



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

January 21, 2022

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

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	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
9	BMR/IBMR Weekly Reports: 01/20/22
10	Memo from David Cahen, Risk Manager, to the Board of Directors, dated 01/11/22, regarding Risk Management Communication.
36	Memo from Jennifer Codianne, DOO Watersheds, to Director Santos, dated 1/14/22, regarding BMR- R- 0007: Send letters/communications to creek owners, i.e. cities, County, school districts, private property owners, etc. requesting that they remove debris/obstructions on the portion(s) of the creek which they own.
	<u>INCOMING BOARD CORRESPONDENCE</u>
42	Board e Weekly Report: 01/20/22
43	Email from Annette Batey, to Vice Chair Varela, dated 01/12/22, regarding Risk Management Claim (C-22-0008).
44	Letter from Daniel Finau, Audit Manager, Office of State Controller Betty T. Yee, to Rick Callender, CEO, CC to the Board of Directors, dated 01/13/22, Audit of the Flood Control Subventions Program Upper Guadalupe River Project and Upper Llagas Creek Watershed Project for the Period of July 1, 2014, through December 31, 2019 (C-22-0009).
46	Email from U-Can, to the Board of Directors, dated 01/13/22, regarding Saratoga Creek (C-22-0010).
49	Email from Mario Vasquez, to the Board of Directors, dated 01/18/22, regarding Creek on Berryessa Street in Milpitas, CA (C-22-0011).
53	Email from Kathleen Herington, to the Board of Directors, dated 01/18/22, regarding Homeless Activity in Saratoga Creek bed in far Western San Jose (C-22-0012).
	<u>OUTGOING BOARD CORRESPONDENCE</u>
55	Email from Director Santos, to Greg Pensinger, dated 01/13/22, regarding Offer of Assistance by the Downtown Streets Team to Perform Professional and Peer Outreach to the Residents at Fair Oaks Park and on Valley Water Property twice per Week (C-22-0006).
57	Email from Chair Kremen, to Thomas Aldridge, dated 01/14/22, regarding the Pacheco Reservoir (C-21-0196).

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

CEO BULLETIN

CEO BULLETIN



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

Weeks of January 7 – January 20, 2022

Board Executive Limitation Policy EL-7:

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

Item	IN THIS ISSUE
<u>1</u>	Planned Shutdown in February 2022 for Rinconada Water Treatment Plant
<u>2</u>	Safe, Clean Water Mini-Grant Closeout: Keep Coyote Creek Beautiful's Empire Gardens Elementary School Mural Project
<u>3</u>	Safe, Clean Water Mini-Grant Closeout: President and Board of Trustees of Santa Clara College's The Water Project
<u>4</u>	Sunnyvale Shoreline Resilience Vision
<u>5</u>	Two Day Shutdown Planned in January 2022 for the Silicon Valley Advanced Water Purification Center
<u>6</u>	Valley Water Hosts Pacheco Reservoir Expansion Project Draft Environmental Impact Report Virtual Public Meeting
<u>7</u>	Valley Water Submits Two-Year Mercury Progress Report to San Francisco Bay Regional Board
<u>8</u>	<u>Santos</u> Send letters/communications to creek owners, i.e. cities, County, school districts, private property owners, etc. requesting that they remove debris/obstructions on the portion(s) of the creek which they own. R-21-0007

1. Planned Shutdown in February 2022 for Rinconada Water Treatment Plant

The Rinconada Water Treatment Plant is scheduled to be shut down for seven (7) days, from Monday, February 7 to Monday, February 14, 2022, to facilitate underground piping work for the Residuals Remediation Project. Valley Water will also take this opportunity to perform other critical plant and pipeline maintenance activities. Performing these maintenance activities on a regular basis is essential to ensure that the plant's critical systems are reliable and remain in good working order. Barring any unforeseen circumstances, plant start up is scheduled for the morning of February 14, 2022.

West Pipeline retailers impacted by the upcoming outage are California Water Service Company, San Jose Water Company, and the cities of Santa Clara, Mountain View, and Sunnyvale. The impacted retailers will use their groundwater and/or alternate supplies to meet demands during the plant shutdown. Customers may notice a change in water characteristics and pressure during the shutdown. The shutdown schedule has been communicated to the retailers and Valley Water will continue to send periodic updates and reminders.

For further information, please contact Sam Bogale at (408) 630-3505.

2. Safe, Clean Water Mini-Grant Closeout: Keep Coyote Creek Beautiful's Empire Gardens Elementary School Mural Project

In Fiscal Year 2021, Valley Water awarded Keep Coyote Creek Beautiful a \$5,000 Safe, Clean Water Program D3 Mini-Grant for their Empire Gardens Elementary School Mural Project. Keep Coyote Creek Beautiful completed the Project on October 8, 2021 and submitted the final invoice items on December 3, 2021, allowing for grant closeout.

Keep Coyote Creek Beautiful (KCCB) is a non-profit organization that works with community groups, public agencies, and students to reclaim, restore, and beautify Coyote Creek. This mini-grant provided funding to support the installation of a mural on the campus of Empire Gardens Elementary School in San Jose, California. The Coyote Creek Watershed mural was designed by muralist Paul J. Gonzalez in collaboration with KCCB. This mural features elements of the creek ecosystem and educates students, teachers, and visitors about the natural wonders of Coyote Creek that runs alongside the school. As part of the project, KCCB hosted a nature walk on September 4, 2021 that was attended by Valley Water Director Barbara Keegan. KCCB also hosted a creek cleanup at Watson Park to allow the community to directly observe the nature elements and concepts included in the mural (watershed, wildlife, ecosystem). The newly painted mural serves as a reminder to the students about their direct impact on keeping the wildlife healthy by reducing litter, deterring graffiti, and participating in creek cleanups.

Key Outcomes:

- Installed one mural spanning 120 feet long by 10 feet high, which features animals, plants, and other wildlife present in the Coyote Creek Watershed.
- Hosted a nature walk with 11 attendees who participated in litter cleanup resulting in 5 bags of trash.
- Conducted 12 classroom presentations to introduce the project and to solicit ideas from students for mural content.
- Utilized social media to engage the community in the project, including 27 Facebook posts, 14 Instagram posts, 14 Twitter posts, 5 LinkedIn posts, and a YouTube video (https://youtu.be/-9Nok_OUmd0).
- Students surveyed on their takeaways commented that Coyote Creek is a “habitat for animals, fish, coyotes, butterflies, bees, racoons, woodpeckers, blue jays, and rabbits.”

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

3. Safe, Clean Water Mini-Grant Closeout: President and Board of Trustees of Santa Clara College's The Water Project

In Fiscal Year 2021, Valley Water awarded the President and Board of Trustees of Santa Clara College (Grantee) a \$5,000 Safe, Clean Water Program D3 Restore Wildlife Habitat Mini-Grant for their grant project called The Water Project. The Grantee completed the Project on October 31, 2021 and submitted the final invoice items on December 17, 2021, allowing for grant closeout.

The President and Board of Trustees of Santa Clara College is a board that governs Santa Clara University operations. The mini-grant provided funding for a multi-media performance hosted by the Grantee with a mission to raise awareness and promote engagement surrounding modern-day water issues. The performance featured an integration of dance, choral music, animation, projected imagery and live text to celebrate and study society's cultural relationship to water. The Water Project aimed to educate the public and motivate action to be engaged with 21st century water issues, such as drought, aquifer depletion and large agriculture water use.

Three live performances were presented at Mayer Theatre on the Santa Clara University campus from October 1-3, 2021. The performances engaged a total of 427 attendees and the Grantee reported 11 feedback response surveys that highlighted how the performance compelled its audience to critically consider their relationship with water.

The Water Project was also compiled into a video that was made available to stream on October 8, 2021(<https://tinyurl.com/3ybytwkr>). A documentary film of the creative process behind The Water Project is expected to be complete in March 2022.

Key Outcomes:

- Engaged a total of 427 attendees from all three live performances.
 - 220 attendees on Friday, October 1, 2021.
 - 105 attendees on Saturday, October 2, 2021.
 - 102 attendees on Sunday, October 3, 2021.
- Reached 336 online views on the Water Project's video stream as of January 11, 2022.
- Received 11 responses from the post-event surveys which indicated that the performance engaged them to consider their relationship with water and issues surrounding water.

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

4. Sunnyvale Shoreline Resilience Vision

In 2019, Valley Water and Google engaged the San Francisco Estuary Institute to develop a visioning document for the Sunnyvale shoreline area, called the Sunnyvale Shoreline Resilience Vision ("Vision"). The Vision group was formed, consisting of landowners and land managers along the San Francisco Bay shoreline from Stevens Creek to San Tomas Aquino Creek, to facilitate information sharing and identify ways to collaboratively address shared goals and challenges, including climate change adaptation. Key stakeholders include Valley Water, City of Sunnyvale, Google, Lockheed Martin, Midpeninsula Regional Open Space District, National Aeronautics and Space Administration, U.S. Fish and Wildlife Service, and the South Bay Salt Pond Restoration Project. The Vision group convened around the shared goals of climate resilience, ecological restoration, increasing access to the Bay, and reducing risk and enhancing quality of life for workers and residents along the shoreline.

Between 2019 and 2021, the Vision group explored synergies between individual planning efforts to help coordinate actions towards shared objectives. The group came up with opportunities such as streamlining and improving the aging stormwater management system, enhancing ecological function and biodiversity in both the urban area and baylands, and developing a subregional shoreline adaptation approach.

Engagement in this Vision group has also provided an opportunity for all stakeholders to learn about the South San Francisco Bay Shoreline Feasibility Study, the U.S. Army Corps of Engineers (USACE) planning process, and how preparatory actions now can assist the USACE when Phase III of the South San Francisco Bay Shoreline Feasibility Study is initiated. The South San Francisco Bay Shoreline Phase III Feasibility Study's start is dependent on the receipt of federal funds.

Stakeholders are committed to continuing this collaboration and plan to stay closely coordinated around the anticipated South San Francisco Bay Shoreline Phase III Feasibility Study once funding is made available. The Sunnyvale Shoreline Resilience Vision executive summary of efforts to date was finalized in December 2021 and can be found at <https://www.valleywater.org/project-updates/creek-river-projects/E7-san-francisco-bay-shoreline-protection>.

For further information, please contact Rechelle Blank at (408) 630-2615.

5. Two Day Shutdown Planned in January 2022 for the Silicon Valley Advanced Water Purification Center

On January 20, 2022, the Silicon Valley Advanced Water Purification Center (SVAWPC) is planned to be shut down for two (2) days to perform critical repairs that were identified during the biennial electrical systems testing in December 2021.

During the shutdown, the quality of the water received by South Bay Water Recycling customers will change as purified water from the SVAWPC will not be available for blending. The SVAWPC is scheduled to return to service by the end of day on January 21, 2022.

For further information, please contact Sam Bogale at (408) 630-3505.

6. Valley Water Hosts Pacheco Reservoir Expansion Project Draft Environmental Impact Report Virtual Public Meeting

On January 13, 2022, Valley Water hosted a virtual public meeting on the Pacheco Reservoir Expansion Project Draft Environmental Impact Report (EIR). Valley Water Board Members Chair Kremen, Vice Chair Varela and Director Santos attended the meeting and provided welcoming remarks. Director Hsueh also attended the virtual meeting. A combined total of 64 people participated in the virtual event through Zoom and Facebook Live.

The presentation provided an overview of the six project alternatives studied in the draft EIR, including a no project alternative. During the meeting, Valley Water responded to more than 20 inquiries related to the draft EIR. Participants were reminded that all comments regarding the document must be written and submitted by February 15, 2022.

A recording of the virtual public meeting is available on the Valley Water's Pacheco Project page at: <https://www.valleywater.org/project-updates/a1-pacheco-reservoir-expansion-project>.

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

7. Valley Water Submits Two-Year Mercury Progress Report to San Francisco Bay Regional Board

On January 3, 2022, Valley Water submitted the 2020-2021 Progress Report on Methylmercury Control Measures in Reservoirs to the San Francisco Bay Regional Water Quality Control Board (Regional Board). Valley Water reports to the Regional Board every two years as part of its voluntary participation in the Guadalupe River Watershed Mercury Total Maximum Daily Load Program.

Fish in Guadalupe River Watershed water bodies are impacted by mercury from the historic New Almaden Mining District. Eating contaminated fish can have neurotoxic and reproductive effects on people and wildlife. Valley Water operates treatment systems in four reservoirs and Almaden Lake to attain regulatory targets for mercury in fish. These treatment systems are intended to prevent low-oxygen conditions from developing in bottom waters. This approach should decrease the amount of mercury available to the food chain. Valley Water monitors mercury in water and fish to evaluate the systems' effectiveness, reporting progress to the Regional Board every two years.

Mercury in fish is declining in Almaden, Guadalupe, and Stevens Creek reservoirs, although concentrations remain above regulatory targets. An unintended side effect of the treatment systems was warming of reservoir outflow. Valley Water is working with university researchers and the Regional Board to develop effective methods for mercury control that improve water quality. In addition to providing valuable information about mercury control strategies, Valley Water's studies have provided hands-on research experience to numerous student interns from local universities.

For further information, please contact John Bourgeois at (408) 630-2990.

8. Santos

**Send letters/communications to creek owners, i.e. cities, County, school districts, private property owners, etc. requesting that they remove debris/obstructions on the portion(s) of the creek which they own.
R-21-0007**

Director Santos requested Valley Water send communications to creek owners, including cities, County, school districts and private property owners to clarify a property owners' responsibilities for managing the portion(s) of the creek on their property. This response will be included in the January 21, 2022 Non-Agenda Packet.

A letter, or other form of communication, will be sent to creekside property owners informing and reminding them that they have certain responsibilities to manage their lands. This communication will be sent this summer in preparation for the following winter storm season since property owners should not be encouraged to manage creek lands during the current winter season's high flow events and salmonid migration season. The communication includes two fact sheets that clarify stream maintenance responsibilities of both Valley Water and property owners and the beneficial aspects of large woody debris within creeks.

For additional information regarding creekside property management, visit our website: <https://www.valleywater.org/learning-center/healthy-creeks-and-ecosystems/creekside-property-program>.

For further information, please contact Jennifer Codianne at (408) 630-3876.

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
R-22-0001	01/11/22	Hsueh	Richardson	Bourgeois	Staff to investigate comments by Mr. Mulligan regarding whether a CEQA analysis was conducted on the wild boar issue at Anderson Dam.	01/31/22		



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: January 11, 2022

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

Please find the following:

- 1) January 5, 2022 – Receipt of Claim to City of Milpitas (District 3)
- 2) January 11, 2022 – Receipt of Claim to Ning (Scott) Ding (District 5)

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

DocuSigned by:

David Cahen

3BB76B20CBE4482

David Cahen
Risk Manager



Clean Water • Healthy Environment • Flood Protection

January 5, 2022

Brian Chu
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Re: Receipt of Claim – L2120010

Dear Mr. Chu:

We received the claim you filed on behalf of the City of Milpitas regarding the severed traffic loops serving the #1 and #3 lanes of WB Great Mall Parkway and Able Street.

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

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at dcahen@valleywater.org

Sincerely,

DocuSigned by:


David Cohen
Risk Manager





**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following**

<p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	<p align="center">Clerk of the Board's Date Stamp</p> <hr/> <p align="center">For SCVWD Use Only</p> <p>Date Received: 1/5/22</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><input type="checkbox"/> Via U.S. Mail:</td> <td style="width:50%;"><input checked="" type="checkbox"/> CEO:</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered:</td> <td><input checked="" type="checkbox"/> District Counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> E-mail: COB email</td> <td><input checked="" type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input checked="" type="checkbox"/> COB</td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> BOD (District #): 3</td> </tr> </table>	<input type="checkbox"/> Via U.S. Mail:	<input checked="" type="checkbox"/> CEO:	<input type="checkbox"/> Hand Delivered:	<input checked="" type="checkbox"/> District Counsel	<input checked="" type="checkbox"/> E-mail: COB email	<input checked="" type="checkbox"/> Risk Management	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB	<input checked="" type="checkbox"/> BOD (District #): 3	
<input type="checkbox"/> Via U.S. Mail:	<input checked="" type="checkbox"/> CEO:										
<input type="checkbox"/> Hand Delivered:	<input checked="" type="checkbox"/> District Counsel										
<input checked="" type="checkbox"/> E-mail: COB email	<input checked="" type="checkbox"/> Risk Management										
<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB										
<input checked="" type="checkbox"/> BOD (District #): 3											

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: City of Milpitas			
Address of Claimant: 455 E Calaveras Blvd.	City: Milpitas	State: CA	Zip: 95035
Mailing Address to Which Notices Should be Sent if Different From Above:	City:	State:	Zip:
Home Phone Number:	Cell Phone Number:	Work Phone Number: (408) 586-3000	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: _____ Relationship to the minor: _____	
Date and time of incident or loss: 10/19/2021 11:00 A.M.	Location of incident or loss (address): West Bound Great Mall Parkway after Able St., #2 & #3 Lanes	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

The damaged to the traffic loops was caused by the street sweeper that was hired by SCVWD to maintain dust and debris control at Great Mall Parkway. The highest concentration of track-out from the off hauling operation was at the exit of the driveway which puts it right at the traffic signal loops. I witnessed several times the sweepers crawling or sitting stationary directly on top of the traffic loops with the brushes in operation. On the date of 10/19/2021 at 11:00 A.M. I noticed that the traffic loops were severed at the #3 lane right after the sweeper made its pass. I also saw part of the traffic loop tangled into the sweeper's rear brushes. I reported the incident to Stephen King the foreman for SCVWD and he acknowledged that there was damage to the loops and he informed me that the incident will get reported to his supervisor. I also called out Matt Garcia from the City of Milpitas streets division to verify that the traffic loops were damaged and the signal equipment was in "default mode".



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following

In detail, describe the damage or injury (*Please attach additional sheets if necessary*):

The traffic loops serving the #1 through #3 lanes of WB Great Mall Parkway were severed and pulled out of the pavement by the street sweeper thus rendering the advanced counter function of the traffic signal at I-880 and Thompson St. useless.

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

Steven King, onsite foreman from SCVWD, (408) 728-0904. Steven was notified immediately after the incident was discovered by myself, Brian Chu (408)-834-3514.

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) **Note:** If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000? Yes No
 Court Jurisdiction: (Check One) Limited Civil Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Replace damaged traffic control counter loops, includes traffic control plan and City encroachment permit.	\$ 10,000.00
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$ 10,000.00

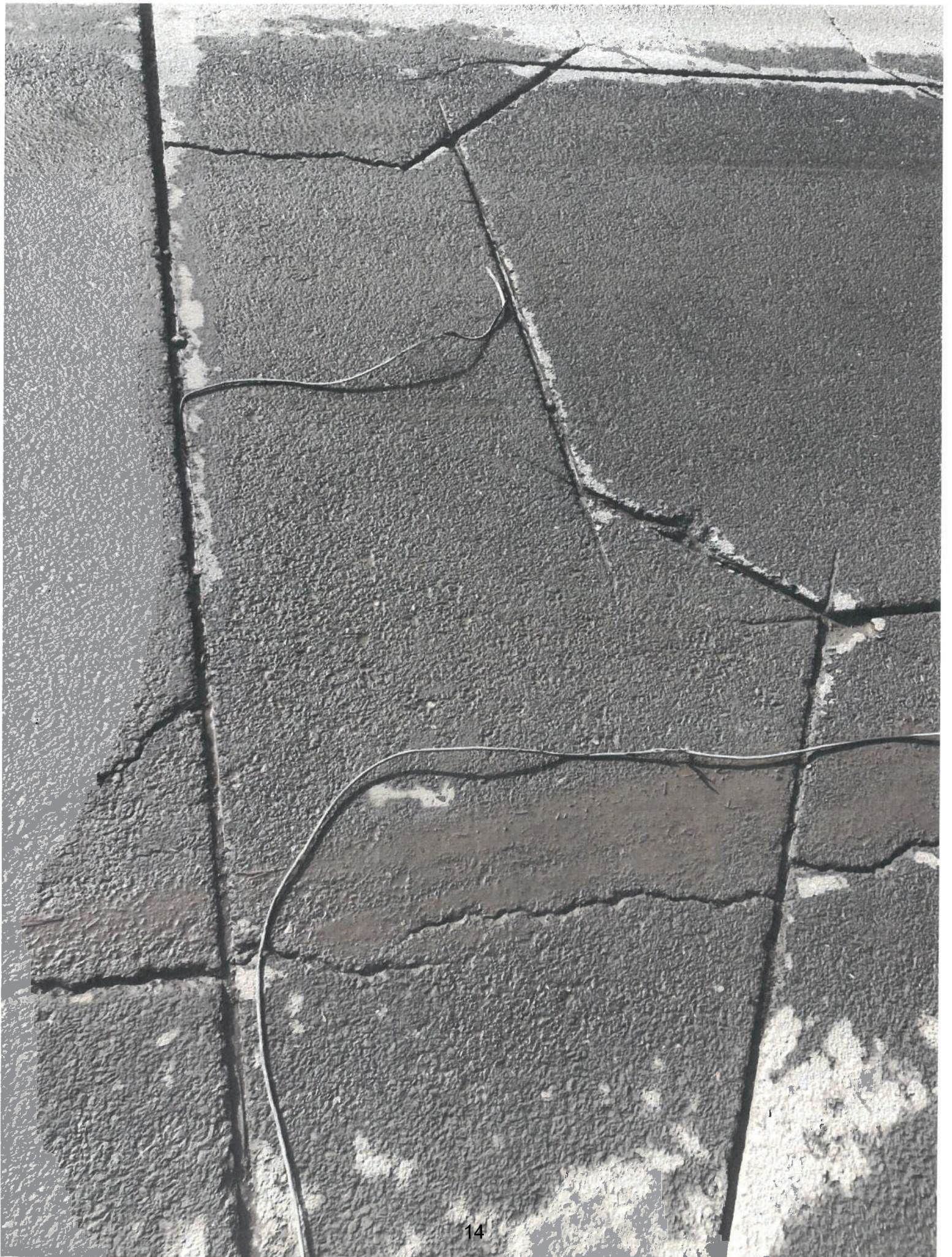
WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 4th day of January, 20 22 Brian Chu
 Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.







Clean Water • Healthy Environment • Flood Protection

January 11, 2022

Ning (Scott) Ding
19688 Vicksburg Drive
Cupertino, CA 95014

Re: Receipt of Potential Claim – L2120011

Dear Mr. Ding:

We received your claim related to the landscape damages and tree services at your residence located at 19688 Vicksburg Drive in Cupertino.

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

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at dcahen@valleywater.org

Sincerely,

DocuSigned by:

David Cahen

3BB76B20CBF4482...

David Cahen
Risk Manager





**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following**

<p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	<p>Clerk of the Board's Date Stamp 1/11/22</p> <p align="center">For SCVWD Use Only</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Date Received:</td> <td style="width:50%;">ROUTING</td> </tr> <tr> <td><input type="checkbox"/> Via U.S. Mail:</td> <td><input checked="" type="checkbox"/> CEO:</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered:</td> <td><input checked="" type="checkbox"/> District Counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> E-mail: Clerk of the Board</td> <td><input checked="" type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input checked="" type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/> BOD (District #): 5</td> </tr> </table>	Date Received:	ROUTING	<input type="checkbox"/> Via U.S. Mail:	<input checked="" type="checkbox"/> CEO:	<input type="checkbox"/> Hand Delivered:	<input checked="" type="checkbox"/> District Counsel	<input checked="" type="checkbox"/> E-mail: Clerk of the Board	<input checked="" type="checkbox"/> Risk Management	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB		<input checked="" type="checkbox"/> BOD (District #): 5
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With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: Ning Ding (Scott)			
Address of Claimant: 19688 Vicksburg Drive		City: Cupertino	State: CA
Mailing Address to Which Notices Should be Sent if Different From Above:		City:	State:
Home Phone Number:	Cell Phone Number: 408-839-0824	Work Phone Number:	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: _____ Relationship to the minor: _____	
Date and time of incident or loss: 9/21/2021	Location of incident or loss (address): 19688 Vicksburg Dr. Cupertino, CA 95014	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

SEE ADDITIONAL PAGE ATTACHED.



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following
 Page 2 of 2

In detail, describe the damage or injury (Please attach additional sheets if necessary):
SEE ADDITIONAL PAGE ATTACHED

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


DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000? Yes No
 Court Jurisdiction: (Check One) Limited Civil Unlimited Civil

ITEMS	CLAIM AMOUNT
1. <i>Landscape damages</i>	<i>\$ 3,522</i>
2. <i>Tree services</i>	<i>\$ 11,650</i>
3.	\$
4.	\$
TOTAL AMOUNT	<i>\$ 15,172</i>

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 10th day of Jan., 20 22 
 Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages:

Our house is located with backyard next to Regnart Creek. The current chain link fence of Valley Water is in between our backyard and the Regnart Creek. There was no wood fence when we purchased this property and moved in June, 1994. We were not notified that the chain link fence is not on our property line during the proposal and discussion of Regnart Creek Trail project. We were never being notified that the chain link fence needs to be moved to property line till late last year. This piece of important information was never disclosed to the property owners at the time the Regnart Creek Trail project was started and reviewed. Once the project approved, we chose not to participate fence replacement and we like to keep the existing chain link fencing as is.

We contacted Valley Water before we finally removed Italian Stone Pine tree in our backyard in 2014 as half of the brunches reached to the creek. A clerk from the VW came for a site visit and we were told the tree is in our backyard and we as property owner has to take care of it.

If the existing chain link fence will be relocated, our investment to the newly completed backyard (was done between Nov 2020 - Feb 2021) and all services done for a huge Stone Pine tree, other tree on the VW land, and bushes/ivyees (we never planted) on the chain link in the past 28 years will be on our losses.

In details, describe the damage or injury

1. Landscape damage: Part of the plants and 3 ginkgo trees will be replants or relocated.

- a. plants: ~ 40 plants $40 \times \$10 = \400
- b. labor: $40 \times \$25$ (1 gal plants) = \$1000
- c. trees: 3 ginkgo trees (10 feet tall \$250 each) \$750
- d. labor: 3 - boxwood trees \$180.00 per plant = \$540
- e. irrigation: \$100
- f. Relocate the existing drainage pipe exit point in our backyard: \$100
- g. redesign fee 15% original landscape design fee $\$3517.17 \times 15\% = \530

Subtotal 1: $\$3420 + 3\%$ inflation = \$3,522

2. Tree services (these trees on the VW land):

- a. Removed Italian Stone Pine tree: \$5000 in 2014 (3% inflation) = \$6,150
- b. Trim services on Italian Stone Pine tree every two years 2000 - 2014
- c. \$2000 (3% inflation) = \$2700
- d. removed podocarps tree \$800
- e. gardener services: clean up bushes/ivyees on the chain link in the past 28 years: \$2000

Subtotal 2: \$11,650

Total (Subtotal 1 + Subtotal 2): \$15,172

Scott And Chunhua Ding
19688 Vicksburg Dr
Cupertino, CA 95014
(415)271-8162

Dear Sammy,

Thank you for the opportunity to submit the following quotation. Listed below is a complete breakdown of the scope of work.

Scope of Work

Extras - \$4,306.00

- 3 - 2"X4" 20' long benderboard = \$210.00
- 2 Drip Irrigation Valves = \$200.00
- Extra dump fee for extra plants removed = \$85.00
- Plant 117 - 1 Gal plants \$23.00 per plant = \$2,691.00
- Plant 116 - 4" plants \$5.00 per plant = \$580.00
- 3 - 24" boxwood trees \$180.00 per plant = \$540.00

Preparation - \$600.00

- Removal of lawn
- Removal of plants
- Haul away and disposal all materials

Sod - \$3,420.00

- Total SQ FT 855 x \$4.00
- New PVC pipes will be installed subsurface
- Sprinkler heads will be installed
- Super compost will be installed and rototilled with soil
- Soil will be graded
- Sod Roller will be used for proper drainage
- New rolls of sod will be installed
- Sod will be laid out as specified in diagram/homeowner specs

Sod Details - Delta 90/10

License # 1031233

Phone # (408)679-2282

Planting - \$1,250.00

- Excavate for plants that have been approved by homeowner
- Install all plants
- Excavate 1.5X height and 2X width of plant
- Each plant will be installed with 50/50 planters mix and native soil to ensure proper growth
- Location of plants are specified by the homeowner.

50 - 1 Gal plants \$25.00 Per Plant = \$1,250.00

Irrigation- \$470.00

- Connect to controller and timer
- Each plant will have a adjustable drip emitter
 - 3 valves for Lawn area \$90.00 per valve = \$270.00
 - 2 Valves for drip irrigation \$100.00 per valve = \$200.00

Total Investment - \$10,046.00

PROGRESS PAYMENTS

- 10% with signed contract - \$704.00
- Progress payment: 2nd Work day is started on site - \$2,500.00
- Progress Payment: Sod is done - \$3,500.00
- Final Payment upon Completion - \$3,342.00

Start Date : 1-12-2021

End Date: 2 weeks and 2 days after start date

Terms & Conditions-

License # 1031233

Phone # (408)679-2282

1. Juarez And Sons stand behind all their work , if any problems with install come up contact us
2. Both parties are entitled to a filled out copy of agreement, signed by homeowner and contractor.
3. By signing the homeowner agrees to everything stated in the contract.
4. If there is a change order. It will be prepared in writing and signed by the parties.
5. If not stated in contract it is not included
6. Juarez And Sons is not responsible for any weeds after install. Weedblock is not a guarantee.
7. Professional company should be hired to maintain and fertilize any vegetation
8. Notice to owner and lien forms can be found at CSLB.ca.gov

Name _____

Date:

Signature _____

Name _____

Date:

Signature _____

License # 1031233

Phone # (408)679-2282



Devil Mountain Wholesale Nursery
9885 Alcosta Blvd.
San Ramon, CA 94583
www.devilmountainnursery.com
(925) 829-6006

CUST NO: 5861 **JOB NO:** 000
BILL TO: LAMBERT FLORAL STUDIO
 1210A GUERRERO ST.

 SAN FRANCISCO CA 94110
 415-271-8162

DOCUMENT NUMBER **PAGE NO**
 743315/3 1

CLERK	SALESPERSON	DATE / TIME
AG	AMY GRIFFITHS	12/11/20 9:46
TERMINAL	REFERENCE	
559	SAMMY 415-271-8162	

ESTIMATE

-- **SHIP TO:** LAMBERT FLORAL STUDIO
 19688 VICKSBURG DRIVE
 X EAST ESTATES DRVE
 CUPERTINO CA 95014

SHIP VIA	PO NUMBER	
	19688 VICKSBURG	
DEL / WC DATE	ESTIMATE	TERMS
	743315	CASH/CK/CREDITCARD
TAX CODE	DUE DATE	
023 SANTA CLARA COUNTY		

LN#	ITEM	LOC	DESCRIPTION	ORDERED	B/O	SHIPPED	PRICE /PER	EXTENSION
1	002	OFC	ESTIMATE - " PLEASE NOTE"	1		1	/EA	N
2		OFC	Bid subject to stock on hand.					
3		OFC	Availability and pricing					
4		OFC	subject to change.					
5		OFC	PRICES VALID FOR 30 DAYS.					
6		OFC						
7	112525	B4S9	LOMANDRA LONGIFOLIA NYALLA 1	20		20	7.49 /EA	149.80 N
8	83990	A5E4	HEUCHERA CAMEL 1	18		18	7.99 /EA	143.82 N
9		A5E4	sub for Southern Comfort					
10		A5E4	4" not available					
11		A5E4						
12	165050	B4S23	STIPA GIGANTEA 1	3		3	6.99 /EA	20.97 N
13			allow time to source					
14								
15	16462	B6E1	ACHILLEA M TERRA COTTA (O) 4"	8		8	4.29 /EA	34.32 N
16		B6E1	if available in 4", requires 1/2					
17		B6E1	or full flat quantity					
18		B6E1	increased from 7 to 8					
19		SH3W2	special order					
20		B6E1						
21	16360	B4N1	ACHILLEA M SALMON BEAUTY (P) 1	7		7	5.99 /EA	41.93 N
22		B6E1	4" not available					
23								

Continued...



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023 SANTA CLARA COUNTY		

LN#	ITEM	LOC	DESCRIPTION	ORDERED	B/O	SHIPPED	PRICE /PER	EXTENSION
24	130685		PENNISETUM VILLOSUM 1	15		15	5.99 /EA	89.85 N
25			allow time to source					
26								
27	57610	A5E3	COTINUS C GOLDEN SPIRIT 3 / 5	5		5	29.99 /EA	149.95 N
28		A5E3	allow time to source					
29		A5E3						
30	36643	B4S23	BOUTEL BLONDE AMBITION PP22048 1	15		15	6.99 /EA	104.85 N
31	12479	A5E3	ACACIA COGNATA COUSIN ITT 1	12		12	12.99 /EA	155.88 N
32	45280	SH3W2	CAREX OSHIMENSIS EVERGOLD 4"	16		16	4.99 /EA	79.84 N
33		SH3W2	if available in 4" requires 1/2					
34		SH3W2	or full flat quantity.					
35		SH3W2	increased from 10 to 16					
36		SH3W2	specila order					
37		A5E7						
38	39490	B4S26	CALAMAGROSTIS KARL FOERSTER 1	9		9	5.99 /EA	53.91 N
39	114980	SH3W2	LYSIMACHIA NUMMULARIA AUREA 4"	16		16	4.99 /EA	79.84 N
40		SH3W2	allow time to transfer					
41								
42	76060	D5S13	GINKGO BILOBA AUTUMN GOLD 15	3		3	75.99 /EA	227.97 N
43	124260		STIPA / NASSELLA TENUISSIMA 4"	16		16	4.29 /EA	68.64 N
44			if available in 4", will require					
45			full flat quantity. Increased					
46			from 15 to 16.					

Continued...



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 CUPERTINO CA 95014

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023 SANTA CLARA COUNTY		

LN#	ITEM	LOC	DESCRIPTION	ORDERED	B/O	SHIPPED	PRICE /PER	EXTENSION
47								
48	108840	C5S5	LEUCADENDRON GOLDN TIP / TULIP 5	7		7	29.99 /EA	209.93 N
49		C5S5	allow time to source					
50		C5S5						
51	21090	A5E5	ALCHEMILLA MOLLIS 1	9		9	5.99 /EA	53.91 N
52		A5E5	allow time to source					
53		A5E5						
54	16920	CRTE	ACORUS GRAMINEUS OGON 4"	16		16	4.99 /EA	79.84 N
55			if available in 4", requires 1/2					
56			or full flat quantity.					
57			increased from 10 to 16					
58								
59	83420	A5E4	HEUCHERA MAXIMA 1	10		10	7.99 /EA	79.90 N
60			allow time to source					
61								
62	156780	B4N28	ROSMARINUS O BARBEQUE 1	3		3	5.99 /EA	17.97 N
63		B4N28						
64	19854	B5E7	AGAVE MATEO 2	3		3	29.99 /EA	89.97 N
65		B5E7	sub for 3g; allow lead time for					
66		B5E7	qty					
67		B5E7						
68	19440	SH3W9	AGAVE A BOUTIN BLUE / NOVA 3 / 5	2		2	39.99 /EA	79.98 N
69			allow time to transfer					

Continued...



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DEL / WC DATE	ESTIMATE	TERMS
	743315	CASH/CK/CREDITCARD
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023 SANTA CLARA COUNTY		

LN#	ITEM	LOC	DESCRIPTION	ORDERED	B/O	SHIPPED	PRICE /PER	EXTENSION
70		SH3W9						
71	19379		AGAVE ANGUSTIFOLIA MARGINATA 2	2		2	25.99 /EA	51.98 N
72			sub for 3g n/a; allow lead time					
73								
74	58150	SH3E7	COTYLEDON ORB VAR. OBLONGA 6"/ 1	9		9	8.99 /EA	80.91 N
75	162130	SH3E1	SENECIO VITAL / CYLINDRICUS 6/ 1	8		8	7.99 /EA	63.92 N
76	68860	B4N12	EUPHORBIA DEANS HYBRID 1	7		7	7.99 /EA	55.93 N
77		B4N12	not available, needs sub					
78		B4N30	sources out for the season					
79		SH3E7						
80	45490	B4S19	CAREX TUMULICOLA 1	15		15	5.99 /EA	89.85 N
81	160100	B4N30	SANTOLINA CHAMAECYPARISSUS 1	7		7	5.99 /EA	41.93 N
82		B4N30	allow time to source					
83		B4N30						
84	003	OFC	BOX DELIVERY - "PLEASE NOTE"	1		1	105.00 /EA	105.00 N
85		OFC	Due to the size and weight of					
86		OFC	the boxed material on this order					
87		OFC	unloading will REQUIRE YOU TO					
88		OFC	PROVIDE ADDITIONAL ASSISTANCE					
89		OFC	AND EQUIPMENT. If sufficient					
90		OFC	assistance is not provided, a					
91		OFC	20% of total invoice service					
92		OFC	charge may be assessed and/or					

Continued...



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	743315	CASH/CK/CREDITCARD
TAX CODE	DUE DATE	
023 SANTA CLARA COUNTY		

LN#	ITEM	LOC	DESCRIPTION	ORDERED	B/O	SHIPPED	PRICE	/PER	EXTENSION
93		OFC	plant material may be returned						
94		OFC	to our yard with up to a 50%						
95		OFC	restocking fee.						
96	007	OFC	CANCELLATIONS & RETURNS	1		1		/EA	N
97		OFC	Plants that are in stock, have						
98		OFC	been pulled and then cancelled						
99		OFC	are subject to a restocking fee						
100		OFC	up to 50%. Brokered plant						
101		OFC	material purchased from outside						
102		OFC	vendors to fulfill an order and						
103		OFC	then cancelled are subject to up						
104		OFC	to 100% restocking fee. We do						
105		OFC	not accept returns on plants						
106		OFC	that have been planted or annual						
107		OFC	color.						
108	100	OFC	ALL FLATS / 4" - "PLEASE NOTE"	1		1		/EA	N
109		OFC	100% Deposit Required						
110		OFC	for ALL 4" AND FLATS OF ALL						
111		OFC	SIZES. This material is						
112		OFC	non-refundable and						
113		OFC	non-returnable. Full deposit						
114		OFC	required at confirmation of						
115		OFC	order. Most items only						

Continued...



PULLER:

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LN#	ITEM	LOC	DESCRIPTION	ORDERED	B/O	SHIPPED	PRICE	/PER	EXTENSION
116		OFC	available in half or full-flat						
117		OFC	quantities. Plants are held for						
118		OFC	only 7-days past original						
119		OFC	request date.						
			ESTIMATE ONLY						

TAXABLE 0.00
 NON-TAXABLE 2502.59
 SUBTOTAL 2502.59

(SAMMY GO)

TOTAL TAX .00
 TOTAL AMOUNT 2,502.59



PULLER:

DRIVER:

X

By signing this box you accept the terms on the back of the invoice.



Payment receipt

You paid \$3,517.17

to Lambert Floral Studio on January 18, 2021

Invoice no.	1173
Invoice amount	\$3,517.17
Total	\$3,517.17

Payment method	*****1204
Authorization ID	AOWSJKG1

Thank you

LAM
BER
T

Lambert Floral Studio

www.lambertfloralstudio.com | hello@lambertfloralstudio.com

1527 37th Ave, SAN FRANCISCO, CA 94122



QUOTE

California Tree Solutions
 (408) 910-5143
 paul@Californiatreesolutions.com
www.californiatreesolutions.com
 CA LIC: #984697
 Certified Arborist: WE – 9921A

DATE: 6-1-14

EXPIRATION DATE: 7-1-14

TO: SCOTT
 19688 Vicksburg DR, Cupertino, CA

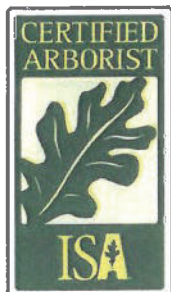
SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
Paul		Due Upon Completion	

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Remove Italian Stone Pine and grind stump	\$5,000	

SUBTOTAL \$5,000

SALES TAX 0

TOTAL \$5,000



Proposal =

California Tree Solutions



Jose Perez
Regional Manager

Fully Licensed, Insured, &
Bonded For Your Protection

- * Removal
- * Pruning
- * Thinning
- * Brush Clearing
- * Planting
- * Stump Grinding
- * 24/hr Emergency Tree Service

California Tree Solu
CA Lic: #984697
Jose@californiatreesolutions
(669) 293-9515

California Tree Solutions
Complete Tree Care
Call For Your Free Consultation
(669) 293-9515

www.californiatreesolutions.com
CA Lic #984697

PROPOSAL SUBMITTED TO Scott		PHONE 408-8	www.californiatreesolutions.com CA Lic #984697
STREET 19688 vicksburg Dr		JOB NAME	-Residential -Commercial -Municipal
CITY, STATE and ZIP CODE Cupertino CA		JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

- Remove Podocarpus tree on back yard. Total \$700
- Remove stump. Total \$150

~~xxx~~ **Total \$800**

\$2500 Wang's family

*Monday 28th
Arrival time
12 noon time*

*paid \$1050.00
on 12/28/20.*

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

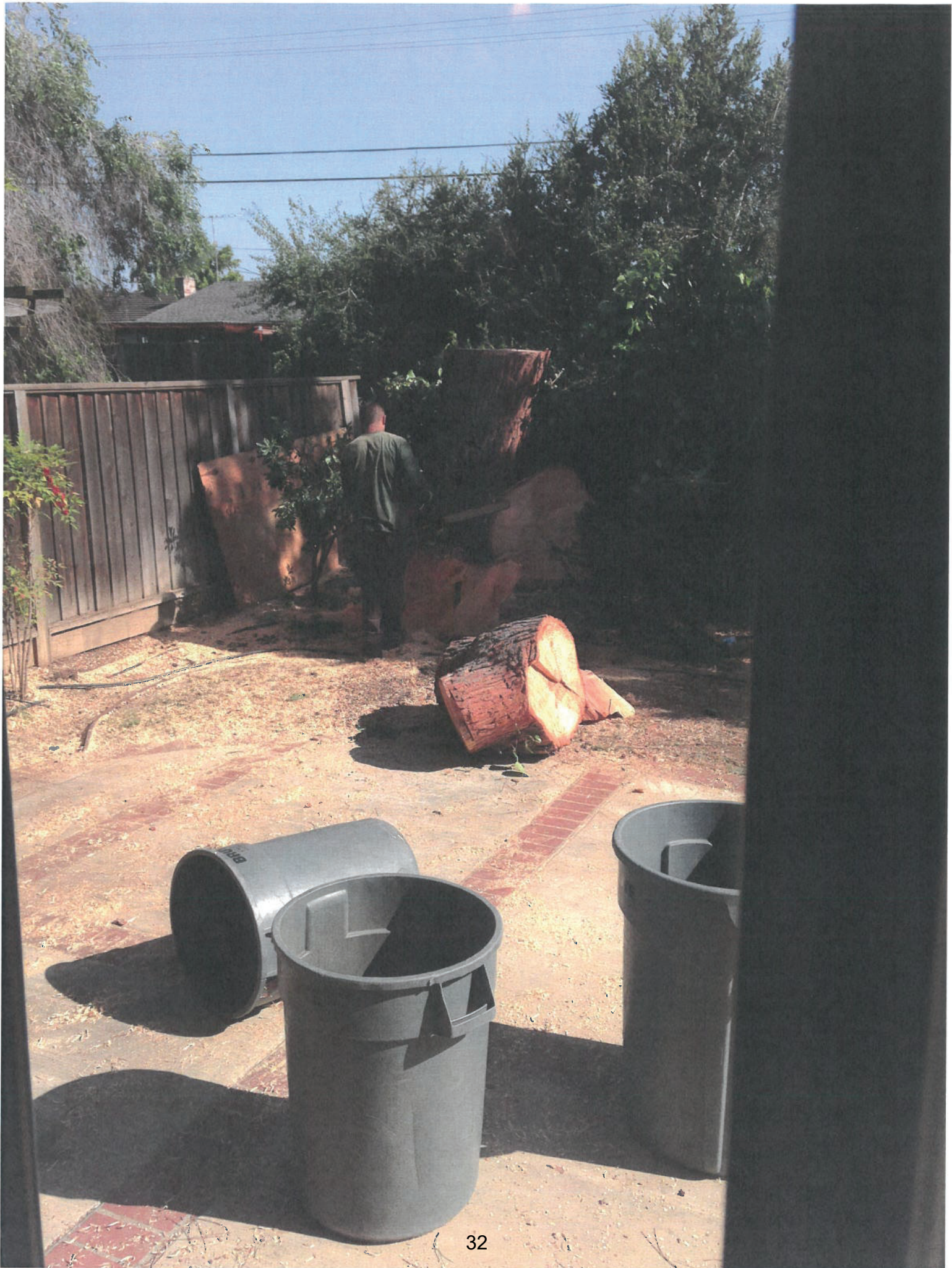
Payment to be made as follows: _____ dollars (\$ _____).

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

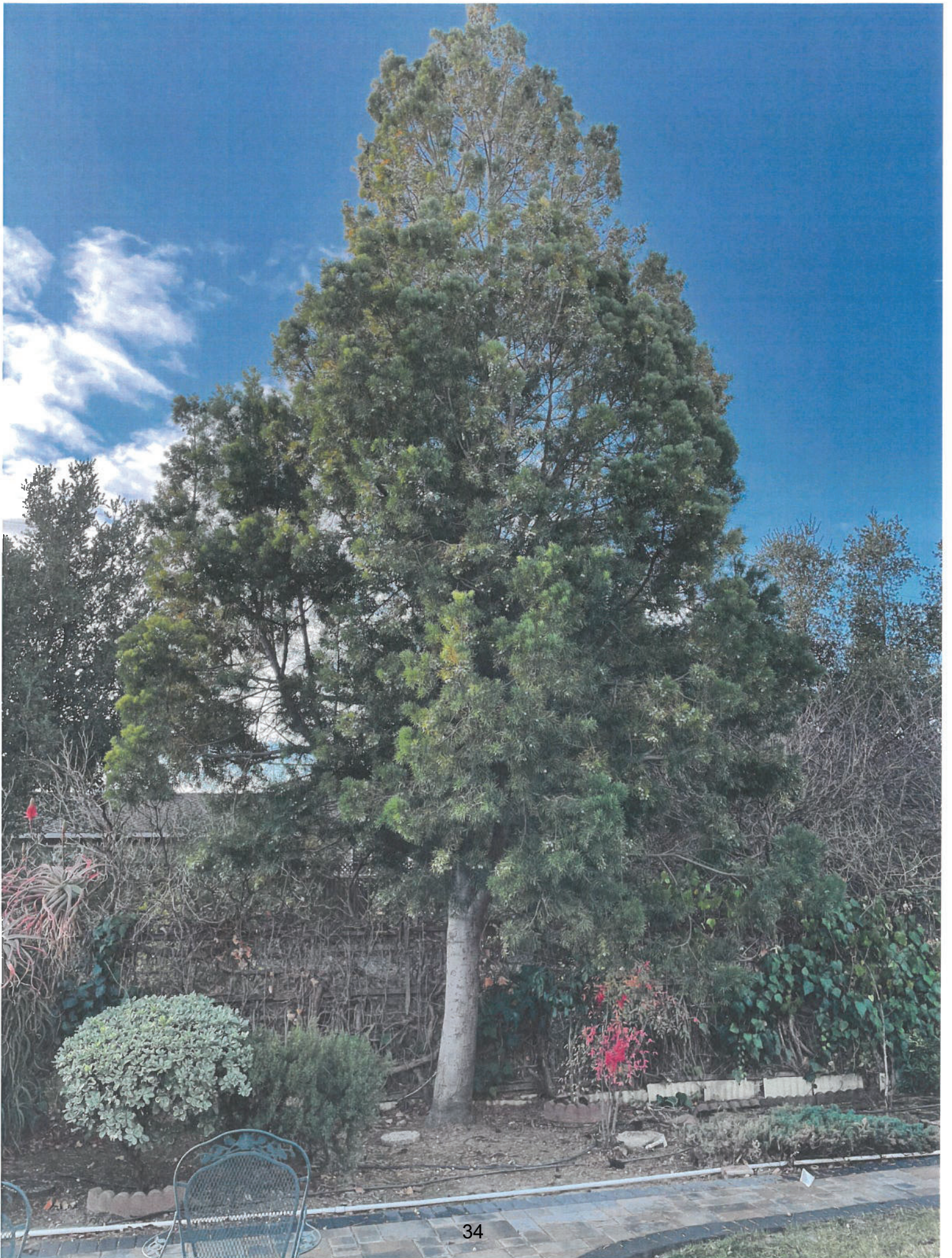
Authorized Signature _____
Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal—The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____ Signature _____











MEMORANDUM

FC 14 (08-21-19)

TO: Director Richard Santos

FROM: Jennifer Codianne, Deputy Watersheds O&M

SUBJECT: BMR-R-21-0007

DATE: 1/14/2022

Through BMR R-21-0007 Director Santos requested staff send communications to creek owners, including cities, County, school districts and private property owners to clarify a property owners' responsibilities for managing the portion(s) of the creek on their property. This response will be included in the January 21, 2022 Non-Agenda Packet.

A letter, or other form of communication, will be sent to property owners informing and reminding them that as a creekside property owner they have responsibilities to manage their lands. Staff intends to send this communication this summer in preparation for the winter storm season since property owners should not be encouraged to manage creek lands during this season's high flow events and salmonid migration season.

Enclosed are two fact sheets, that includes information, which will be included in the communication. The fact sheets describe stream maintenance responsibilities of both Valley Water and property owners and the beneficial aspects of large woody debris within creeks.

Additional information regarding creekside property management can be found here: <https://www.valleywater.org/learning-center/healthy-creeks-and-ecosystems/creekside-property-program>

The Office of Communications will prepare the notification package that will be sent out to agency and private property creekside landowners where Valley Water has no ownership.

Please contact Jennifer Codianne at extension 3876 with questions.

DocuSigned by:
A handwritten signature in black ink that reads "Jennifer Codianne".

Jennifer Codianne, Deputy Operating Officer
Watersheds Operations & Maintenance

Attachment 1: Property Management
Attachment 2: LWD Fact Sheet

cc: Board of Directors, M. Richardson, S. Tippets, D. Mody

Fact Sheet

Stream Maintenance



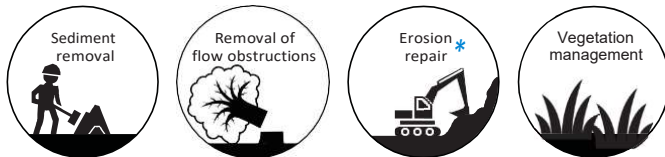
Stream Maintenance by Valley Water

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.

Maintenance activities for Capital Projects



* Erosion is a natural process; Valley Water is not obligated to keep a creek "in place". Rather, Valley Water is obligated (considering the availability of resources) to preserve the functional and structural integrity of flood protection projects built or accepted by Valley Water.

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.



Staff removing fallen trees blocking creek flow.

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 activities as a landowner



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.

Property owner's responsibilities for creek management



Site of completed erosion repair.

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

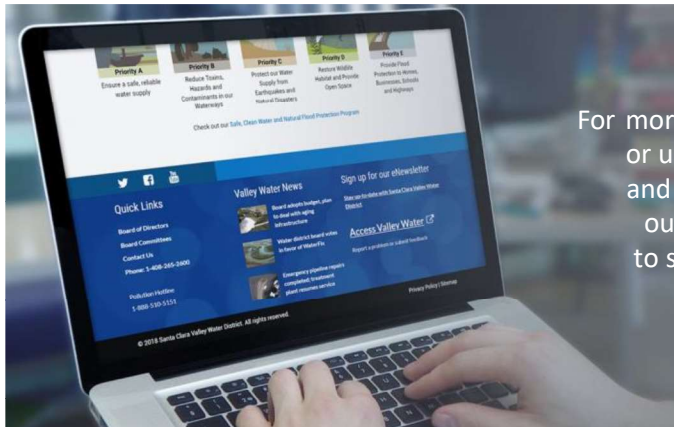
Stream stewardship activities that remove invasive plants along streams are conducted by Valley Water staff. This work may occur on Valley Water property and easements with permission from the property owner. Because it is important to eradicate invasive plants along a creek on a watershed and watershed 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.



Crews removing giant reed (*arundo donax*), an invasive plant, from creek.

See link for care guidelines:

<https://www.valleywater.org/learning-center/healthy-creeks-and-ecosystems/creekside-property-program>



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.



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FACT SHEET

Large Woody Debris



Example of Large Woody Debris.

Fallen Tree or 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.

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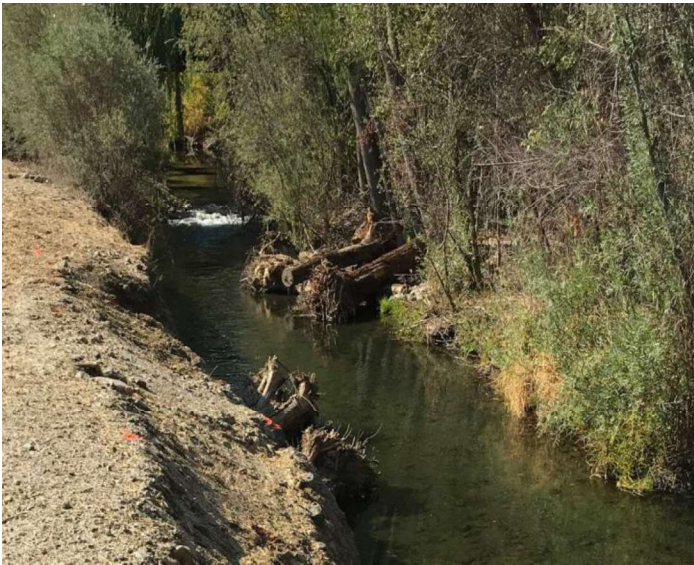
LWD during storm event.

How is Large Woody Debris Beneficial?

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.



Los Gatos Creek LWD.

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.

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.



Installed Large Woody Debris.

CONTACT US

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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