

# questions and answers

Calero/Fellows Dike public meeting July 24, 2006

On July 24, 2006, the Water District hosted a public meeting regarding Calero watershed issues and the Fellows Dike Study, which is designed to address a water supply problem at Calero Reservoir. The meeting addressed questions related to the project as well as the recent Water District and County Parks decision to not entertain a new lease for Calero Ranch Stables after 2010. There were some questions that were captured on comment cards, which the District is committed to answering. The responses below address questions asked in the comment cards and concerns raised at the meeting. We thank you for your patience while awaiting these responses.

Questions that were submitted after the conclusion of the meeting or received by mail are shown with a red asterisk (\*). Concerns and questions captured at the meeting are also listed under each subject heading.

## Calero Reservoir and Dam Background

Calero Dam was built in 1935 and is one of only two reservoirs, of the 10 in the county, that can pipe water directly to a drinking water treatment plant for delivery to homes and businesses. The reservoir stores water from Calero Creek, imported water from the Sacramento - San Joaquin Delta and from Almaden Reservoir. Calero Reservoir also provides a level of flood protection by holding back peak rain flows, offers opportunities for recreational activities and the water is released downstream for groundwater recharge at the percolation ponds.

## 1. Water supply and water level concerns

- **The stables and community programs are more beneficial than water supply.**
- **The District should consider turning Calero into a recreation only lake instead of a drinking water lake.**

**Response:** Calero Reservoir was funded by taxpayers to supply water for drinking. Recreation uses, though important, take a secondary role to the reservoir's primary role as a drinking water supply.

- **Are the peaks on the chart due to pumping and where does this water originate?**

**Response:** Like all of the District's reservoirs, Calero is used to capture and store winter runoff to recharge groundwater basins in the county. Calero is unique in that it is also used to help store water from the Almaden Reservoir watershed and it can accept imported water from the delta. Demands on water during the year and subsequent decisions to transfer water among reservoirs can affect levels in Calero Reservoir.

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## 1. Water supply and water level concerns

- Over the past 20 years, how many times has Calero Reservoir flooded or naturally spilled over?
- The loss in water storage (restriction) is incidental and rarely needed.

**Response:** Calero Reservoir has been full or near full in 13 out of 20 years prior to operating under the Division of Safety of Dams (DSOD) restriction. The 2,000 acre feet restriction (imposed in 1998) is 20 percent of the reservoir's capacity and enough water to supply 4,000 families of four for a year. The Water District operates the reservoir to minimize uncontrolled releases over the spillway, and to make maximum beneficial use of the stored resource. Water in the reservoir is sent to the water treatment plants, percolated into the ground-water basin or metered out carefully for habitat preservation for the fish and wildlife downstream.

## 2. Water contamination and 1,000' setback concerns

- The District has spent millions of dollars on a new ozone treatment plant. Can't the ozonation take care of any contaminants in the water?

**Response:** The Water District recently switched the treatment process at its Santa Teresa Water Treatment Plant to ozonation. The \$70 million project brings a higher level of treatment to our source water and will allow the drinking water to be treated to a higher standard with less chlorine taste. However, the dirtier the source water, the harder it is to treat and the more it costs to clean it. Allowing source water to carry a higher bacteriological count is not a viable option.

- ★ In 2010 we (Calero Ranch Stables) lose our lease at Calero, will you close us down prior to our lease ending?

**Response:** Only if the Stables operation incurs another water quality violation or violates terms of the current lease.

- ★ In terms of water quality, has it been considered how much Calero Ranch protects the District's land by keeping wildlife away? During the winter when horses were removed from pastures over 100 wild turkeys moved in.

- ★ Don't you think that water quality would be seriously compromised without a little protection and assistance from the Ranch?

- Calero has proved to handle water quality on our end of the reservoir. The return of the pigs, coyotes and wild turkey will effect water quality.

**Response:** Wildlife have access to virtually all area lands throughout the Calero Reservoir watershed. As such they do impact Calero Creek and Calero Reservoir. However, regular District sampling has shown their impact to be minimal as compared with fecal coliform levels from the concentrated horse operations at the stables.

- Since we have met the water quality requirements why do you need to enforce the 1,000' setback?
- If we are able to keep the contaminant numbers low would you consider letting the stables stay?
- ★ What are the chances of the stables remaining on site with modifications to appease health services (or those imposing mandates)?

**Response:** Water District Policy states that "the District shall provide healthy, clean, and reliable water supply that meets or exceeds all applicable water quality regulatory standards," and the District, "shall not allow corporate assets to be unprotected, inadequately maintained, or unnecessarily risked."

The stables have met the minimum requirements for satisfying the water quality Notice of Violation issued by the Regional Water Quality Control Board. They did so by implementing a contingency plan. However, the District has made it clear that this contingency is not acceptable as a long term fix. It does not eliminate the threat of high quantities of horse manure reaching the drinking water reservoir, and it does not adequately protect the District property and facilities from flooding in the long term. As such, the contingency is only being allowed through the end of the lease in 2010.

## 2. (cont'd)

### Water contamination and 1,000' setback concerns

#### \* Is the 1,000' setback rule a requirement, law, recommendation or an option?

**Response:** The 1,000' setback is a state Department of Health Services (DHS) guideline which the Water District chooses to enforce. The guideline was drafted in 2000 and is expected to be adopted as a regulation in the future. This DHS guideline gives acceptable buffers, measurement levels and activity definition that support protection of drinking water reservoirs from contaminating activities. This is considered the minimum protection measures needed to allow recreational activities within the watershed of a drinking water reservoir.

#### \* It appears that the District has already written off the stable based on the 2001 new requirement regulations. If we are successful in getting Federal approval of a variance would the District preserve the levee?

**Response:** A variance to allow a stable operation within 1,000' of the high water line would not address the existing water quality problem. In the Water District's continuing efforts to protect drinking water supplies and be responsible to our rate payers, the District has no plans to continue the frequent and costly testing requirements mandated by the state because of the proximity of a stable operation. The fate of the levee does not affect the water quality principles which have led to the decision not to negotiate a new lease.

#### • Isn't gas a worse contaminant than horse manure? Why is boating acceptable?

**Response:** Gasoline products are not found to be major pollutants of our reservoir drinking water supplies. Over the years the District has taken proactive measures to monitor and control any potential negative impacts that recreational boating may have on the water quality at all District reservoirs including Calero Reservoir. The Water District was one of the driving forces behind the elimination of MTBE from our gasoline supplies, specifically because of its potential to contaminate bodies of water. Since beginning monitoring for gasoline components in its reservoirs in 1994, the District has only detected it once. That one detection was at a level 1750 times lower than the maximum level allowed by the DHS. In addition to the monitoring, the District (in conjunction with County Parks) has set limits on the daily number of watercraft on Calero to control pollution, as well as to promote boater safety.

#### \* Is this a safety issue? Or an issue that you want to claim the land anyway so this is an easier solution?

**Response:** This is a safety issue in terms of keeping the community's water supply safe from contamination. Repeated violations of allowable bacteria levels could jeopardize both the District's permit to use the water for drinking purposes and the public's ability to use the watershed for recreational purposes.

The Water District already owns the land immediately surrounding Calero Reservoir. The land is leased to County Parks which maintains a concession agreement with Calero Stables.

## 3. Calero Ranch lease concerns

#### • How can a new stables area be funded?

**Response:** Parks' position is that if a master plan identifies the development of an equestrian facility, such as at Grant Ranch or Coyote Lake/Bear Ranch, we will pursue that as capital funding becomes available or when a partner/concessionaire makes a proposal to fund the development of such a facility in consideration as part of a lease agreement. County Parks would welcome the development of such a scenario.

County Parks works in cooperation with the Water District for recreational use of the District lands under a master reservoir lease agreement. The lease allows for recreation use of District lands as long as the recreational use is compatible with the primary mission of Water District, that is to ensure a reliable, safe and clean drinking water supply in compliance with state rules and guidelines.

### 3. Cont'd

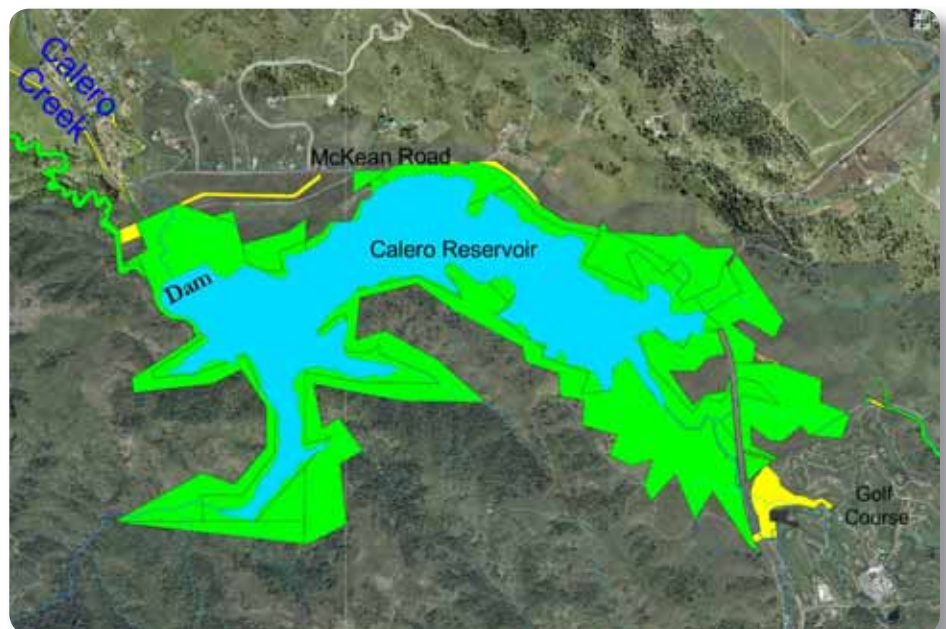
#### Calero Ranch lease concerns

- ★ **It is unfair to require Calero to move. Calero Stables has history with the Bailey House. If the rule of 1,000 foot was recommended in 2001, we (Calero Stables) should be exempt. The only solution is to fix the dike.**
- **Has the District looked at other locations for stables? The district needs to fix the dike and let the stables stay open.**
- ★ **Why should Calero Stables have to move, because of your mistake of not fixing it (the dike) then (back in 1998)?**
- **There are 1,000 people and kids that use the stables. There is community involvement, summer camps, lessons and programs. We have generations of kids coming to the stables and we teach them everything about horses.**
- **Doesn't seem to be an interest by the District and Parks to help the stables find a new location. You've already written us off.**
- ★ **What can we do as citizens of Santa Clara County to impact the decision?**
- ★ **What do we need to do to make you understand the importance to our "community" this stable is on and for our community**
- ★ **How is the District and County Parks working together on this decision making?**

**Response:** Equestrian use of County Park land is an important element of the recreational opportunities provided throughout the 45,000 acre County Park system. Every master plan prepared by Parks considers equestrian use and, where appropriate and environmentally benign, equestrian facilities are considered. The most recent master plan completed was the Coyote Lake Harvey Bear Ranch County Park which identifies an equestrian facility. Due to funding and staff resource constraints, the Parks Department depends on partnerships with concessionaires, such as Calero Ranch Stables, to develop and operate such facilities. County Parks administers more than 30 commercial and non-profit leases which typically require capital investment and most times development of the facilities by the lessee as part of the lease.

**The Water District and County Parks are aware of the deep ties to the existing stable operations and would like to suggest a forum be developed with the equestrian community and hope that common ground can be found. We would like to suggest that we work together and try to develop alternatives which addresses the needs of those involved.**

Some have asked, "What can we do as citizens of Santa Clara County to impact the decision?" We suggest you work with County Parks adopted master plans and the proposed forum between the three parties. County Parks and the Water District can work together on answering your questions and identifying actions which can be helpful to address the concerns of the equestrian community. Calero Ranch Stables will be contacted in the near future to be included in such a forum.



*Water District owned lands are shown in green and easements are in yellow.*

### 3. Cont'd Calero Ranch lease concerns

★ **Who ultimately makes the decision to keep or remove the stables?**

**Response:** The decision to not entertain a new lease for a horse stables at the current site of the Calero Ranch Stables was made at a joint meeting between the Water District, County Parks and the Calero Ranch stables on Jan. 25, 2006. At that meeting, the District and County Parks made it clear that a horse stables operation was neither compatible with Department of Health Services Guidelines nor the District policies. It was, therefore, agreed by County Parks and the District that a new lease for the horse stables beyond Nov. 1, 2010 will not be entertained.

### 4. Fellows Dike Study concerns

- **Why is the District embarking on a study of Fellows Dike? Is this an excuse to remove the stables?**
- **Since the expense is so high why can't it just be left status quo? How long has the dike needed repair?**

**Response:** In January of 1998, during an inspection of Calero Dam, the CA Division of Safety of Dams (DSOD) inspected Fellows Dike and determined that the dike is under State jurisdiction as an operational dam. During the inspection, the DSOD indicated that the dike was in poor condition and requested that no water be stored against it. To meet this requirement, the reservoir is being kept at a lower level that corresponds to a 2,000 acre/foot reduction in capacity.

A study has been initiated to explore the alternatives to lift the storage restriction. The DSOD has indicated that the dike cannot be left status quo because the dike is not certified due to the existing conditions. In addition, District Policies require the District to sustain and maintain the existing water supply infrastructures.

★ **What is the timeline of the decision on repair or breach to increase capacity?**

**Response:** Increasing storage capacity is not a goal of the Fellows Dike Study. The study goal is to recapture the 2,000 acre/feet capacity. Following the recent July 24, 2006 meeting, the District will be conducting engineering and environmental studies such as testing the soils for possible hazardous materials. The data will be used to determine costs for each alternative to solve the study objective. This information will be presented to the community at the next Fellows Dike public meeting in early 2007. Ultimately, the final assessments will be presented to the Water District's Board of Directors for consideration and selection in approximately mid-2008.

★ **Will cost be determining factor in your decision?**

★ **How long will you take to make final assessments for monetary cost of the four proposed dike alternatives?**

- **Regarding the alternatives; do you recapture the storage for 2000 acre feet of water? If you repair the dike can you use the full capacity of the reservoir?**

**Response:** Cost will be one of the determining factors in selecting a preferred alternative. Other factors such as environmental and community benefits/impacts will also be considered.

A public agency such as the Water District must follow an open public process for planning and implementation of project work (unless in an emergency situation). The District's Act and the California Environmental Quality Act require the District to present the engineering and environmental findings to the Board of Directors through a public input process, prior to making a decision on projects. Public input will be sought from the community, neighbors, regulatory agencies and other identified stakeholders such as recreational groups, environmental groups, rate payers, water retailers, State/Federal resource agencies and the County.

The project objective is to regain the storage capacity lost due to DSOD's restriction. The timeline is uncertain at this point in the study but a decision is estimated to be made sometime in 2008. At a minimum, three additional public meetings are planned prior to the decision. The stables lease will expire and will not be renewed regardless of the cost comparisons of the four Fellows Dike alternatives.

Although the four study alternatives differ, all alternatives restore the full storage capacity of the reservoir.

(cont')

#### 4. Fellows Dike Study concerns

- If the rule of 1,000' setback was recommended in 2001, we (Calero Stables) should be exempt. The only solution is to fix the dike.
- If you paid to fix the dike in 1998 when you first noticed that it was damaged, it would have been a lot cheaper then. Why should Calero Stables have to move, because of the District's mistake of not fixing it then.
- You keep saying the lease & the Fellows Dike study are two different things, what's the difference?

**Response:** The Fellows Dike Study and the decision to not entertain a new Calero Ranch Stables lease after 2010 are completely independent of each other.

- The decision to allow the stable lease to expire is due to the Water District's mission to protect water supply and water quality (DHS guidelines were established in 2000.)
- The Fellows Dike Project and alternative assessments are to resolve the problem of an asset which is in poor condition. The project is being undertaken to resolve the 2,000 acre/feet storage restriction due to the poor condition of the levee.
- A public agency such as the Water District must follow procedures for planning and implementation of project work. The District is required to present engineering and environmental findings to its Board of Directors, which then makes a decision. There will be public outreach before the board makes a decision.

Regardless of what happens with the dike, the Water District and County Parks have determined that the horse stables operation is not compatible with the DHS Guidelines nor District policies to protect drinking water and District property and thus a new lease beyond 2010 will not be entertained.



*Aerial view of Calero Reservoir looking south over McKean Road*