X | PF0 PI5 | PF3 I2 | PF0 PR5 | PR0 C5 |
| Potable Reuse – Injection Wells PI | X | X | X | X | X | X | X | X | X | X | PI4 I1 | PI0 PR5 | PI0 C5 |
| Imported Water Contract Purchase I | X | X | X | X | X | X | X | X | X | X | X | I0 PR5 | I0 C5 |
| Pacheco Reservoir P | X | X | X | X | X | X | X | X | X | X | X | X | PR0 C5 |
| California Water Fix C | X | X | X | X | X | X | X | X | X | X | X | X | X |

* Morgan Hill (Butterfield) Recharge Pond

d.

| STAKE-HOLDER RISKS | Dry Year Options/ Transfers D | Lexington Pipeline LX | Ground-water Recharge-Saratoga SP | Ground-water Recharge - Morgan Hill* B | Ground-water Banking G | Sites Reservoir S | Los Vaqueros Reservoir Expansion L | Potable Reuse – Los Gatos Ponds PL | Potable Reuse – Ford Pond PF | Potable Reuse – Injection Wells PI | Imported Water Contract Purchase I | Pacheco Reservoir PR | California WaterFix C |
|---|--|---------------------------------|---|--|----------------------------------|-----------------------------|--|--|--|--|--|--------------------------------|---------------------------------|
| Dry Year Options/ Transfers D | X | D1 LX2 | D1 SP2 | D1 B2 | D1 G2 | D1 S2 | D1 L2 | D1 PL2 | D1 PF2 | D1 PI2 | D2 I1 | D0 PR3 | D0 C3 |
| Lexington Pipeline LX | X | X | LX2 SP1 | LX3 B0 | LX1 G2 | LX0 S3 | LX0 L3 | LX1 PL2 | LX1 PF2 | LX1 PI2 | LX1 I2 | LX0 PR3 | LX0 C3 |
| Groundwater Recharge-Saratoga SP | X | X | X | SP3 B0 | SP1 G2 | SP0 S3 | SP0 L3 | SP0 PL3 | SP0 PF3 | SP0 PI3 | SP1 I2 | SP0 PR3 | SP0 C3 |
| Groundwater Recharge - Morgan Hill* B | X | X | X | X | B1 G2 | B0 S3 | B0 L3 | B0 PL3 | B0 PF3 | B0 PI3 | B2 I1 | B0 PR3 | B0 C3 |
| Groundwater Banking G | X | X | X | X | X | G1 S2 | G1 L2 | G1 PL2 | G1 PF2 | G1 PI2 | G2 I1 | G0 PR3 | G0 C3 |
| Sites Reservoir S | X | X | X | X | X | S3 S0 | S2 L1 | S2 PL1 | S2 PF1 | S2 PI1 | S2 I1 | S0 PR3 | S0 C3 |
| Los Vaqueros Reservoir Expansion L | X | X | X | X | X | X | X | L1 PL2 | L1 PF2 | L1 PI2 | L2 I1 | L0 PR3 | L0 C3 |
| Potable Reuse – Los Gatos Ponds PL | X | X | X | X | X | X | X | X | PL1 PF2 | PLO PI3 | PL2 I1 | PIO PR3 | PLO C3 |
| Potable Reuse – Ford Pond PF | X | X | X | X | X | X | X | X | X | PFO PI3 | PF2 I1 | PFO PR3 | PFO C3 |
| Potable Reuse – Injection Wells PI | X | X | X | X | X | X | X | X | X | X | PI2 I1 | PIO PR3 | PIO C3 |
| Imported Water Contract Purchase I | X | X | X | X | X | X | X | X | X | X | X | I0 PR3 | I0 C3 |
| Pacheco Reservoir P | X | X | X | X | X | X | X | X | X | X | X | X | PRO C3 |
| California WaterFix C | X | X | X | X | X | X | X | X | X | X | X | X | X |

* Morgan Hill (Butterfield) Recharge Pond

Water Supply Master Plan 2017 – PROJECT RISKS

PAIRWISE RANKING RESULTS

Table 4 shows the pairwise ranking results. The letter designation represents the riskier project based on the results of the four subject matter expert groups combined. The percentage indicates the amount of agreement between the four groups. 100% indicates that all four risk groups agree the project was riskier. Where 75 percent is indicated, three of four teams ranked it higher risk (where 75%* is noted, the result was three of four, and one tie). Where 66% is indicated, two of three groups agreed and a tie in the fourth group. Finally, 50 percent indicates an even split between the four risk categories. Most the comparisons had agreement among the four categories.

TABLE 4. PAIRWISE RANKING RESULTS

| ALL RISK CATEGORIES | Dry Year Options/ Transfers | Lexington Pipeline | Ground-water Recharge-Saratoga | Ground-water Recharge - Morgan Hill* | Ground-water Banking | Sites Reservoir | Los Vaqueros Reservoir Expansion | Potable Reuse – Los Gatos Ponds | Potable Reuse – Ford Pond | Potable Reuse – Injection Wells | Imported Water Contract Purchase | Pacheco Reservoir | California WaterFix |
|---|--------------------------------|--------------------|--------------------------------|--------------------------------------|----------------------|-----------------|----------------------------------|---------------------------------|---------------------------|---------------------------------|----------------------------------|-------------------|---------------------|
| | D | LX | SP | B | G | S | L | PL | PF | PI | I | PR | C |
| Dry Year Options/ Transfers D | X | LX 66% | D/SP 50% | D/B 50% | D 66% | S 100% | L 100% | PL 75% | PF 75% | PI 100% | D 75% | PR 100% | C 100% |
| Lexington Pipeline LX | X | X | LX 100% | LX 100% | G 75% | S 100% | L 100% | PL 100% | PF 100% | PI 100% | I 66% | PR 100% | C 100% |
| Groundwater Recharge-Saratoga SP | X | X | X | SP 75%* | G 75%* | S 75%* | L 100% | PL 100% | PF 100% | PI 100% | I 75% | PR 100% | C 100% |
| Groundwater Recharge - Morgan Hill* B | X | X | X | X | G 75% | S 100% | L 100% | PL 100% | PF 100% | PI 100% | B/I 50% | PR 100% | C 100% |
| Groundwater Banking G | X | X | X | X | X | S 100% | L 100% | PL 75% | PF 75% | PI 100% | G/I 50% | PR 100% | C 100% |
| Sites Reservoir S | X | X | X | X | X | X | S 100% | S 100% | S 100% | S 100% | S 100% | PR 75% | C 100% |
| Los Vaqueros Reservoir Expansion L | X | X | X | X | X | X | X | L 75% | L/PF 50% | L 75% | L 75%* | PR 100% | C 100% |
| Potable Reuse – Los Gatos Ponds PL | X | X | X | X | X | X | X | X | PL/PF 50% | PI 100% | PL 75%* | PR 100% | C 100% |
| Potable Reuse – Ford Pond PF | X | X | X | X | X | X | X | X | X | PI 100% | PF 75%* | PR 100% | C 100% |
| Potable Reuse – Injection Wells PI | X | X | X | X | X | X | X | X | X | X | PI 50% | PR 100% | C 100% |
| Imported Water Contract Purchase I | X | X | X | X | X | X | X | X | X | X | X | PR 100% | C 100% |
| Pacheco Reservoir P | X | X | X | X | X | X | X | X | X | X | X | X | C 100% |
| California WaterFix C | X | X | X | X | X | X | X | X | X | X | X | X | X |

* Morgan Hill (Butterfield) Recharge Pond

From the pairwise analysis results, California WaterFix is the riskiest project being considered, followed by the surface water reservoirs and potable reuse using injection wells. The two potable reuse projects using recharge ponds are tied, as are groundwater banking and the Lexington Pipeline. The least risky projects are the groundwater recharge projects.

TABLE 5. PAIRWISE COMPARISON RISK RANKING. Project pairwise rank determined using the count of comparisons for which each project was determined as the riskiest. The total votes by experts lists the sum of the raw scores for each project.

| PAIRWISE TOTALS | PAIRWISE RANK | TOTAL VOTES BY EXPERTS |
|--|---------------|------------------------|
| California WaterFix C | 13 | 187 |
| Pacheco Reservoir PR | 12 | 165 |
| Sites Reservoir S | 11 | 146 |
| Los Vaqueros Reservoir Expansion L | 9 | 130 |
| Potable Reuse – Injection Wells PI | 10 | 120 |
| Potable Reuse – Ford Road PF | 8 | 96 |
| Potable Reuse – Los Gatos Ponds PL | 8 | 93 |
| Groundwater Banking G | 6 | 62 |
| Imported Water Contract Purchase I | 3 | 61 |
| Dry Year Options/Transfers D | 4 | 58 |
| Lexington Pipeline LX | 6 | 58 |
| Groundwater Recharge - Saratoga SP | 2 | 38 |
| Groundwater Recharge Morgan Hill (Butterfield) B | 1 | 23 |

Water Supply Master Plan 2017 – PROJECT RISKS

RISK SEVERITY AND LIKELIHOOD ANALYSIS

The four risk category teams also assessed the severity and likelihood of risk for each project. The goal of this risk scoring exercise is to help determine how much riskier one project is compared to another and to identify if the risk is primarily from the likelihood that the risk materializes, the severity of the outcome if the risk materializes, or both. The methodology and risk scoring criteria are included in Appendix B. Each risk category expert scored the risk severity and likelihood for each project on a scale from 1 to 4, with four (4) being the highest magnitude of risk. The definitions are summarized in Table 6. Table 7 presents the sum of the median score for each of the risk categories by project, from highest to lowest risk. The relative ranking of risk using the severity and likelihood is the same as when the pairwise results are used. Figure 2. Risk Matrix. illustrates the severity and likelihood analysis results in a risk matrix.

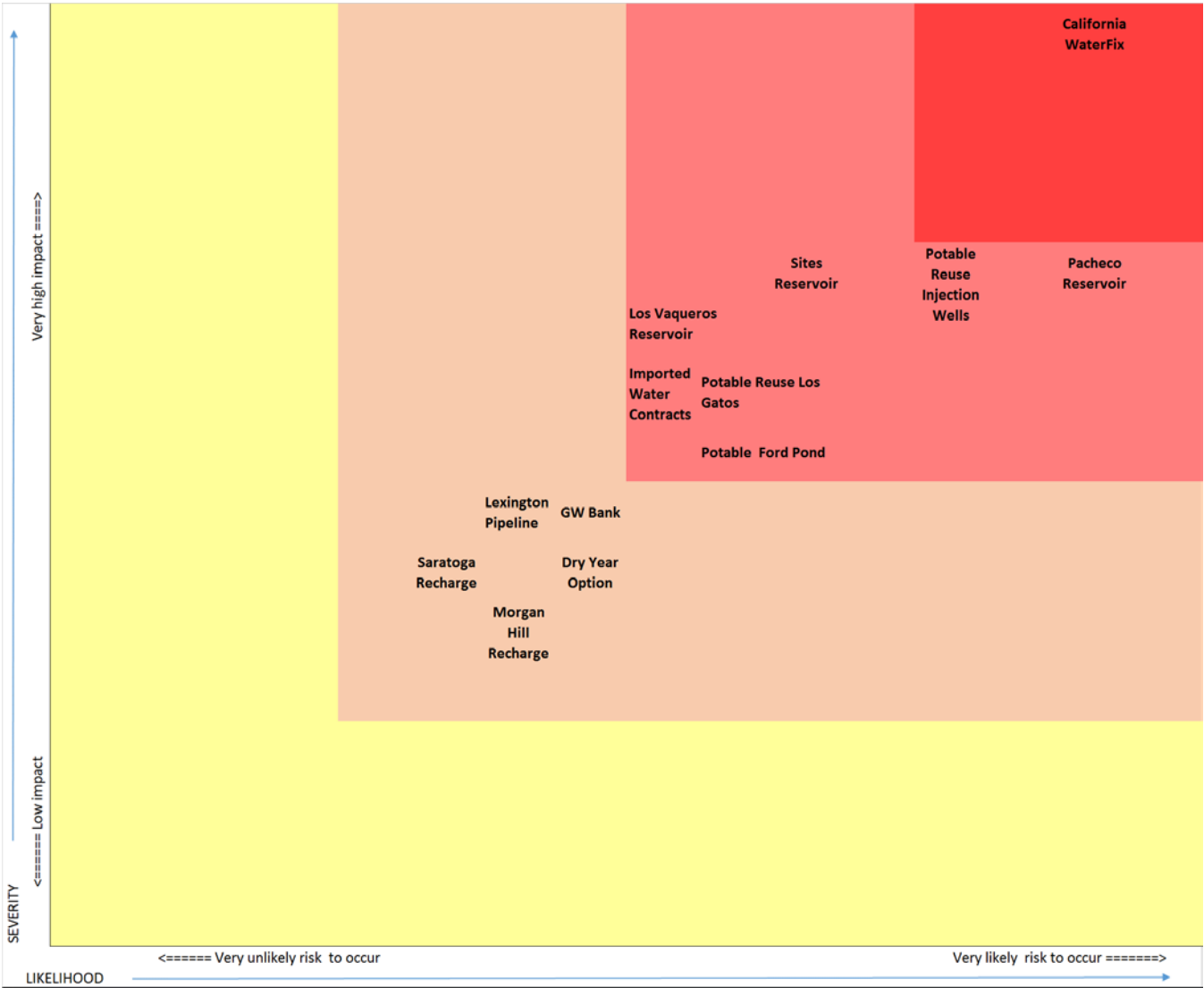
TABLE 6. RISK SEVERITY AND LIKELIHOOD DEFINITIONS

| | |
|------------|---|
| Severity | <ol style="list-style-type: none"> 1. Low= low to no effect on project 2. Medium = minor to modest impacts 3. High = significant or substantial impacts 4. Very High = extreme potential impacts |
| Likelihood | <ol style="list-style-type: none"> 1. Very Unlikely = Risks will not materialize 2. Unlikely = Risks probably will not materialize 3. Likely = Risks probably will materialize 4. Very Likely = Almost certain risks will materialize |

TABLE 7. RISK SEVERITY AND LIKELIHOOD RESULTS

| Project | Severity Score (Max. of 16) | Likelihood Score (Max of 16) |
|---|--------------------------------|---------------------------------|
| California WaterFix C | 16 | 15 |
| Pacheco Reservoir PR | 12 | 15 |
| Sites Reservoir S | 12 | 11 |
| Potable Reuse – Injection Wells PI | 12 | 13 |
| Los Vaqueros Reservoir Expansion L | 11 | 9 |
| Potable Reuse – Ford Road PF | 9 | 10 |
| Potable Reuse -Los Gatos Ponds PL | 10 | 10 |
| Groundwater Banking G | 8 | 8 |
| Lexington Pipeline LX | 8 | 7 |
| Dry year options/transfers D | 7 | 8 |
| Imported Water Contract Purchase I | 10 | 9 |
| Groundwater Recharge -Saratoga SP | 7 | 6 |
| Groundwater Recharge Morgan Hill (Butterfield) B | 6 | 7 |

FIGURE 2. RISK MATRIX. LIKELIHOOD OF PROJECT IMPACT INCREASES UPWARD ALONG THE VERTICAL AXIS AND SEVERITY INCREASES ALONG THE HORIZONTAL AXIS. SEE TABLE 9 FOR THE RAW DATA USED TO DEVELOP THIS FIGURE.



TOTAL PROJECT RISK CALCULATION

Staff calculated the total project risk for each category by weighting the pairwise ranking by the severity and likelihood (equation 1).

Equation 1

$$Risk_{category} = \left(1 + \frac{Severity + Likelihood}{8}\right) \times Pairwise\ Ranking$$

The severity and likelihood score is divided by eight (the maximum possible combined score) to represent severity and likelihood as a portion of the maximum possible combined score. This proportion is then added to one (1) so that the pairwise analysis remains the primary driver of the order of risk, and then the severity and likelihood is a multiplicative factor that acts on the risk ranking. If the severity and likelihood is significant, it will substantially increase the total risk score. If the severity and likelihood score are small, there will be little impact on the total risk score. Alternatively, not adding one (1) to the severity and likelihood proportion would result in the severity and likelihood decreasing the ranking number unless the severity and likelihood proportion equals one. Then the risk score was normalized by dividing by the maximum possible score and multiplying by 100 to convert to a percentage value. The project risks for each category are in Figures 3 through 6. The combined total project risk is in Figure 7.

FIGURE 3. WEIGHTED COST RISK

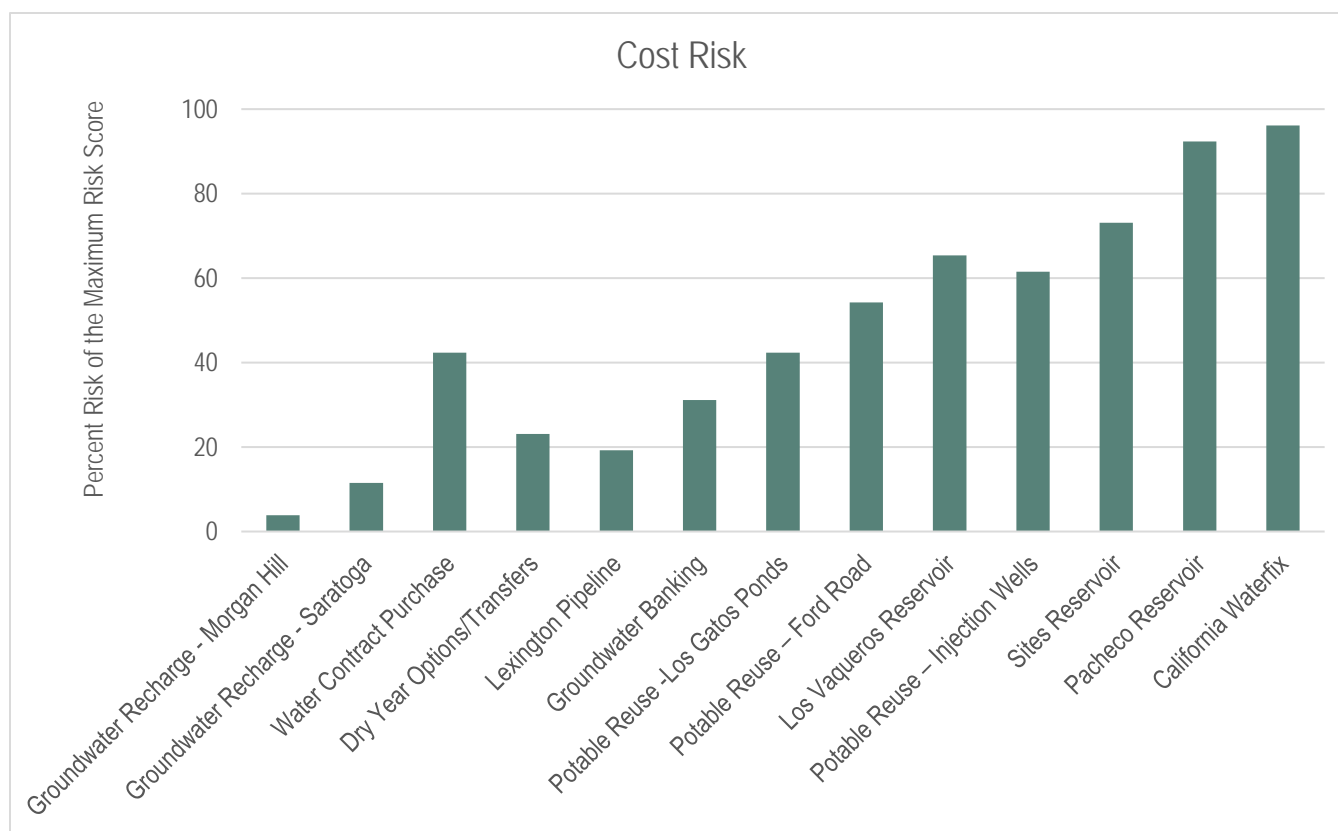


FIGURE 4. WEIGHTED IMPLEMENTATION RISK

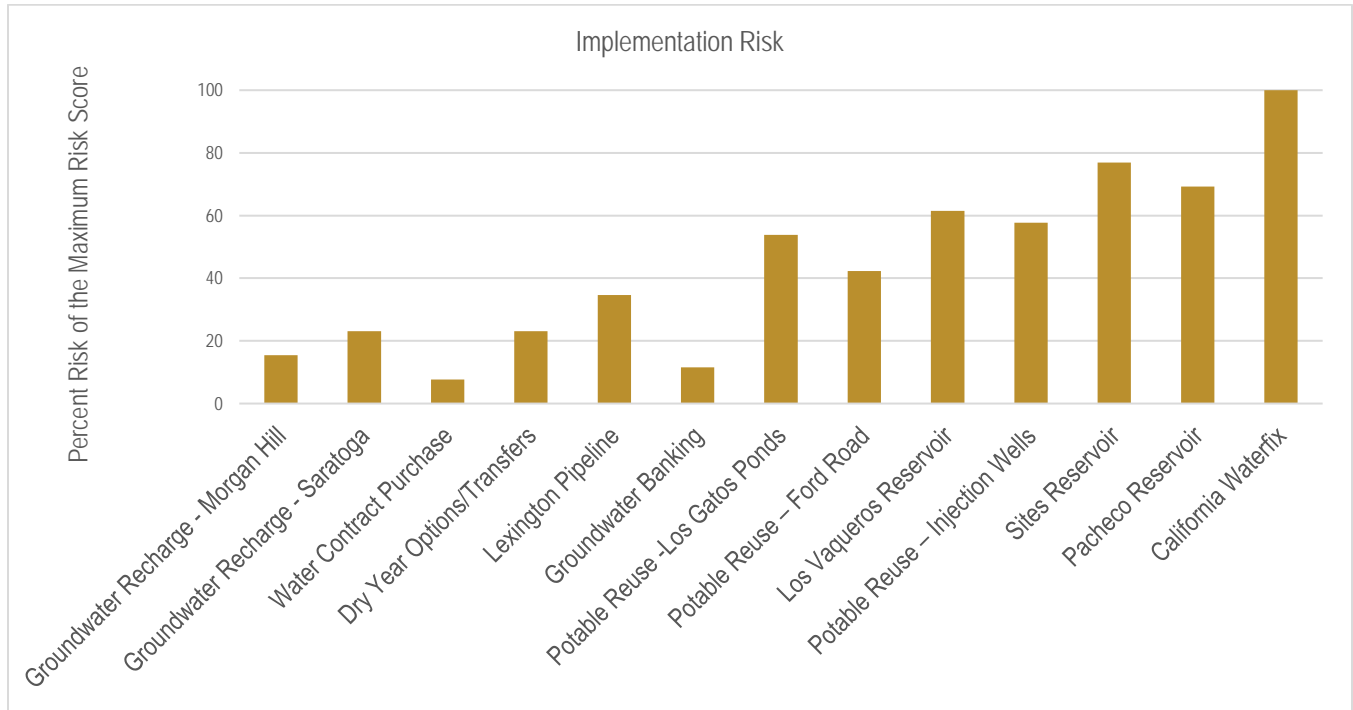
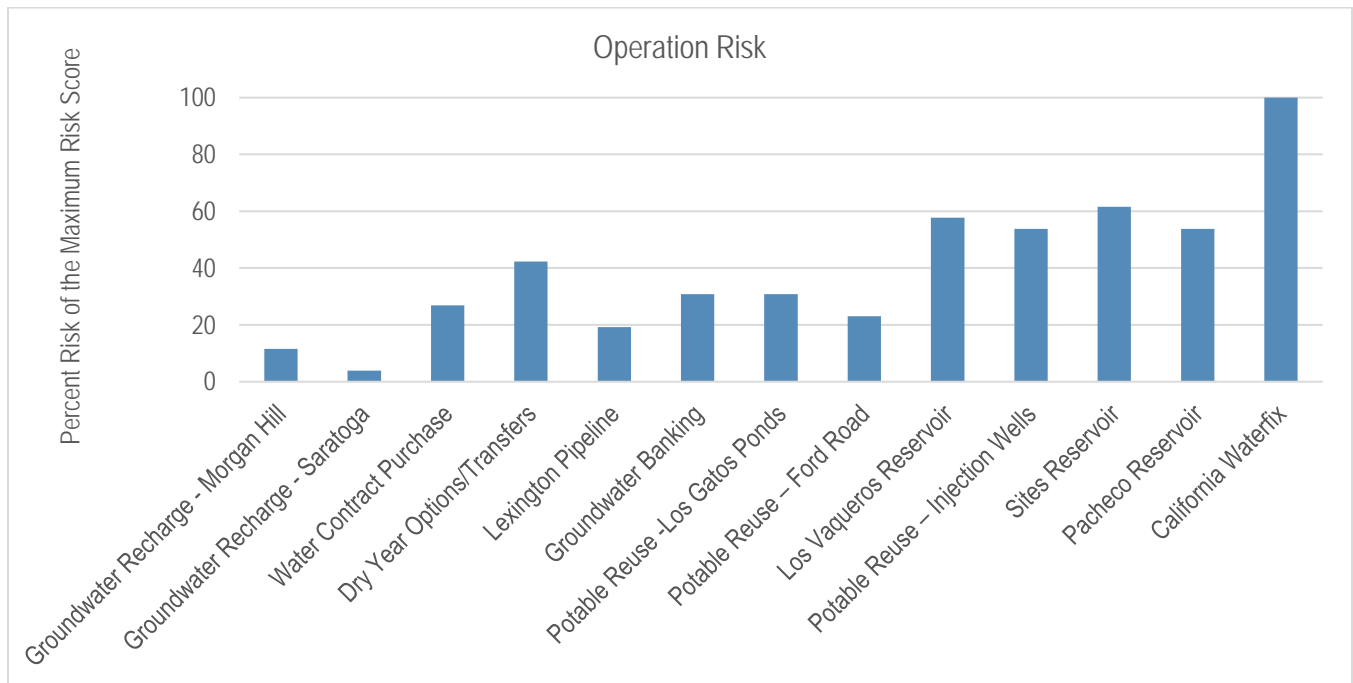


FIGURE 5. WEIGHTED OPERATIONS RISK



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FIGURE 6. WEIGHTED STAKEHOLDER RISK

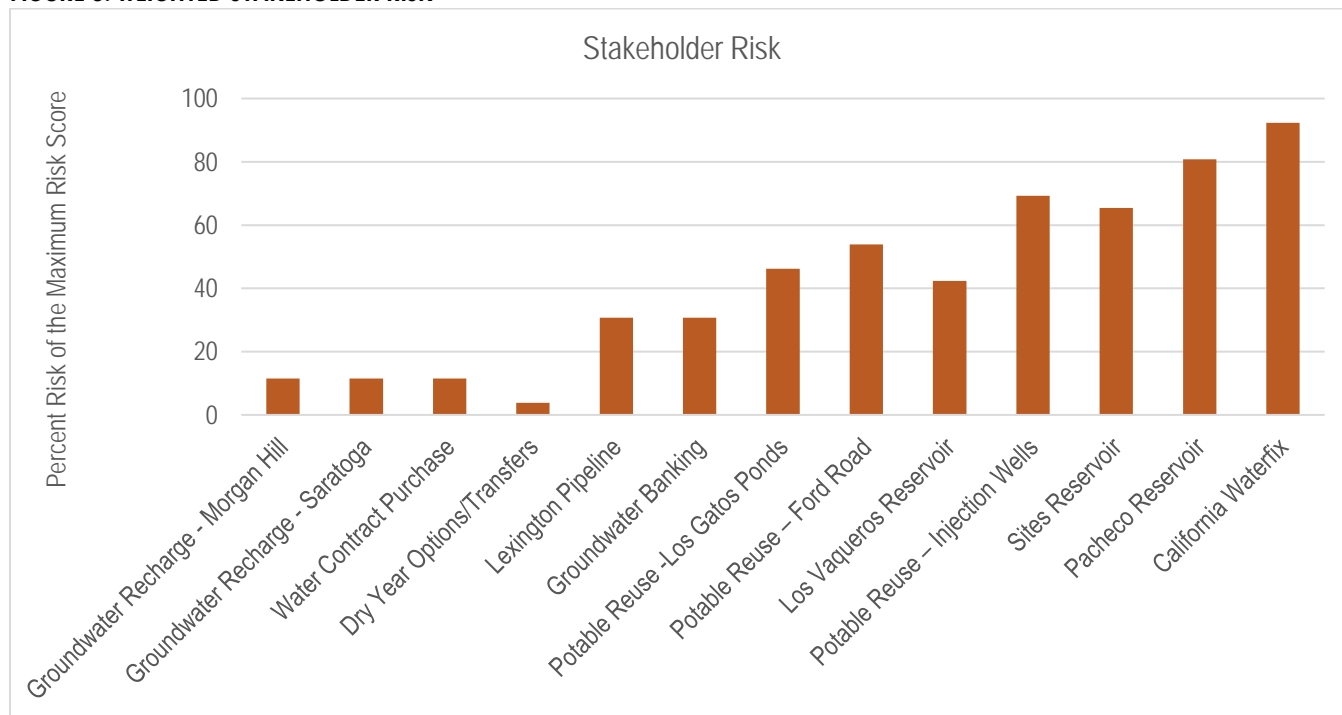
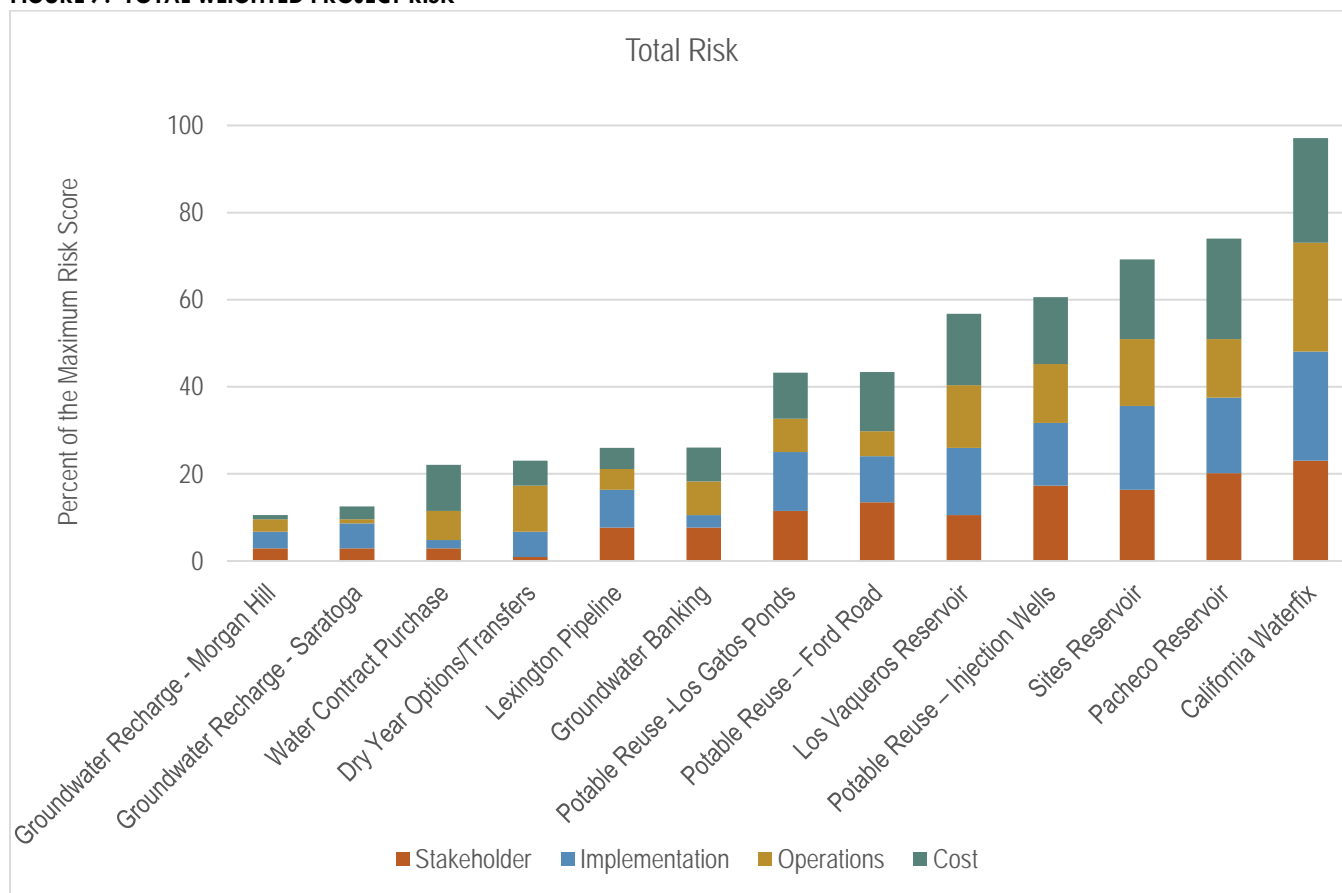


FIGURE 7. TOTAL WEIGHTED PROJECT RISK



PROJECT RISK SUMMARY AND CONCLUSIONS

California WaterFix and the three surface water reservoirs (Pacheco, Sites, and Los Vaqueros) are among the highest risk projects based on this analysis. California WaterFix and Sites Reservoir risk is distributed relatively evenly among the four categories, while Pacheco has more cost risk and Los Vaqueros has less stakeholders risk compared to the other risk categories.

Uncertainties related to future regulatory requirements for the California WaterFix may affect project operations and impact water supply yields. Although significant contingencies have been included in the cost estimates, there could be cost overruns due to the size and complexity of the construction project. Additionally, opposition from vocal stakeholders and potential legal challenges could lead to schedule delays and changes in proposed operations that impact the project's water supply benefit.

Sites Reservoir would depend on Sacramento River flows and Pacheco Reservoir would store Delta-conveyed supplies (along with local water), causing uncertainty in the amount of water that either reservoir will supply. Future environmental regulations and hydrologic changes could significantly affect the modeled yields from the reservoirs. In addition, both reservoirs will likely have significant environmental mitigation requirements that could further reduce the water supply and increase the project costs.

In contrast to Sites, California WaterFix, and Los Vaqueros, the risk analysis results suggest that the Pacheco Reservoir cost-related risk is more significant than the stakeholders, implementation, and operations risks. The cost risks are based on concerns that Pacheco partners have less financial resources and the project has less secure funding sources compared to Sites, California WaterFix, or Los Vaqueros. In addition, the cost estimate for construction and operations/maintenance could increase considerably since the project is in the early phases of planning.

The analysis shows that Los Vaqueros Reservoir has a relatively low risk compared to the other reservoir proposals and California WaterFix, with 12 percent less total risk than the next riskiest reservoir (Sites Reservoir). Risk experts from each of the risk categories commented that Los Vaqueros has been expanded before with little opposition, on time, and on budget. In addition, experts from the costs group noted that there are several potential cost-sharing partners that are financially reliable. There are potential implementation and operation complexities due to the large number of partners.

The analysis also shows that potable reuse using injection wells is riskier than potable reuse using recharge ponds. Injection wells are a relatively new technology compared to recharge ponds and recharge pond operations, maintenance, and costs are better understood. However, experts were concerned that Ford Ponds will require decommissioning several retailer wells, potentially being a stakeholder acceptance and project implementation issue. General potable reuse concerns included public acceptance, poor cost estimates for advanced purification systems, and unknown regulatory requirements. However, experts thought it is less risky than reservoirs or California WaterFix because the water will be a drought-proof, reliable, local supply and that the current socio-political environmental surrounding potable reuse as a water supply will help improve public perception.

Groundwater banking and Lexington Pipeline both had the same amount of total risk. However, compared to Lexington Pipeline, groundwater banking had higher cost and operations risks and lower implementation risks. Since the District already participates in groundwater banking with Semitropic Water Storage District (Semitropic), stakeholders are familiar banking and the associated costs risks. In addition, implementation risks and operations risks are like those with Semitropic in that there needs to be exchange capacity in dry years and the storage is not in-county. While those risks exist, they are relatively small compared to other projects

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since the District has experience planning for and mitigating those risks. However, the new potential banking partners will need to build infrastructure to be able to bank District water.

In contrast to groundwater banking, most of the risk associated with Lexington Pipeline is implementation risk. The implementation concern is the ability to build the pipeline through urban areas and potentially complex geologies. Since the pipeline would be locally maintained and operated, there are less operational and cost-related risks. The main cost risk associated with Lexington Pipeline is the construction cost. In contrast, the District would not control the groundwater banking operations and costs would be a recurrent negotiation.

Imported water contract purchase and dry year transfer risks are primarily associated with cost and operation. The contract purchase option is a permanent transfer of SWP Table A contractual water supplies, which are subject to the same regulatory restrictions and delivery uncertainties as our current imported water supplies. In addition, the SWP South Bay Aqueduct has conveyance limits that could make it difficult to receive additional Table A contract water during higher allocation years. In contrast, dry year transfers can only be delivered during specific months. However, if dry year transfers are available, there is little risk that the District will not receive the purchased transfer water. Imported water contract purchase and dry year transfer are both lower risk relative to most other projects since neither require construction, reducing their implementation and cost risks. However, stakeholder experts suggested that it may have poor optics to buy more Table A water when we already do not receive 100 percent of our contract allotment and that it may be difficult to find someone interested in selling their Table A water contract. Similarly, dry year transfers may not be available for purchase when needed.

The Morgan Hill (Butterfield) recharge channel and Saratoga recharge pond were the lowest risk projects because they are less costly than other projects, are local, and the District has successfully completed similar projects. Morgan Hill (Butterfield) recharge channel is currently owned by Morgan Hill and actively used for stormwater conveyance during the winter. To use the channel for recharge as planned, the District will need to coordinate operations with Morgan Hill and extend the District's Madrone Pipeline to the channel. The chief concern with Saratoga recharge pond is identifying and purchasing a suitable property for recharge.

In general, the lowest risk projects are those that are locally controlled or similar to already completed projects. Imported water rights purchase, dry year transfer, and groundwater banking are current practices, so the District is prepared for the uncertainties associated with those projects. Similarly, Morgan Hill (Butterfield) recharge channel is similar to the Madrone recharge channel and is locally controlled. Potable reuse is the newest technology the District is considering, but the facilities are locally controlled and the District is currently testing potable reuse to confirm its operational capabilities. Experts did find potable reuse with recharge ponds to be lower risk than potable reuse with injection wells. The District has experience managing recharge ponds, consistent with the conclusion that lower risk projects are those that are most similar to existing District projects. Projects that require substantial construction and cost-sharing are higher risk, such as California WaterFix and the Pacheco, Sites, and Los Vaqueros Reservoirs.

This risk assessment helps provide the Board of Directors and external stakeholders more thorough understanding of each proposed project. Understanding project risks and how these risks may materialize can help determine which projects to invest in and what project-related issues to prepare for in the future as project development proceeds.

Appendix A: Project and Program Descriptions (as of September 2017)

| Project | Pros | Cons | Average Annual Yield (AFY) ¹ | Present Value Cost to District (2017) | Cost/AF |
|---|--|---|---|---------------------------------------|---------|
| California WaterFix: Constructs two 40-foot diameter tunnels at least 100 feet below ground surface capable of diverting up to 9,000 cubic feet-per-second from the Sacramento River and delivering it to the federal and state pumps. Alternative to conveying water all Central Valley Project and State Water Project supplies through the Delta. Would require environmental flow and water quality criteria be met. | <ul style="list-style-type: none"> • Secures existing Delta-conveyed supplies • Upgrades aging infrastructure • Protects the environment through less impactful diversions • Improves reliability of other Delta-conveyed supplies and transfers • Protects water quality | <ul style="list-style-type: none"> • Implementation complexity • Long-term operational uncertainty • Stakeholder opposition • Financing uncertainty | 41,000 | \$620 million | \$600 |
| Dry Year Options / Transfers: Provides 12,000 AF of State Water Project transfer water during critical dry years. Amount can be increased or decreased. Can also include long-term option agreements. | <ul style="list-style-type: none"> • Provides supply in critical years when needs are greatest • Allows for phasing • Can implement in larger increments • Complements all other projects | <ul style="list-style-type: none"> • Subject to Delta-restrictions • Increases reliance on Delta • Cost volatility • Uncertainty with willing sellers | 2,000 | \$100 million | \$1,400 |

¹ The average annual yield of many projects depends on which projects they are combined and the scenario being analyzed. For example, groundwater banking yields is higher in portfolios that include wet year supplies. Similarly, they would be lower in scenarios where demands exceed supplies and excess water is unavailable for banking.

| Project | Pros | Cons | Average Annual Yield (AFY) ¹ | Present Value Cost to District (2017) | Cost/AF |
|--|---|---|---|---------------------------------------|---------|
| Groundwater Banking: Provides 120,000 AF of banking capacity for Central Valley Project and State Water Project contract water. Sends excess water to a groundwater bank south of the Delta during wet years and times of surplus for use during dry years and times of need. Annual put and take capacities of 30,000 AFY. Project more effective in portfolios that include new supplies. | <ul style="list-style-type: none"> Significantly reduces drought shortages when paired with projects with all-year supply Allows for phasing | <ul style="list-style-type: none"> Subject to Delta restrictions Uncertainty with Sustainable Groundwater Management Act implementation | 2,000 | \$170 million | \$3,900 |
| Groundwater Recharge – Morgan Hill Recharge: Extends the Madrone Pipeline from Madrone Channel to Morgan Hill's Butterfield Channel and Pond near Main Street. Would need to be operated in conjunction with the City's stormwater operations. | <ul style="list-style-type: none"> Optimizes the use of existing supplies Conjunctive use strategy Helps drought recovery Local project | <ul style="list-style-type: none"> Minimal impact on drought shortages North County locations limited Potential siting conflicts with existing land uses | 2,000 | \$20 million | \$400 |
| Groundwater Recharge – Saratoga: Constructs a new groundwater recharge facility in the West Valley, near the Stevens Creek pipeline. | | | 1,000 | \$50 million | \$1,300 |

| Project | Pros | Cons | Average Annual Yield (AFY) ¹ | Present Value Cost to District (2017) | Cost/AF |
|---|--|--|---|---------------------------------------|---------|
| Lexington Pipeline: Constructs a pipeline between Lexington Reservoir and the raw water system to provide greater flexibility in using local water supplies. The pipeline would allow surface water from Lexington Reservoir to be put to beneficial use elsewhere in the county, especially when combined with the Los Gatos Ponds Potable Reuse project which would utilize the capacity of the Los Gatos recharge ponds where most water from Lexington Reservoir is currently sent. In addition, the pipeline will enable the District to capture some wet-weather flows that would otherwise flow to the Bay. | <ul style="list-style-type: none"> • Optimizes the use of existing local supplies • Increases local flexibility • Complements potable reuse | <ul style="list-style-type: none"> • Water quality issues will require pre-treatment/management • Minimal reduction in drought shortages | 3,000 | \$90 million | \$1,000 |

| Project | Pros | Cons | Average Annual Yield (AFY) ¹ | Present Value Cost to District (2017) | Cost/AF |
|--|--|---|---|---------------------------------------|---------|
| Los Vaqueros Reservoir: Secures an agreement with Contra Costa Water District and other partners to expand the off-stream reservoir by 110,000 AF (from 160 TAF to 275 TAF) and construct a new pipeline (Transfer-Bethany) connecting the reservoir to the South Bay Aqueduct. Assumes District's share is 35,000 AF of storage, which is used to prorate costs. Emergency storage pool of 20,000 AF for use during droughts. District would also receive Delta surplus supplies when there is capacity to take. Average yield for District about 3,000 AFY. Assumes sales of excess District supplies to others. Transfer-Bethany Pipeline provides about ¾ of the project benefits at ¼ of the cost. | <ul style="list-style-type: none"> Provides drought supplies Improved transfer/exchange capacity Allows for phasing (Transfer-Bethany Pipeline provides significant benefit) Complements projects with all-year supply Supports regional reliability Public and agency support | <ul style="list-style-type: none"> Operational complexity Institutional complexity | 3,000 | \$40 million | \$400 |
| Pacheco Reservoir: Enlarges Pacheco Reservoir to 140,000 AF. Assumes local inflows and ability to store Central Valley Project supplies in the reservoir. Construction in collaboration with Pacheco Pass Water District and San Benito County Water District. Potential other partners. | <ul style="list-style-type: none"> Locally controlled Addresses San Luis Reservoir Low-Point problem Provides flood protection Provides cold water for fisheries Increases operational flexibility | <ul style="list-style-type: none"> Impacts to cultural resources Long-term operational uncertainty Increases long-term environmental commitments May require use of Delta-conveyed supplies to meet environmental commitments Stakeholder opposition | 6,000 | \$450 million | \$2,700 |

| Project | Pros | Cons | Average Annual Yield (AFY) ¹ | Present Value Cost to District (2017) | Cost/AF |
|---|---|--|---|---------------------------------------|---------|
| Potable Reuse – Ford Pond: Constructs potable reuse facilities for 5,000 AFY of groundwater recharge capacity at/near Ford Ponds. | <ul style="list-style-type: none"> Local supply Not subject to short or long term climate variability Allows for phasing | <ul style="list-style-type: none"> Reverse osmosis concentrate management for injections wells and Los Gatos Ponds projects Uncertainty with agreements with San Jose Injection well operations complex Potential public perception concerns | 3,000 | \$190 million | \$2,500 |
| Potable Reuse – Injection Wells: Constructs (or expands in conjunction with the Los Gatos Ponds project) potable reuse facilities for 5,000 to 15,000 AFY of groundwater injection capacity. | | | 5,000 – 15,000 | \$290 million - \$860 million | \$2,000 |
| Potable Reuse -Los Gatos Ponds: Constructs facility to purify water treated at wastewater treatment plants for groundwater recharge. Potable reuse water is a high-quality, local drought-proof supply that is resistant to climate change impacts. Assumes 24,000 AFY of advanced treated recycled water would be available for groundwater recharge at existing recharge ponds in the Los Gatos Recharge System. | | | 19,000 | \$990 million | \$1,700 |

| Project | Pros | Cons | Average Annual Yield (AFY) ¹ | Present Value Cost to District (2017) | Cost/AF |
|---|--|--|---|---------------------------------------|---------|
| Sites Reservoir: Establishes an agreement with the Sites JPA to build an off-stream reservoir (up to 1.8 MAF) north of the Delta that would collect flood flows from the Sacramento River and release them to meet water supply and environmental objectives. Assumes District's share is 24,000 AF of storage, which is used to prorate yields from the project. The project would be operated in conjunction with the SWP and CVP. In some years, District would receive less Delta-conveyed supply with the project than without the project. | <ul style="list-style-type: none"> Off-stream reservoir Improves operational flexibility of Statewide water system | <ul style="list-style-type: none"> Increases reliance on the Delta Subject to Delta risks Long-term operational uncertainty Operational complexity Institutional complexity | 8,000 | \$170 million | \$800 |
| Water Contract Purchase: Purchase 20,000 AF of SWP Table A contract supply from other SWP agencies. | <ul style="list-style-type: none"> Provides all year supply | <ul style="list-style-type: none"> Increases reliance on the Delta Subject to Delta risks Willing sellers' availability | 12,000 | \$360 million | \$800 |

APPENDIX B. WSMP 2017 PROJECT RISK ANALYSIS METHODOLOGY

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| | |
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| CONCLUSION | 6 |

The following staff participating in the risk analysis:

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BACKGROUND:

At the expert panel meeting on June 8, 2017, a panel member suggested that the Water Supply Planning team conduct a risk assessment on the projects being considered as part of the WSMP. A participant at the expert panel meeting suggested using a Paired Comparison Analysis. The WSMP project team and expert panel brainstormed elements of project risk, which the technical team then used to create risk categories that encompassed the risk elements. After the meeting, the project team identified internal subject matter experts for each risk category to participate in the paired comparison risk assessment. The project team then decided to combine the paired comparison risk analysis with a traditional risk ranking (severity and likelihood) to better understand the relative magnitude of each risk. This provides a detailed explanation of the methodology employed. The results and conclusions are presented in the September 8, 2017, *WSMP 2017 – PROJECT RISKS: Results of Pairwise and Traditional Risk Analyses*.

RISK CATEGORIES

The WSMP project team reviewed the risk elements brainstormed during the expert panel meeting and grouped them into four risk categories: stakeholder, implementation, operations, and cost (Table 1). The risk categories reflect the different stages of a project where risk can occur. Each project requires approval or support from a diverse set of stakeholders, ranging from the public to the Board of Directors. This may be needed only at the beginning of a project, or throughout as is the case with regulatory approval. Once a project is supported by stakeholders, the project enters the planning/implementation phase. Implementation risks capture risks that occur during planning, design, permitting, and construction. The cost risk category encompasses elements of uncertainty associated with the initial cost estimates through the uncertainty associated with recurring operations and maintenance costs during the project's lifespan. Once the project is implemented, issues associated with project operations will need to be addressed throughout the lifespan of the project. An example of a potential recurring operations issue is the need to re-operate as environmental regulations or climate changes.

Once the project team determined the risk categories, they reviewed risk management references to ensure they were presenting a comprehensive assessment of risk. During the literature review, the technical team found a risk category structure named POET that is analogous to their risk categorization (TRW, Inc.). POET categories include political, operational, economic, and technical, and is used to assess challenges and opportunities associated with programs, customer challenges, and strategies, regardless of the size and complexity.

- Political: Assess and articulate associated leadership, mission/business decision drivers, organizational strengths/weaknesses, policies, governance, expectation management (e.g., stakeholder relationship), program management approach, etc.
- Operational: Obtain and evaluate mission capabilities, requirements management, operational utility, operational constraints, supporting infrastructure and processes, interoperability, supportability, etc.
- Economic: Review capital planning and investment management capabilities, and assess the maturity level of the associated processes of budgeting, cost analysis, program structure, acquisition, etc.
- Technical: Assess and determine the adequacy of planned scope/scale, technical maturity/obsolescence, policy/standards implementation, technical approach, etc.

The risk categories determined by the project team have slightly different names than the POET categories, but they cover very similar content.

Table 1: Risk Category and Risk Elements.

| Risk Category | Risks |
|-----------------------|---|
| Costs | <ul style="list-style-type: none"> • Capital costs, including quality of cost estimate • Costs of regulatory compliance • Match requirements and cost-sharing • Counter-party risk • Stakeholders and rate payer perspective and ability to pay • Financing and funding security • Scheduling issues • Economic fluctuations and instability • Stranded assets |
| Implementation | <ul style="list-style-type: none"> • Phasing potential • Required time table • Reoperation requirements • Land availability • Constructability (e.g., structural issues, technology) • Managerial capacity (knowledge and resource availability) • Range of implementation options • Regulatory requirements • Project planning maturity |
| Operations | <ul style="list-style-type: none"> • Climate change • Yield variability and reliability • Operating Partnerships • Uncertainty of long-term operations and maintenance costs • Project inter-dependency • Environmental and water quality regulations • Control • Appropriate infrastructure • Redundancy • Emergency operations/asset failures |
| Stakeholders | <ul style="list-style-type: none"> • Public support • Permitting risks • Media • Internal stakeholder concerns • External stakeholder opposition • Environmental/special interest groups • Partnership risks • Government stakeholders • Costs |

WSMP PROJECT RISK ASSESSMENT

After a review of risk assessment methodologies, the project team determined that while a pairwise comparison provides the relative risk ranking of projects, it does not indicate how much riskier one project is in comparison to one of lower rank. To quantify the magnitude of risk, the project team decided to add an evaluation of risk severity and likelihood.

To complete the risk assessment, the project team assembled five to six subject matter experts from the District into four groups, one group for each risk category. The team chose District experts that had knowledge specific to their assigned risk category (Table 1). At each of the four risk assessment meetings, the following agenda was followed:

- 1) Projects were discussed to the experts could understand the projects sufficiently to perform their analysis.
- 2) District experts reviewed and brainstormed additional elements of risk associated with the category.
- 3) District experts independently completed a pairwise comparison.
- 4) A meeting facilitator tallied the pairwise comparisons during the meeting and the District experts discussed some of the project comparisons where experts had disagreements.
- 5) District experts independently completed the risk magnitude assessment, which was tallied afterwards.

After this assessment was completed, the project team added four additional projects to the list. This required the analysis to be conducted again with the added projects. The same process was followed for the second analysis, with the following exceptions:

- A subset of the same staff was used in the second analysis, with four to five experts per category.
- The subject matter experts did not meet in person for the second analysis, so there was not the same level of discussion or ability to ask questions about projects as during the first analysis.

PAIRED COMPARISON

The subject matter experts received a matrix of the projects where they could complete their paired comparisons (Table 2A). Each expert compared one project to another and identified which project between the two is of greater risk for the risk category being evaluated. The project team then tabulated the results during the meeting for the first phase (Table 2B- All results), and the experts discussed some of the project comparisons where there was not consensus. Given time constraints, not all paired comparisons with disagreements could be discussed; instead, the project team selected the most significant disagreements for discussion. For the second phase, the experts were provided the same information and forms, and they completed the assessments on their own.

Table 2A: Pairwise Template

| OPERATIONS Risk | Butterfield Recharge Pond B | Groundwater Banking South of Delta G | Sites Reservoir S | Los Vaqueros Reservoir Expansion L | Potable Reuse – Ford Road PF | Potable Reuse – Injection Wells PI | Imported Water Rights Purchase I | Pacheco Reservoir PR | California Waterfix C |
|--|---------------------------------------|--|-----------------------------|--|--|--|--|--------------------------------|---------------------------------|
| Butterfield Recharge Pond B | X | | | | | | | | |
| Groundwater Banking South of Delta G | X | X | | | | | | | |
| Sites Reservoir S | X | X | X | | | | | | |
| Los Vaqueros Reservoir Expansion L | X | X | X | X | | | | | |
| Potable Reuse – Ford Road PF | X | X | X | X | X | | | | |
| Potable Reuse – Injection Wells PI | X | X | X | X | X | X | | | |
| Imported Water Rights Purchase I | X | X | X | X | X | X | X | | |
| Pacheco Reservoir P | X | X | X | X | X | X | X | X | |
| California Waterfix C | X | X | X | X | X | X | X | X | X |

Table 2B: Pairwise Results

| | Butterfield Recharge Pond B | Groundwater Banking South of Delta G | Sites Reservoir S | Los Vaqueros Reservoir Expansion L | Potable Reuse – Ford Road PF | Potable Reuse – Injection Wells PI | Imported Water Rights Purchase I | Pacheco Reservoir PR | California Waterfix C |
|--|---------------------------------------|--|-----------------------------|--|--|--|--|--------------------------------|---------------------------------|
| Butterfield Recharge Pond B | X | G5 | S5 | L5 | PF5 | PI5 | I4 B1 | PR5 | C5 |
| Groundwater Banking South of Delta G | X | X | S5 | L3 G2 | PF3 G2 | PI2 G3 | I2 G3 | PR5 | C5 |
| Sites Reservoir S | X | X | X | S5 | S5 | PI1 S4 | S5 | PR5 | C5 |
| Los Vaqueros Reservoir Expansion L | X | X | X | X | PF1 L4 | PI1 L4 | I1 L4 | PR5 | C5 |
| Potable Reuse – Ford Road PF | X | X | X | X | X | PI5 | I3 PF2 | PR5 | C5 |
| Potable Reuse – Injection Wells PI | X | X | X | X | X | X | I3 PI2 | PR5 | C5 |
| Imported Water Rights Purchase I | X | X | X | X | X | X | X | PR5 | C5 |
| Pacheco Reservoir P | X | X | X | X | X | X | X | X | C4 PR1 |
| California Waterfix C | X | X | X | X | X | X | X | X | X |

RISK SCORING METHODOLOGY

Following the pairwise comparison, the experts scored the risk severity and likelihood for individual projects (Table 3). The goal of this risk scoring exercise is to help determine how much riskier one project is from another and to identify if the risk is primarily from the likelihood that the risk materializes, the severity of the outcome if the risk

did materialize, or both. For example, it is unlikely that an earthquake would destroy a dam, but if it did, the results could be catastrophic for life and property (low likelihood, high severity). However, when completing this exercise, experts considered all the risk elements discussed during the pairwise comparison activity to determine one project risk rating for severity and one for likelihood. The ranking criteria for each risk category is explained in detail in the next section.

Table 3: Risk Scoring Template

| | Severity of Implementation Risk Impact 1-4, 1 - Low Severity 4 - High severity | Likelihood of Implementation Risk Impact 1-4, 1 - Very unlikely 4 - Very likely within timeframe |
|---------------------------------------|---|---|
| Butterfield Recharge Pond | | |
| Groundwater Banking South of Delta | | |
| Sites Reservoir | | |
| Los Vaqueros Reservoir Expansion | | |
| Potable Reuse – Ford Road | | |
| Potable Reuse – Injection Wells | | |
| Imported Water Rights Purchase | | |
| Pacheco Reservoir | | |
| California Waterfix | | |

The scores from this exercise were multiplied by the ordered ranking from the pairwise analysis to determine total risk. The following section provides detailed methods for the total risk calculation.

An example of how the subject matter experts could consider risk rating was provided, but not relied upon due to the many different sub-elements of risk to consider.

EXAMPLE:

Rank the **likelihood** of a stakeholder risk adversely impacting the project

- 1 = Very unlikely – Support available within 5 to 10 years
- 2 = Unlikely – appropriate support will Probably be garnered within 5 to 10 years
- 3 = Likely - Probably will NOT get support within 5 to 10 years
- 4 = Very likely - Almost certain NOT to get needed support within 5 to 10 years

Rank the **severity** of a stakeholder risk adversely impacting the project:

- 1 = Low – Stakeholder support exists or lack of support will not affect project success

- 2 = Medium –Potential for stakeholder issues to impact project success
- 3 = High – Potential for stakeholder issues to significantly impact project success
- 4 = Very High – Likely that lack of stakeholder support would result in project failure

TOTAL PROJECT RISK CALCULATION

The project team calculated category risk for each project by weighting the pairwise ranking by the severity and likelihood (equation 1). Then, the category risks were summed to obtain each project's total risk.

Equation 1

$$Risk_{category} = (1 + \frac{Severity + Likelihood}{8}) \times Pairwise\ Ranking$$

The severity and likelihood score is divided by eight (the maximum possible combined score) to represent severity and likelihood as a portion of the maximum possible combined score. The technical team then added that proportion to one (1) so that the pairwise analysis remains the primary driver of the order of risk, and then the severity and likelihood is a multiplicative factor that acts on the risk ranking. If the severity and likelihood is significant, it will substantially increase the total risk score. If the severity and likelihood score are small, there will be little impact on the total risk score. Alternatively, not adding one (1) to the severity and likelihood proportion would result in the severity and likelihood decreasing the ranking number unless the severity and likelihood proportion equals one.

CONCLUSION

The risk assessment methods were easy to apply to the projects and provided a robust and multi-variant method assess risks associated with each project. However, explaining the methods clearly to the subject matter experts was needed. Since the second phase of review with the added project did not include discussions or the opportunity to ask questions, it may have been subject to less project understanding by the experts.

The results are discussed in September 8, 2017, *WSMP 2017 – PROJECT RISKS: Results of Pairwise and Traditional Risk Analyses*.

DRAFT MASTER PLAN IMPLEMENTATION SCHEDULE

| Project | Now – 2024 | 2025 – 2029 | 2030 – 2034 | 2035-2039 |
|---|--|---|---|---|
| Delta Conveyance Project | <ul style="list-style-type: none"> • Permitting • Design • “Validation Action” | Construction | Construction | Operation |
| Additional Conservation & Stormwater Projects | <ul style="list-style-type: none"> • Continue implementing stormwater rebates and graywater program • Design and begin implementing AMI program • Work with jurisdictions to adopt Model Ordinance • Develop Ag Land Recharge pilot project • Monitor stormwater capture projects | <ul style="list-style-type: none"> • Continue implementing stormwater rebates, graywater program, AMI • Support implementation of Model Ordinance • Develop leak repair incentive program • Design Ag Land Recharge and stormwater capture project(s) | <ul style="list-style-type: none"> • Continue implementing stormwater rebates, graywater program, AMI • Support implementation of Model Ordinance • Implement leak repair incentive program • Design and construct Ag Land Recharge and stormwater capture project(s) | <ul style="list-style-type: none"> • Continue implementing stormwater rebates, graywater program, AMI, leak repair incentive program, and Ag Land Recharge and stormwater capture project(s) • Support implementation of Model Ordinance • Construct stormwater capture project(s) |
| Potable Reuse | <ul style="list-style-type: none"> • Complete Countywide Reuse Plan • MOU(s) with wastewater provider (s) • Select P3 entity • EIR • Design | Construction | Operation | Operation |
| Pacheco Reservoir Expansion | <ul style="list-style-type: none"> • EIR/Feasibility Study • Permitting • Planning and Design | Construction | Operation | Operation |
| Transfer Bethany Pipeline | <ul style="list-style-type: none"> • EIR/Feasibility Study • Permitting • Planning, Design, and Construction | Operation | Operation | Operation |
| South County Recharge | | Planning, Design, and Permitting | Construction | Operation |

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Santa Clara Valley Water District

File No.: 19-0617

Agenda Date: 7/24/2019

Item No.: 5.2.

COMMITTEE AGENDA MEMORANDUM

Santa Clara Valley Water Commission

SUBJECT:

Discuss Policy Framework and Outreach Plan for Use of Santa Clara Valley Water District Property for Trails.

RECOMMENDATION:

This is a discussion item and no action is required. However, the Committee may make recommendations for Board consideration.

SUMMARY:

Santa Clara Valley Water District (Valley Water) policies provide for trails and other recreational uses of its lands that are compatible with its water supply, flood protection, and environmental stewardship mission, and do not unduly impact operations. In practice, it is often challenging for proposed trails to meet these objectives. At the same time, the Board wishes to promote trails and access to open space; in FY2017-2018, the Board Strategic Challenges Report recognized that “current Board Policy does not adequately express Board’s full support of trails.” Finally, public interest both for and against trails is high, resulting in the need for clear policy objectives. At this time, specific trails projects are not being recommended for approval nor will action be taken by the Board on any policy item.

Trails Policy Framework

New Board and/or administrative policy may be necessary to ensure compatibility between Valley Water’s objectives of promoting trails, protecting the environment, and providing for flood protection and a reliable water supply. A new Trails Policy (Board policy) would provide compatibility criteria for trails proposed on Valley Water lands. To supplement the Trails Policy, a Trails Toolkit (administrative policy) would clarify Valley Water’s interests in trail design, construction, and maintenance standards. A Trails Toolkit would provide objective guidance for trails projects to meet the compatibility criteria.

Public Outreach Plan

Broad community input is critical to create an effective trails policy. To ensure balanced yet productive input, staff are proposing a multifaceted outreach process. First, a technical advisory committee (TAC) will be formed in summer 2019 to develop conceptual policy criteria and compile a toolkit of standards, rules, and best practices for trails on Valley Water lands. The TAC will be composed of professional trails practitioners with current and local expertise in trail design, planning and construction, and who are experienced in the process of balancing public access with environmental stewardship and operational objectives.

After draft concepts for the Trails Policy and Toolkit are developed by the TAC, five community workshops will be held in the north, central, and south areas of Santa Clara County in fall 2019. Three workshops will be held in the central area to capture input from a broad range of communities. Stakeholder outreach will occur prior to the community meetings to ensure attendance by trails users and advocates, bicycle and trails committees, environmental groups, and neighbors of current proposed trail projects. To maintain the distinction between Valley Water's policy development and individual cities' project planning and development, specific trails projects will not be presented for feedback at the community workshops. Feedback from the community workshops will be incorporated by the TAC into a revised draft Trails Policy and Toolkit.

The draft Trails Policy and Toolkit will then be presented to Board advisory committees including the Youth Commission, the Water Commission, the Ag Commission and the Environmental and Water Resources Committee. Following input from the advisory committees, the final proposed Trails Policy and Toolkit will be presented to the Board of Directors for approval.

Prior Board or Committee Review

At its January 10, 2017 Regular Meeting, the Board received information regarding the successes and challenges of trails on Valley Water property. The Board expressed a desire to conduct outreach on trails with various stakeholder groups. On August 11, 2017, an update was provided, in which staff relayed plans to conduct stakeholder outreach. Following this, the Board hosted a Trails and Waterways Summit in June 2018 to gather stakeholder input and develop collaborations to meet common challenges related to trails. A list of Summit attendees, and "solutions/commitments" from Summit breakout sessions, is included as Attachment 2. Trail-related public comments received since the Summit is included as Attachment 3.

In December 2018, a staff task force was formed to address outstanding trails issues. At its February 25, 2019 meeting, the Board Policy and Planning Committee reviewed staff's proposed Trails Policy framework, public outreach plan, and timeline. Subsequently, at its March 26 meeting, the Committee confirmed general membership of the TAC, clarified that the TAC would incorporate feedback from community meetings, and requested that additional public meetings be added in the central county. The Committee directed staff to present the proposed trails policy framework to the full Board for review and feedback.

On June 11, 2019, the Board received an informational presentation on staff's recommendations for a Trails Policy framework and public outreach plan. The Board directed staff to proceed with the policy development through the TAC and community meetings.

ATTACHMENTS:

Attachment 1: PowerPoint

Attachment 2: June 2018 Trails Summit Attendee List and Summary

Attachment 3: Trail-Related Board Correspondence Received Since Trails Summit

UNCLASSIFIED MANAGER:

Lisa Bankosh, 408-630-2618



Valley Water

Clean Water • Healthy Environment • Flood Protection



Policy for Use of Valley Water Property for Trails

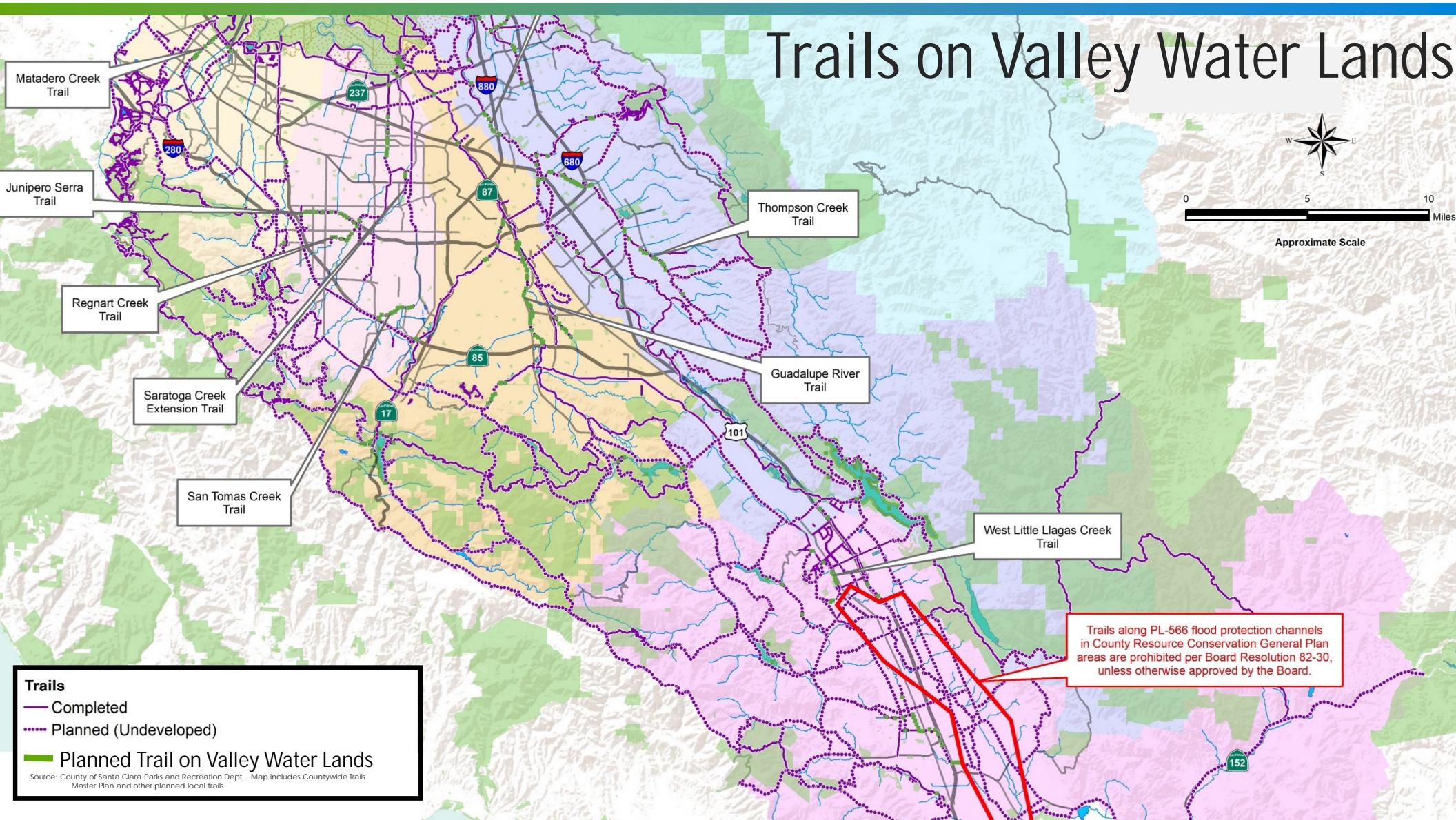
June 11, 2019



Recommendation

Review and provide input on the proposed trails policy framework, and direct staff to proceed with the proposed public outreach plan.

Trails on Valley Water Lands



Existing Policy

5

- Board Resolution 72-44 Recreational Uses of Groundwater Recharge Facilities

- Board Resolution 74-38 Joint Public Use of District Facilities

It is in the public interest to secure diversified uses of District property to the greatest extent compatible with the primary purpose of such property.

The use shall not unduly interfere with the District's use and that the agency making the joint use will through terms of an agreement take full responsibility for the installation, maintenance and removal of improvements convenient for the joint use.

- Board Resolution 82-30 Joint Use of Llagas Creek PL 566 Watershed Projects

What is a Compatible Trail?

1. Existing Board policy may lack sufficient criteria to guide staff in determining whether proposed trails are compatible and appropriate ([Need for new Board policy?](#))
1. Existing administrative policy may not provide clear trail design, construction, and maintenance standards and guidelines, to ensure criteria are met ([Need for revision of Water Resources Protection Manual to create a “trails toolkit”?](#))



Existing Policy

Board Governance Ends Policy 4.2.1:

Support healthy communities by providing access to additional trails, parks, and open space along creeks and in the watersheds.

CEO Interpretation: Outcome Measures: OM 4.2.1.a Provide 7 grant cycles and additional partnerships for \$21 million that follow pre-established criteria related to the creation or restoration of wetlands, riparian habitat and favorable stream conditions for fisheries and wildlife, and providing new public access to trails through 2028. (SCW D3) Strategies: S 4.2.1.1. Work with other entities for planning, design, construction, maintenance, and operation of trails/open space amenities. S 4.2.1.2 Increase public access to District lands as appropriate; extend trails networks. S 4.2.1.3 Support creek-side or water related recreation, as appropriate.

Existing Policy

Board Governance Ends Policy 4.2.2:
Support healthy communities by providing appropriate access to District facilities.

CEO Interpretation: Outcome Measures: OM 4.2.2.a. Agreements with responsible partner agencies are in place for appropriate public access to District facilities. Strategies: S 4.2.2.1. Enter into partnership agreements to provide appropriate public access to District facilities. CEO Direction: D 4.2.2.1.a. Provisions of partner agreements minimize District expenditures and ensure that partner agencies assume all liability for public access. D 4.2.2.1.b. Provisions of partner agreements clearly confirm that any public access or recreation is subject to the district's ability to perform its primary mission, including the operation of reservoirs for water supply and flood control, sustaining water quality to meet regulatory standards, and meeting environmental objectives.

Potential Trail Impacts

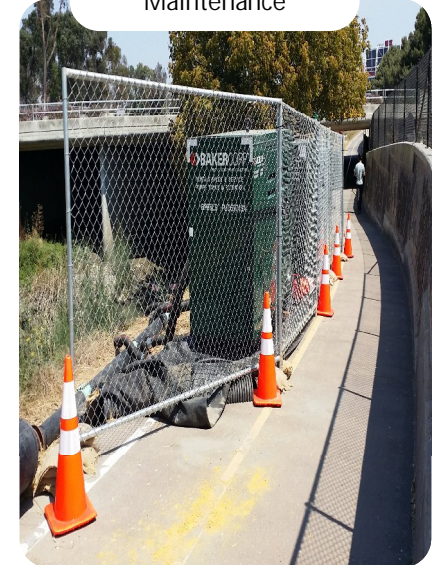
Tree & Limb Removal



Bank Erosion



Maintenance



Biological Impacts

- Native tree removal and habitat loss
- Decreased suitability of habitat to support special status species

Water Quality Impacts

- Erosion and sedimentation
- Trash and other Pollutants

Other Impacts

- Hydraulic Impacts
- Operational and Maintenance Impacts
- Loss of Mitigation Opportunities

Potential Trail Benefits

- Fulfills requirements of District-supported regional trails plan
- Provides regional trail connection that would benefit a broad range of users
- Provides alternative transportation corridor (commuter route)
- Improves access and recreation to underserved communities
- Provides legitimate use and regular maintenance to address illegal uses
- Provides environmental stewardship partnership opportunity



Proposed Board Policy Framework

Goal: Provide criteria to determine compatibility of proposed new trails with District stewardship and operational objectives.

Example Criteria:

1. Overall project results in a neutral or beneficial effect on biological resources and water quality.
2. Project does not adversely affect channel stability, level of flood protection, or increase the extent or frequency of flooding.
3. Project does not impede maintenance of District facilities or adversely affect operational functions.

Proposed Trails Toolkit

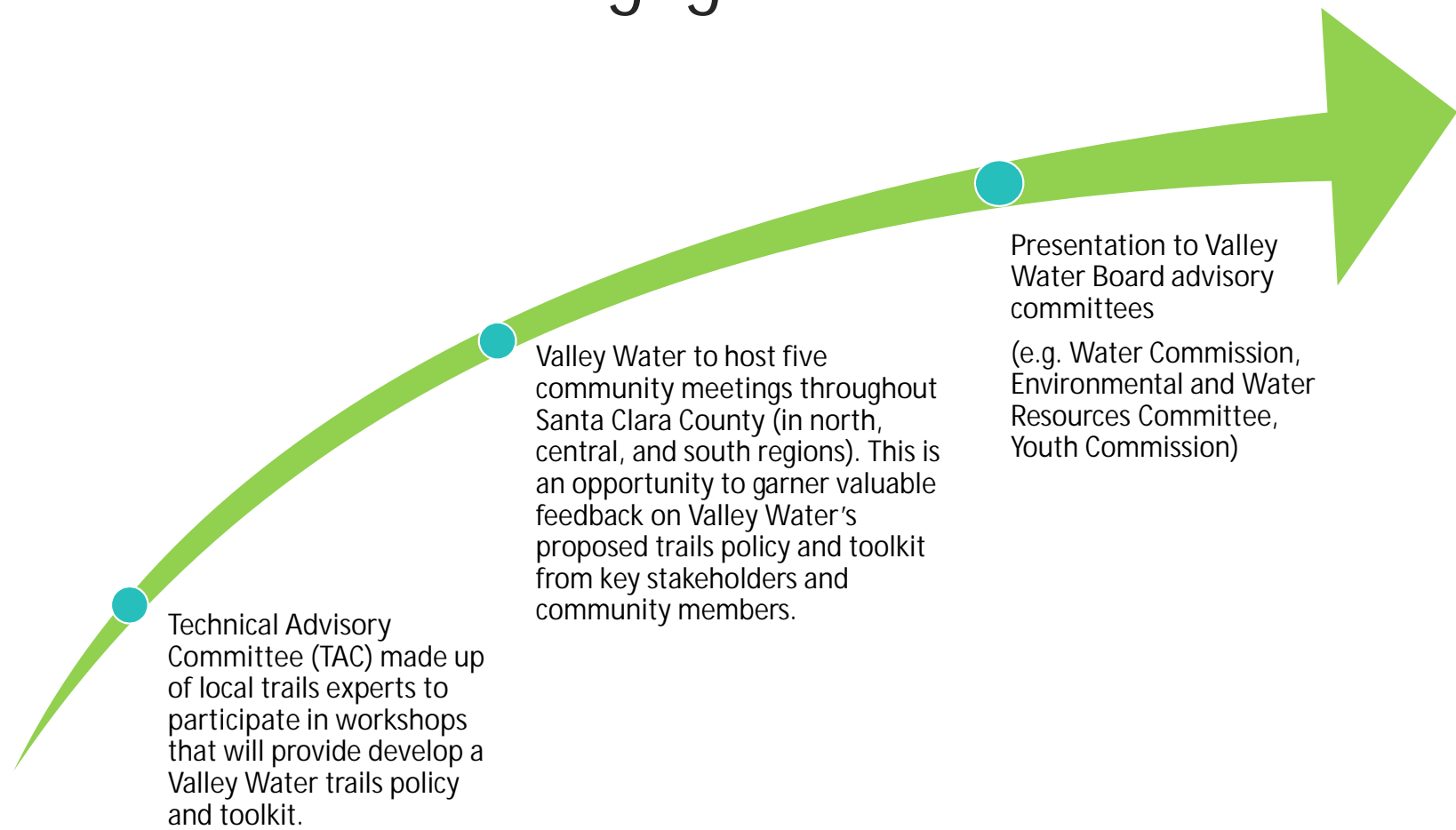
Goal: Revise District Water Resources Protection Manual to provide clear trail design, construction, and maintenance standards and guidelines.

Example Standards and Guidelines:

1. New trails: standard trail siting, width, surfacing, drainage design
2. New bridges and crossings: design characteristics to minimize biological impacts and avoid hydraulic impacts
3. Covert road to trail: standards for maintenance access
4. Safety features: standard details for wildlife-friendly lighting, railings, curb stop and signage
5. Maintenance and patrol guidelines

Proposed Outreach & Engagement Plan

13



valleywater.org



Community Outreach

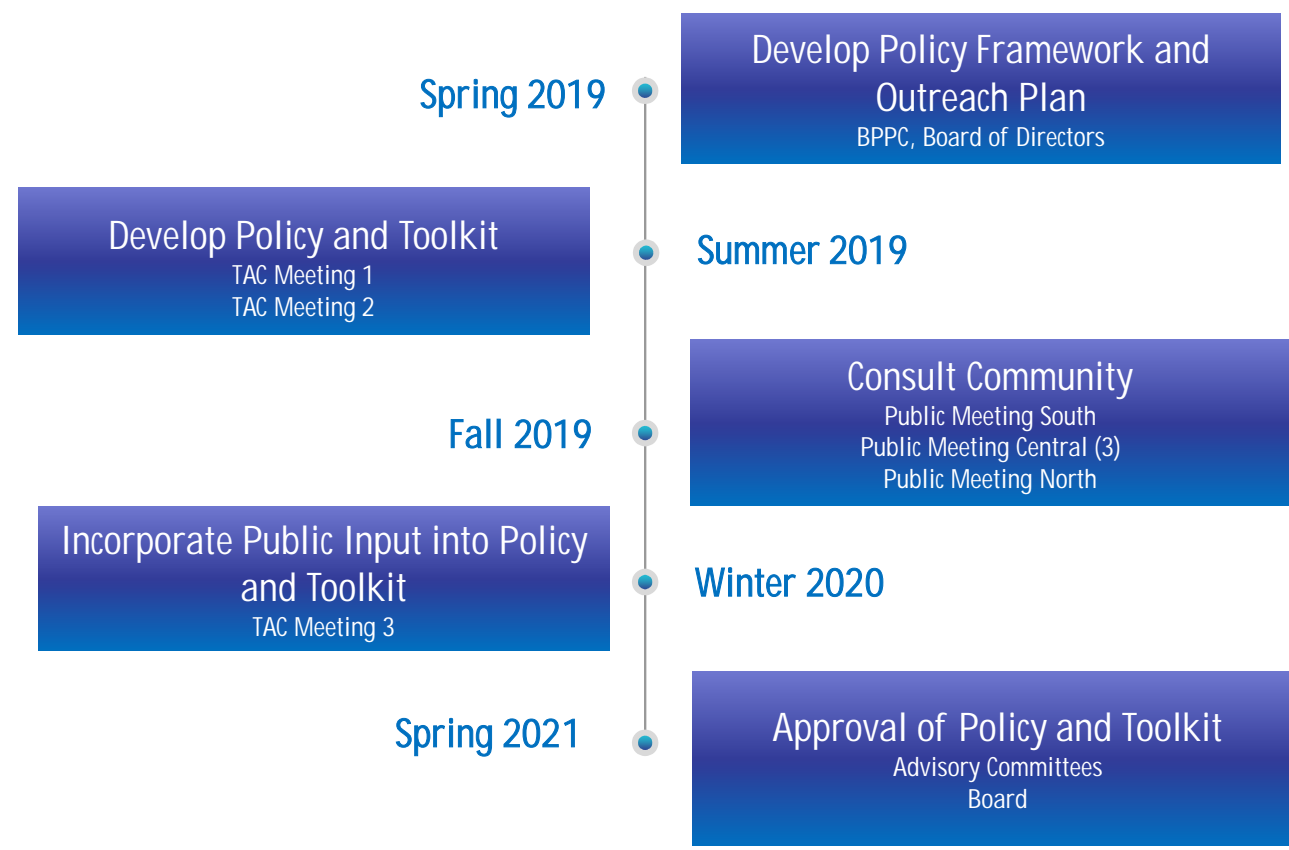
Proposed TAC of trails experts:

- Santa Clara County, Cities
- Santa Clara Valley Open Space Authority
- Valley Transportation Agency
- Midpeninsula Regional Open Space District
- California Department of Fish & Wildlife
- San Francisco Bay Regional Water Quality Control Board

Community Meeting Proposed Outreach:

- Sierra Club
- Audubon Society
- League of Conservation Voters
- Conservation Corps
- Save Our Trails
- Silicon Valley Bike Coalition
- Friends of Stevens Creek Trail
- Bay Area Ridge Trail Council
- Equestrian Trail Riders Action Committee
- Almaden Cycle Touring Club
- United Neighborhoods of Silicon Valley
- Committee for Green Foothills
- Grassroots Ecology
- Loma Prieta Resource Conservation District
- Guadalupe-Coyote Resource Conservation
- Apple
- Google
- Facebook
- General Public

Trails Policy Development Timeline





Valley Water

Clean Water • Healthy Environment • Flood Protection

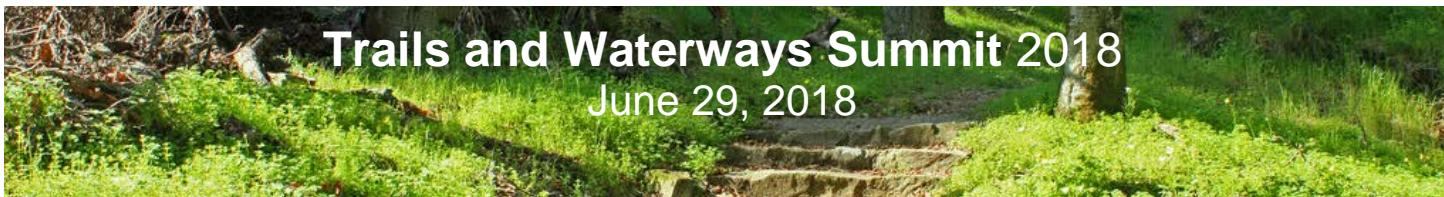


Attendee Roster

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|------------|-----------|--|----------------------------------|
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| Ben | Pacho | Silicon Valley Bicycle Coalition | ben@bikesiliconvalley.org |
| Donna | Plunkett | Open Space Authority | dplunkett@openspaceauthority.org |
| Jessy | Pu | Town of Los Gatos | jpu@losgatosca.gov |
| Bill | Rankin | Ridge Trail / Save Our Trails | bill@networks.com |
| Melanie | Richardson | Santa Clara Valley Water District | mrichardson@valleywater.org |
| Susie | Rodriguez | Santa Clara Valley Water District | srodriguez@valleywater.org |
| Richard | Santos | Santa Clara Valley Water District | ckwok-smith@valleywater.org |
| Matt | Savage | City of San Jose | matthew.savage@sanjoseca.gov |
| Steven | Scharf | City of Cupertino | sscharf@cupertino.org |
| Lenny | Siegel | City of Mountain View | lenny.siegel@mountainview.gov |
| Pat | Showalter | City of Mountain View | Pat.Showalter@mountainview.gov |
| Jim | Stallman | Trails Advisory Committee, Saratoga | 2jimstallman@gmail.com |
| Kent | Steffens | City of Sunnyvale | ksteffens@sunnyvale.ca.gov |
| Annie | Thomson | County of Santa County Parks | annie.thomson@prk.sccgov.org |
| Sue | Tippets | Santa Clara Valley Water District | stippets@valleywater.org |
| Omar | Torres | San Jose Vice Mayor Magdalena Carrasco | omar.torres@sanjoseca.gov |
| Sherilyn | Tran | Santa Clara Valley Water District | stran@valleywater.org |
| Vanessa | Turner | Santa Clara County Supervisor Dave Cortese | vanessa.turner@bos.sccgov.org |
| John | Varela | Santa Clara Valley Water District | ckwok-smith@valleywater.org |
| Gary | Welling | City of Santa Clara | gwelling@santaclaraca.gov |
| Liz | Westbrook | Bay Area Ridge Trail Council | lizwestbrook@ridgetrail.org |
| Yves | Zsutty | City of San Jose | yves.zsutty@sanjoseca.gov |



Breakout Session Notes: Issues, Solutions and Commitments

TABLE 1

Breakout Session 1--Issues:

- Communication between public agencies, etc.
- Right of way, boundaries, land ownership
- Engineering – multiple uses in one area
- Not involving the public earlier in the process

Breakout Session 2--Solutions/Commitments:

- Want a public trail summit; everyone can come and understand projects
- Have a public trails day – get them outside, show them importance of trails, education, walk with them and show regional connections

TABLE 2

Breakout Session 1--Issues:

- Data availability
- Funding information and availability
 - o Capital projects versus funding for general - gap that exists

Breakout Session 2--Solutions/Commitments:

- Comprehensive GIS database
 - o Including outreach and integration with all agencies
 - o Roles and responsibilities of each organization – not just collation, but experts communicating on-the-ground data to a central organization

TABLE 3

Breakout Session 1--Issues:

- Building trails
 - o Lack of funding for acquisition, capital, O+M
 - o Regulatory oversight fragmentation – need better coordination and streamlined permitting
- Trail use:
 - o Recreation vs. Transportation - conflicting uses, need better education and signage and separation

Breakout Session 2--Solutions/Commitments:

- SCVWD will host another trail summit
- New trails coordinator for SCVWD will be THE point of contact for all things trails - important to have ONE person
- Each agency in county needs to designate a “trails discussion” person. So you know who to talk to.
- Increase involvement of private sector- need to have SPECIFIC asks for better response
- Need better education about specific trail usage, purpose, and reasoning
- Early consultation with SCVWD as trails are considered and planned

TABLE 4

Breakout Session 1--Issues:

- Social justice:
 - o Disparity in East and West trails (high usage equals planned growth – all in West; needs to change)
- Safety:
 - o Homelessness
 - o No park rangers

Breakout Session 2--Solutions/Commitments:

- Targeted funding for “trail deficient” communities
- Grants or a portion of grants allocated for underserved/overused areas

TABLE 5

Breakout Session 1--Issues:

- Homelessness
- Neighborhood Cooperation
- Inter-jurisdictional coordination
- Land use
- Education

Breakout Session 2--Solutions/Commitments:

- Inter-jurisdictional coordination
 - o Buy-in
 - o Experts in habitat
 - o Early involvement
 - o Empower district trail coordinator

TABLE 6

Breakout Session 1--Issues:

- Funding
- Environmental vs. use
- Homelessness

Breakout Session 2--Solutions/Commitments:

- Education
 - o Need more intergovernmental and inter-agency communication
 - o More summits, more meetings, more events
 - o Hyper local issues and regional
- Sources of funding; direction from sources on what apps are look for specifically
- Community outreach to combat NIMBY-ism
- Elevate ideas to next level to continue conversation; figure out exact ask for organizations

TABLE 7

Breakout Session 1--Issues:

- Community non-support/opposition for trails projects
- Lack of creative problem-solving within our agencies

Breakout Session 2--Solutions/Commitments:

- Community outreach need to be targets with right engagement of people, empower staff, empower electeds; we need the positive to balance out the negative
- Communication with different agencies that is effective problem solving, not just identifying constraints and issues
- Commitment: VTA, OSA, County Parks, SCVWD, and MidPen will develop a vision for the county-wide network of trails and develop an informative, exciting, educational presentation to deliver to electeds, city managers and the community to foster support for the vision.

TABLE 8**Breakout Session 1--Issues:**

- Working across agency boundaries
- Funding

Breakout Session 2--Solutions/Commitments:

- Start early with funding
- Empower county, NPC or VTA
- Regional GIS mapping system for comprehensive analysis of trails in area
- The contact list is a tool, we will network early and often, network over lunch (in Campbell!!)
- Find a way to talk about riparian corridor as value for trails

Melissa Stone

From: julia miyakawa <jemiyakawa@hotmail.com>
Sent: Monday, July 30, 2018 8:44 PM
To: Clerk of the Board
Subject: Revised Encroachment Remediation Program

Board members,

I received letter regarding meeting. I live on Farallone Dr. in Cupertino, right behind Regnart Creek. The City of Cupertino has a proposal to open up the creek for pedestrian and bicycle path. We residents living behind this creek are very concerned for safety, privacy and security. We are also for the safety of the users. We realize the city has an agreement with the water district to use it as a path.

We have owned our home for 44 years, before the cyclone fence was erected to block the creek from the public. We remember the problems of debris being thrown over our back fences, broken windows, motor bikes driven along the creek, the noise, people jumping over our fence for short cut through the neighborhood. In fact this is still occurring.

We realize trees will be cut down, but aren't oak trees protected? Majority of residents living along the creek are opposed. We have signs in our front yards, indicating our opposition and a few scattered around the area.

Nai Hsueh, represents our district. Hopefully she supports our position to stop this insane proposal.

Respectfully,

Julia Miyakawa
10345 Farallone Dr.
Cupertino, Ca 95014

Get [Outlook for Android](#)

Referred
C-18-0140

Melissa Stone

From: Board of Directors
Subject: FW: Revised Encroachment Remediation Program

From: Melissa Stone **On Behalf Of** Clerk of the Board
Sent: Wednesday, August 15, 2018 2:36 PM
To: 'julia miyakawa' <jemiyakawa@hotmail.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Revised Encroachment Remediation Program

Sent on behalf of Chair Santos and Director Hsueh

Dear Ms. Miyakawa,

Thank you for your e-mail dated July 30, 2018, regarding your concerns with the City of Cupertino's (City) plans for a new trail along Regnart Creek in your neighborhood. You are correct that the City currently has a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail, and would connect to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with City staff during the planning and public input process which is currently underway. Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property, and for securing input from the community, including adjacent property owners prior to the construction of trail.

We understand that the City has held several public meetings in your neighborhood to gather comments for incorporation into a feasibility study. Prior to approving any final trail alignments, the City would also need to undertake a California Environmental Quality Act study, which includes another public comment process. Additionally, in accordance with our own Board policy, extending the existing trail on District property would require the City to enter into a new joint use agreement with us. The Board would consider this joint use agreement at a future Board meeting, which would provide the public yet another opportunity to voice any comments and concerns. Generally, the District defers land use decisions regarding recreational facilities to the cities and County, and limits our review to how such improvements will impact our flood protection, stream stewardship or water supply operations. However, the Board is also sensitive to the community as our neighbors. So your neighborhood's concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at-large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Richard P. Santos
Chair/Board of Directors



Nai Hsueh
Director, District 5

C-18-0140

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Melissa Stone

From: Linda Wyckoff <lwyckoff2@yahoo.com>
Sent: Wednesday, August 29, 2018 8:36 PM
To: Board of Directors
Subject: Fw: Liability issues regarding Regnart Creek Path

Hello Members of the Water District Board,

I was at the Water District Board meeting on Tuesday night and was so impressed to see that 'democracy in action' is still alive in our area. It was an excellent meeting.

I am part of the leadership group for my neighborhood that has been working to prevent the opening of Regnart Creek Path, part of the "Path to Nowhere" known as the Cupertino Loop. We have been voicing our concerns to the city since we first learned about the potential opening of the path last November. I am forwarding an email that I sent to the members of the Cupertino City Council and city staff before City Council took a unanimous vote on July 21st to proceed with the feasibility study of this path. I received no response emails from any members of our City Council regarding my email. In 2005, the neighborhood was called to action to oppose a similar proposal by the city and at that time, the City Council voted unanimously to remove the plans for this path from the General Plan. This time around, we were told that what happened in 2005 "will not happen again" and, indeed, it feels like we are having the path pushed firmly down our throats.

We are learning that there were several joint Water District Board and Cupertino city staff meetings at which the proposed Regnart Creek Path was discussed. Creek neighbors were not invited to any of these meetings. It is highly doubtful that representatives of the city informed you of the nearly unanimous neighborhood opposition to the proposed path. 95% percent of the 82 homes directly in contact with the creek are opposed to it for so many reasons. On a petition, we collected 400 hand-gathered signatures of **neighbors directly impacted by this path** to voice their opposition of the path. Path proponents gathered a mere 490 signatures via an e-petition that was widely broadcast via the Mercury News, biking coalitions and on social media to the entire region.

We would love to walk the proposed path with you to show you firsthand our concerns about the safety for users of this path and the disregard for homeowners along it. The path is mostly hidden from public view and proponents have built it up to be some sort of Garden of Eden with artist's renderings and speaking of it with such glowing terms when even some major supporters had not even walked, therefore seen, this path!

In my letter, I do not cover all of the concerns we have, others will fill you in. Instead, my focus is on liability.

Respectfully,
Linda Wyckoff

----- Forwarded Message -----

From: Linda Wyckoff <lwyckoff2@yahoo.com>
To: dpaul@cupertino.org <dpaul@cupertino.org>; rsinks@cupertino.org <rsinks@cupertino.org>; svaidthyanathan@cupertino.org <svaidthyanathan@cupertino.org>; bchang@cupertino.org <bchang@cupertino.org>; sscharf@cupertino.org <sscharf@cupertino.org>; Timm Borden <timmb@cupertino.org>; manager@cupertino.org <manager@cupertino.org>
Sent: Saturday, August 11, 2018, 9:31:36 PM PDT
Subject: Liability issues regarding Regnart Creek Path

Dear Esteemed Council Members, Ms. Chan, Mr. Borden and Mr. Paulsen,

Referred
C-18-0160

I email you today to voice my concern about liability for the City of Cupertino with regard to the proposed Regnart Creek Path. I will be unable to attend the City Council meeting on August 21st so I will impart my remarks to you via this email. This path is stated in the draft of the Feasibility Study to be a primarily recreational trail on page 5, while on page 56 of this document, it states that the City of Cupertino would be the responsible party in regards to maintenance and liability of the trail.

In the early 2000's there was a case Prokop vs. the City of Los Angeles. David Prokop sued Los Angeles, seeking damages for injuries he suffered while cycling along a bike path designed by the city. He was attempting to cycle through an opening to the path, ignoring the message painted on the pavement that stated "WALK BIKE," when he collided with a chain link fence, causing a severe laceration to his forehead, loss of consciousness and neck pain. He asserted the fence was placed too close to the bike path. The courts have defined bike paths as recreational trails where users are "at their own risk." For routes deemed for transportation, the liability is borne by the city in

which the path resides. Therefore, if somehow you can have your bike path designated as a route of transportation, then you can hold the city liable for any injuries you might sustain while using it.

The Prokop case attempted to place liability back onto the city, not the users of these recreational trails. This case started a movement in California to have all cities in the state liable for injuries sustained on all paths regardless of reasons for use. Our local cycling coalition was supportive of this movement. This case was ruled in favor of the city of Los Angeles in 2007. However, now it appears that paths are being redefined as routes of transportation to school or work. This is certainly the case with Regnart Creek Path. Only the most casual of parent would allow their young child to walk or bike to school on this unsupervised path. Parents are being misled into thinking their children can benefit from this path. It is also not a particularly appropriate route for work commuters, nor for students, most all of whom could easily find more direct routes to school by utilizing existing safe streets. It may end up being only slight hyperbole to postulate that possibly the only commuting that will be done on this path is from Howard Court to City Hall, the direct path of Jennifer Shearin, by far the most vociferously outspoken proponent and spin doctor for the path.

It is said that City Council will be taking the recommendation of the Bike/Pedestrian Commission. The duty of a commission is to be unbiased so they can make a reasonable, objective and fair recommendation on a particular subject. I ask, is that happening here? Do you think any issue that does not support the commission's wish for the path will be fully considered?

Cupertino does not currently have a city attorney with whom to consult. This puts the city at a grave disadvantage. Mistakes can be made that could bankrupt the city. Opening up a recreational path such as Regnart could very well be one of those mistakes. This is a path that has been designed by proxy. Guidelines by many different governing agencies were used to cobble together the least restrictive design requirements possible. It should be called Frankenpath.

The proposed path has been retroactively designed to fit into a neighborhood where it does not belong, most specifically for the unfortunate residents of Lozano Lane, such as Gary Wong and his family, whose daily living environment will be impacted in a most unconscionable way. Will there be a fence erected between the trail and the creek? Will concerned homeowners' legitimate safety and privacy concerns be mitigated by one of several unappealing proposed fence / wall scenarios (refer to page 46)? Yes, we heard at "community outreach" events, only to now learn that such protective measures are unlikely. Fencing will only be erected to prevent users from leaving the trail. Lighting won't be provided. Grading where the path is significantly higher than the homes it is next to will not be provided. Obviously, cost becomes an important consideration in such evaluations. Is the city truly cognizant of what it would actually cost to construct this short path in a way that answers the multitude of concerns that have been brought to your attention by concerned neighbors? Is an estimate of "in the \$1 million to \$10 million range" something that you're prepared to act upon? Really? Will the costs be buried in so many different places that the total will never be available to the public? Will the current design be dumbed down in an effort to "save costs" making the path become an attractive nuisance that is also quite dangerous? A large part of the budget appears to be going towards bizarre, to put it mildly, bridging with removable trusses to solve the problem of the maintenance access ramp. These trusses would be removed by crane then reassembled. What? Has reality taken a leave of absence in our city? Reading about the alternatives discontinued from further evaluation on pages 42-3 might prove my point.

I must also mention that our neighborhood has been defamed on social media, traditional media and at the podium in City Hall as being only concerned with our safety and privacy. And though many of my neighbors no doubt harbor such concerns, we have also been typecast as wanting the path behind our back fence for our own personal playground. We bought our homes in spite of the path, not because of it. We've been accused of being selfish NIMBY's with "deep pockets" because we were able to scrape together \$500 to fund signs in our yards. Everyone with a 'no path' lawn sign up feels deeply about their opposition to the path. We all have kept them up so long so that we will finally be recognized and hopefully finally listened to. We know this path very well. It is not an asset that it is being purported to be. Our newest neighbors are just as opposed as those of us who have lived here for decades and recall vividly the vandalism of past years when the area behind our homes was left as an unlocked thoroughfare. The path is touted as raising the value of our homes. Really? Not when you ask a credible realtor.

How many of you have actually walked this path its full length vs. having just looked at artist renderings? Come walk with us. We will show you what you are voting on.

Currently in our community and nation there is a lack of civility that can lead to a total loss of community. Please do not contribute to this degradation of Cupertino. It's a slippery slope that leads a community into a downward spiral. Steve Piasecki, a former director of Community Development in Cupertino, said at a long ago City Council meeting that you can't have community if people don't feel safe. I agree with that. Well, another important point is that you can't have community if residents feel they have absolutely no say in what happens to their neighborhood. If the City Council elects to override the fervent wishes of a neighborhood so dramatically as in the case of Regnart Creek Path, you send a loud and clear message that their input and activism do not matter in Cupertino. That is not the kind of impact anyone should want to leave on the city they serve.

Sincerely,

Linda Wyckoff

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Wednesday, September 12, 2018 4:35 PM
To: 'Linda Wyckoff'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Liability issues regarding Regnart Creek Path
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Wyckoff,

Thank you for your e-mail dated August 29, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County -- the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

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Melissa Stone

From: Melissa Stone on behalf of Board Correspondence
Sent: Thursday, August 30, 2018 2:55 PM
To: Board of Directors
Subject: FW: Concerns about Cupertino's Regnart Creek biking trail plan

Begin forwarded message:

From: Kevin Lu <kevinjlul@gmail.com>
Date: August 29, 2018 at 1:04:51 PM PDT
To: <NHsueh@valleywater.org>
Subject: Concerns about Cupertino's Regnart Creek biking trail plan

Dear Ms. Nai Hsueh,

I was told you represent the Santa Clara Water District covering Cupertino. I am writing to express my grave concerns and shock regarding Cupertino city council's plan on Regnart Creek biking trail despite strong opposition from the families along the creek.

The Santa Clara county guideline on biking trail is very clear, 12 feet with 2 feet on each side for buffer and safety. <https://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Interjurisdictional-Trails-Guidelines-text-and-graphics.pdf>. The proposed trail will go thru the FRONT of several houses along the creek, and Santa Clara Water District has only 10 feet deeded based on the title reports of the owners. To have a biking trail within 10 feet with one side already having thick concrete wall to prevent flooding and the other side to build another fence or wall is going to inevitably invite serious accidents and endanger emergency or maintenance vehicles for the water district. It also severely deprives the homeowners' rights of privacy, safety and views of the creek that they bought into when they selected their residences along the creek. Not to mention the negative impact on the natural habitat along the creek.

Please consider the residents' concerns, opposition and rights when you discuss the matter with the water district board.

I copy below my letter to the Cupertino city council for your reference.

Sincerely,

Kevin

Dear Cupertino city council members,

I am a Cupertino resident of more than 12 years and am writing to urge you to vote against the proposed Regnart Creek Trail and use the money for other causes.

The proposed trail will

- waste tons of money as the city already has many dedicated bike lanes around the city for bikers. As a Cupertino resident, we have been paying special parcel tax for many years, and we are constantly asked for donation to support the schools and teachers. I remember one year we had to raise money to keep teachers' job in Cupertino. PLEASE SAVE MONEY FOR OTHER CAUSES!
- negatively affect the houses and residents along the creek, especially those with fronts facing the creek. The houses will lose some of the value that the owners originally bought into: privacy and security!
- permanently damage the habitat for animals along the creek

Referred
C-18-0163

- increase safety concerns as more crossings are proposed along busy streets such as Blaney and more dangerous mix of pedestrians and bikers on a narrow path.
- lead to lack of emergency vehicle access to the proposed path
- Trespassing on the borderlines of the private land belonging to the owners of along the creek based on Santa Clara County's guidelines on biking trails:<https://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Interjurisdictional-Trails-Guidelines-text-and-graphics.pdf>

The proposed trail also violates the city's own regulations regarding protecting residential neighborhoods from ***noise, traffic, light and visually intrusive effects from more intense developments***. See link: <https://www.cupertino.org/home/showdocument?id=1510>

As publicly elected officials, please exercise fiscal disciplines, use tax payers' money where it is most needed and help to reduce the high tax burden that we, the residents and tax payers, are facing today.

Say NO to the Trail. Use existing bike lanes!

Thank you,

Kevin

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:14 AM
To: 'kevinlu1@gmail.com'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Concerns about Cupertino's Regnart Creek biking trail plan
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Mr. Lu,

Thank you for your e-mail dated August 29, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County – the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0163

Attachment 3
Page 10 of 106

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Melissa Stone

From: Melissa Stone on behalf of Board Correspondence
Sent: Thursday, August 30, 2018 2:56 PM
To: Board of Directors
Subject: FW: creek open to the public

Begin forwarded message:

From: Gloria Ezerski <gloryez@att.net>
Date: August 30, 2018 at 9:02:03 AM PDT
To: "nhsueh@valleywater.org" <nhsueh@valleywater.org>
Subject: creek open to the public
Reply-To: Gloria Ezerski <gloryez@att.net>

Dear Commissioner for District 5,

I would like to forward on to you what I sent to the Cupertino Counsel so the creek side would not be opened to the public. As you will read, I had my problems when it was open to the public. I felt it necessary for you to read what I did write to the Cupertino Counsel.

I am a resident of Cupertino for the last 55 years. I have witnessed, been involved with wrong doings concerning the creek when it was opened to the public. Unknown evils are always lurking when a location is not being supervised.

An open creek side means the safety of the residents will be ignored. Will you "the city" be responsible for those who may get hurt, do damage to our fences, homes, and yes, garbage that will eventually accumulate. You "the city" is creating costly problems. But yet, how many of you live in Cupertino?

The city already has problems which are being ignored. Raised sidewalks, trees that need pruning, and tell me what happened to "street cleaning" as I have been sweeping leaves along the curb side.

Safety, protecting residents from vandalism, is the #1 key concern and if not, it should be. We the residents are the ones who would be the victims and not the city.

Will you "the city" if you decide creek should be open, have cameras installed, fencing, lights, monitored by security, and making 100% sure that the "homeless" don't take living quarters within the creek side. Homeless brings odors, mess, where they take camping privileges.

NO NO TO THE TRAIL BEING OPENED TO THE PUBLIC. Opening it will bring regrets, costs, and possibly law suits. Thank you for reading my e-mail against the opening of the creek side to the public.

Gloria Ezerski

Melissa Stone

From: Gloria Ezerski <gloryez@att.net>
Sent: Tuesday, September 04, 2018 7:14 AM
To: Board of Directors
Subject: Oppose Regnart Creek Path

I have written to your Commissioner Nai Hsueh, City Counsel members of Cupertino, to please not open the creek side to the Public.

I have lived in my home 55 years, and yes, have encountered many issues of wrong doings to the residents. Broken fences, broken windows, taking short cuts thru someone's backyard, invading our privacy.

Questions have been asked and not answered such as: will the creek be monitored for vandalism, homeless taking camp privileges, will it be lighted if in fact open 24 hrs a day, and most importantly who will take responsibility for damages that may take place. Will the City be held responsible for these damages that may occur? We all know children will be children when throwing rocks, leaving food wrappings, it is part of growing up. But yet, the residents are the ones on the losing end.

I ask that the creek side NOT BE OPENED TO THE PUBLIC. I THANK YOU FOR READING WHAT I JUST WROTE AND HOPING YOUR DECISION WILL BE TO KEEP IT CLOSED.

Please remember many of you will not be affected with creek side vandalism and other problems that may occur. When a location within a city is not monitored for various reasons, trouble comes to be.

Most respectfully, Gloria EzerskiPlease also remember, the residents will be the victims of wrong doings, not you 'THE CITY'.

Referred
C-18-0166

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:20 AM
To: 'Gloria Ezerski'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Oppose Regnart Creek Path
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Ezerski,

Thank you for your e-mails dated August 30 and September 4, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County -- the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

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Melissa Stone

From: Melissa Stone on behalf of Board Correspondence
Sent: Tuesday, September 04, 2018 8:20 AM
To: Board of Directors
Subject: FW: Completed project along Queenswood Way and Camden Ave

Begin forwarded message:

From: the pagans <thepagans@sbcglobal.net>
Date: September 1, 2018 at 1:05:34 PM MDT
To: "gkremen@valleywater.org" <gkremen@valleywater.org>
Subject: Completed project along Queenswood Way and Camden Ave
Reply-To: the pagans <thepagans@sbcglobal.net>

Hi Mr. Kremen,

A very major pipeline maintenance project was completed earlier this year along Queenswood Way, between Camden Ave and Portswood Dr. The contractor appeared to have completed all work and demobilized their work yard on Almaden Expwy and Harry Rd.

However, there are a number of incomplete items have remained unfinished onsite along the creek and the mobilization yard, which include the following:

- Straw waddies have been piled up along the creek for several months, and appear to be surplus;
- Gravel was imported to the creek area for an access road, and some piles remain ungraded;
- Portions of the pedestrian trail were driven on by the contractor, and as a result, several areas are damaged and need repair. Much of the damage is on the side edge of the trail;
- Two holes deep ruts were made on the trail at the end of Hampswood Way, and were only recently patched with cold patch.
- Contractor vehicles drove across the trail just north of the expressway, and kicked up enough gravel and dirt to cover the trail;
- Access to the mobilization yard on Almaden Expwy was made through an opening in a treated lumber fence, and has not yet been restored to original condition.

And lastly, there is a SCVWD vehicle access point across a City sidewalk along Camden Ave, between Queenswood and Los Alamitos Creek, been heavily damaged by SCVWD maintenance or contractor vehicles. Does the District have plans to repair this damaged sidewalk, with perhaps a curb cut for better access?

Thank you in advance.

Steven Pagan
thepagans@sbcglobal.net

Referred
C-18-0167

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:42 AM
To: 'thepagans@sbcglobal.net'
Cc: Board of Directors
Subject: RE: Completed project along Queenswood Way and Camden Ave

Sent on behalf of Director Kremen

Dear Mr. Pagan,

Thank you for your email dated September 1, 2018, notifying me of your concerns along Los Alamitos Creek Trail related to the Santa Clara Valley Water District's (District) Almaden Valley Pipeline Project. As you know, we had a major pipeline rehabilitation project and a large emergency repair effort on one of our pipelines that runs adjacent to Alamitos Creek between Camden Avenue and Almaden Expressway. This was critical work that needed to be done to ensure a safe reliable water supply for the community, and we recognize and appreciate the patience and understanding of the residents in the Queenswood neighborhood and local area.

We are still in the process of wrapping up the project as the contractor completes the required work. In the past week, our staff and contractors visited the Queenswood area and observed the issues that you noted in your message. Some of the items have already been addressed such as the removal of the surplus straw waddles. The gravel pile that you noted will be spread and compacted once the perimeter fence around the building near Queenswood Way and Figwood Court is completed, planned for the next couple weeks.

A District staff person will be out within a week to sweep a portion of the trail located just north of the expressway that is covered with dirt. Please note that this is a natural low point which collects mud and local runoff. In addition, our vegetation specialist is overseeing the area alongside Alamitos Creek that was rutted and caused damage to the vegetation. The goal is to allow native vegetation to naturally reestablish in that area.

The asphalt cold patch on the trail was not placed by the District or our contractors; however, during a recent visit to the site, District staff did notice that the City of San Jose has set out safety barricades along the trail. We have contacted the City to request they inspect and perform repairs as needed on this section of the paved asphalt trail. The District partners with the City of San Jose and other cities in the County to establish paved trails for pedestrians and cyclists.

Thank you for bringing to our attention the cracked sidewalk near the intersection of Queenswood Way and Camden Avenue. This area has been damaged for several years and our staff will contact the City of San Jose to inform them of the damage. Staff had also previously contacted the County about the treated lumber fence that was damaged prior to the District's use of the area. Staff will remind the County again that the fence is in need of repair.

We appreciate you taking the time to share your concerns. as the District takes all community concerns seriously. As the County's water wholesaler, the District is dedicated to providing safe clean water to the residents of Santa Clara County. If you have additional questions or concerns, please feel free to contact Kurt Arends, Deputy Operating Officer of Raw Water Operations & Maintenance, at karends@valleywater.org.

Sincerely,

A handwritten signature in blue ink that reads "Gary Kremen" with "SCVWD" written below it.

Gary Kremen
Director, District 7

C-18-0167

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Rec'd in COB on
8/31/18

Campo De Lozano Homeowners Association
10358 Lozano Lane
Cupertino, CA 95014-6607

August 11, 2018

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Via Post

Attn: Ms. Nai Hsueh, Board Member, District 5
Mr. Rick Callender, Chief of External Affairs
Ms. Debra Dake-Morrell, Revised Encroachment Remediation
Program

Re: Regnart Creek – Cupertino, CA

Ladies and Gentleman:

I am President of Campo De Lozano Homeowners Association and a 20 year resident of Cupertino. Some of the homes in our association are approximately 10 feet from the edge of Regnart Creek. As you may know, the City of Cupertino is planning a comprehensive bike trail covering the city, with one section, a trail adjacent to Regnart Creek coming up for approval on August 21, 2018. The City engaged a consultant last November to assist with the determining the feasibility of a pedestrian-bike trail next to Regnart Creek. A number of community meetings have been held, but one key participant, the Santa Clara Valley Water District, has been noticeably absent. We have been told that the Water District has given its blessing for the City to do whatever they want with developing the proposed Trail. Is this true?

We find it odd that one property owner would allow another party to make major decisions on its behalf, perhaps this is covered in a Joint Use Agreement between the City and the Water District. Over 90% of the homes residing next to Regnart Creek are opposed to the Bike trail due to safety and privacy concerns and it being an unnecessary expense when alternate, safe bike paths exist. It seems to us that a trail built where the service road is would also make it more difficult for the Water District to

maintain the Creek. The proposed Trail raises liability issues as well and negatively impacts the habitat and eco-system that exists now, something contrary to Water District policies and marketing.

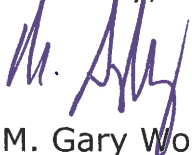
As your neighbor and customers, we would appreciate learning of the Water District's position, whether it is in a cost-sharing arrangement with the City, and whether or not the proposed Trail meets with your approval. It certainly does not meet ours.

To highlight our concerns, we have prepared the attached slide deck and also include an illustration of state bike trail design guidelines, which does not conform to what is being proposed. The Water District's owns 10 feet of land, used as a service road, next to the Creek. 10 feet seems insufficient to construct a bicycle-pedestrian trail, once walls and shoulders are considered.

Any information you can share with us is much appreciated. If you are available for a meeting, we would like to discuss this in person.

Thank you for listening to our concerns. Please excuse our addressing this to multiple parties, we were unsure who the appropriate contact should be.

Sincerely,



M. Gary Wong
President
Campo De Lozano HOA
(650) 619-1728
garywong@ix.netcom.com

Encls: Slide deck re: Regnart Creek Trail
Bike trail design guideline illustration

Regnart Creek Trail



Opposition Statement by
Cupertino Residents Residing
Next to Regnart Creek

Regnart Creek Bike Trail
City Council Meeting
August 21, 2018




Cupertino Bicycle Paths Program

We respect and applaud the work and efforts of the Council, City staff and the Bicycle Pedestrian Commission to:

- Make Cupertino a more walkable and bicycle friendly community
- Reduce automobile traffic and congestion
- Improve connectivity among the various neighborhoods

We acknowledge the significant resources devoted to planning in the preparation of the 2016 Bicycle Transportation Plan

However, over 95% of residents who live next to Regnart Creek, oppose the trail for use as a public bicycle and pedestrian path. Other options exist, that are not under consideration that are less costly and non-disruptive.





Executive Summary

- The public outreach pertaining to the Regnart Creek trail is biased and incomplete. The process is disrespectful to Cupertino residents.
- A budget of \$1-10 million was quoted, indicating the plan is not soundly conceived.
- Alternative paths were not included as part of the Trail study mandate, which would lead to wasteful spending of tax payer funds if approved.
- Safety, habitat & privacy issues have been glossed over, ignoring existing safe routes with adjacent pedestrian sidewalks.
- Avid cyclists have stated they would not use the proposed trail
- Opposition to the Regnart Creek trail is widespread and residents are prepared to take legal action to preserve their rights

Significant & Permanent Impact on Properties



From this



To this

- Loss of privacy
- Loss of view
- Increased noise from talking, music, skate boards and scooters
- Light pollution from lights
- Trespassing on property
- Increased litter
- Increased pet waste
- Harmful impact to creek habitat

Proposed Trail Impacts Homes on De Palma Lane



- The trail would alter ingress and egress, making it more difficult for the homeowners
- A fence would be out of place and be visually ugly
- The Trail and proposed fencing would limit access of emergency vehicles, putting lives at risk

Trail Fencing Options are Not Acceptable



- The proposed wall/fence destroys the feel of the neighborhood
- Proposed wall/fences would be unsightly, like a prison
- A 6' fence/wall would create shadows, impacting, if not killing the landscaping
- A fence would make the middle area hard to maintain
- A fence would reduce and change ingress and egress for the residents, a maze
- A fence would force trimming and changing the shape of the beautiful trees

Safety and Habitat Ecology Disruption



Are children safe walking on a path where there are coyotes?

Are children safe where vultures with 7 ft wingspans search for food and prey?



- Coyotes, ducks, frogs, birds, squirrels and other creatures rely on the creek for water. Increased human traffic and fencing would materially alter their habitat
- **Children walking on the trail may be vulnerable to coyotes and vultures or frightened by other native animals.**
- **A fence would create an alley, where escape from a coyote or other wild animal would be extremely difficult. There would be no escape**
- **A child could fall 14 feet into the dry creek and aid would not be immediately available.**

Water Levels Reach Dangerous Levels

- During heavy rains, water levels in the Creek rise to dangerous levels, bordering on over flowing.
- Are children safe walking along swift running water?
- Are children safe walking along a creek where there is no fencing, and a 14 foot drop?



Trail invites Trespassing and Improper Bicycle Use



- Cyclists already trespass on Lozano Lane property
- ↔



Pedestrian easement disallows bike usage, but cyclists use it anyway. There is no enforcement of pedestrian use only.

Crime and Vandalism are already present



- Vandalism on the pedestrian path occurs
- Last fall, a stranger tried to approach the daughter of one of the homeowners
- Cars were broken into in 2017 on premise
- Strangers walk thru the property
- Residents are very concerned about security

Santa Clara Water District Trail Limited to 10 Feet



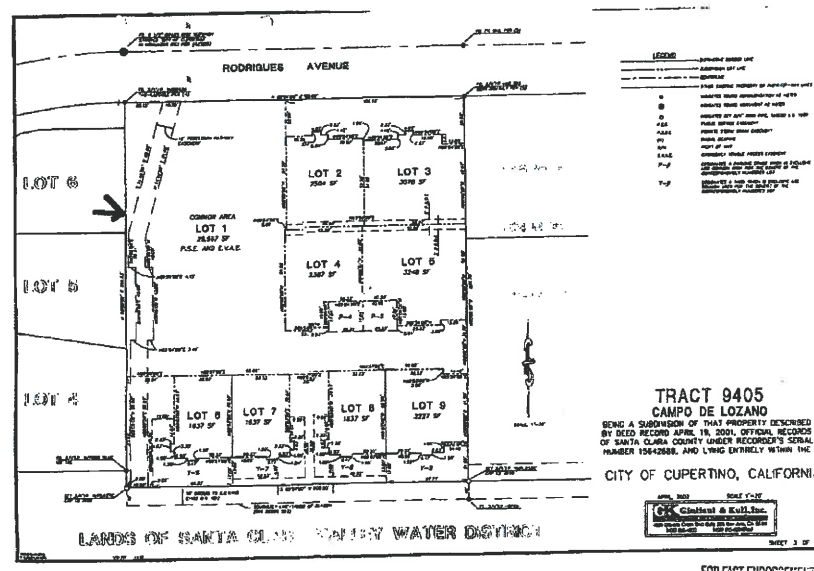
Photo of 10 feet dimension



10 foot trail dimensions crowd utility pole

Survey Showing Water District Property- 10 Feet

Santa Clara Water District property is limited to 10 feet. We were informed that 1 foot shoulders are needed on both sides of the trail, or 12 feet. This would encroach on our properties. If kept to 10 feet, 8 feet is too narrow for cyclists and pedestrians to share. One of the reasons Cupertino created bike paths is because cyclists and pedestrians can't share a sidewalk, they are too narrow.



Aerial View of Homes on Lozano & De Palma Lane

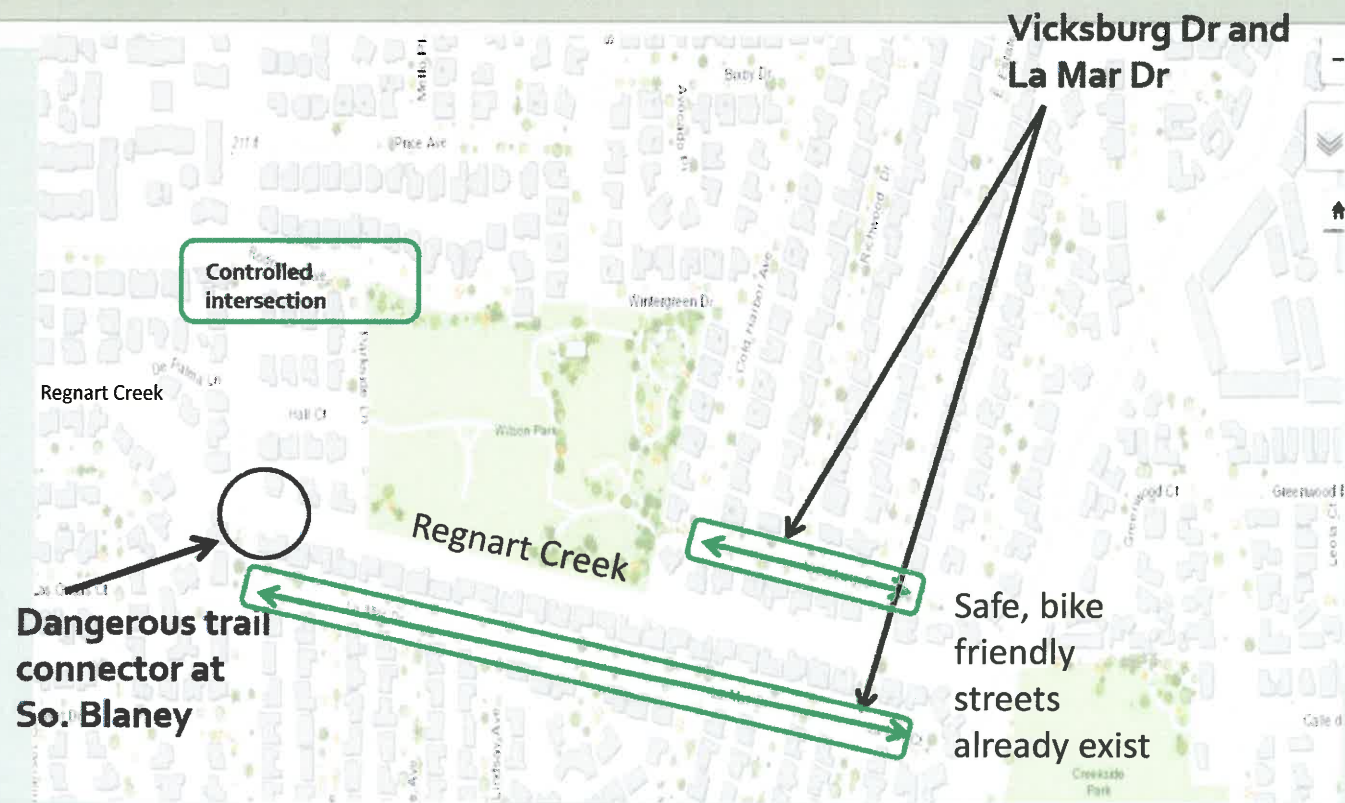


Unlike the gentlemen who purchased a home near the railroad, he knew what he was buying.

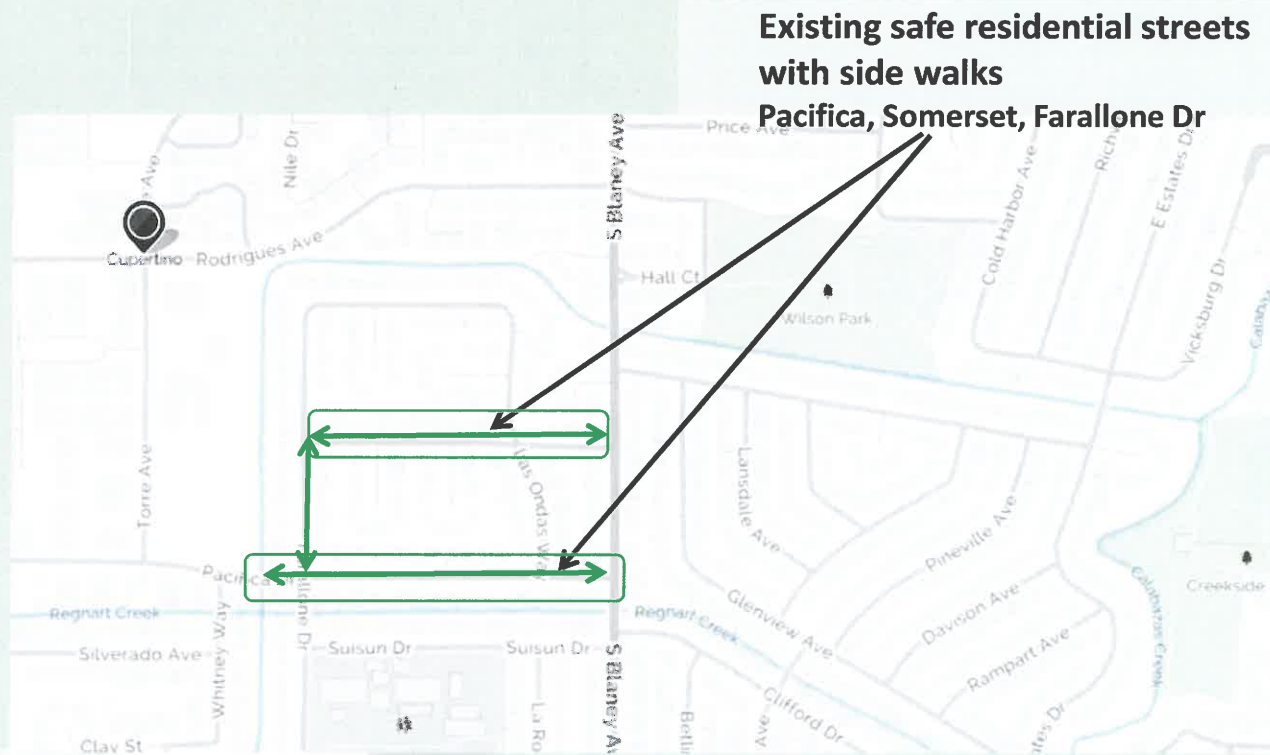
Our situation is not comparable, we did not buy these homes for a 7 foot wall to be **erected in front of them.**

We did not buy these homes to have our privacy and security compromised.

Safe, Viable Alternative Paths Already Exist



Existing Safe Routes to Schools





95% of Regnart Creek Residents Oppose the Trail

- 100% of the homeowners of Campo De Lozano Homeowners Association oppose the Regnart Creek Trail
- 100% of the households, residing on DePalma Lane, oppose the Regnart Creek Trail
- 95% of households along La Mar, Vicksburg, Farallone and Las Ondas oppose the Regnart Creek Trail
- A petition has confirmed their opposition to the this Trail. **Note the numerous signs posted throughout the community. Stop the madness, don't create a problem where none exist.**
- The residents are very angry about encroachment on their rights.

Residential and Voter Opposition is Widespread



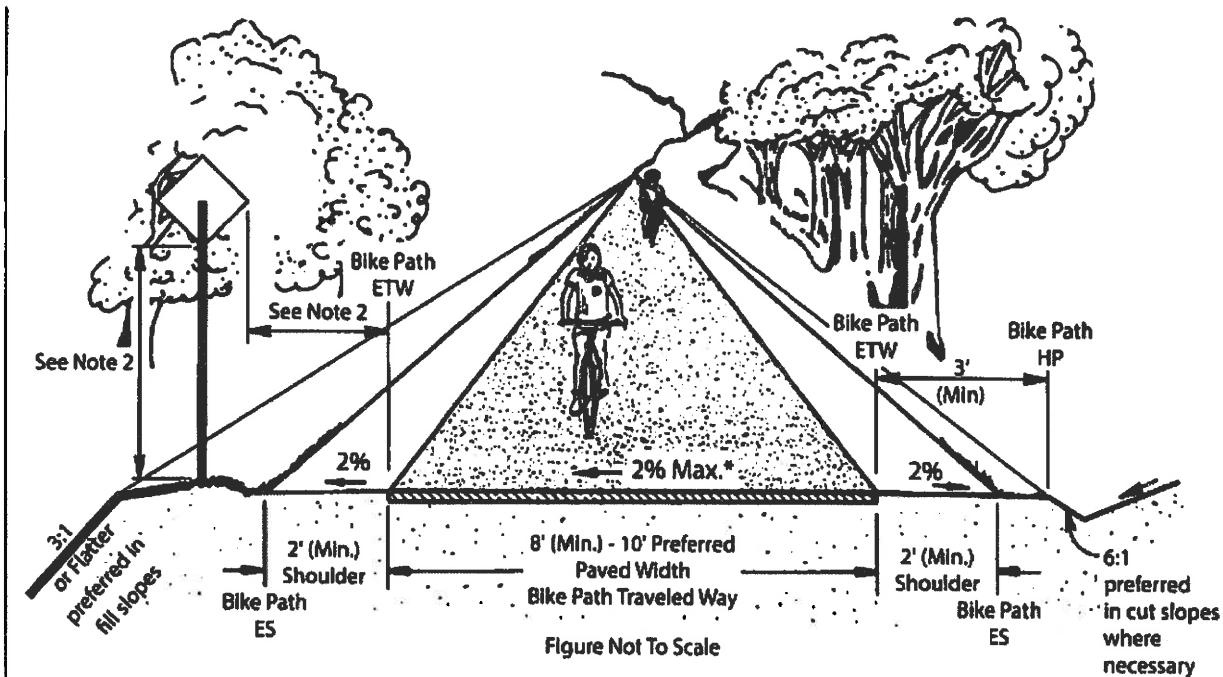
17

Council Responsibility to Do No Harm



18

Figure 1003.1A
Two-Way Class I Bikeway (Bike Path)



NOTES:

- (1) See Index 1003.1(15) for pavement structure guidance of bike path.
- (2) For sign clearances, see California MUTCD, Figure 9B-1. Also, for clearance over the shoulder see Index 1003.1(3).
- (3) The AASHTO Guide for the Development of Bicycle Facilities provides detailed guidance for creating a forgiving Class I bikeway environment.

* 1% cross-slope minimum.

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:37 AM
To: 'garywong@ix.netcom.com'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Regnart Path, Water District 5
Attachments: Wong C-18-0168.pdf; Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Mr. Wong,

Thank you for your letter dated August 11, 2018 (attached), regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

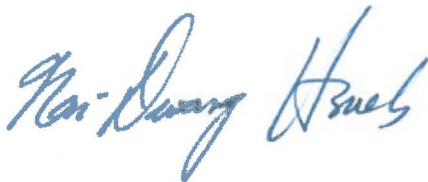
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Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0168

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Melissa Stone

From: Kathy R Chole <kathychole@comcast.net>
Sent: Thursday, September 06, 2018 12:24 PM
To: Board of Directors
Subject: Regnart Creek Trail - Opposing Approval
Attachments: Regnart Creet Trail - Opposing Approval.eml

Dear SCVWD Board of Directors:

I am writing to you for your support to oppose the opening of Regnart Creek (District 5) as a public pedestrian/bike trail. Opening a trail through residential neighborhoods that are documented as safe for walking and biking is irresponsible for the safety of potential users. The proposed (and now approved feasibility study) trail heads at So. Blaney and E. Estates will cause increased congestion and safety to walkers and bikers. So. Blaney has a vehicle rate of 6,400/day, which will now be forced to navigate this trail connector crossing that has a zig-zag construction to connect to the next portion of the trail with a safety median in the middle of the road for walkers and bikers to take refuge.

In addition, the proposed 4' split rail fencing separating the trail from the creek is a horrendous idea, again for safety. The water district should be concerned about this even though the liability will be on the City of Cupertino in the event of injury.

I have enclosed my email correspondence which highlights additional concerns that was sent to the Cupertino City Council on 8/13/2018 (excuse the typo in the subject line of Creet vs Creek), of which I received "zero" response except from council member Steven Scharf who had to recuse himself from the vote as he lives within 500 ft. of the trail.

The 4-0 approval vote by the City Council on 21-August-2018 was decided long before hearing concerns of those opposing and favoring the Bike/Pedestrian Commission report and walk/bike coalitions. The community outreach of working with those residents to come up with a reasonable solution fell on deaf ears. It was a sad evening of sitting through the city council meeting of almost 5 hours for this agenda item to have the safety of our community discounted to build a .8 miles trail at the current estimated cost of \$2.4M.

Please listen to the community, of which there are >400 residents (and counting) that signed petitions opposing the opening of the creek for public use.

Thank you in advance.

Regards,

Kathy Chole
email: kathychole@comcast.net

Referred
C-18-0170

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:24 AM
To: 'Kathy R Chole'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Regnart Creek Trail - Opposing Approval
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Chole,

Thank you for your e-mail dated September 6, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

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Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0170

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Melissa Stone

From: Kathy R Chole <kathychole@comcast.net>
Sent: Thursday, September 06, 2018 12:24 PM
To: Board of Directors
Subject: Regnart Creek Trail - Opposing Approval
Attachments: Regnart Creet Trail - Opposing Approval.eml

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I have enclosed my email correspondence which highlights additional concerns that was sent to the Cupertino City Council on 8/13/2018 (excuse the typo in the subject line of Creet vs Creek), of which I received "zero" response except from council member Steven Scharf who had to recuse himself from the vote as he lives within 500 ft. of the trail.

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Thank you in advance.

Regards,

Kathy Chole
email: kathychole@comcast.net

Referred
C-18-0170

Melissa Stone

From: Kathy R Chole <kathychole@comcast.net>
Sent: Monday, August 13, 2018 9:54 PM
To: citycouncil@cupertino.org
Subject: Regnart Creet Trail - Opposing Approval

Dear Cupertino City Leaders:

I am a 40 year resident of Cupertino and have seen lots of changes to our fine City, however approving the Regnart Creek Trail is not one of them.

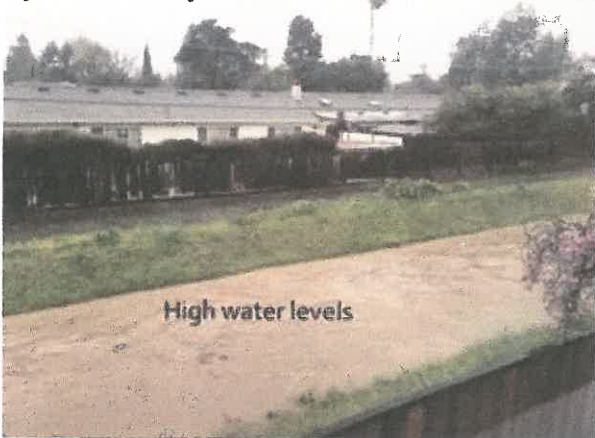
As you are aware, the Regnart Creek Trail Feasibility Study Draft ("Study") is now available and will be reviewed during the City Council meeting on 8/21/2018. Should history repeat itself, only the potential benefits, to the satisfaction of the Bike/Ped Commission, will be provided and not the risks to our community.

City staff will be recommending Alternative # 1 (Page 57 of Study) at an estimated cost of \$2.4M.

There have been many unfounded statements about those of us that are opposing the opening of the creek, siting we are NIMBY's and are opposed to beautification and advancement of trails throughout the city. Nothing could be further from the truth. You may believe we don't have a realistic view of progress, but be assured, we do. While we keep getting slapped with being concerned about our residential safety and security, it's more for the users of this trail.

I would ask that you, as leaders of our community, think long and hard about the safety of young children and bikers using a narrow trail as a safe route. Regnart Creek has been touted as a safe route to schools, however the crossing at S. Blaney will be disastrous. This street has 6,400 vehicles/day (pg. 19 of the Study). With this volume, the risk of accident, injury and near-miss at this trail connector at S. Blaney is imminent. It will take only 1 incident to confirm this is a poor plan.

The Study recommendation is a 4' wooden split removable rail option separating the creek from the trail. Although this may be consistent with many other SCVWD creekside trails (Pg. 59), those do not have a 14' drop off to the creek bed. This will be extremely dangerous especially during the winter months. I've included a picture of the high water levels taken in November of 2017. This makes for a potentially dangerous situation for adventuresome youth. Safety first.



Now let's consider the folks on Lozano Lane / De Palma Lane. I don't live there, but they have so much to lose if this trail is approved. When they purchased these properties, they agreed that the asphalt in front of their homes would be accessible to pedestrians. The idea of increasing the activity by adding bikers will certainly disrupt their serenity. Putting up screened fencing in front of these homes that face the creek is an inconsiderate alternative.

Additionally, this Campo De Lozano HOA was not given the opportunity to go over their 12-page slide presentation to visually express their concerns when a two hour session with City staff and trail consultants was held on 5/23/2018. No consideration was given to the opinions of these homeowners. Contrary to what you may be hearing, listening to the residents has not been successful, especially for this HOA membership. Shame on staff. Noted in the Study (pg. 19) "Where the trail would be located adjacent to the front yards of houses, noise levels would be greater. A noise analysis would be required during the preparation of the CEQA document for the project". That's all well and good, but what is the mitigation if noise levels are above acceptance? Too little, too late.

Please review Figure 3.2 Activity Generators near the Regnart Creek Trail in the Study. There is no retail shopping on this trail; no direct outlet to schools; no high density housing as a feeder; no religion center. Granted, there is Wilson Park and Civic Center, with Civic Center being the only area with pedestrian demand (refer: Figure 6, Page 10 - Composite pedestrian demand index map of the City of Cupertino Pedestrian Transportation Plan Final Report / February 2018). <http://www.cupertino.org/home/showdocument?id=16812>

I would say users (walkers or bikers) traveling west to Civic Center would cut off at the Rodrigues Trail Connector vs. traveling to the end of the trail at Pacifica and then cutting back. Unless there is another trail extension across Pacifica that the public is not yet aware of. If there is, why don't we know about it?

I would like to see more specified bike lanes and keep pedestrians on the sidewalks so there is a separate space for walkers and bikers. Get moving on the Boulevard Plan. \$2.4M can buy an abundance of green paint for neighborhood streets that are already safe based on the reports from Bike/Ped. I would encourage Alternative 4 – Cost estimate \$100,000 be approved to utilize the safe residential streets. This option also benefits the city by potentially not having to increase city staff for the maintenance, cleanliness and structure of the trail. Park employees have enough to manage already. Not to mention adding another task to the Sheriff Deputies of patrolling the trail.

As a final comment, refer to Page 54 of the Study. "....The City may be held liable for injuries which are caused as a result of the breach of its duty to maintain a recreational trail in a reasonably safe condition for travel."

After doing your due diligence on this project, which must include walking the entire distance of the proposed trail to get a clear firsthand experience of the risk, do the right thing for the community and our residents and don't be overly influenced by the outspoken bike coalition.

Regards,

Kathy R Chole
19674 Vicksburg Dr

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:24 AM
To: 'Kathy R Chole'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Regnart Creek Trail - Opposing Approval
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Chole,

Thank you for your e-mail dated September 6, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County – the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0170

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Melissa Stone

From: i <erick62465@aol.com>
Sent: Sunday, September 09, 2018 2:31 PM
To: Board of Directors
Subject: Regnart Path, Water District 5

Dear Board Members of Valley Water,

My name is Candace Erickson. I live at 20095 Las Ondas Way, Cupertino, CA 95014. My property backs up to Regart Creek. I recently attended a meeting of the Cupertino City Council in which the council approved a feasibility study of a path for walking and bicycles, running from Pacifica Ave to Creekside Park in Cupertino. I am not in favor of the Regnart Path. I have lived here for 55 years and originally the creek was open. I do not remember when it was closed, but I have been thankful for that happening. I am concerned about the creek being clean and a good place for wildlife. When the water is running I have often seen ducks raising their ducklings there. I also care about the safety of children who may be using the creek to travel to school. There is a matter of privacy for some of the folks that live along the creek as well.

I ask that you would consider voting against the Regnart Path construction on water district property.

Sincerely,

Candace Erickson
20095 Las Ondas Way
Cupertino, CA 95014
I

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:28 AM
To: 'I'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Regnart Path, Water District 5
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Erickson,

Thank you for your e-mail dated September 9, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County – the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0171

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Melissa Stone

From: Board of Directors
Subject: FW: Concerns about Cupertino's Regnart Creek biking trail plan

From: Kevin Lu [mailto:kevinjlu1@gmail.com]
Sent: Thursday, September 13, 2018 4:24 PM
To: Board of Directors <board@valleywater.org>
Subject: Re: Concerns about Cupertino's Regnart Creek biking trail plan

Thank you for your reply. Although they held public meetings or hearings, that's just a formality as the city representative simply asked the residents affected most to choose fencing options, not willing to listen to what cost effective ways to achieve the desired results. Please read another post today about a different topic from someone complaining about the city council in Cupertino:

Ganesh Kanna
Rancho Rinconada

[Yes your vote counts - if Not you Then Who, if not Now then When - Speak Up.](#)

In recent years, the majority of the Cupertino City Council stops listening to the residents who elected them. They do not honor the wishes of their constituency or duly respond to the pleas from residents to protect and preserve the quality of life in their city. For example, the Cupertino City Council ignores the will of the majority of the residents who rejected a Vallco re-development plan in 2016 election, known as "Measure D," to substantially cut back of retails-space and to build a huge office park. The 2016 plan would have taken away the last available large retails-space in the city, worsen the imbalance of office/housing units—thereby significantly exacerbate the housing shortage and traffic overloads. Instead, the City Council now elects to side with developer to approve plans that are several times worse than the defeated "Measure D" in terms of the monstrous size, density and height – from "three buildings of 7-story, 120 ft high (143 ft high if including the green roof) and 389 to 800 apartments" in "Measure D." to "more buildings, as high as 170 ft and 2,923 apartments." in the ever-evolving "Vallco Specific Plan." The new Vallco plan will have a total eye-popping build-out of 11.3 Million square feet on a 57-acre lot. For comparison: Salesforce Tower in San Francisco is 1.6 Million sq. ft. Apple Park is 2.8 Million sq. ft. on 175 acres. the two landmark skyscrapers in New York City: - Empire State Building is 2.73 million sq.ft. - One World Trade Center is 2.60 million sq.ft. It will bring as many as 14,000 daytime workers into Cupertino daily (next to Apple Park's 14,200 with most of them merely relocating from other Cupertino sites). This spells the end of our quiet suburban life!! The Vallco re-development, if moving forward, will lead to absolutely unsustainable traffic gridlocks on highways and almost all local streets in the municipality, cause certain stagnation and depletion of city infrastructure support, such as the electricity and water supply shortage, sewage system backup, storm drain blockage, and major increase of maintenance and upgrade costs to the aging systems in Cupertino. Many of your school-year children will linger in portable modular classrooms as the number of students skyrockets upward. None of these have been taken into account or made the developer to share any fiscal responsibility to ease the pains. This is only the tip of the iceberg. We must have a house-cleaning and bring back the democracy - of the people, by the people and for the people. Cupertino is in crisis. The city will inevitably grow, but we need sensible and balanced growth.

45m ago · 24 neighborhoods in [General](#)

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Melissa Stone

From: Board of Directors
Subject: FW: Liability issues regarding Regnart Creek Path

From: Linda Wyckoff [mailto:lwycckoff2@yahoo.com]
Sent: Thursday, September 13, 2018 3:02 PM
To: Board of Directors <board@valleywater.org>
Subject: Re: Liability issues regarding Regnart Creek Path

Honorable Board of Directors for the Water District,

Thank you for your response to my neighborhood's concerns regarding the implementation of a path along Regnart creek in Cupertino. Please do keep me posted of any meetings or other issues regarding this proposed path.

Regards,
Linda Wyckoff

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Melissa Stone

From: Tong-Ming Lee <tml_ee_us@yahoo.com>
Sent: Monday, September 17, 2018 7:21 PM
To: Board of Directors
Subject: Fw: I disagree with the proposed Regnart Creek trail!

Dear Water District board members,

We're in Water District 5. It's regarding the proposed Regnart Creek trail. I'm forwarding the email that I sent to Cupertino City Council members earlier. I expressed my concerns. I'd really appreciate if you all could take those concerns into consideration.

Thanks,
Tong-Ming Lee

—— Forwarded Message ——

From: Tong-Ming Lee <tml_ee_us@yahoo.com>
To: dpaul@cupertino.org <dpaul@cupertino.org>; rsinks@cupertino.org <rsinks@cupertino.org>; svaidhyanathan@cupertino.org <svaidhyanathan@cupertino.org>; bchang@cupertino.org <bchang@cupertino.org>; sscharf@cupertino.org <sscharf@cupertino.org>; citycouncil@cupertino.org <citycouncil@cupertino.org>
Sent: Tuesday, August 21, 2018, 5:24:08 AM PDT
Subject: I disagree with the proposed Regnart Creek trail!

Dear Council Members,

I am a Cupertino resident, and I oppose the proposed Regnart Creek trail for the following reasons:

- Increased traffic and risk to school children due to creation of an additional crosswalk across Blaney that students would use during rush hour
- Increased security risk and decreased privacy of the neighborhood residents whose front yards and back yards border the creek
- Loss of habitat for animals such as opossums, frogs, and ducks; coyotes and vultures that frequent the creek also pose risk to rail users
- Waste of money – there are existing residential streets and sidewalks parallel to the trail that have the highest safety ratings and low traffic, and have not been included in the feasibility study

I request you to vote against the Regnart Creek trail proposal, and instead encourage citizens to use existing alternate paths in this neighborhood. I would appreciate if the city put the funds allocated for such a trail to good use elsewhere, such as promoting environmental initiatives and creating outdoor programs for children.

Thanks,
Tong-Ming Lee
Cupertino Resident of 30 years

Noted
C-18-0183

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From: Board of Directors
Subject: FW:

-----Original Message-----

From: D. Muirhead [mailto:doug.muirhead@stanfordalumni.org]

Sent: Friday, November 09, 2018 11:20 AM

To: Richard Santos <rsantos@valleywater.org>; OSA Donna Plunkett <dplunkett@openspaceauthority.org>

Cc: Public Services Director Ghione <Chris.Ghione@morganhill.ca.gov>; Yvonne Arroyo <yarroyo@valleywater.org>

Subject:

Dear SCVWD Chair Santos and OSA Planning Manager Plunkett,

I want to make sure that you know the context that I had when I asked you about the Trails Summit and OSA as a stakeholder.

At the Water District's Board Policy and Planning Committee meeting on October 22, the Committee received information on the existing Board policies that provide guidance for use of District property for Trails, Open Space, and Recreation along creeks.

It had been 14 months since the public received any status on this policy review by the District.

I asked about the Next Steps identified in the Board August 22 2017

meeting: who did the District select as stakeholders to speak for the rest of us and did the three stakeholder meetings planned to be held in Mountain View, San Jose, and South County by the end of 2018 actually occur?

CEO Camacho stated that Board Chair Santos had decided to have a Trail Summit rather than the stakeholder meetings.

So I do not know that any of the parties involved in the Trail Summit are actually representing members of the general public such as myself.

And I do not know what your plan and timeline are for the policy revision.

What would you suggest a city like Morgan Hill do with a planned project to upgrade the Madrone Channel Trail to an all-weather surface? Your new policy might not allow this. In that case, the City should not waste time searching for grant funding.

According to Ms. Plunkett, the District has created a new trail coordinator role and identified her as Yvonne Arroyo (yarroyo@valleywater.org).

I have copied her and Morgan Hill staff on this message.

In closing, I have appended my notes for my verbal comment at BPPC.

The most important point is this: you should adopt an approach once you have announced a study like this to do a public checkin at least every six months rather than leaving us wondering what is happening, even if it is nothing more than a line or two in a Chief's report at a Board meeting.

Thank you for your consideration,
Doug Muirhead, Morgan Hill

I support reviewing the policy; I am not happy with what little of the process I have seen so far

- * you should adopt an approach once you have announced a study like this to do a public checkin at least every six months rather than leaving us wondering what is happening, even if it is nothing more than a line or two in a Chief's report at a Board meeting

it has been 14 mo since the Board and I last heard about this review

6. back then, Staff planned to conduct outreach via three stakeholder meetings
once again you do not define stakeholder;
who did you choose to speak for all of us?
those 3 meetings were to be held in Mountain View, San Jose, and South County by the end of 2018 - which is now 2 mo away
* did you have those meetings? if so, with whom?

1. staff planned to talk to City of San Jose
but only look at Cities' trail master plans
* why not talk to Cities Park/Rec or Bike/Ped commissions

2. Staff was to work with Valley Transportation Authority (VTA)
* no presentation to VTA County-wide BPAC

- * no identified plan to talk to County Parks about their trails master plan

- * Finally
my real-life example, - MH has an official plan at the City and County level to convert Madrone Channel dirt maint road to all-weather surface as one segment in a route for school access and commuters from downtown MH to Coyote Creek Parkway
the dilemma- do we go for grants when you might then disallow our proposed improvements?

-----+-----+-----+-----+-----+-----+-----+

Michelle Critchlow

From: Michelle Critchlow on behalf of Board Correspondence
Sent: Wednesday, November 21, 2018 1:44 PM
To: doug.muirhead@stanfordalumni.org
Cc: Board Correspondence
Subject: Trails Summit

Sent on behalf of Chair Santos

Dear Mr. Muirhead,

Thank you for your November 9, 2018 email regarding the District's efforts to update its policies on the use of District property for trails, open space, and recreation along creeks. As you mentioned in your e-mail, the next steps identified in the August 22, 2017, board agenda included three stakeholder meetings by the end of 2018. These meetings did not occur due to the Trail Summit, which I hosted as the 2018 Board Chair. The Trail Summit included invitations to every city in Santa Clara County, as well as staff from the County of Santa Clara. Invitations were also sent to the Santa Clara County Open Space Authority, Midpeninsula Regional Open Space Authority, Santa Clara Valley Transportation Company, and several trail and open space advocacy groups, including but not limited to Committee for Green Foothills, Save our Trails, Bay Area Ridge Trail Council, and the Silicon Valley Bicycle Coalition. If you feel that certain groups should be included in the future, please let us know so that we may include them in future outreach events.

At your suggestion, District staff has included a timeline of events and outreach that has occurred since the policy discussion was first brought to the Board on January 10, 2017, as an attachment to the agenda memo for the upcoming November 26, 2018 Board Policy and Planning Commission meeting.

To address your specific concern about the City of Morgan Hill's plans for the Madrone Channel trail, please be aware that the current policy discussion is focused on addressing difficult trail sites where conflicting purposes create a mission prioritization dilemma (i.e. flood protection maintenance versus trail access or trail access versus stream stewardship goals, etc.). In the case of Madrone Channel, District staff does not anticipate any new policy that would change the District's existing direction or guidance on trail planning and design along this channel. As Mr. Ghione communicated to you in his November 12, 2018 e-mail response to your inquiry, the City has direct communications with the District on its trail planning efforts and will continue to work together on future planning.

If you have additional questions, you may refer them to our trail coordinator, Ms. Yvonne Arroyo, at yarroyo@valleywater.org or at (408) 630-2319. Again, we appreciate your continued civic engagement and interest in the District.

Sincerely,



Richard P. Santos
Chair/Board of Directors
Santa Clara Valley Water District
C-18-0199

-----Original Message-----

From: D. Muirhead [<mailto:doug.muirhead@stanfordalumni.org>]

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Michelle Critchlow

From: Board of Directors
Subject: FW: Proposed Regnart Creek issues/comments

From: Ilango [<mailto:ilangog@yahoo.com>]
Sent: Thursday, November 15, 2018 6:03 PM
To: Usha Chatwani <uchatwani@valleywater.org>; Melanie Richardson <mrichardson@valleywater.org>
Cc: Nai Hsueh <NHsueh@valleywater.org>
Subject: Proposed Regnart Creek issues/comments

Dear Melanie / Usha,

I am one of the 82 residents affected by the proposed Regnart Creek Trail that share the property line with the Santa Clara Valley water district. I have a few questions/comments as noted below:

Railings: As per the Water district letter to the City dated Aug 21st, no railings will be allowed on the water district right of way. The feasibility study still shows various railing options and discussions with water district to be continued. *We would like to know the current status of the railings* because this trail was promoted as a safe route to school for children.

Width: *We would like to know the available width for the trail path* as per water district records. There is major discrepancy in the feasibility study and the water district letter Aug 21. A total of 16 feet width is required to build a Class 1 Bike lane, whereas there is not enough space (less than 12 ft) to build a safe Class 1 shared used bike lane.

Fire Risk: After watching the California Wild fires this season, the residents are concerned about the dry brush along the creek/trail. If the path is open to the public, the risk of fire danger is higher (someone smoking/throwing cigarette) to adjacent homes along the path. The residents would be living in constant fear due this risk. *Is the water district responsible for clearing the bushes and keeping it clean all the time?* This fire risk is not documented and ongoing maintenance is not budgeted in the feasibility study.

Please let us know about the current status, I would appreciate a reply.

Thanks,
Ilango Ganga
Resident, Cupertino

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Melissa Stone

From: Melissa Stone
Sent: Monday, February 04, 2019 8:38 AM
To: Board of Directors
Subject: FW: Cupertino, Regnart Creek

Begin forwarded message:

From: Julia Miyakawa <jemiyakawa@yahoo.com>
Date: February 1, 2019 at 4:51:54 PM PST
To: Nai Hsueh <nhsueh@valleywater.org>
Subject: Cupertino, Regnart Creek
Reply-To: "jemiyakawa@yahoo.com" <jemiyakawa@yahoo.com>

Ms. Hsueh

A few months ago a group of us concerned about the city of Cupertino adopting the Regnart Creek Feasibility study, attended the water district meeting expressing our concerns . At that time we were told we would be informed of meetings between the city of Cupertino and the water district. Apparently there has been couple of meetings, but did not receive any notice. Are minutes of the meetings available? Would they be available for review?

Please inform me of any future meetings.

Also is there a Trail guideline process? Will the water district have a draft for public comment? Will wait for your reply.

Respectfully,
Julia Miyakawa

[Sent from Yahoo Mail on Android](#)

Referred
C-19-0030

Melissa Stone

From: Board of Directors
Subject: FW: Cupertino, Regnart Creek

From: Melissa Stone On Behalf Of Board of Directors
Sent: Thursday, February 14, 2019 1:54 PM
To: 'jemiyakawa@yahoo.com' <jemiyakawa@yahoo.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Cupertino, Regnart Creek

Sent on behalf of Vice-Chair Hsueh

Dear Ms. Miyakawa,

Thank you for your email dated February 1, 2019, regarding the Regnart Creek Feasibility Study. After the Board Policy and Planning Committee (BPPC) meeting on November 26, 2018, District staff met with the City of Cupertino on January 7, 2019. The City posted meeting minutes to their website at: <https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail> under a new section of the Regnart Creek Trail information page called "Santa Clara Valley Water District." At this time, no further meetings are planned with the City.

District staff is working on a new trail policy for Board discussion and eventual approval this year. The policy is intended to clarify the District's support of trails proposed on our property, and will be accompanied by a "toolkit" that provides clear guidelines for trail projects. The first BPPC meeting to review the proposed policy framework and public outreach plan is scheduled for Monday, February 25, 2019 at 2:00 pm. Because we are very early in the process, no policy decisions will be made at the meeting, and draft policy language has not yet been developed. The meeting agenda will be posted online on February 19, 2019, and is open to the public.

While the work on policy development proceeds, staff continues to negotiate with Cupertino staff to shape the project. If agreed upon conditions can't be negotiated due to impacts on Regnart Creek habitat or District operations, staff may seek input from the Board. This may occur before the policy work is complete.

If you have further questions, please feel free to contact Ms. Usha Chatwani, Community Projects Review Unit Manager, at (408) 630-2731.

Sincerely,



Nai Hsueh
Vice Chair/Board of Directors

C-19-0030

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Melissa Stone

From: Gary Wong <mgarywong@gmail.com>
Sent: Sunday, March 03, 2019 9:23 PM
To: Board of Directors
Cc: Melanie Richardson; Usha Chatwani; Liz Bettencourt; Yvonne Arroyo
Subject: Regnart Creek Trail Feasibility Study
Attachments: Regnart Creek Trail Studies Comparison of Changes GWong 19_0302 .docx

Honorable Board Members Hsueh (District 5) and Keegan (District 2):

On behalf of the residents who reside along Regnart Creek, we thank you for allowing us to attend your Board Policy and Planning Committee meeting last Monday and share our thoughts and comments on SCVWD's proposed Trail Policy Guidelines. At a recent City Council Meeting held two weeks ago, Councilman Willey requested a comparison of the approved draft Feasibility Study and the Final Study substituted and posted on the City's website. Knowing how busy City staff is, we prepared the following comparison of (i) the approved trail feasibility study; (ii) the Final Trail Study and (iii) Water District's comments from its letter dated August 21, 2018.

While the City states there were only administrative issues and changes, a comparison of the District's letter and the Final Study indicates there are remaining issues of substance to be addressed. We thought the comparison may be useful to the District and are attaching a copy hereto.

Respectfully,

Gary Wong
Cupertino resident and
President, Campo De Lozano HOA

Noted
C-19-0064

Attachment 3
Page 68 of 106

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Melissa Stone

From: Linda Wyckoff <lwyckoff2@yahoo.com>
Sent: Wednesday, March 13, 2019 5:57 PM
To: Board of Directors; Melanie Richardson
Subject: Regnart Trail Presentation to Board 3/12/19
Attachments: Regnart Path - Water District Presentation - 3-12-2019.docx

Esteemed Water Board Directors,

I spoke during Open Communications at the Board Meeting on Tuesday, March 12th regarding issues with Regnart Creek Trail in Cupertino and I would like the text of my message entered into the meeting minutes. I have attached them below.

Thank you for your consideration,
Linda Wyckoff

I am a Cupertino Residents, sharing my property line with Water District lands along Regnart Creek. We are aware that the district is developing a trail policy framework and trail design tool kit. We'd like to request that the board strives to ensure trail user safety, as well as the privacy & security of adjacent residential properties when developing this policy.

Santa Clara county Inter Jurisdictional Trail design guideline 1999 sets the standards for trail designs in the county. The Water District, along with 15 cities including Cupertino, are party to this design guideline. These guidelines set standards for Trail width and minimum setbacks from residential dwelling units and from private fences. This established criteria should be adhered to when developing trail design policy.

In 2018, the Water District worked with the city of San Jose to develop a Trail design tool kit for the city that sets the minimum setback of five feet from residential fences to public trails. However, we recently noticed from Jan 7th meeting minutes between the city of Cupertino and the water district, that the consultant proposed a one foot set back to property fences and no set back from bridges. This is unacceptable and should not even be entertained by the district.

We do not want individual cities to set a precedence by circumventing important standards that protect residences sharing the property line with the water district, and also compromise trail user safety.

So, when retrofitting trails into existing dense urban and suburban neighborhoods like ours, where 82 homes are affected within just a three-quarter mile long portion of the creek, we request the water district to not only look at maintenance operations, but also be considerate to adjacent residents, keeping in mind their safety, security, privacy, and desire for peaceful living.

When the water district is developing the Trail policy framework and entering into agreements with cities, please ensure that minimum setbacks from private property fences to public trails, and other trail width guidelines, are followed.

Our request is simple. Please just be a good neighbor, and follow established guidelines and requirements. Don't shirk these responsibilities just to appease the desires of private consultants and developers.

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From: Linda Wyckoff <lwyckoff2@yahoo.com>
Sent: Friday, April 19, 2019 7:53 AM
To: Board of Directors; Melanie Richardson
Subject: Regnart Trail Setbacks

Esteemed Water District Board Members and Ms. Richardson,

I am writing as a resident who will be deeply affected by the proposed Regnart Creek Trail if it ever comes to fruition. The words I write should apply to **ALL** trails that will be brought forwarding to the Water District. The City of Cupertino is trying to bypass recommended guidelines for setbacks to private residences that border the trail. If they are given this opportunity to bypass guidelines with this project, then they will have been given permission to bypass these guidelines for **all trails** built in the future in **all cities** under your jurisdiction. This loosening of the rules should not be permitted under any circumstance as the entire Regnart Creek Trail is just one big pinch point.

The guidelines were developed to ensure the privacy, security, safety and noise minimization for homeowners. Due diligence was not exercised when this path was originally proposed. Neighbors were not notified of the trail proposed right behind their back fences until at least 15 months after the fact. We had no early input. Our suggestions are still mostly unheeded.

Please uphold the trail guidelines which were brought forth to you previously.

Regards,
Linda Wyckoff

Referred
C-19-0110

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From: benaifer dastoor <bddastoor@yahoo.com>
Sent: Sunday, April 21, 2019 10:30 PM
To: Board of Directors
Cc: Melanie Richardson; Usha Chatwani
Subject: Regnart Creek - serious safety concerns for the residents and the potential users
Attachments: RegnartCreek-Water district letter.pdf; La Mar homesIMG_1027.JPG; La Mar - winter 2016-17 IMG_0355.JPG

Dear Valley Water Board members,

I am writing as a resident of La Mar Drive whose home abuts the Regnart Creek.

We understand the SCVWD encourages trails along the creeks wherever possible and we support that policy. However, different paths and creeks have different geography with respect to width, upstream/downstream, creek wild life, health of the creek, flood control, proximity to homes - making some creek paths feasible for a trail and others not so much. The Regnart Creek falls under the latter category.

It is very important that the SCVWD, the owners of the land along the creeks in the county, develop commonsense trail guidelines to ensure the safety for all – creek health, homeowners along the trail, and the proposed users.

It is disappointing to learn that the SCVWD is granting exception to the Regnart Creek trail being proposed by the City of Cupertino despite the trail not being compliant with the Santa Clara County Uniform Interjurisdictional Trail Design, Use, and Management Guidelines (Cupertino city is a signatory to these guidelines).

Here are some major issues concerning Regnart Creek that need to be considered if the SCVWD feels compelled to enter into the JUA with the City of Cupertino:

1) The proposed expensive creek path proposed as trail is **just 0.8 miles**. It is non-contiguous, involves crossing streets at several points – the most hazardous being the new crossing to be introduced mid Blaney disrupting the morning commute traffic and endangering children and bicyclists zipping in and out of trail (blind spots for motorist) to get from one end to another.

Pg 17 Santa Clara County Uniform Interjurisdictional Trail Design, Use, and Management Guidelines

UD - 1.1.5 Trail alignments should be selected that minimize intersections with motorized vehicles.

2) The Path is very narrow with steep slopes in most sections – La Mar Dr (12 -13 feet), Lozano Lane and DePalma Lane (10 feet). **This would barely provide for setbacks (two feet or less) on the creek side and for the residential properties abutting the trail and a tread of barely 8 feet for shared use – up and down bicyclists, pedestrians, people walking their dogs versus a wide street like La Mar Dr which runs parallel to the creek has a width of about 40 feet plus sidewalks measuring 4.5 feet.**

3) **The Creek path is in midst of dense neighborhood – 82 homes along the path and its residents will be directly impacted.** With barely any setbacks, no additional security walls/fences provided by the city to protect the home owners, the homeowners are left vulnerable – no safety, no privacy.

Pg 16 Santa Clara County Uniform Interjurisdictional Trail Design, Use, and Management Guidelines

UD - 1.1.2 (††)* Trails shall generally be sited as far away from occupied dwellings as practical. Where trails are developed in conjunction with high-density residential areas, it may be appropriate to incorporate the trail or access to the trail into the overall circulation of the housing complex. In these situations, the trail alignment should be developed

alleys and should take into consideration the privacy of residents using setbacks as indicated in Table UD-1. (See also: Figure T-4). Table UD-1: Trail Setbacks Land Use Category(1) Trail Setback (2) Residential 25 feet (7.6 m)

UD - 1.1.4 (†)* In areas where trail routes are adjacent to private property, visible fencing shall be employed, if requested by the adjacent property owner, to deter users from leaving the trail. Type of fencing should be determined in consultation with the property owner(s). Security fencing or walls should be no closer to the trail than 3'-6" (1 m) and no lower than 4'-8" (1.4 m). (See also: Guideline UD - 4.11.2, Figures T-4, T-5A, and T-5B).

4) Because of the trail's proximity to the homes without any additional security barriers or fences separating the homes from the trail, a cigarette or a joint dropped by a trail user could increase the fire risk to the whole neighborhood, in the dry summer months.

5) Last but not the least - I am attaching the SCVWD staff letter which pointed out several flaws in the Regnart Creek Trail Feasibility Report presented to the city council for approval in August 2018. The flawed feasibility report with material errors was approved by the City Council anyways. The letter sent by your staff corroborates the issues pointed out by the residents all along, about the width of the trail, unstable banks, risks to the homeowners, users and this being not the most ideal location for creating a trail.

I urge you to please evaluate the risks to the residents (your neighbors), the proposed users and to the creek before you move further along and grant the permission to open this closed creek to public. Transferring the liability to the city with JUA does not absolve the water district who is owner of the land from its civic responsibilities.

I would also like to extend the invitation on behalf of all the 82 homes along the creek to walk the creek path and get firsthand information for yourself. The residents would love to walk with you and appreciate the opportunity.

Thank you,

Sincerely,
Benaifer Dastoor
Resident
La Mar Dr.
Cupertino, CA

File: 33661
Regnart Creek

August 21, 2018

Ms. Jennifer Chu PE
Associate Civil Engineer
City of Cupertino
Public Works Department
10300 Torre Avenue
Cupertino, CA 95014

Re: Comments on Regnart Creek Trail Feasibility Study

Dear Ms. Chu,

Santa Clara Valley Water District (District) staff has reviewed the administrative draft of the Regnart Creek Trail Feasibility Study (Study) received on August 3, 2018. The District has identified the portion of Regnart Creek between East Estates Drive to Pacifica Drive (the feasibility study limits) as either showing signs of deterioration and in a "monitoring" mode and/or in need of minor maintenance or in such a state of degradation that a more significant maintenance project is required, with the most seriously degraded areas located between Wilson Park and Brittany Court. Consequently, the District has concerns that the Study analysis does not include sufficient deference or consideration to the needs and requirements of the District for performing flood protection operations and maintenance work, including cost increases to District operations associated with each alternative, in its ranking of feasible alternatives where those alternatives include reaches located on District right of way. The District has the following specific comments on the subject document and requests that these issues be addressed prior to final adoption of the feasibility study.

- 1) Page 3, "Trail Access": Please note that District access roads have limited space for amenities such as informational boards, seating, etc. This section should specify that trailhead amenities may be provided where they do not conflict with or reduce the District's existing maintenance access.
- 2) Page 4, Table 1.3: Alternative 1 is the preferred alternative but has the most adverse impacts to the District's maintenance access and operations. Alternatives 4 or 5 will have the least impact to the District's maintenance access and operations, followed by Alternatives 2, 3 and then 1 (most impactful).
- 3) Pages 7 and 11: Designating trails as transportation corridors can be a problem for the District when considering future uses of the right of way for District purposes. It confers a duty onto the District, through CEQA, to mitigate for any loss of or adverse impacts to the transportation corridor, in addition to any lost recreational use. Any future joint use agreement with the City for portions of the trail located on District right of way will provide that the City be responsible for trail closures, trail detour routes, signs, and

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.

maps, and any CEQA documentation and mitigation required to implement the trail closures, when needed to allow the District to perform its flood protection work.

- 4) Page 8. Agencies and Stakeholders: The ingress-egress rights of PG&E and AT&T should be verified through actual title documentation.
- 5) Page 14. Regnart Creek Right-of-Way:
 - a. The Study states that our maintenance road varies from 12 to 25'. District as-built shows the maintenance road widths in this reach are mainly between 10 feet and 15 feet; however, this width has been reduced in many areas due to ongoing erosion/deterioration. The document should be revised to reflect this information.
 - b. City responsibilities will be outlined in any future joint use agreement with the District and will include responsibilities mentioned in our comment no. 3, above.
- 6) Page 16. Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There are also a handful of areas where a larger repair is needed. This section of the study needs to be updated to reflect the current conditions along Regnart Creek where the trail is proposed.
- 7) Page 22. Available Right-of-Way: See comment no. 5a, above.
- 8) Page 25. Trail Design and Construction Practices:
 - a. The text should clarify that the District does not have allowable trail tread width standards—perhaps a different agency should be referenced.
 - b. The District does specify that trails should be able to accommodate fully loaded maintenance equipment and any damage to the trail will be City responsibility.
- 9) Page 25. Trail Closures: This section should clearly specify that the City will take responsibility for trail closures when needed for District flood protection maintenance purposes.
- 10) Page 25. Private Access to Public Trails: This section should be revised to reflect that the District does not allow or permit private access to public trails. All access points must be public access points controlled by the City.
- 11) Page 26. Trail Monitoring and Maintenance:
 - a. This section refers to "managing agencies." This section should be revised to reflect that the City is the single managing agency for the trail.
 - b. Maintenance and inspection criteria that the City will utilize should be specified.
 - c. The Study states that, "Corrective work for drainage or erosion problem shall be performed within a reasonable period of time." The Study should specify that the City will prioritize and implement immediate repairs on District right of way where problems are impacting Regnart Creek or maintenance activities.
- 12) Page 27. Public Outreach: The District would like to be invited to participate in future outreach efforts so that we can be aware of community concerns related to the proposed use of our right of way and the City's plans for addressing those concerns.
- 13) Pages 34 thru 38: As mentioned in comment #2, Alternative 1 would be most impactful to the District's operation and maintenance activities. It will increase maintenance costs on any work we do in this area, and the bridges may not be feasible without more

detailed information on how their construction will affect our maintenance access. Additionally, it has been our experience that pedestrian bridge abutments cannot usually be constructed without removing the adjacent creek bank, which will require regulatory approvals.

14) Page 39, Creek Bridges:

- a. See comment no. 13. Bridges reduce the width of maintenance roads, as does the addition of fill and fencing. The District will still need access around the bridges with vehicles throughout the year. This section should include actual cross sections on this page at the most restrictive pinch points to show how the existing maintenance road access width will be impacted.
- b. For removable bridges, the Study should specify how quickly the City will respond to requests to remove their bridges when requested by the District and provide a description of the public noticing that the City will perform for its removal/closure.

15) Pages 40 and 41, Figures 6.8, 6.11 and 6.12: Railing will not be allowed along the top of bank, unless it is outside District right of way as it impedes our ability to access the channel from the top of bank.

16) Page 42, Alternatives Discontinued from Further Evaluation: The Study states that box culvert and cantilever designs and reduction in road width from fence posts weren't selected because they were unacceptable to the District, or the District was unwilling to accept them, or they were unfavorable to the District. The language should be changed to indicate that these alternatives were discontinued since they would cause erosion, affect seasonal wetlands, and restrict District maintenance activities required for flood protection. The box culvert and cantilever designs were not selected based on sound engineering principles and do not represent the District's opinion.

17) Page 44, Trail Heads: Trailhead features should not limit ability for the District's maintenance equipment to enter and leave maintenance roads.

18) Page 45, Figure 6.16: Planting and decorative pavement at entrances are subject to damage and may be in the way of maintenance activities.

19) Page 47, Security and Safety:

- a. Safety railing and features make maintenance and inspection of District facilities difficult. Most bank slopes are steeper than 3:1. At 3:1, no fencing is required. A fence 2 feet from top of bank reduces usable space understanding that a vehicle needs more than 8' +/- width of the vehicle when there are constraints/wall on either side. Additionally, secondary screening fences will take another 18 inches or so, further reducing the width of the maintenance road.
- b. Removable fencing is also a lot of work and setting the fencing 2 feet back from the top of bank will reduce the District's maintenance footprint to 10 feet in some places which is not enough room for maintenance equipment.

20) Pages 51 thru 53: The biggest cost to the District from the proposed alternatives is the cost of all additional measures that come with maintenance on a pedestrian corridor. It limits when and how we inspect our facilities, it increases public frustration with the District when facilities must be closed, and increases labor hours to work around additional features and facilities (bridges, railing, trailheads, etc.).

Ms. Jennifer Chu
Page 4
August 21, 2018

21) Page 57, Trail Surfacing Evaluation and Recommendation: Porous pavement must be designed to withstand maintenance vehicle loads, and any swale/drainage designs cannot restrict maintenance path width.

22) Page 59, Security Measure Evaluation & Recommendation and Railing Evaluation & Recommendation

- a. Suggest City staff assess sheriff and police availability for the recommended patrols and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police Departments are strapped for resources and cannot provide consistent patrolling.
- b. The Study states that removable fencing /posts is consistent with many creekside trails. There are few Santa Clara County trails that have top of bank fencing. This is a significant impact to the District which must be addressed. The time to remove the railings adds significant costs to creek maintenance when the District has limited regulatory window of time each season to perform its maintenance activities.

We appreciate the opportunity to provide comments. I may be reached at (408) 630-2731, if you have any questions.

Sincerely,



Usha Chatwani, P.E.
Engineering Unit Manager (Permit Authority)
Community Projects Review Unit

cc: M. Richardson, S. Tippets, Y. Arroyo, U. Chatwani, S. Dharaskar, C. Houston,
J. Codianne, C. Pilson, C. Grande





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Melissa Stone

From: Tony Fong <tonyfong@sbcglobal.net>
Sent: Sunday, April 21, 2019 8:56 AM
To: Board of Directors
Cc: Melanie Richardson; Shekar Pasumarthi; Vicky Yutronic; Kumar Sarvan; Fung Yee Mak; Rex and Teresa Tsu
Subject: Regnart Creek Trail Issue

Hello Valley Water Board,

My name is Tony Fong and I own the property on 20182 Rodrigues Ave. I am the president of the Longacre Homeowner's Association comprising of six homes that is directly adjacent to the Regnart Creek trail. Our entire HOA is opposed to the creation of the Regnart Creek public trail.

The trail will be too close to our properties. Our current serene environment will be permanently destroyed if the public is allowed to march along our back fences. Our private quiet backyards will become public spaces. The constant noise of trail users will be intrusive and render our backyards unusable. Our windows will have to be permanently draped to prevent people passing by from peering into our living areas.

I have attached several pictures to better illustrate our situation. As you can see from the pictures our backyard abuts the trail and our living quarters are in full view. The existing 6 foot fence does almost nothing to shield us from the trail.

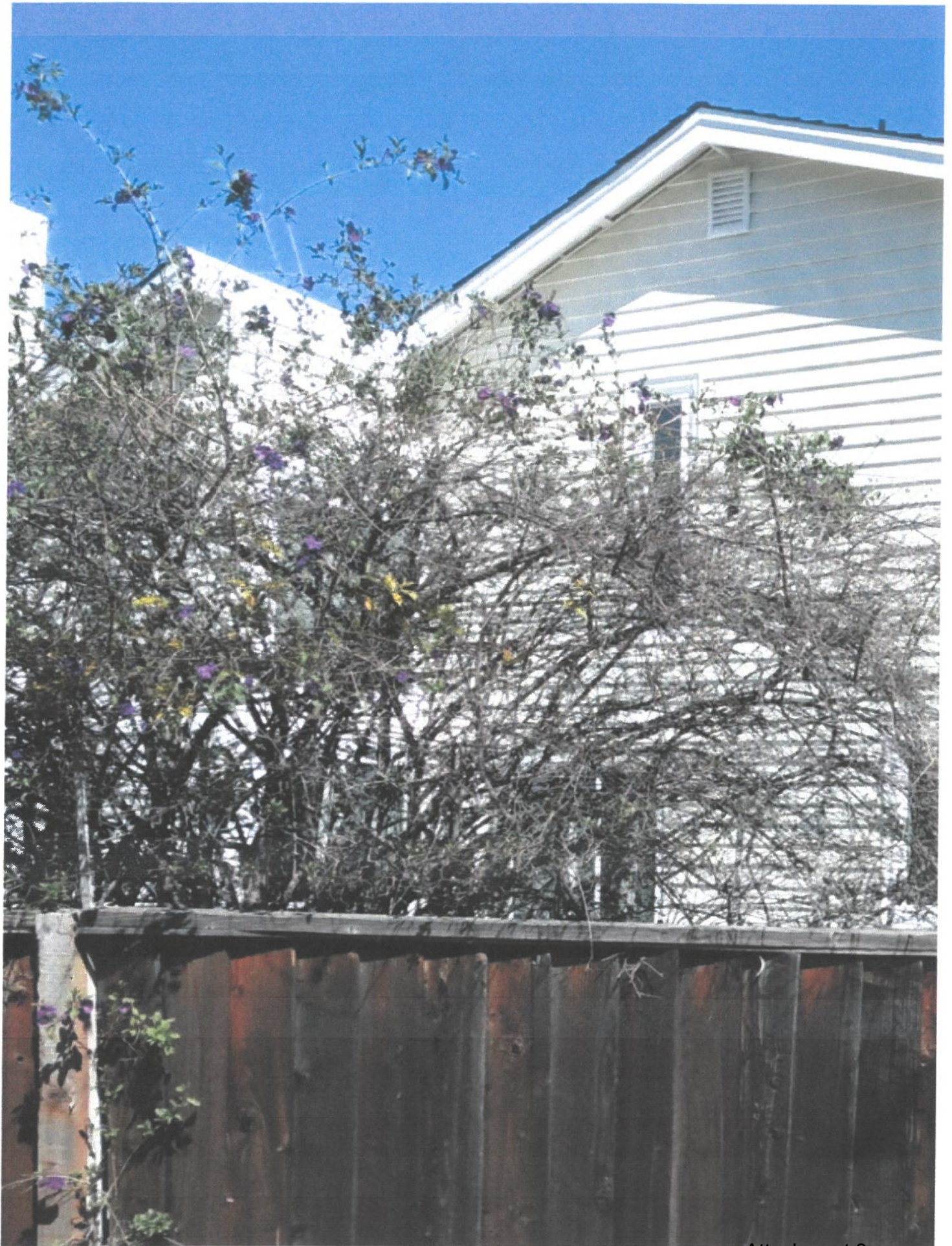
The proposal to upgrade the existing streets (city's alternative plan 4) is more than adequate to address the desires of those requesting a more "friendly" pedestrian experience. Our privacy should not have to be sacrificed to serve the needs of those who would like to walk/bike a few blocks off public streets.

As fellow homeowners I hope you can empathize with our plight and reject the Cupertino city's request to build this trail adjacent to our property.

Please save our sanity and property values!

Sincerely,
Tony Fong
President Longacres HOA

Referred
C-19-0115





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Melissa Stone

From: Fari Aberg <abergfari@gmail.com>
Sent: Sunday, April 21, 2019 6:20 PM
To: Board of Directors
Cc: Melanie Richardson
Subject: Proposed Regnart Creek Trail - Safety Concerns

Dear Board of Directors,

My name is Fari and I live next to Regnart Creek in Cupertino and I have a wonderful neighbor of 31 years called Santa Clara Valley Water District!

I am writing this email to you, as my immediate neighbor, to express my concerns regarding the proposed Regnart Creek Trail which, if approved at all, will run along my home and 81 other homes. Although it is unfortunate that the Water District trail policy and tool kit is not available yet to be used by the City of Cupertino, I wish the work in progress policy and tool kit guidelines to be enforced when reviewing the proposed trail and **please do not allow the City of Cupertino to bypass any past or known future guidelines.**

You have already heard from my neighbors and friends living next to the Regnart Creek regarding the safety issues for trail users, I am only addressing the homeowner's safety in this email.

The proposed trail which runs too close to our properties and as narrow as 2 ft. in portions of the trail would severely and permanently impact privacy, safety and quality of life of residents living alongside the creek.

Here are some of the many concerns that I have:

Safety:

As per Santa Clara Valley Water District letter sent to the City of Cupertino on Aug 21st, 2018, "Suggest City staff assess sheriff and police availability for the recommended patrol and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police departments are strapped for resources and cannot provide consistent patrolling".

I have been personally told by Sheriff that my house will be an easy target for intruders and I should invest in alarm system, security cameras and install motion detector lights all around my property. Who is going to assure our safety if the trail opens?

Fire Hazard:

We have had very dry weather the past several years and with our houses being so close to the proposed trail, it is of great concern that a fire would be literal devastation to the homes located so close to the trail (e.g. danger of cigarettes, and we all know teenagers will try it!)

Noise pollution:

Another issue that does not seem to be adequately considered is the noise. Our houses are not structured to implement such a trail, with houses so close to the proposed trail where noise travels 1

providing vegetation buffers or sound walls to mitigate noise. The noise would be unacceptable for our community. The proposed trail would destroy the very nature of our peaceful neighborhood.

Vandalism issues:

Opening the locked gates will make our properties subject to vandalism. Personally, myself and some of my neighbors had experienced in the past broken windows and backyard full of rocks when arriving home from work/school.

Dangerous Crossings:

The proposed crossings, in particular the one on S. Blaney, which has the highest traffic during school hours, are very dangerous and too close, only a tree separating the crossing and residential driveway with no clear view of the trail and do not adhere to Sight Distance Triangle Guidelines.

As our good neighbor, would you please include our safety, security and privacy before making any decisions on the proposed trail and please do not enter into a Joint Use Agreement with the City of Cupertino if you cannot mitigate neighborhood concerns.

Please protect us!
Thank you!

Regards,
Fari Aberg
Cupertino Resident

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Melissa Stone

From: Shekar Pasumarthi <shekarp@pcweb.com>
Sent: Sunday, April 21, 2019 4:59 PM
To: Board of Directors; Melanie Richardson
Subject: Regnart Creek Trail

Hello Board,

My name is Shekar Pasumarthi and I am a resident of 20192 Rodrigues Ave, Cupertino, CA 95014. My backyard is next to the trail. Here are a few reasons for which I feel it is not an ideal place for the trail.

- Very short one to be spending the money and time
- I have walked the trail and I feel it is very risky trail and to mitigate the risks it would make it very expensive
- It could open to more litigation for people injured for which the board and city would be liable to.
- Others in the city might like it but us neighbors next to compromise the following
 - serenity
 - privacy
 - security
 - In addition the foundation of our house is about 3 feet below the trail.
 - I am 5' 8" and the picture attached shows when I am on the trail From the house I can see almost upto waist. Additionally, there are picture which show that from the trail I can see into the kitchen and backyard. For this we need to keep the windows always covered.

For for the above reasons, I would request the board to strongly oppose the trail proposal. Which will save a lot of time and money for the city, so they can work on alternates instead of spending away precious resources for short trail.

Thanks
Shekar

Referred
C-19-0117





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Melissa Stone

From: Ilango <ilangog@yahoo.com>
Sent: Sunday, April 21, 2019 3:42 PM
To: Board of Directors
Cc: Melanie Richardson
Subject: Proposed Regnart Creek Trail - Guidelines and Concerns

Dear Water District Board Members,

I am a Cupertino resident sharing my property line with the Valley Water District Lands. I read the March 28th, 2019 meeting minutes between the Valley Water and the City of Cupertino on proposed Regnart Creek Trail. I **noticed an inaccurate statement in the minutes noted as made by the District staff**. Here is an excerpt, *"Lisa Bankosh (LB) stated the Regnart Creek Trail design does not appear to deviate from current guidelines."*

<https://www.cupertino.org/home/showdocument?id=24159>

However, the trail does not meet the guidelines including setback to residential properties as set in the Santa Clara County Uniform Trail Design Guidelines.

<https://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Interjurisdictional-Trails-Guidelines-text-and-graphics.pdf>

The trail runs too close to the homes as narrow as 2 feet from the property lines. It does not meet the following guidelines UD 1.1.2, UD 1.1.4, Figs T-5A, T-3, T-4, UD 2.2.2, etc.,

UD 1.1.2 - Trail Setbacks Land Use Category Residential 25 feet

Fig T- 5A - Setback to private property line greater than 10 feet optimum and 3'-6" feet minimum

UD 1.1.4 - In areas where trail routes are adjacent to private property, security fencing or walls should be no closer to the trail than 3'-6".

Fig T-5A – Clearance 3'-6" minimum for tree, sign or other obstructions

UD 2.2.2: Shared-use trails should be designed as paved two-way paths and should have an optimum width of 12 feet.

The residents have raised neighborhood concerns specifically about the setbacks and privacy issues to the water district board and the staff since September 2018. In spite of residents' repeatedly raising this issue, I am disappointed to see an inaccurate statement from the District that states that the trail meets the guidelines when it clearly does not. Please correct the inaccurate statement.

I am aware that the District is in the process of developing a trail policy framework. I request the District to not only look at its maintenance operations but also to ensure trail user safety, privacy & security of adjacent residences while developing trails. If you allow just 2 feet setback from residential properties, the district will be setting a wrong precedence by approving a trail that runs too close to homes in a dense suburban neighborhood. **Note that the Regnart Trail affects 82 homes within 3/4th of a mile.**

Hence, I request the Board to not enter into a Joint Use Agreement with the City of Cupertino if you cannot mitigate neighborhood concerns or wait until the trail policy framework is developed by the District that is anticipated to be more definitive than existing guidelines. Please don't approve the trail

if does not meet the guidelines. I would also encourage the board members to walk the trail to fully understand the residents concerns before making any decisions.

Thanks,
Ilango Ganga
Cupertino Resident

Attached: Regnart Creek Trail alignment image from Google Maps – Yellow line is the creek alignment of 3/4th of a mile that runs close to 82 homes.

Regnart Creek Trail

Runs too close to homes (as close as 2 ft) – Need wide Setbacks & Walls to protect homes



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Melissa Stone

From: Ilango <ilangog@yahoo.com>
Sent: Sunday, April 28, 2019 10:54 AM
To: Melanie Richardson; Usha Chatwani; Nai Hsueh
Cc: Board of Directors
Subject: Railings 3 inches and 6 inches from Regnart Creek Bank ?
Attachments: Railing 3 inch from creek bank IMG_1159.jpg; Railing 6 inch from creek bank IMG_1156.jpg; RegnartCreekFullTrailDesign.jpg; Regnart Creek SCVWD letter - August 21, 2018 (1).pdf

Hi Melanie,

The residents of Cupertino were shown a design (see attached) for the Railings in the community meeting on April 24th. One of your staff from VW was in attendance.

The drawings by HMH showed the railings were located 3 inches from the edge of the creek bank in parts of the trail and railings located 6 inches from edge of the creek bank in other parts of the trail. The drawings did not mention whether railings are removable or permanent. Also, the City staff mentioned, the railings, "may be " or "will be" allowed by VW, however, it was presented in a way that VW would allow railings through out the creek.

Here is an excerpt from the letter (see attached) from VW to the City of Cupertino dated Aug 21st 2018:

" 6) Page 16, Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There is also a handful of areas where a larger repair is needed."

Here is an excerpt from meeting minutes dated Nov 28, 2017 between VW and City of Cupertino:

<https://www.cupertino.org/home/showdocument?id=23498>

"2. Erosion of the creek has caused incising of the creek bank."

Here is an excerpt from meeting minutes dated Apr 4th, 2018 between VW and City of Cupertino:

"2. SCVWD opposes railing as it restricts maintenance and contributes to bank instability and erosion.

3. Slope instability and susceptibility to erosion increase as bank slopes increase. "

Here is an excerpt from meeting minutes dated Jul 11th 2018 between VW and City of Cupertino:

"Removable split railing is proposed along the edge of the trail, at least 2' from top of bank to allow for SCVWD maintenance and to not contribute to slope failures of creek bank."

Multiple times since November 2017, VW had raised the issue of erosion, creek bank being unstable and slope failures and railings must be at least 2 feet from top of

However the attached design shown on April 24th, 2019 illustrates railings located at 3 inches and 6 inches from edge of the creek bank. How can you even locate 3 inches from an uneven creek bank? Is this a sound engineering practice when this is an upstream creek and the erosion continues due to high flow of water?

Here is an excerpt from Regnart Creek Feasibility Study: *"In the event that creek side railings needs to be temporarily removed to allow SCVWD to perform maintenance work or construction, the City will initiate trail closures and railing removals within 24 hours of notification as to not impede SCVWD from performing work."*

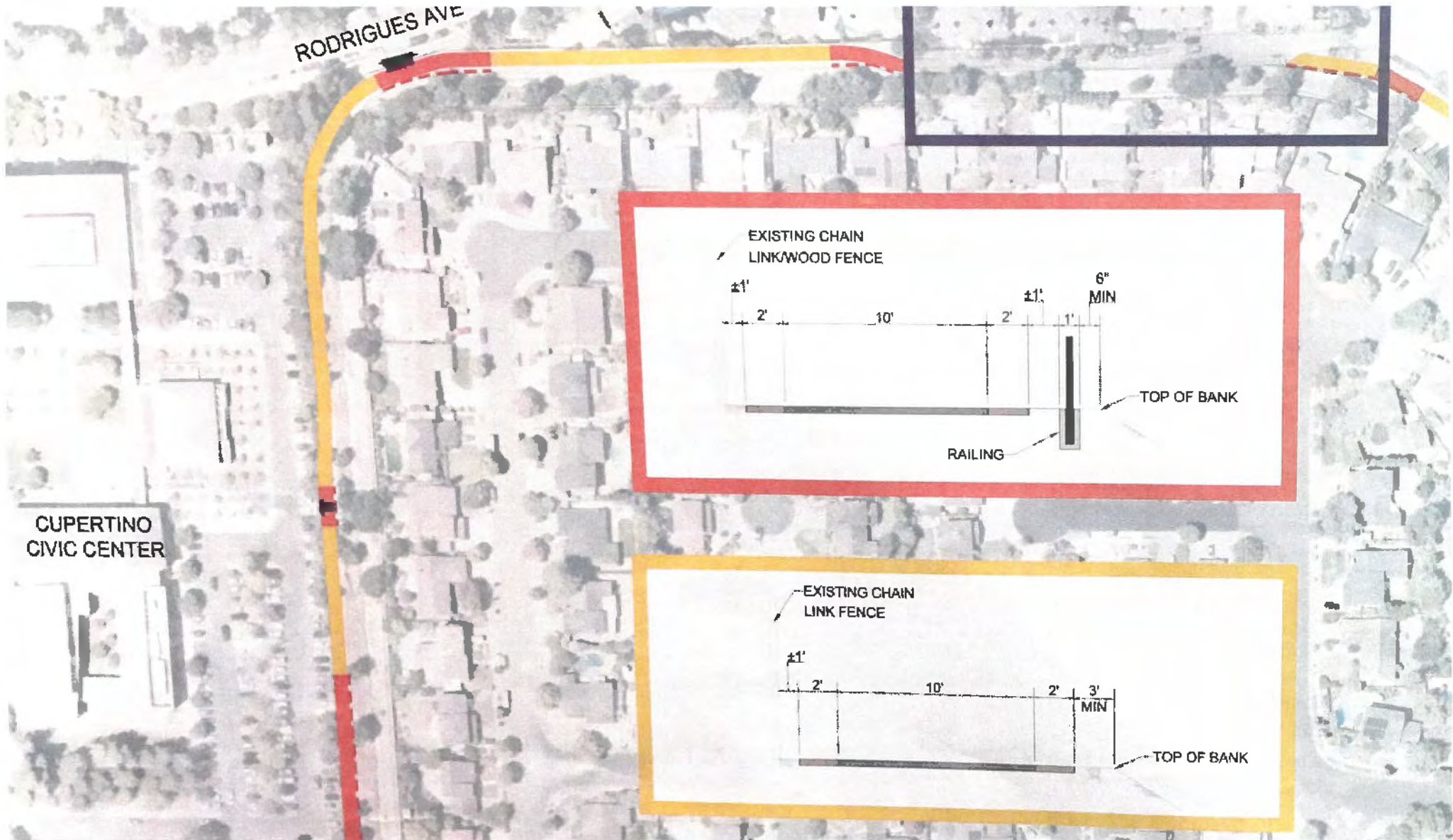
Will the VW have emergency and non emergency notification systems in place to notify the City of Cupertino for emergency trail closures and to remove railings for emergency and routine maintenance. Will the attached design satisfy these needs?

Has the VW reviewed and accepted the attached designs before the consultant presented to the residents of Cupertino? As noted, many issues have been raised by VW since 2017, are all these issues been addressed in the design?

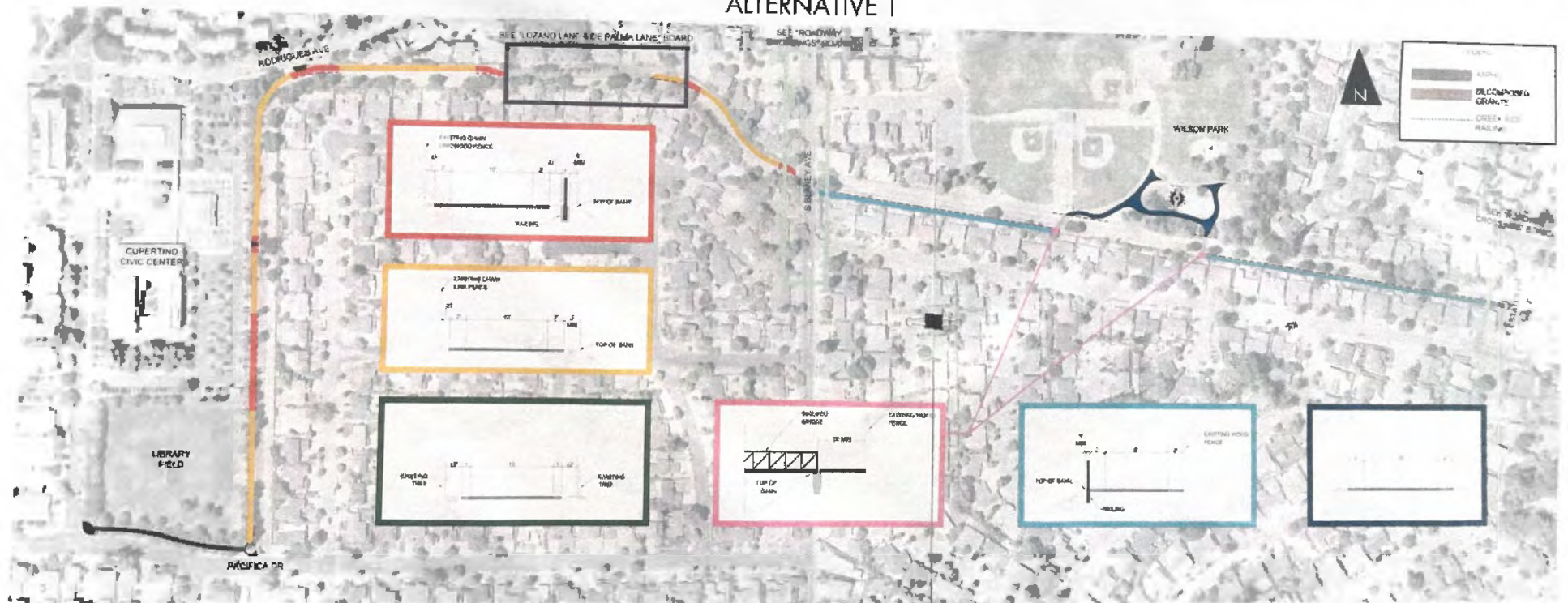
I appreciate your reply in this regard.

Thanks,
Ilango Ganga
Cupertino Resident





REGNART CREEK TRAIL ALTERNATIVE 1



**File: 33661
Regnart Creek**

August 21, 2018

**Ms. Jennifer Chu PE
Associate Civil Engineer
City of Cupertino
Public Works Department
10300 Torre Avenue
Cupertino, CA 95014**

Re: Comments on Regnart Creek Trail Feasibility Study

Dear Ms. Chu,

Santa Clara Valley Water District (District) staff has reviewed the administrative draft of the Regnart Creek Trail Feasibility Study (Study) received on August 3, 2018. The District has identified the portion of Regnart Creek between East Estates Drive to Pacifica Drive (the feasibility study limits) as either showing signs of deterioration and in a "monitoring" mode and/or in need of minor maintenance or in such a state of degradation that a more significant maintenance project is required, with the most seriously degraded areas located between Wilson Park and Brittany Court. Consequently, the District has concerns that the Study analysis does not include sufficient deference or consideration to the needs and requirements of the District for performing flood protection operations and maintenance work, including cost increases to District operations associated with each alternative, in its ranking of feasible alternatives where those alternatives include reaches located on District right of way. The District has the following specific comments on the subject document and requests that these issues be addressed prior to final adoption of the feasibility study.

- 1) **Page 3, "Trail Access":** Please note that District access roads have limited space for amenities such as informational boards, seating, etc. This section should specify that trailhead amenities may be provided where they do not conflict with or reduce the District's existing maintenance access.
- 2) **Page 4, Table 1.3:** Alternative 1 is the preferred alternative but has the most adverse impacts to the District's maintenance access and operations. Alternatives 4 or 5 will have the least impact to the District's maintenance access and operations, followed by Alternatives 2, 3 and then 1 (most impactful).
- 3) **Pages 7 and 11:** Designating trails as transportation corridors can be a problem for the District when considering future uses of the right of way for District purposes. It confers a duty onto the District, through CEQA, to mitigate for any loss of or adverse impacts to the transportation corridor, in addition to any lost recreational use. Any future joint use agreement with the City for portions of the trail located on District right of way will provide that the City be responsible for trail closures, trail detour routes, signs, and

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.

maps, and any CEQA documentation and mitigation required to implement the trail closures, when needed to allow the District to perform its flood protection work.

- 4) Page 8, Agencies and Stakeholders: The ingress-egress rights of PG&E and AT&T should be verified through actual title documentation.
- 5) Page 14, Regnart Creek Right-of-Way:
 - a. The Study states that our maintenance road varies from 12 to 25'. District as-builts show the maintenance road widths in this reach are mainly between 10 feet and 15 feet; however, this width has been reduced in many areas due to ongoing erosion/deterioration. The document should be revised to reflect this information.
 - b. City responsibilities will be outlined in any future joint use agreement with the District and will include responsibilities mentioned in our comment no. 3, above.
- 6) Page 16, Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There are also a handful of areas where a larger repair is needed. This section of the study needs to be updated to reflect the current conditions along Regnart Creek where the trail is proposed.
- 7) Page 22, Available Right-of-Way: See comment no. 5a, above.
- 8) Page 25, Trail Design and Construction Practices:
 - a. The text should clarify that the District does not have allowable trail tread width standards—perhaps a different agency should be referenced.
 - b. The District does specify that trails should be able to accommodate fully loaded maintenance equipment and any damage to the trail will be City responsibility.
- 9) Page 25, Trail Closures: This section should clearly specify that the City will take responsibility for trail closures when needed for District flood protection maintenance purposes.
- 10) Page 25, Private Access to Public Trails: This section should be revised to reflect that the District does not allow or permit private access to public trails. All access points must be public access points controlled by the City.
- 11) Page 26, Trail Monitoring and Maintenance:
 - a. This section refers to "managing agencies." This section should be revised to reflect that the City is the single managing agency for the trail.
 - b. Maintenance and inspection criteria that the City will utilize should be specified.
 - c. The Study states that, "Corrective work for drainage or erosion problem shall be performed within a reasonable period of time." The Study should specify that the City will prioritize and implement immediate repairs on District right of way where problems are impacting Regnart Creek or maintenance activities.
- 12) Page 27, Public Outreach: The District would like to be invited to participate in future outreach efforts so that we can be aware of community concerns related to the proposed use of our right of way and the City's plans for addressing those concerns.
- 13) Pages 34 thru 38: As mentioned in comment #2, Alternative 1 would be most impactful to the District's operation and maintenance activities. It will increase maintenance costs on any work we do in this area, and the bridges may not be feasible without more

detailed information on how their construction will affect our maintenance access. Additionally, it has been our experience that pedestrian bridge abutments cannot usually be constructed without removing the adjacent creek bank, which will require regulatory approvals.

14) Page 39, Creek Bridges:

- a. See comment no. 13. Bridges reduce the width of maintenance roads, as does the addition of fill and fencing. The District will still need access around the bridges with vehicles throughout the year. This section should include actual cross sections on this page at the most restrictive pinch points to show how the existing maintenance road access width will be impacted.
- b. For removable bridges, the Study should specify how quickly the City will respond to requests to remove their bridges when requested by the District and provide a description of the public noticing that the City will perform for its removal/closure.

15) Pages 40 and 41, Figures 6.8, 6.11 and 6.12: Railing will not be allowed along the top of bank, unless it is outside District right of way as it impedes our ability to access the channel from the top of bank.

16) Page 42, Alternatives Discontinued from Further Evaluation: The Study states that box culvert and cantilever designs and reduction in road width from fence posts weren't selected because they were unacceptable to the District, or the District was unwilling to accept them, or they were unfavorable to the District. The language should be changed to indicate that these alternatives were discontinued since they would cause erosion, affect seasonal wetlands, and restrict District maintenance activities required for flood protection. The box culvert and cantilever designs were not selected based on sound engineering principles and do not represent the District's opinion.

17) Page 44, Trail Heads: Trailhead features should not limit ability for the District's maintenance equipment to enter and leave maintenance roads.

18) Page 45, Figure 6.16: Planting and decorative pavement at entrances are subject to damage and may be in the way of maintenance activities.

19) Page 47, Security and Safety:

- a. Safety railing and features make maintenance and inspection of District facilities difficult. Most bank slopes are steeper than 3:1. At 3:1, no fencing is required. A fence 2 feet from top of bank reduces usable space understanding that a vehicle needs more than 8' +/- width of the vehicle when there are constraints/wall on either side. Additionally, secondary screening fences will take another 18 inches or so, further reducing the width of the maintenance road.
- b. Removable fencing is also a lot of work and setting the fencing 2 feet back from the top of bank will reduce the District's maintenance footprint to 10 feet in some places which is not enough room for maintenance equipment.

20) Pages 51 thru 53: The biggest cost to the District from the proposed alternatives is the cost of all additional measures that come with maintenance on a pedestrian corridor. It limits when and how we inspect our facilities, it increases public frustration with the District when facilities must be closed, and increases labor hours to work around additional features and facilities (bridges, railing, trailheads, etc.).

Ms. Jennifer Chu
Page 4
August 21, 2018

21) Page 57. Trail Surfacing Evaluation and Recommendation: Porous pavement must be designed to withstand maintenance vehicle loads, and any swale/drainage designs cannot restrict maintenance path width.

22) Page 59. Security Measure Evaluation & Recommendation and Railing Evaluation & Recommendation

- a. Suggest City staff assess sheriff and police availability for the recommended patrols and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police Departments are strapped for resources and cannot provide consistent patrolling.
- b. The Study states that removable fencing /posts is consistent with many creekside trails. There are few Santa Clara County trails that have top of bank fencing. This is a significant impact to the District which must be addressed. The time to remove the railings adds significant costs to creek maintenance when the District has limited regulatory window of time each season to perform its maintenance activities.

We appreciate the opportunity to provide comments. I may be reached at (408) 630-2731, if you have any questions.

Sincerely,



Usha Chatwani, P.E.
Engineering Unit Manager (Permit Authority)
Community Projects Review Unit

cc: M. Richardson, S. Tippetts, Y. Arroyo, U. Chatwani, S. Dharaskar, C. Houston,
J. Codlanne, C. Pilson, C. Grande



Santa Clara Valley Water District

File No.: 19-0619

Agenda Date: 7/24/2019

Item No.: 5.3.

COMMITTEE AGENDA MEMORANDUM

Santa Clara Valley Water Commission

SUBJECT:

Review Santa Clara Valley Water Commission Work Plan, the Outcomes of Board Action of Commission Requests; and the Commission's Next Meeting Agenda.

RECOMMENDATION:

Review the Commission work plan to guide the commission's discussions regarding policy alternatives and implications for Board deliberation.

SUMMARY:

The attached Work Plan outlines the Board-approved topics for discussion to be able to prepare policy alternatives and implications for Board deliberation. The work plan is agendaized at each meeting as accomplishments are updated and to review additional work plan assignments by the Board.

Special discussion from Director Nai Hsueh from the Board Policy and Planning Committee regarding aligning the Water Commission's work plan to the Board's 2019 Work Plan.

BACKGROUND:

Governance Process Policy-8:

The District Act provides for the creation of advisory boards, committees, or commissions by resolution to serve at the pleasure of the Board.

Accordingly, the Board has established Advisory Committees, which bring respective expertise and community interest, to advise the Board, when requested, in a capacity as defined: prepare Board policy alternatives and provide comment on activities in the implementation of the District's mission for Board consideration. In keeping with the Board's broader focus, Advisory Committees will not direct the implementation of District programs and projects, other than to receive information and provide comment.

Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.

ATTACHMENTS:

File No.: 19-0619

Agenda Date: 7/24/2019
Item No.: 5.3.

Attachment 1: Santa Clara Valley Water Commission 2019 Work Plan

Attachment 2: Santa Clara Valley Water Commission October 23, 2019, Draft Agenda

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

2019 Work Plan: Santa Clara Valley Water Commission

Update: July 2019

The annual work plan establishes a framework for committee discussion and action during the annual meeting schedule. The committee work plan is a dynamic document, subject to change as external and internal issues impacting the District occur and are recommended for committee discussion. Subsequently, an annual committee accomplishments report is developed based on the work plan and presented to the District Board of Directors.

| ITEM | WORK PLAN ITEM | MEETING | INTENDED OUTCOME(S) (Action or Information Only) | ACCOMPLISHMENT DATE AND OUTCOME |
|------|--|-----------------------|---|---|
| 1 | Election of Chair and Vice Chair for 2019 | January 23 | <ul style="list-style-type: none"> Commission Elects Chair and Vice Chair for 2019. (Action) | Accomplished January 23, 2019: The Committee elected Hon. Debi Davis as 2019 Commission Chair and Hon. Rich Constantine as 2019 Commission Vice Chair. |
| 2 | Annual Accomplishments Report | January 23 | <ul style="list-style-type: none"> Review and approve 2018 Accomplishments Report for presentation to the Board. (Action) Provide comments to the Board, as necessary. | Accomplished January 23, 2019: The Commission reviewed and approved the 2018 Accomplishments Report for presentation to the Board. <i>The Board received the Committee's presentation at its March 26, 2019, meeting.</i> |
| 3 | Water Supply Master Plan Update See Board Priority Standing item #5 | January 23 July 24 | <ul style="list-style-type: none"> Receive an update on the Water Supply Master Plan. (Action) Provide comments to the Board, as necessary. | Accomplished January 23, 2019: The Commission received information on the Water Supply Master Plan and took no action. Link to 1/18/19 Board Agenda https://scvwd.legistar.com/LegislationDetail.aspx?ID=3833245&GUID=B2A7EFC8-34C3-4EF8-BF2A-FC11774B9CF1&Options=ID Text Attachments &Search=January+18%2c+2019 |

Yellow = Update Since Last Meeting

Blue = Action taken by the Board of Directors

Attachment 1

Page 1 of 8

| ITEM | WORK PLAN ITEM | MEETING | INTENDED OUTCOME(S) (Action or Information Only) | ACCOMPLISHMENT DATE AND OUTCOME |
|------|--|------------------------|--|--|
| 4 | Review and Comment to the Board on the Fiscal Year 2019-20 Preliminary Groundwater Production Charges | January 23 | <ul style="list-style-type: none"> Review and Comment to the Board on the Fiscal Year 2019-20 Preliminary Groundwater Production Charges. (Action) | Accomplished January 23, 2019: The Commission received and commented to the Board on the Fiscal Year 2019-20 Preliminary Groundwater Production Charges and took no action. |
| 5 | Open Space Credit | January 23 April 10 | <ul style="list-style-type: none"> Receive information on Open Space Credit. (Information) | Accomplished January 23, 2019: The Commission received information on the Open Space Credit Policy and took no action. Accomplished April 10, 2019: The Commission received information on the Open Space Credit Policy and took the following action: <ul style="list-style-type: none"> The Commission approved that the Board consider freezing agricultural groundwater rates and retain Open Space Credit for 2020-2022 to further explore efforts that support the health of agriculture in Santa Clara County (referencing the County Ag Plan). |
| 6 | Update on the State Water Resources Control Board's Amendments to the Bay-Delta Water Quality Control Plan and Agency-Proposed Voluntary Agreements. | January 23 | <ul style="list-style-type: none"> Receive an update on the State Water Resources Control Board's Amendments to the Bay-Delta Water Quality Control Plan and Agency-Proposed Voluntary Agreements. (Information) | Accomplished January 23, 2019: The Commission received an update on the State Water Resources Control Board's Amendments to the Bay-Delta Water Quality Control Plan and Agency-Proposed Voluntary Agreements and took no action. |

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Attachment 1

Page 2 of 8

| ITEM | WORK PLAN ITEM | MEETING | INTENDED OUTCOME(S) (Action or Information Only) | ACCOMPLISHMENT DATE AND OUTCOME |
|------|---|---|---|---|
| 7 | Review of Santa Clara Valley Water Commission Work Plan, the Outcomes of Board Action of Commission Requests and the Commission's Next Meeting Agenda | January 23 April 10 July 24 October 23 | <ul style="list-style-type: none"> Receive and review the 2019 Committee work plan. (Action) Submit requests to the Board, as appropriate. | <p>Accomplished January 23, 2019: The Commission received and reviewed the 2019 Commission work plan and took no action.</p> <p>Accomplished April 10, 2019: The Commission received and reviewed the 2019 Commission work plan and took no action.</p> |
| 8 | <u>Standing Items Reports/Fiscal Year 2019:</u> <ol style="list-style-type: none"> Finalize the Fisheries and Aquatic Habitat Collaboration Effort (FAHCE) (Report from the FAHCE Ad Hoc Committee) Actively Pursue Efforts to Increase Water Storage Opportunities (Report from the Water Storage Exploratory Committee) Actively Participate in Decisions Regarding the California WaterFix (Report from EWRC Board Representative) Advance Recycled and Purified Water Efforts with the City of San Jose and Other Agencies (Report from the Recycled Water Committee) Advance Anderson Dam Seismic Retrofit Project (Report from the Capital Improvement Program Committee) Provide for a Watershed-Wide Regulatory Planning and Permitting Effort (Report from the Capital Improvement Program Committee) Ensure Immediate Emergency Action Plans and Flood Protection are Provided for Coyote Creek (Report from the Coyote Creek Flood Risk Reduction Ad Hoc Committee) | April 10 | <ul style="list-style-type: none"> Receive quarterly reports on standing items. (Information) | <p>Accomplished April 10, 2019: The Commission reviewed the new standing items report and took no action.</p> |

Yellow = Update Since Last Meeting

Blue = Action taken by the Board of Directors

Attachment 1

Page 3 of 8

| ITEM | WORK PLAN ITEM | MEETING | INTENDED OUTCOME(S) (Action or Information Only) | ACCOMPLISHMENT DATE AND OUTCOME |
|------|--|----------|--|---|
| | <p>8. Foster a Coordinated Approach to Environmental Stewardship Effort (Report from EWRC Board Representative)</p> <p>9. Advance Diversity and Inclusion Efforts (Report from the Diversity and Inclusion Ad Hoc Committee)</p> | | | |
| 9 | Review and Comment to the Board on the Fiscal Year 2020 Proposed Groundwater Production Charges. | April 10 | <ul style="list-style-type: none"> Review and comment to the Board on the Fiscal Year 2020 Proposed Groundwater Production Charges. (Action) Provide comments to the Board, as necessary. | <p>Accomplished April 10, 2019: The Commission reviewed and commented to the Board on the Fiscal Year 2020 Proposed Groundwater Production Charges and took the following action:</p> <ul style="list-style-type: none"> The Commission approved that the Board of Directors consider having staff review increasing the M&I groundwater charge by a few cents per month to help reduce the amount of future debt issuances and thereby reduce future debt service costs that are projected to increase significantly over the next 10 years and, also, look for revenue sources that would reduce future debt service. |

Yellow = Update Since Last Meeting

Blue = Action taken by the Board of Directors

Attachment 1

Page 4 of 8

| ITEM | WORK PLAN ITEM | MEETING | INTENDED OUTCOME(S) (Action or Information Only) | ACCOMPLISHMENT DATE AND OUTCOME |
|------|--|-----------------------|---|------------------------------------|
| 10 | Discuss Policy Framework and Outreach Plan for Use of Santa Clara Valley Water District Property for Trails | July 24 | <ul style="list-style-type: none"> Discuss policy framework and outreach plan for use of Santa Clara Valley Water District Property for Trails. (Information) Provide comments to the Board, as necessary. | |
| 11 | <u>Standing Items Reports Fiscal Year 2020:</u> <ol style="list-style-type: none"> Finalize the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE). (Assigned to FAHCE) Actively Pursue Efforts to Increase Water Storage Opportunities. (Assigned to Water Storage Exploratory Committee) Actively Participate in Decisions Regarding the California Delta Conveyance. (Assigned to California Delta Conveyance Working Group) Lead Recycled and Purified Water Efforts with the City of San Jose and Other Agencies. (Assigned to Recycled Water Committee) Engage and educate the community, local elected officials and staff on future water supply strategies in Santa Clara County. (Assigned to Water Conservation and Demand Management Committee) Advance Anderson Dam Seismic | July 24 October 23 | <ul style="list-style-type: none"> Receive quarterly reports on standing items. (Information) | |

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Attachment 1

Page 5 of 8

| ITEM | WORK PLAN ITEM | MEETING | INTENDED OUTCOME(S) (Action or Information Only) | ACCOMPLISHMENT DATE AND OUTCOME |
|------|--|------------|--|------------------------------------|
| | <p>Retrofit Project. (Assigned to Capital Improvement Program Committee)</p> <p>7. Provide for a Watershed-Wide Regulatory Planning and Permitting Effort. (Assigned to FAHCE)</p> <p>8. Attain net positive impact on the environment when implementing Valley Water's mission.</p> <p>9. Promote the protection of creeks, bay, and other aquatic ecosystems from threats of pollution and degradation (E-4.1.3). (Assigned to Homeless Encampment Ad Hoc Committee)</p> <p>10. Advance Diversity and Inclusion Efforts. Carry forward to FY20. (Assigned to Diversity and Inclusion Ad Hoc Committee)</p> <p>11. Understand if the level of services Valley Water provides to the public are reasonable and the costs of providing services are affordable and effective. (Assigned to Revenue Working Group)</p> | | | |
| 12 | One Water Plan | October 23 | <ul style="list-style-type: none"> Receive information on the One Water Plan. (Information) Provide comments to the Board, as necessary | |

Yellow = Update Since Last Meeting

Blue = Action taken by the Board of Directors

| ITEM | WORK PLAN ITEM | MEETING | INTENDED OUTCOME(S) (Action or Information Only) | ACCOMPLISHMENT DATE AND OUTCOME |
|------|---|--|---|---|
| 13 | Discussion on how the cities propose working together (with the other cities, the county and the District) to develop a summit to address the unhoused population in our communities and creeks. Also, discuss the authority that the cities (police) have on removing the inhabitants and patrolling the creeks. | Board Priority Standing Item #9 | <ul style="list-style-type: none"> Discuss issues regarding the unhoused population in our communities and creeks and propose how to work with the County to develop a summit to address this issue. Getting additional feedback from cities will be key in planning for this effort in 2019. (Action) Submit requests to the Board, as appropriate. | |
| 14 | Discussion on the Riparian Corridor Ordinance, Encroachment Process (<i>Discussion on the District's Water Resources Protection Ordinance</i>) | TBD | <ul style="list-style-type: none"> Discuss the Riparian Corridor Ordinance, Encroachment Process. (Action) Provide comments to the Board, as necessary. | |
| 15 | Climate Change Action Plan - Climate Change Impacts, Vulnerabilities and Stakeholder Needs | Link to 1/22/19 Board Agenda item | <ul style="list-style-type: none"> Receive information on Climate Change Action Plan - Climate Change Impacts, Vulnerabilities and Stakeholder Needs. (Action) Provide comments to the Board, as necessary | https://scvwd.legistar.com/LegislationDetail.aspx?ID=3834299&GUID=3DE58FF2-BB43-4305-81C4-916B18DBE118&Options=&Search= |

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Attachment 1

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| ITEM | WORK PLAN ITEM | MEETING | INTENDED OUTCOME(S) (Action or Information Only) | ACCOMPLISHMENT DATE AND OUTCOME |
|------|---|---------|--|---|
| 16 | Update Salmonid in the District's waterways | Remove | <ul style="list-style-type: none"> Receive information on Salmonid in the District's waterways. (Action) Provide comments to the Board, as necessary. | <i>The Commission may request this item; however, it must have a definite nexus to the Commission's charge and Board's priorities along with a scope and desired outcome.</i> |

Yellow = Update Since Last Meeting

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Attachment 1

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Commission Officers

Hon. Debi Davis, Chair
Hon. Rich Constantine, Vice Chair

Board Representative

Nai Hsueh, Board Representative
Barbara Keegan, Alternate
Linda J. LeZotte, Board Representative

DRAFT AGENDA

SANTA CLARA VALLEY WATER COMMISSION

WEDNESDAY, OCTOBER 23, 2019

12:00 p.m. – 2:00 p.m.

**Santa Clara Valley Water District
Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118**

Time Certain:

12:00 p.m.

1. Call to Order/Roll Call

2. Time Open for Public Comment on Any Item Not on Agenda

Comments should be limited to two minutes. If the Committee wishes to discuss a subject raised by the speaker, it can request placement on a future agenda.

3. Approval of Minutes

3.1 Approval of Minutes – July 24, 2019, meeting

4. Standing Items Reports

This item allows the Commission to receive verbal or written updates and discuss the Board's Fiscal Year 2020 Work Plan Strategies. These items are generally informational; however, the Commission may request additional information and/or provide collective input to the assigned Board Committee.

1. Finalize the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE). (Assigned to FAHCE)
2. Actively Pursue Efforts to Increase Water Storage Opportunities. (Assigned to Water Storage Exploratory Committee)
3. Actively Participate in Decisions Regarding the California Delta Conveyance. (Assigned to California Delta Conveyance Working Group)
4. Lead Recycled and Purified Water Efforts with the City of San Jose and Other Agencies. (Assigned to Recycled Water Committee)
5. Engage and educate the community, local elected officials and staff on future water supply strategies in Santa Clara County. (Assigned to Water Conservation and Demand Management Committee)
6. Advance Anderson Dam Seismic Retrofit Project. (Assigned to Capital Improvement Program Committee)
7. Provide for a Watershed-Wide Regulatory Planning and Permitting Effort. (Assigned to FAHCE)
8. Attain net positive impact on the environment when implementing Valley Water's mission.

9. Promote the protection of creeks, bay, and other aquatic ecosystems from threats of pollution and degradation (E-4.1.3). (Assigned to Homeless Encampment Ad Hoc Committee)
10. Advance Diversity and Inclusion Efforts. Carry forward to FY20. (Assigned to Diversity and Inclusion Ad Hoc Committee)
11. Understand if the level of services Valley Water provides to the public are reasonable and the costs of providing services are affordable and effective. (Assigned to Revenue Working Group)

5. Action Items

5.1 One Water Plan (Brian Mendenhall)

Recommendation: Receive information on One Water Plan and provide comment to the Board as necessary.

5.2 Review Santa Clara Valley Water Commission Work Plan, the Outcomes of Board Action of Commission Requests and the Commission's Next Meeting Agenda (Commission Chair)

Recommendation: Review the Commission work plan to guide the committee's discussions regarding policy alternatives and implications for Board deliberation.

6. Clerk Review and Clarification of Commission Requests to the Board

This is a review of the Commission's Requests, to the Board (from Item 5). The Committee may also request that the Board approve future agenda items for Commission discussion.

7. Reports

Directors, Managers, and Commission members may make brief reports and/or announcements on their activities. Unless a subject is specifically listed on the agenda, the Report is for information only and not discussion or decision. Questions for clarification are permitted.

7.1 Director's Report

7.2 Manager's Report

7.3 Commission Member Reports

7.4 Links to Informational Reports

8. Adjourn: Adjourn to next regularly scheduled meeting at 12:00 p.m., **January 22, 2020**, in the Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, CA 95118

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA., 95118, at the same time that the public records are distributed or made available to the legislative body.

The Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to attend committee meetings. Please advise the Clerk of the Board office of any special needs by calling 1-408-630-2277.

Santa Clara Valley Water Commission's Purpose and Duties

The Santa Clara Valley Water Commission of the Santa Clara Valley Water District is established to assist the Board of Directors (Board) with policies pertaining to water supply, flood protection and environmental stewardship in the areas of interest to Santa Clara County and the Towns and Cities therein.

The specific duties are:

- Prepare policy alternatives
- Provide comment on activities in the implementation of the District's mission
- Produce and present to the Board an Annual Accomplishments Report that provides a synopsis of the annual discussions and actions.

In carrying out these duties, Commission members bring to the District their respective expertise and the interests of the communities they represent. In addition, Commissioners may help the Board produce the link between the District and the public through information sharing to the communities they represent.

