July 8, 2022

MEETING NOTICE

SANTA CLARA VALLEY WATER DISTRICT
ENVIRONMENTAL CREEK CLEANUP COMMITTEE
(Formerly Homeless Encampment Committee)

Members of the Environmental Creek Cleanup Committee:
District 3 Director Richard Santos, Committee Chair
District 1 Director John Varela, Committee Vice Chair
District 2 Director Barbara Keegan

Staff Support of the Environmental Creek Cleanup Committee:
Rick Callender, Esq., Chief Executive Officer
Juan Carlos Orellana, District Counsel
Michele King, Clerk of the Board
Melanie Richardson, Assistant Chief Executive Officer
Rechelle Blank, Chief Operating Officer - Watersheds
Aaron Baker, Chief Operating Officer – Water Utility
Rachael Gibson, Chief of External Affairs
Anthony Fulcher, Sr. Assistant District Counsel
Andrew Gschwind, Assistant District Counsel
Brian Hopper, Assistant District Counsel
Kirsten Struve, Assistant Officer
Marta Lugo, Assistant Officer
Lisa Bankosh, Assistant Officer
Jennifer Codianne, Deputy Operating Officer
Donald Rocha, Deputy Administrative Officer
Vincent Gin, Deputy Operating Officer
Jay Lee, Watersheds Field Operations Unit Manager
Bill Magleby, Acting Real Estate Services Manager
John Chapman, Integrated Vegetation Manager
Sherilyn Tran, Civic Engagement Manager
Meenakshi Ganjoo, Supervising Program Administrator
Raymond Fields, Project Manager
Mark Bilski, Senior Management Analyst

A regular meeting of the Santa Clara Valley Water District (SCVWD) Environmental Creek Cleanup Committee has been scheduled to occur at 2:00 p.m. on Tuesday, July 19, 2022, in the Headquarters Building Boardroom located at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

Members of the public may join the meeting via Zoom Teleconference at: https://valleywater.zoom.us/j/88314500886.

The meeting agenda and corresponding materials are located on our website: https://www.valleywater.org/how-we-operate/committees/board-committees.
Santa Clara Valley Water District
Environmental Creek Cleanup Committee Meeting

Join Zoom Meeting:
https://valleywater.zoom.us/j/88314500886

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA  95118

REGULAR MEETING
AGENDA

Tuesday, July 19, 2022
2:00 PM

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
Environmental Creek Cleanup Committee

REGULAR MEETING

AGENDA

Tuesday, July 19, 2022  2:00 PM

Join Zoom Meeting:
https://valleywater.zoom.us/j/88314500886

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA  95118

***IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS***

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to wear a mask.

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the “Raise Hand” tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water’s bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water’s bonds, notes or other obligations and investors and potential investors should rely only on information filed by

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter “Anonymous” or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:
https://valleywater.zoom.us/j/88314500886
Meeting ID: 883 145 00886
Join by Phone:
1 (669) 900-9128, 88314500886#

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: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee 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 Committee may take action on any item of business appearing on the posted agenda.

3. APPROVAL OF MINUTES:

3.1. Approval of May 16, 2022 Environmental Creek Cleanup Committee Meeting Minutes.
Recommendation: Approve the minutes.
Manager: Candice Kwok-Smith, 408-630-3193
Attachments: Attachment 1: 051622 ECCC Meeting Minutes
Est. Staff Time: 5 Minutes

4. REGULAR AGENDA:
4.1. San José Police Department Update on Creek Safety, Criminal Activity, and Use of Valley Water Funding.  
Recommendation: Receive an update from San José Police Department (SJPD) staff regarding issues related to creek safety and criminal activity along local waterways, as well as the SJPD’s use of funding provided by Valley Water. 
Manager: Jennifer Codianne, 408-630-3876 
Est. Staff Time: 15 Minutes

4.2. City of San José Department of Housing Presentation on Housing and Shelter Plans for Unhoused Residents.  
Recommendation: Receive a presentation from City of San José Department of Housing staff regarding current plans to provide housing and shelter for unhoused residents. 
Manager: Jennifer Codianne, 408-630-3876 
Attachments: Attachment 1: PowerPoint 
Est. Staff Time: 15 Minutes

4.3. Updates on Valley Water’s Encampment Cleanup Operations.  
Recommendation: Receive updates and provide feedback on the following topics: 
A. Encampment cleanup schedule. 
B. Encampment cleanup costs and funding. 
C. Creek Safety Issues Report. 
D. Recent encampment cleanups. 
Manager: Jennifer Codianne, 408-630-3876 
Attachments: Attachment 1: PowerPoint 
Est. Staff Time: 10 Minutes

4.4. Update on Outreach to Creekside Property Owners.  
Recommendation: Receive an update on Valley Water’s existing and planned outreach to creekside property owners, including school districts and private owners. 
Manager: Jennifer Codianne, 408-630-3876 
Est. Staff Time: 5 Minutes
4.5. Update on State and Federal Funding Opportunities for Unhoused People. 22-0711

Recommendation: Receive information regarding state and federal funding for programs to address homelessness with a focus on the Fiscal Year 2022-2023 State Budget.

Manager: Bart Broome, 408-630-4508

Est. Staff Time: 10 Minutes

4.6. Review 2022 Environmental Creek Cleanup Committee Work Plan. 22-0712

Recommendation: 
A. Review the 2022 Environmental Creek Cleanup Committee Work Plan, and make adjustments as necessary; and
B. Confirm date and time of next Environmental Creek Cleanup Committee meeting.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: Attachment 1: ECCC 2022 Work Plan

Est. Staff Time: 5 Minutes

5. ADJOURN:

5.1. Adjourn to Regular Meeting at 2:00 p.m., on October 18, 2022.
COMMITTEE AGENDA MEMORANDUM
Environmental Creek Cleanup Committee

SUBJECT:
Approval of May 16, 2022 Environmental Creek Cleanup Committee Meeting Minutes.

RECOMMENDATION:
Approve the minutes.

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

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

ATTACHMENTS:
Attachment 1: 051622 ECCC Meeting Minutes

UNCLASSIFIED MANAGER:
Candice Kwok-Smith, 408-630-3193
ENVIRONMENTAL CREEK CLEANUP COMMITTEE
(formerly Homeless Encampment Committee)

MINUTES

May 16, 2022
2:00 PM

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER.

A special meeting of the Santa Clara Valley Water District (Valley Water) Environmental Creek Cleanup Committee (Committee) was held on May 16, 2022, in the Headquarters Building Boardroom at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

1.1 Roll Call.

Committee members in attendance were District 1 Director John L. Varela, District 2 Director Barbara F. Keegan, and District 3 Director Richard P. Santos, Chairperson presiding, constituting a quorum of the Committee.

Staff members in attendance were District Counsel C. Orellana, F. Aguilar, R. Barajas, R. Blank, J. Codianne, B. Hopper, L. Kinsworthy, C, Kwok-Smith, E. Latedjou-Durand, J. Lee, B. Magleby, T. Mercado, E. O'Keefe, J. Randol, M. Richardson, D. Rocha, R. Snyder, S. Tran, R. Tregoning and K. Yasukawa.

Guests Agencies in attendance were: Deb Kramer, Keep Coyote Beautiful; Olympia Williams, Beautify SJ; Greg Pensinger from Downtown Streets Team; and Katja Irvin, AICP Conservation Committee Co-chair at Sierra Club.

Public in attendance were: E. Arteagi, R. Brown, J. Estrada, J. Hare, B. Levy, E. Ruiz, T. Dougherty, Annie, and Allison.

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

Chairperson Santos declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

3. APPROVAL OF MINUTES:

3.1. Approval of April 18, 2022 Environmental Creek Cleanup Committee Meeting Minutes.

Recommendation: Approve the minutes.
The Committee considered the attached minutes of the April 18, 2022 Environmental Creek Cleanup Committee meeting. It was moved by Director Varela, seconded by Director Keegan, and carried by roll call vote to approve the minutes as presented.

4. **REGULAR AGENDA:**


Recommendation: Receive information on the proposed Water Resources Encampment Risk Assessment.

Ms. Jennifer Codianne, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

The Committee was informed that the encampment cleanup program would continue to be managed daily to reduce debris and pollutants that go into our waterways, and that draft assessment form presented would be a transparent way to assess risks and conduct an abatement.

Ms. River Brown, of unknown residency and affiliation, requested to include creek proximity to residences and schools of encampment in assessing location of encampment.

Mr. Jeffrey Hare, of unknown residency and affiliation, informed the Committee about the fire at Watson Park adjacent to the Coyote Creek where firefighters struggled to reach the creek and stop the fire spread to the south; suggested that high point scores be assigned on camp locations regardless of whether channels are modified or unmodified, and on camps proximity to areas with Wild Land Urban interface issues such as dry vegetation due to the risk of fire spreading to nearby residences; and expressed appreciation for many encampment cleanups by Beautify San Jose led by Ms. Olympia Williams.

Mr. Juan Estrada, Green Foothills Author, inquired on how often the forms would updated, and whether the results of these assessments would be posted on line. Ms. Codianne clarified that the assessment forms were for encampments that have significant risks on waterways that Valley Water has land rights and on easements when there are concerns on flow conveyance; that these forms would not be published; and that these forms could be requested by way of a Public Request for Records.

Mr. Tim Dougherty, a San Jose resident, asked any Valley Water concrete goal on mitigation; and any measurable data on numbers of unhoused removed or how much linear feet have been cleared of trash. Chairperson Santos recommended to reach out to Ms. Codianne. Ms. Codianne added that Valley Water has been removing a hundred tons of trash and debris monthly and countywide before they reach waterways separate from City of San Jose programs.

Mr. Estrada expressed disappointment that the last two categories on the Hazard Rating Scale were Low and Moderate; that the fact that an encampment exists, and situations could change would not be considered; and that Valley Water would
determine an encampment without performing an assessment. Ms. Codianne stated that Valley Water crews are out on the field assessing how sites are transitioning.

During the presentation, the Committee noted the following without taking formal action:

- Staff to increase assessment score for line items on Weaponry Visible and Aggressive Behavior under the Safety Issues section of the assessment form;
- Staff to invite SJPD to speak on collaborations, and eventually with elected officials, on public safety, and understanding of roles and responsibilities, and the use of VW funding related to the unhoused given the hundred miles of creeks, and the upcoming peak in summer activities;
- Staff to agendize at the next meeting the Valley Water (VW) agreement with the Street Crimes Unit of the San Jose Police Department;
- The May Revision to the Governor’s Budget was released last week, and staff would do a report out on funding set aside for the unhoused;
- Ms. Olympia Williams, Beautify San Jose Program Division Manager, made a suggestion to this Committee to invite the Housing Authority to make a presentation at a future meeting of this Committee; and
- Staff to come back with an implementation plan and recommendation on the assessment form.

4.2. Review 2022 Environmental Creek Cleanup Committee Work Plan.

Recommendation: A. Review the 2022 Environmental Creek Cleanup Committee Work Plan, and make adjustments as necessary; and

   B. Confirm date and time of next Environmental Creek Cleanup Committee meeting.

The Committee noted the information without formal action.

5. ADJOURN.

7.1. Adjourn to Regular Meeting at 2:00 p.m., on July 19, 2022.

Chairperson Santos adjourned the meeting at 3:00 p.m., to the 2:00 p.m. Regular meeting on July 19, 2022 in the Valley Water Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose.

Eva M. Sans
Assistant Deputy Clerk

Approved:
COMMITTEE AGENDA MEMORANDUM
Environmental Creek Cleanup Committee

SUBJECT:
San José Police Department Update on Creek Safety, Criminal Activity, and Use of Valley Water Funding.

RECOMMENDATION:
Receive an update from San José Police Department (SJPD) staff regarding issues related to creek safety and criminal activity along local waterways, as well as the SJPD’s use of funding provided by Valley Water.

SUMMARY:
Staff from SJPD will provide the Committee with an update on the police response to criminal activity and other issues related to the unhoused population living along creeks in San José. Staff will also discuss the SJPD’s Mobile Mental Health Team resource to help in responding to incidents involving unhoused individuals.

Additionally, SJPD staff will provide information on the use of funding provided by Valley Water to support SJPD’s Street Crimes Unit and bicycle patrols along the Coyote Creek Trail.

ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Jennifer Codianne, 408-630-3876
COMMITTEE AGENDA MEMORANDUM
Environmental Creek Cleanup Committee

SUBJECT:
City of San José Department of Housing Presentation on Housing and Shelter Plans for Unhoused Residents.

RECOMMENDATION:
Receive a presentation from City of San José Department of Housing staff regarding current plans to provide housing and shelter for unhoused residents.

SUMMARY:
Staff from the City of San José Department of Housing’s Homelessness Response Team will provide the Committee with information on the 2022 Homeless Census and current Homelessness Response priorities, including the COVID-19 pandemic response, housing-based solutions, and crisis response interventions.

ATTACHMENTS:
Attachment 1: PowerPoint

UNCLASSIFIED MANAGER:
Jennifer Codianne, 408-630-3876
6,739 homeless individuals

75% unsheltered

10,028 Countywide
COVID-19 Response
Housing-Based Solutions
Crisis Response Interventions
COVID-19 & ROADMAP RESPONSE

- Congregate & Non-Congregate Shelter
- SOAR: Encampment Response
- Homeless Prevention & Rent Relief

Attachment 1
Page 5 of 9
HOUSING-BASED SOLUTIONS

- Homelessness Prevention System
- Permanent Supportive Housing
- Rapid Re-Housing
- Employment Development
- Transition in Place
- Interim Housing
- Project Homekey
CRISIS RESPONSE INTERVENTIONS

- Homeless Concerns
- Outreach
- Storage
- Safe Parking
- Emergency Shelter
- Motels
- Showers & Laundry
- Encampment Response
### 2020-2025 Community Plan to End Homelessness

<table>
<thead>
<tr>
<th>STRATEGY 1</th>
<th>STRATEGY 2</th>
<th>STRATEGY 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address the root causes of homelessness</td>
<td>Expand homelessness prevention and housing programs to meet the need</td>
<td>Improve quality of life for unsheltered individuals and create healthy neighborhoods for all</td>
</tr>
</tbody>
</table>

![Diagram](attachment1-page-008.png)

**REGIONAL COORDINATION**
COMMITTEE AGENDA MEMORANDUM

Environmental Creek Cleanup Committee

SUBJECT:
Updates on Valley Water’s Encampment Cleanup Operations.

RECOMMENDATION:
Receive updates and provide feedback on the following topics:

A. Encampment cleanup schedule.
B. Encampment cleanup costs and funding.
C. Creek Safety Issues Report.
D. Recent encampment cleanups.

SUMMARY:
Staff will brief the Committee and provide up-to-date information on issues related to encampment cleanups:

A. Encampment Cleanup Schedule: Discussion of currently scheduled encampment cleanups.

B. Encampment Cleanup Costs & Funding: Update on Fiscal Year 2023 cleanup expenditures and a prior-year comparison.

C. Creek Safety Issues Report: Regular report on creek safety issues, including recent statistics from the San José Police Department’s Stream Stewardship Law Enforcement program and Coyote Creek Trail Patrol.

D. Recent Encampment Cleanups: Discussion of recent cleanups along Thompson Creek from Keaton Loop to Quimby Avenue and along Guadalupe River from Highway 87 to Alma Avenue.

ATTACHMENTS:
Attachment 1: PowerPoint

UNCLASSIFIED MANAGER:
Jennifer Codianne, 408-630-3876
Encampment Cleanup Update
213.24 Tons Removed May – June
Environmental Creek Cleanup Committee
July 19, 2022
<table>
<thead>
<tr>
<th>Date</th>
<th>Area</th>
<th>Location Details</th>
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<tbody>
<tr>
<td>May 16 &amp; 17</td>
<td>Upper Penitencia</td>
<td>Capitol Ave to Jackson Ave</td>
</tr>
<tr>
<td>May 18 - 20</td>
<td>Lower Silver Creek</td>
<td>Hwy 680 to Alum Rock Ave</td>
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<tr>
<td>May 23</td>
<td>Guadalupe Creek</td>
<td>Meridian Ave to Camden Ave</td>
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<td>May 24</td>
<td>Saratoga Creek</td>
<td>Stevenson Street to Homestead Road</td>
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<td>May 25</td>
<td>Guadalupe River</td>
<td>US/DS Foxworthy Ave</td>
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<tr>
<td>May 26</td>
<td>Lower Silver Creek</td>
<td>King Street &amp; McKee Ave</td>
</tr>
<tr>
<td>May 31</td>
<td>Lower Silver Creek</td>
<td>Mervyns Way</td>
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<tr>
<td>June 1</td>
<td>Saratoga Creek</td>
<td>Stevenson Street to Homestead Road</td>
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<tr>
<td>June 2</td>
<td>Guadalupe River</td>
<td>US/DS Alma Street</td>
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<tr>
<td>June 3</td>
<td>Guadalupe River</td>
<td>U/S Branham Lane</td>
</tr>
<tr>
<td>June 6 - 8</td>
<td>Thompson Creek</td>
<td>Keaton Loop to Quimby Road</td>
</tr>
<tr>
<td>June 9</td>
<td>Saratoga Creek</td>
<td>English Drive to Bollinger Road</td>
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<td>June 13 - 16</td>
<td>Coyote Creek</td>
<td>Montague Expy to McCarthy Blvd</td>
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<td>June 14</td>
<td>Calabazas Creek</td>
<td>El Camino Real to Warburton Drive</td>
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<td>June 21 - 23</td>
<td>Guadalupe River</td>
<td>Willow Street to Virginia Ave</td>
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<td>Guadalupe Creek</td>
<td>Almaden Expwy to Meridian Ave</td>
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<td>June 27 &amp; 28</td>
<td>Calabazas Creek</td>
<td>Mission Ave to Tasman Ave</td>
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<td>Coyote Creek - D/S</td>
<td>Mabury Road</td>
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<td>June 30 - July 1</td>
<td>Coyote Creek - D/S</td>
<td>Upper Penitencia Creek - Cape Horn Drive</td>
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<td>July 5 &amp; 6</td>
<td>West Branch Llagas Creek</td>
<td>Monterey Hwy to Hwy 152</td>
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<td>July 7</td>
<td>Coyote Creek - D/S</td>
<td>Story Road</td>
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<td>July 11</td>
<td>Los Gatos Creek</td>
<td>U/S San Carlos Street</td>
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<td>July 12 - July 13</td>
<td>Guadalupe River - D/S</td>
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<td>Sunnyvale East - D/S</td>
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<td>July 15</td>
<td>Guadalupe River/Ponds</td>
<td>Along Winfield, under Hwy 85</td>
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# Encampment Cleanup Costs & Funding

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<th>FY19</th>
<th>FY20</th>
<th>FY21</th>
<th>FY22</th>
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<td>Encampment Cleanup Budget</td>
<td>$927,131</td>
<td>$1,515,073</td>
<td>$922,107</td>
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<td>Encampment Cleanup Expenditures</td>
<td>$968,819</td>
<td>$845,455</td>
<td>$364,895</td>
<td>$2,036,509 (As of 6/27/22)</td>
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<td>Encampment Cleanup Budget Remaining</td>
<td>($41,688)</td>
<td>$669,618</td>
<td>$557,212</td>
<td>($112,773) (As of 6/27/22)</td>
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<tr>
<td>Encampment Cleanup Budget Expended</td>
<td>104%</td>
<td>56%</td>
<td>40%</td>
<td>105.80% (As of 6/27/22)</td>
</tr>
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</table>
Stream Stewardship Law Enforcement: (SSLE)

- **May Statistics**: 10 arrests made, 9 warrants, 1 criminal citation issued to the suspect for trespassing and disposal of trash within 150’ of a water body (violation of Fish and Game code).

- **June Statistics**: 10 arrests made, 7 warrants, 1 criminal citation issued to the suspect for trespassing and disposal of trash within 150’ of a water body (violation of Fish and Game code).
Safety Issues: Coyote Creek Trail Patrol

Patrols 7 days a week, 10 hours per day to ensure trail safety and prevent environmental damage to creek channel.

May Statistics: 16 arrests made, 14 citations issued, 16 impounds, 60 unhoused contacted and 192 citizens contacted.
Coyote Creek Trail Patrols Stats for May 2022

Arrests - 3
Warrant Arrests - 13
Criminal Citations - 14
Impounds - 16
Unhoused Assistance - 60
Citizen Contacts - 192
Thompson Creek: Keaton Loop to Quimby Ave

9.51 Tons Removed
Guadalupe River: Highway 87 to Alma Ave

8.94 Tons Removed
QUESTIONS
COMMITTEE AGENDA MEMORANDUM

Environmental Creek Cleanup Committee

SUBJECT:
Update on Outreach to Creekside Property Owners.

RECOMMENDATION:
Receive an update on Valley Water’s existing and planned outreach to creekside property owners, including school districts and private owners.

SUMMARY:
Earlier this summer, Valley Water’s Watersheds Operations and Maintenance staff worked with the Communications team to develop a letter and creek-related fact sheets for distribution to creekside property owners.

The objectives of sending the letter and fact sheets to these owners were (1) to gently remind creekside property owners of their landowner responsibilities as they relate to adjacent creeks, (2) to educate property owners on obtaining permits that may be necessary for creek maintenance, and (3) to invite property owners to the July 19 Environmental Creek Cleanup Committee meeting to learn about the work Valley Water is doing to help maintain the creeks and streams and to offer any feedback or pose questions to staff. The letter and fact sheets were sent to more than 4,700 creekside owners on June 28, 2022.

Attachments 1 through 4 contain the letter and the three fact sheets that address stream and property management, permitting, and large woody debris.

ATTACHMENTS:
Attachment 1: Notification Letter
Attachment 2: Fact Sheet on Stream Maintenance
Attachment 3: Fact Sheet on Permitting
Attachment 4: Fact Sheet on Large Woody Debris

UNCLASSIFIED MANAGER:
Jennifer Codianne, 408-630-3876
June 28, 2022

Dear Creekside Property Owner,

The beautiful scenery of tree-lined creek banks and the proximity to wildlife and nature are just some of the perks associated with living or having property near a creek. Did you know that of the 800 miles of creeks in Santa Clara County, Valley Water manages about 275 miles of those streams? The rest is owned by property owners like you or by local municipalities.

Unfortunately, many of our creeks are dry as we push through this historic drought. As creekside property owners, we have the opportunity to capitalize on this drought by preparing and maintaining our creeks for future rain storms. As stewards of these creekside properties, we are responsible for managing our respective lands, including those in and along the creek.

Valley Water provides flood protection and stream restoration projects to reduce flood risk and provide for healthy creek ecosystems. We conduct routine stream maintenance on our properties to keep these watershed assets in good working order. But we cannot do this alone and need the assistance of all creekside property owners to help with their section of creek.

The following link contains useful creek maintenance information for property owners at https://delivr.com/286bw.

Valley Water would also like to invite you to the next Environmental Creek Cleanup Board Committee meeting on Tuesday, July 19, 2022, at 2:00 p.m. to learn about the work Valley Water is doing to help maintain the creeks and streams and to offer any feedback or pose questions for staff as to what you can do to help. The Environmental Creek Cleanup Committee (formerly known as the Homeless Encampment Committee) was established to discuss homelessness and how encampment-generated trash, debris, and pollutants affect our waterways.

The agenda and other committee materials will be available at https://delivr.com/24ty5.

If you have any questions, please contact me at 408-630-3876 or jcodianne@valleywater.org.

Sincerely,

Jennifer Codianne, Deputy Operating Officer
Watersheds Operations and Maintenance Division
Valley Water
Stream Maintenance by Valley Water

Valley Water performs stream maintenance on completed flood protection projects to keep them in a safe and usable condition as originally designed and constructed. As the landowner, Valley Water also manages its property by performing work along streams.

Maintenance of Capital Projects

Capital projects are large-scale projects that maintain or improve capital assets. They involve a planning, design and approval process that includes public review, California Environmental Quality Act (CEQA) compliance, funding, and land and regulatory permit acquisition. Valley Water maintains the structural and functional integrity of these constructed projects to ensure the significant investment in infrastructure continues to provide the flood protection benefits as its intended design and construction.

Activities include removal of sediment and other obstructions to flow, erosion repair, and vegetation management. Work activities are defined and permitted under a Stream Maintenance Program (SMP), a ten-year program approved in 2013 by seven state and federal regulatory agencies.

Maintenance work is prioritized based on several considerations, including available resources. Higher priority is given to capital projects completed with federal partners, levee maintenance, and work to preserve channel capacity.

Maintenance as a Landowner

Valley Water performs work on properties owned in fee title or where otherwise obligated by permit or agreement. These activities include weed abatement, hazardous tree removal, pruning for access, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal.

Maintenance on easements

Valley Water performs limited work on properties owned by others where Valley Water has an easement. Easements are generally acquired for flood protection or water management and storm drainage purposes and grant rights (not obligations) to take actions in accordance with those purposes.

Valley Water does not perform activities such as weed abatement, erosion repair, graffiti or trash removal on easements as these are landowner responsibilities. Removal of fallen trees or other obstructions to flow are flood protection activities that may be done by Valley Water. Unless otherwise stated, erosion repair on easements is a property owner responsibility.

The landowner retains rights to use the easement but cannot take actions, such as construction of a building, that conflict with the Valley Water easement right. A typical easement deed requires a property owner to seek Valley Water’s approval for certain construction activities such as grading and fencing.
Property Owner’s Responsibility for Creek Maintenance

Every property owner has a duty to maintain his or her property in a reasonably safe condition that does not interfere with a neighbor’s ability to enjoy their property. A property owner is not required to enlarge or increase the capacity of a creek for flood protection purposes. Maintenance duties may include vegetation management, erosion repair, and removal of graffiti, trash, debris, and fallen trees. Some activities are subject to permitting by local, state and federal regulatory agencies prior to performing the work.

Exceptions and Joint Efforts

There are limited situations where Valley Water may conduct work on private or other public agency owned property. Work may be conducted, subject to agreements, on other public agency owned property or on private property, with permission, during emergencies or for limited stream stewardship purposes.

Emergency Work

Valley Water may perform urgent and emergency flood protection work on other public or private property where a public purpose is endangered, subject to written permission to enter from the property owner. Staff availability and priorities will likely limit our response in an urgent or emergency situation.

Stream Stewardship

Stream stewardship activities that remove invasive plants along streams are conducted by Valley Water staff. This work may occur on Valley Water property and easements with permission from the property owner. Because it is important to eradicate invasive plants along a creek on a watershed and watershed wide basis and the Safe Clean Water Program provides funding for this activity, staff may also seek permission to perform this work on private property.

See link for care guidelines:

CONTACT US

For more information, contact us at (408) 630-2378 or use our Access Valley Water customer request and information system at valleywater.org to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person.
Responsibility for Creek Maintenance

Every property owner has a duty to maintain their property in a reasonably safe condition that does not interfere with a neighbor’s ability to enjoy their property. A property owner is not required to enlarge or increase the capacity of a creek for flood protection purposes. Maintenance duties may include vegetation management, erosion repair, and removal of graffiti, trash, debris, and fallen trees. Some activities are subject to permitting by local, state and federal regulatory agencies prior to performing the work. Avoidance and minimizations of impacts to regulated habitat and species must be considered.

Not all creek maintenance work requires permitting. Subject to best management practices to prevent pollution, activities such as hand removal of trash or graffiti removal would not require permits.

Additional creek maintenance work could require permitting from the following agencies:

- Local municipality
- California Department of Fish and Wildlife (CDFW)
- U.S. Army Corps of Engineers (USACE)
- Regional Water Quality Control Board (RWQCB)
- San Francisco Bay Conservation and Development Commission (BCDC)

Local and County Planning Departments

Prior to beginning work (e.g., vegetation and/or tree removal, grading, building, etc.), property owners are responsible for contacting their respective jurisdiction’s planning department to secure any applicable permits. Contact your local municipality (your city or Santa Clara County) planning department to determine if the California Environmental Quality Act (CEQA) review is necessary for your proposed creek maintenance activities. The planning department can also help property owners comply with CEQA, which requires state and local government agencies to evaluate potential environmental impacts of proposed activities.

Visit Santa Clara County Planning and Development’s website: plandev.sccgov.org/home

California Department of Fish and Wildlife

The CDFW manages California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. All creeks, lakes, and ponds as well as associated riparian vegetation, are subject to CDFW jurisdiction.

Fish and Game Code Section 1602 regulates projects that alter the flow, bed, banks or channel of rivers, streams and lakes. Section 1602 requires project proponents to notify and potentially enter into a Lake and Streambed Alteration Agreement (LSAA) with CDFW before beginning any activity that may divert, obstruct, or change the natural flow; change or use any material from the bed, channel, or bank of, any river, stream, or lake; or result in disposal or deposition of debris or waste. Any river, stream, or lake includes those that are dry part of the year.

Prior to performing any work around creeks, lakes, ponds, and associated riparian vegetation, property owners are responsible for notifying CDFW and entering into a LSAA, if determined necessary. Visit wildlife.ca.gov/Conservation/Environmental-Review/LSA for more information.

U.S. Army Corps of Engineers

The USACE administers and enforces Section 10 of the Rivers and Harbors Act of 1899 (RHA) and Section 404 of the Clean Water Act (CWA). Under RHA Section 10, a permit is required for work or structures in, over or under navigable waters of the United States. Under CWA Section 404, a permit is required for the discharge of dredged or fill material into “waters of the United States” (WOTUS). Many waterbodies and wetlands in the nation are waters of the United States and are subject to USACE regulatory authority. The USACE evaluates permit applications for essentially all construction activities that occur in the nation’s waters, including wetlands.

The San Francisco District uses the WOTUS definition when making permit decisions and providing landowners written determinations of the limits of federal jurisdiction on their property. The limits of USACE jurisdiction extend to the ordinary high-water mark in non-tidal waters and also include adjacent

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If the USACE is issuing a permit, the USACE may consult with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act (ESA) to ensure that an action will not jeopardize the continued existence of endangered or threatened species or result in adverse modification of designated critical habitat. ESA Section 9 prohibits the take of any fish or wildlife species listed as endangered or threatened unless otherwise authorized by federal regulations. Take means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” “Harm” is defined as “any act that kills or injures the species, including significant habitat modification.”

USFWS is dedicated to the conservation, protection, and enhancement of fish, wildlife and plants, and their habitats. USFWS is responsible for protection of listed plants and wildlife other than marine species and anadromous fishes. Native bird species are protected by Migratory Bird Treaty Act. USFWS enforces the Bald and Golden Eagle Protection Act, which provides protection of bald eagle and golden eagle by prohibiting taking, possession, and commerce of such birds. Visit fws.gov for more information.

NMFS is responsible for protection of federally listed marine species and anadromous fishes. Federally threatened or endangered species determined to occur in Santa Clara County include steelhead and green sturgeon. Visit fisheries.noaa.gov for more information.

Regional Water Quality Control Boards (RWQCB)
The Porter-Cologne Act established the State Water Resources Control Board (SWRCB) and divided California into nine regions, each overseen by a RWQCB. The SWRCB and its nine RWQSCBs have jurisdiction over the bed and banks of a stream channel and its beneficial uses. Each RWQCB makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions.

There are two regional water quality control boards that have jurisdiction in Santa Clara County.
San Francisco Bay RWQCB (Region 2) oversees watersheds draining to San Francisco Bay. Visit waterboards.ca.gov/sanfranciscobay for more information.
Central Coast RWQCB (Region 3) oversees watersheds draining to Pajaro River and then to Monterey Bay. Visit waterboards.ca.gov/centralcoast for more information.

San Francisco Bay Conservation and Development Commission
BCDC has regulatory responsibility over development in San Francisco Bay and along Bay’s nine-county shoreline. It is necessary to obtain BCDC approval prior to undertaking work in the Bay or within 100 feet of the shoreline, including filling, dredging, shoreline development and other work.

Maintenance activities that are conducted within tidal waters of South San Francisco Bay or areas determined to be within shoreline band may also require BCDC permit. Visit bcdc.ca.gov for more information.

Questions?
Please contact Public Information Representative Jennifer Codianne via email at jcodianne@valleywater.org or by calling 408-630-3876.
Large Woody Debris

Many creeks and rivers throughout Santa Clara County are lined with large trees. These trees may die, break, or fall over due to erosion or storms and enter the stream channel. Some trees may be removed and some become large woody debris. Large woody debris (LWD) can be an entire tree, a stump or just a large branch that has fallen into the creek. But how big must a branch or tree be to be considered large woody debris? At Valley Water, the Stream Maintenance Program (SMP) classifies LWD as a piece of woody material with a diameter of 12 inches or more and a minimum length of 6 feet. This classification applies to fallen trees located in streams that support sensitive fish species including many major streams and tributaries in Santa Clara County. This definition was adapted from the California Salmonid Stream Restoration Manual created by the California Department of Fish and Wildlife. Woody material that size or larger generally has the most effect (ecologically and hydraulically) on rivers and creeks.

Fallen Tree or Large Woody Debris?

LWD promotes a complex and diverse aquatic habitat within creeks in the following ways:

- Provides escape cover for juvenile and adult fish from predators and high winter flows.
- Traps organic material providing food areas for insects to reproduce, which in turn provides food for fish and other aquatic organisms.
- Traps gravels, providing areas for fish and insects to reproduce and feed.
- Maintains and creates complex channel features like pools, riffles and runs through energy dissipation and scour.

All of these are essential natural components created by LWD, which provide habitat for sensitive species such as Steelhead trout, California Red Legged Frog, and Western Pond Turtle.

How is Large Woody Debris Beneficial?
Although a common inclination would be to remove the fallen tree from the stream, Valley Water strives to promote a balance between flood protection and environmental protection. Whenever possible, LWD is left and maintained in place. However, LWD can cause harm such as unwanted erosion of flood protection infrastructure or debris jams in vulnerable areas. When LWD is identified, qualified staff, including engineers and biologists, assess the wood for its habitat value. If there is potential to cause harm, Valley Water attempts to modify the LWD by removing branches or repositioning the wood in the channel. If modification cannot alleviate the threat, then complete removal may be necessary. Under the SMP, removal of LWD requires mitigation to offset the loss of habitat provided by the LWD. Mitigation comprises the replacement of the LWD in kind within the same watershed. Removal is generally the last approach taken due to the loss of habitat on site.

When possible, Valley Water incorporates LWD in bank stabilization projects. Several projects throughout the county have included the installation of LWD structures to replenish woody debris and to increase habitat complexity in areas that will provide the most ecological benefit.

Valley Water’s right-of-way defined

This sheet provides information about Valley Water’s treatment of LWD on Valley Water’s property and easements. Valley Water’s right-of-way includes:

- Property owned by Valley Water in fee title which is managed with available resources consistent with federal, state and local laws and ordinances;
- Property where Valley Water has an exclusionary easement, meaning that the underlying fee property owner is effectively excluded from actively using the property; and
- Property where Valley Water has an easement for flood protection, storm drainage or water conservation purposes.

Large Woody Debris and Valley Water

Although a common inclination would be to remove the fallen tree from the stream, Valley Water strives to promote a balance between flood protection and environmental protection. Whenever possible, LWD is left and maintained in place. However, LWD can cause harm such as unwanted erosion of flood protection infrastructure or debris jams in vulnerable areas. When LWD is identified, qualified staff, including engineers and biologists, assess the wood for its habitat value. If there is potential to cause harm, Valley Water attempts to modify the LWD by removing branches or repositioning the wood in the channel. If modification cannot alleviate the threat, then complete removal may be necessary. Under the SMP, removal of LWD requires mitigation to offset the loss of habitat provided by the LWD. Mitigation comprises the replacement of the LWD in kind within the same watershed. Removal is generally the last approach taken due to the loss of habitat on site.

To find out the latest information on Valley Water projects or to submit questions or comments, email Joe Chavez at (408) 630-2276 or use our Access Valley Water customer request system at https://deliver.com/2yukx.

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Los Gatos Creek LWD.

Installed Large Woody Debris.
SUBJECT: Update on State and Federal Funding Opportunities for Unhoused People.

RECOMMENDATION: Receive information regarding state and federal funding for programs to address homelessness with a focus on the Fiscal Year 2022-2023 State Budget.

SUMMARY: During the Environmental Creek Cleanup Committee meeting on May 16, 2022, staff was asked to update the Committee on potential funding opportunities in the state budget or other state programs to address homelessness. This agenda item reviews state funding for unhoused people and evaluates opportunities for Valley Water to receive state and federal funding for environmental cleanup of creeks.

According to figures released in 2022 by Santa Clara County, there are over 10,000 unhoused individuals living in the county. Many unhoused people congregate in encampments, which are sometimes located in the waterways managed by Valley Water. Implementing unhoused camp resolutions often provides only short-term solutions to the immediate problem of trash and biological waste cleanup, leaving the underlying issues unaddressed. There are no easy solutions to encampments and their environmental impacts. The funding pathways for Valley Water to assist in addressing the issue are limited, largely because the core mission of the agency does not include human and social services.

Locally, the Measure S Safe, Clean Water and Natural Flood Protection Program provides $500,000 annually in cost-share with local agencies for services related to encampment clean-ups on waterways. To reduce the water quality and flood protection impacts of encampments along local waterways over the long-term, Valley Water must collaborate with federal, state, and local government, neighborhood associations, business, social service organizations, and others to significantly reduce, and hopefully, end homelessness.

Billions to Address Homelessness
In the last three state fiscal years, the state has appropriated billions of dollars to alleviate the
growing numbers of unhoused people. While the state investments to address this issue has been significant and have accelerated during the COVID-19 pandemic, the number of unhoused people continues to grow, and with it the challenges of keeping pollution out of creeks and streams.

Last year, the state appropriated $12 billion to assist cities and counties to build necessary housing and provide the services needed to support people to transition into housing. The implementation of the programs funded by that historically large sum is still underway and their benefits and effectiveness are not fully realized.

For the 2022-2023 fiscal year, the state is appropriating an additional $2 billion to continue state efforts to address homelessness. Most of the funding would provide opportunities to move people into housing through efforts such as Project Homekey providing grants to cities and counties to develop transitional housing, and California Advancing and Innovating Medi-Cal which will redesign Medi-Cal to improve outcomes for unhoused individuals and provide long-term care.

Encampment Resolution Funding Limited

While supportive housing programs funded by the state are fundamental to addressing the needs of unhoused people, only $300 million is being appropriated for encampment cleanup. Last year the state appropriated $500 million for cities and counties to clean up encampments. Unfortunately, this year’s funding is more restricted, with $150 million intended to move individuals from camps to transitional housing, and $150 million for cleanup of encampments, but only in the state’s right-of-way in coordination with the California Department of Transportation.

Independent Special Districts Excluded

The responsibility for providing human and social services rests with cities and the County, and nearly all state and federal homelessness programs exclude independent special districts like Valley Water from eligibility. In 2017, Valley Water sponsored SB 519 (Beall), a state legislative bill to amend the Santa Clara Valley Water District Act to authorize actions to address the pollution of waterways from encampments. Unfortunately, the bill died in its first policy committee because adding the issue to Valley Water’s statutory mission was viewed by State legislators as “mission creep,” and instead was more appropriately addressed by cities and the County.

Partnerships with Cities and the County are Crucial

Opportunities for direct funding from the state are limited to sporadic, small-value litter collection programs primarily intended for the engagement of community groups. As an independent special district, Valley Water’s best chances to access state funding to address encampments of unhoused people are through partnerships with cities, the County, and social services organizations charged with the responsibility for assisting unhoused people.

Over the last year, staff reached out to the City of San Jose to work collaboratively on an Encampment Resolution Funding Program (ERFP) grant application, but the effort was unsuccessful. Consequently, staff will continue to work with the cities and the County on grant opportunities, as they remain necessary partners for accessing the funding, especially given that this year’s funding is
focused on encampments in the state right-of-way. There may be encampments where state right-of-way intersects with Valley Water’s managed creeks, under state-owned bridges and overpasses for example, where there may be opportunities to work with cities and the County on ERFP funding over the next year.

**Federal Funding Opportunities**
The U.S. Environmental Protection Agency (EPA) administers a grant program that Valley Water is pursuing to address homeless encampments and creek cleanup. The San Francisco Bay Water Quality Improvement Fund offers grant funds to enhance aquatic habitat, restore impaired waters, and reduce polluted run-off. Valley Water is currently seeking these grants for creek cleanups in San José.

Much of the other available federal funding is administered through the State Revolving Loan Funds, which Valley Water typically does not utilize due to Valley Water’s more favorable borrowing ability. However, staff is continually seeking federal funding opportunities to address homelessness and creek cleanups.

**Efforts for State and Federal Funding Continue**
Staff will continue robust efforts to partner with city and county agencies and to advocate for continued and increased state and federal funding to reduce homelessness, hopefully building upon this year’s state budget appropriations listed below.

**Fiscal Year 2022-2023 State Budget Appropriations Addressing Homelessness**

- $1 billion in 2023-24 for the Homeless Housing, Accountability, and Prevention Program (HHAPP), funding for large cities to expand their capacity to address immediate homeless challenges
- $500 million to establish the California Dream for All Program to make homeownership more achievable for first-time homebuyers
- $425 million over two years for the Infill Infrastructure Grant Program
- $410 million over two years for Adaptive Reuse, converting vacant, underused buildings into housing
- $350 million over two years for the CalHOME Program, facilitating low-income home ownership
- $325 million over two years for the Multifamily Housing Program, financing for affordable multifamily rental housing
- $150 million over two years for the preservation of existing affordable housing.
- $250 million for the Housing Accelerator Program, aid for affordable housing projects with funding shortfalls
- $100 million over two years for mobile homes and manufactured housing
- $100 million over two years for affordable housing on state excess property sites
- $100 million over two years to continue the Veterans Housing and Homelessness Prevention Program created by Proposition 41 (2014)
• $50 million for the Joe Serna Jr. Farmworker Housing Program
• $50 million for Accessory Dwelling Unit financing
• $30 million in 2022-23 to increase funding for legal aid to prevent eviction

ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Bart Broome, 408-630-4508
SUBJECT: Review 2022 Environmental Creek Cleanup Committee Work Plan.

RECOMMENDATION:
   A. Review the 2022 Environmental Creek Cleanup Committee Work Plan, and make adjustments as necessary; and
   B. Confirm date and time of next Environmental Creek Cleanup Committee meeting.

SUMMARY:
Work Plans are created and implemented by all Board Committees to increase Committee efficiency, provide advanced public notice of intended Committee discussions, and enable staff to prepare for meetings and respond to Committee direction. Work Plans are dynamic documents managed by Committee Chairs and are subject to change. Committee Work Plans also serve to assist in the preparation of Annual Committee Accomplishments Reports.

The 2022 Environmental Creek Cleanup Committee (ECCC) Work Plan contains topics for discussion based on information from the following sources:

- Items referred to the Committee by the Board;
- Items requested by the Committee to be brought back by staff;
- Items scheduled for presentation to the full Board of Directors; and
- Items identified by staff.

The 2022 ECCC Work Plan contained in Attachment 1 is presented for the Committee’s review and to discuss and determine additional topics for discussion in 2022.

The next meeting of the ECCC is scheduled to occur on Tuesday, October 18, 2022 at 2:00 p.m., or at the call of the Committee Chair. Confirming the meeting schedule or any change to the meeting schedule is necessary to provide staff a basis for meeting planning, coordination of logistics and preparation of agenda items.
ATTACHMENTS:
Attachment 1: ECCC 2022 Work Plan

UNCLASSIFIED MANAGER:
Candice Kwok-Smith, 408-630-3193
## 2022 ENVIRONMENTAL CREEK CLEANUP COMMITTEE WORKPLAN

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