



May 18, 2018

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

via email

Re: Item 2.7* on the 5/22/18 agenda, Revised Encroachment Remediation Program

**Note: Item 2.7 was removed from the 052218 Agenda prior to the meeting.*

Dear Chair Santos and Santa Clara Valley Water District Directors,

The Santa Clara Valley Audubon Society, Sierra Club Loma Prieta Chapter, Committee for Green Foothills, Citizens Committee to Complete the Refuge, and California Native Plant Society, Santa Clara Valley Chapter write to provide comment on the proposed Encroachment Remediation Program. Together, our organizations represent thousands of members in Santa Clara Valley who care deeply about native habitats, especially riparian ecosystems. For years, increased human encroachment along creeks has continuously impacted riparian habitat, water quality, stream stability, and wildlife movement, and introduced invasive species that have spread to other sensitive ecosystems. Without intervention from the Water District and other local jurisdictions, we are concerned that these impacts to the environment may become irreversible.

In October 2016, we submitted a letter to the Board (attached) expressing concerns that the proposed Riparian Encroachment Policy would actually encourage encroachments into riparian corridors, violate the District's responsibility to the public, set a dangerous precedent, and create unequal treatment for encroaching landowners. While we understand that the Encroachment Remediation Program is a compromise that evolved out of the Riparian Encroachment Policy proposed in 2016, we maintain concerns that this program may be ineffective in addressing encroachment issues.

As an example, we are concerned with the ambiguity of Executive Limitation 6.7.9 as written. The phrase "...any such license or right-of-entry does not grant the right to construct any permanent improvement on District real property that is incompatible with


District purposes” is vague, and could result in conflicts between the District and property owners. Considering any permanent improvement on District property is not likely to be compatible with District purposes or goals of restoring native plant communities and enhancing the health of streams, we ask that you amend the Executive Limitation to prohibit any permanent improvement on District property.

Thank you for your time and consideration.

Sincerely,



Mackenzie Mossing
Environmental Advocacy Associate
Santa Clara Valley Audubon Society



Katja Irvin, Conservation Committee Co-Chair
Sierra Club Loma Prieta Chapter



Alice Kaufman
Legislative Advocacy Director
Committee for Green Foothills



Eileen McLaughlin, Board Member
Citizens Committee to Complete the Refuge



Linda Ruthruff
Conservation Chair
California Native Plant Society
Santa Clara Valley Chapter