

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

Chief Executive Officer Bulletin Week of May 18 - 24, 2018

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.

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San Francisquito Creek Bay - Highway 101 Project (Project) Update

The San Francisquito Creek Bay - Highway 101 Project (Project) is currently entering the third construction season. The plan has been to complete construction of this Safe, Clean Water flood protection Project by Winter 2018/19. However, the last season involves construction at the lowermost reach of the Project near the bay. This area is habitat to the federally protected California Ridgeway's Rail (Rail). Surveys to determine location of their nests were performed this Spring. Based on these locations, the US Fish and Wildlife Service (USFWS) mandates a 700-ft buffer zone around the nests to ensure that they are not disturbed until September 1. Given the location of the work to be performed this season and the fact that the district needs to complete the work by October 15 to protect steelhead trout, only six (6) weeks of construction time was allotted to perform a minimum of three (3) month's work. These constraints make it infeasible to complete construction of the Project this season and most likely any season given that very similar constraints would be in place any subsequent season.

District biologists and Joint Powers Authority staff worked diligently to come up with a proposed variance to allow work to begin sooner. They devised an approach that minimized noise impacts to the Rail through use of low impact construction equipment and proposed a phased construction approach to defer the impacts as late as possible in the season. This approach was submitted to USFWS in late April 2018. However, the Project soon ran into delays when the district was told that USFWS did not know which division was responsible for approval of the Project. They asked for a week to work out the issue internally.

In the meantime, the district obtained assistance from Representatives Speier and Eshoo to move this decision forward. The district also met with Dan Castleberry of USFWS at an Association of

California Water Agencies conference to solicit support for the district's proposal. In May 2018, the district received word that USFWS agreed to the district's approach and can begin to plan for construction this season. They also requested a very reasonable mitigation to allow for this deviation.

For further information, please contact Melanie Richardson at (408) 630-2035.

Keegan

Director Keegan requested that staff provide the Board with a report on the Conservation Corps Trail Security Plan.

R-18-0008

This is to request an extension for the requested response to the BMR R-18-0008 until June 20, 2018. The district contacted the California Conservation Corps to request information and is awaiting response.

For further information, please contact Melanie Richardson at (408) 630-2035.
