



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
October 1 - 7, 2010

DATE: October 8, 2010

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Jack Lazar, CEO and Vice President of Corporate Development for Atheros Communications, Inc., dated September 14, 2010, expressing gratitude for the City's teamwork in expediting their relocation to San José.
- (b) Letter from Senator Diane Feinstein to Mayor Reed dated September 22, 2010, providing notification of recent developments at the Federal Emergency Management Agency (FEMA) regarding transition into a new Flood Insurance Rate Map (FIRM).
- (c) Letter from Donald J. Borut, Executive Director of National League of Cities to Mayor Reed, dated September 28, 2010, congratulating the City of San José for winning the 2010 City Livability Award in the Honorable Mention category for populations of 100,000 and more.
- (d) Email from Peter D. Martin Jr., State Water Resources Control Board received October 1, 2010, transmitting the Executive Officer corrections to the Basin Plan amendment for the Napa River sediment TMDL.
- (e) Letter from the Coyote Creek Neighborhood Association to Mayor Reed dated October 1, 2010 regarding cooperative efforts between the City of San José's Anti-Graffiti & Litter Task Force and the Coyote Creek Neighborhood Association volunteers.
- (f) Notification of Application by San José Water Company for a Rate Increase and Request for Public Comments in Application No. 10-09-019 – Montevina Water Treatment Plant received October 6, 2010.
- (g) Email from Santa Clara County Cities Association (SCCCA) Executive Director Raania Mohsen dated October 7, 2010 submitting the CSC and Board of Directors Meeting Agendas for October 14, 2010.
- (h) Letter from David Wall to Mayor Reed and City Council dated October 7, 2010 regarding "The Ghetto Life: Update on the SCEP".
- (i) Letter from David Wall to Mayor Reed and City Council dated October 7, 2010 regarding "Consortium for Police Leadership in Equity (CPLE) use of SJPd staff, send in the Auditor!".

Honorable Mayor and City Council Members
October 8, 2010
Subject: The Public Record: October 1-7, 2010
Page 2 of 2

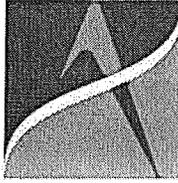


Lee Price, MMC
City Clerk

LP/rmk

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PUBLIC RECORD a

ATHEROS®

September 14, 2010

Ms. Nancy Klein, Mr. Don Burrus, Mr. Edward Tolentino, and Mr. Frank Kong
City of San Jose
Redevelopment Agency, Building Department, Fire Department
200 East Santa Clara Street
Tower, First Floor
San Jose, CA 95113-1905

Re: Atheros Communications, Inc. San Jose Headquarters Build-out

Mr. Tolentino, Ms. Klein, Mr. Burrus, and Mr. Kong,
Atheros Communications, Inc. would like to extend its sincerest gratitude for your outstanding efforts in expediting and streamlining the plan check, permitting, and inspection scheduling process for the construction of our headquarters tenant improvements. We were able to move-in on time and it was due in large part to our teams working together and each of us holding-up our respective ends of the bargain. Thank you for helping to ease the transition from our prior location. We are certainly happy to be in San Jose.

Kind regards,
Atheros Communications, Inc.

Jack Lazar
Chief Financial Officer
Vice President, Corporate Development

cc: David Torre, Atheros
Diane Smith, PMA

United States Senate
WASHINGTON, DC 20510-0504
<http://feinstein.senate.gov>

September 22, 2010

2010 OCT -5 A 11:49

The Honorable Chuck Reed
Mayor
200 E Santa Clara St, Floor 18
San Jose, California 95113

Dear Mayor Reed:

I write to make you aware of recent developments at the Federal Emergency Management Agency (FEMA) which may help you and your constituents quickly transition into a new Flood Insurance Rate Map (FIRM).

As you are likely aware, FEMA is in the process of reviewing and revising flood maps across the country to ensure that Americans who live in flood plains are properly protected. Throughout this process I have heard from a number of communities who are frustrated about the poor communication and lack of information coming out of the Agency.

In response to these concerns, FEMA will begin allowing communities to appeal Flood Insurance Rate Map determinations to independent Scientific Resolution Panels beginning in November 2011. These panels will be comprised of five independent experts who will review the facts of the case and make determinations within 120 days. While these Panels will not re-review previously adjudicated appeals, I wanted to make you aware of this option should you feel your community's concerns are not being addressed in future dealings with the Agency.

Parameters for the Flood Mapping Scientific Resolution Panel



FEMA

The Administrator of Federal Emergency Management Agency (FEMA) is making available an independent scientific body (hereafter referred to as the Scientific Resolution Panel) that can be convened when deemed necessary by FEMA or a joint agreement of FEMA and a community appellant. The Scientific Review Panel will review and resolve conflicting data related to proposed Base Flood Elevations (BFEs) as provided for in the National Flood Insurance Act, as amended by (42 USC 4104(e); 44 CFR Part 67.8).

National Flood Insurance Program (NFIP) participating communities are strongly urged to collaborate with FEMA throughout the study of their flood hazards, providing available data, models, and other scientific information that would enhance the final Flood Insurance Rate Map and avoid appeals. When such appeals are necessary, community consultation is the preferred method of resolution. Such consultation allows for collaborative evaluation and discussion of the conflicting data between FEMA and the appellant and usually facilitates a mutually acceptable resolution. On occasions when community consultation cannot produce a mutually acceptable resolution, the Panel will be made available. The Panel will be made up of experts on hydrology, hydraulics, and other pertinent sciences, as they apply to the development of Base Flood Elevations (BFEs) for FEMA flood studies.

Basis of Appeal:

- A community must submit an appeal to FEMA during the regulatory 90 day appeal period.
- The regulations require appeal submissions to include technical or scientific data. The appeal documentation must include alternative BFEs which, through the use of "alternative methods or applications result in more correct estimates of base flood elevations, thus demonstrating that FEMA's estimates are incorrect" (44 CFR Part 67).

Utilization of the Panel:

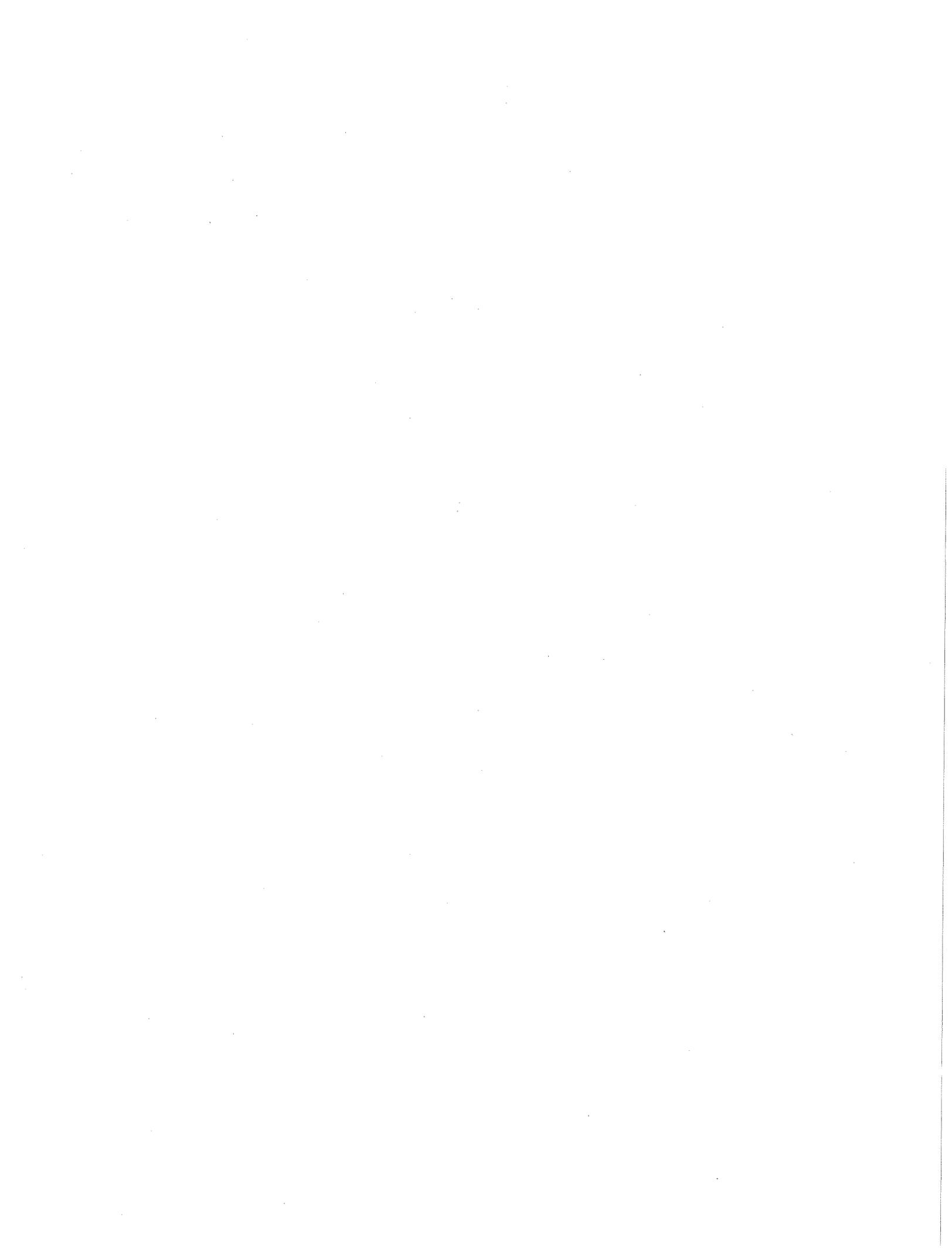
- After at least 60 days of community consultation on a submitted appeal have elapsed, the appellant community can elect to bring their appeal to the Panel. A community, whether working on its own behalf or that of interested parties, must serve as the official appellant.
- The appellant community must elect to bring their appeal to the Panel no later than 120 days after the submission of the appeal to FEMA.
- In instances where a good faith consultation between FEMA and the appellant exceeds the 120-day aforementioned deadline and does not result in a final resolution, FEMA may choose to submit the appeal to the Panel for resolution.
- FEMA will make initial determinations whether the submission includes sufficient information to qualify as a valid appeal pursuant to 44 CFR Part 67 or is simply a statement of protest.

Decisions of the Panel

- The Panel's determination will become the recommendation to the Administrator for appeal resolution; the Panel's determination will not be subject to further staff review within FEMA.
- Subject to final review and approval by the Administrator, FEMA will incorporate Panel findings and determinations into revised preliminary Flood Insurance Rate Maps and Flood Insurance Studies, as applicable per Regulation.
- When changes in the FIRMs are required, FEMA will make a revised Preliminary FIRM available to the community for review prior to issuing the Letter of Final Determination.
- The appellant will be encouraged to accept the determination of the Panel. If the appellant is not satisfied, the appellant may appeal to the appropriate United States District Court, pursuant to 44 CFR 67.12.

Implementation

- This process will be available to all community appellants beginning on November 1, 2010.
- In instances where an appeal is currently in the consultation phase, but which has not had a Final Determination issued, that community appellant will have until January 15, 2011, to request their appeal be brought to the Panel for disposition. FEMA will have the authority to offer the Panel resolution process to other existing appellants as it determines.



To strengthen
and promote
cities as centers
of opportunity,
leadership, and
governance.



National League of Cities

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PUBLIC RECORD ^C

RECEIVED
San Jose City Clerk

2010 OCT -6 A 11:38

September 28, 2010

Honorable Chuck Reed
Mayor
City of San Jose
200 E. San Jose
San Jose, CA 95113-1903

Dear Mayor Reed:

The National League of Cities (NLC) is pleased to congratulate the City of San Jose for winning the 2010 City Livability Award in the Honorable Mention category for populations of 100,000 and more! On behalf of NLC's officers and member cities, I am delighted to hear that the U.S. Conference of Mayors and Waste Management, Inc., have recognized your city for its successes.

NLC is committed to strengthening and promoting cities as centers of opportunity, leadership, and governance. Winning the award demonstrates a strong commitment to improving the quality of life in the City of San Jose.

I am continually impressed with the dedication and commitment that efforts such as this require. Please extend my congratulations to all who have participated in earning the City Livability Awards.

Very truly yours,

Donald J. Borut
Executive Director

cc: Christopher K. McKenzie, Executive Director, League of California Cities

Past Presidents: John DeStefano, Jr., Mayor, New Haven, Connecticut • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania Directors: Ulysses Z. Addison, Jr., Councilmember, Baton Rouge, Louisiana • David Baker, Mayor, Kenmore, Washington • Geoffrey C. Beckwith, Executive Director, Massachusetts Municipal Association • H. Margaret Bales, Commissioner, Lauderdale, Florida • Charles A. Bianco, Alderman, New Haven, Connecticut • William G. "Bill" Brooks, Mayor, Belle Isle, Florida • Kenneth A. Bullock, Executive Director, Utah League of Cities and Towns • Jim Byard, Jr., Mayor, Prichville, Alabama • Gary W. Campbell, City Director/Vice Mayor, Fort Smith, Arkansas • Shari Capelhart, Councilmember, Arlington, Texas • Nancy G. Carter, Council Member, Charlotte, North Carolina • Brad Cole, Mayor, Carbondale, Illinois • Sandra Calhoun-Roy, Council Member, Minneapolis, Minnesota • John F. Cook, Mayor, El Paso, Texas • Mikita C. Crump, Council President, Newark, New Jersey • Joe Davis, Sr., Alderman, Milwaukee, Wisconsin • Gretchen Driskell, Mayor, Seleno, Michigan • Larry G. Frang, Executive Director, Illinois Municipal League • Don Furlado, Councilmember, Campbell, California • John A. Gannar, Jr., Executive Director, Pennsylvania League of Cities and Municipalities • Paul M. Gresham, Councilmember, Centerville, Ohio • Miriam Halz, Executive Director, Municipal Association of South Carolina • Roy Hankins, Council Member, Trolwood, Ohio • Terry B. Henderson, Mayor Pro Tem, La Quinta, California • Edna Branch Jackson, Mayor Pro Tem/Alderman at-Large, Savannah, Georgia • Dennis Kavanaugh, Councilmember, Mesa, Arizona • Greg Lemke, Council Member, Moorhead, Minnesota • George Lewis, Executive Director, Mississippi Municipal League • Myron Lowery, Council Member, Memphis, Tennessee • Michael McCauley, Executive Director, League of Oregon Cities • James F. Miller, Executive Director, League of Minnesota Cities • Mark Mitchell, Councilmember, Tempe, Arizona • Garret L. Nancolas, Mayor, Caldwell, Idaho • Ron Nalinsky, Councilmember, Dallas, Texas • Laura W. Padgett, Councilmember, Wilmington, North Carolina • Randall W. B. Purvis, Council Member, Colorado Springs, Colorado • Ed P. Reyes, Councilmember, Los Angeles, California • Gene Schukler, Alderman, Chicago, Illinois • John Sping, Mayor, Quincy, Illinois • Sharyn T. Tallman, Councilor, Parkersburg, West Virginia

RECEIVED
San Jose City Clerk

From: lyris@swrcb18.waterboards.ca.gov [mailto:lyris@swrcb18.waterboards.ca.gov]
Sent: Friday, October 01, 2010 4:56 PM
To: Price, Lee
Subject: Napa River Sediment TMDL: Responses to comments and Executive Officer corrections to the Basin Plan amendment

2010 OCT -6 P 2:54

Greetings,

Attached find the Executive Officer corrections to the Basin Plan amendment for the Napa River sediment TMDL. Also, please note that responses to all comments received during the public review period can be downloaded at:

http://www.waterboards.ca.gov/water_issues/programs/tmdl/index.shtml#rb2

The above described documents pertain to an upcoming hearing on Tuesday, October 5 at the State Water Resources Control Board, when this Basin Plan amendment will be considered for adoption.

The San Francisco Bay Regional Water Quality Control Board has indicated that you are interested in this issue, which is agenda Item Number 6, in meeting taking place at the State Water Resources Control Board on Tuesday in Sacramento. The hearing begins at 9 AM.

The San Francisco Regional Board adopted the TMDL on September 9, 2009 under resolution No. R2-2009-0064 and it is now up for approval at the State Board. If you have any questions regarding this email, please feel free to contact me at any time. Thank you for your interest.

Peter D. Martin Jr.
Environmental Scientist
Planning Standards and Implementation Unit
State Water Resources Control Board
(916) 341-5557

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or send a blank email to leave-108394-246749.0d9cb1fbb153e6577a2d256eee905a61@swrcb18.waterboards.ca.gov



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

TO: Vicky Whitney, Chief
Division of Water Quality
State Water Resources Control Board

Digitally signed by Bruce Wolfe
Date: 2010.09.30 17:52:59 -07'00'

FROM: Bruce H. Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board

DATE: 30 September 2010

SUBJECT: NON-SUBSTANTIVE CORRECTIONS TO THE BASIN PLAN
AMENDMENT FOR THE NAPA RIVER SEDIMENT TMDL – PROPOSED
BASIN PLAN AMENDMENT AND STAFF REPORT, ADOPTED BY WATER
BOARD RESOLUTION NO. R2-2009-0064

On September 9, 2009, the San Francisco Bay Regional Water Quality Control Board adopted Resolution No. R2-2009-0064, amending its Basin Plan to establish sediment water quality objectives for the Napa River and its tributaries, and incorporating a total maximum daily load (TMDL) and implementation plan to reduce human-caused fine sediment delivery to the Napa River and its tributaries. State Board staff requested four minor non-substantive changes to clarify the proposed Basin Plan amendment. Therefore I am making the following changes to the Basin Plan amendment as listed below (deletions are shown in ~~strike-through~~ and additions in underline):

On Page 7 of the Basin Plan amendment, the following change was made to clarify the date by which the TMDL is expected to be achieved:

IMPLEMENTATION PLAN

The actions described below, including the processes by which sediment and runoff control practices are proposed and implemented, are necessary to achieve TMDL targets and allocations and habitat enhancement goals by September 2029.

On Page 9 of the Basin Plan amendment, the following change was made to clarify that in these cases responsible parties would still be expected to comply with the TMDL:

Minimization of Potential Impacts to Sensitive Natural Communities

In order to minimize potential impacts to sensitive natural communities that may not be fully protected through County regulations, Basin Plan amendment compliance actions will not be ~~required or~~ approved beyond the development footprint authorized by local

California Environmental Protection Agency

land-use authorities in any of the following sensitive natural communities within the Napa River watershed:

- Redwood forest
- Ponderosa Pine alliance
- Tanbark Oak alliance
- Oregon white oak woodland
- Mixed serpentine chaparral
- Wet meadow grasses NFD super alliance.

On pages 10, 11, 12, and 13 of the Basin Plan amendment, the following footnote was added to provide guidance regarding the method by which achievement of the road sediment delivery performance standard can be evaluated:

Roads: Road-related sediment delivery to channels \leq 500 cubic yards per mile per 20-year period^a

^a Methods for estimating rates of sediment delivery to channels are described in general terms in "Upslope Erosion Inventory and Erosion Control Guidance" Weaver et al. (2006).

On page 20 of the Basin Plan amendment, where adaptive implementation is described, we made the following addition to confirm that information regarding the age distribution of spawning salmonids is useful to collect:

A similar monitoring program is needed to evaluate the population status of the Chinook salmon in the Napa River watershed. Such a program might include the following elements: 1) adult spawning run-size, age, and genetic structure; 2) smolt production; and 3) egg survival from spawning to emergence (emergence trapping). During the past two years, the Napa County Resource Conservation District has conducted surveys to estimate the number of adult salmon returning to spawn.

I have attached a revised version of the entire Basin Plan amendment for your convenience. If you have any questions, please contact me at (510) 622-2314 or bwolfe@waterboards.ca.gov or Jim Ponton at (510) 622-2492, jponton@waterboards.ca.gov.

Thank you for your attention to this matter.

cc: Peter Martin, DWQ
Paul Hann, DWQ

The following text will be inserted into Chapter 7, Water Quality Attainment Strategies including Total Maximum Daily Loads (TMDLs).

Napa River Sediment Reduction and Habitat Enhancement Plan

The goals of the Napa River Sediment Reduction and Habitat Enhancement Plan (Plan) are to:

- Conserve the steelhead trout population
- Establish a self-sustaining Chinook salmon population
- Enhance the overall health of the native fish community
- Enhance the aesthetic and recreational values of the river and its tributaries

To achieve these goals, specific actions are needed to:

- Attain and maintain suitable gravel quality and diverse streambed topography in freshwater reaches of Napa River and its tributaries
- Protect and/or enhance base flows in tributaries and the mainstem of the Napa River
- Reduce the number and significance of human-made structures in channels that block or impede fish passage
- Maintain and/or decrease summer water temperatures in tributaries to the Napa River

The following sections establish:

1. A sediment total maximum daily load (TMDL) defining the allowable amount of sediment that can be discharged into the Napa River, expressed as a percentage of the natural background sediment delivery rate to channels
2. An implementation plan to achieve the TMDL and related habitat enhancement goals

Problem Statement

Steelhead and salmon populations in the Napa River and its tributaries have declined substantially since the late 1940s. Results of recent analyses of fisheries and sediment sources indicate that:

1. **Spawning and juvenile rearing habitat for salmon and steelhead are adversely affected by high concentrations of fine sediment (primarily sand) deposited in the bed of the Napa River and its tributaries.**

Successful reproduction by salmon and steelhead depends on adequate flow through streambed gravels (permeability) in order for eggs to hatch and larvae to grow. As the concentration of fine sediment (primarily sand) in the streambed increases, permeability decreases, which in turn increases egg and larval mortality, and ultimately causes a decrease in the number of young fish that emerge from the streambed. Similarly, as the concentration of sand in the streambed increases, the frequency and extent of streambed scour is intensified, further increasing mortality between spawning and emergence by washing eggs and/or larvae out of the bed during common high flow events.

Even small increases in the concentration of fine sediment in the streambed may degrade the quality of rearing habitat for juvenile steelhead and salmon. Young steelhead need open spaces between clusters of large cobbles and boulders in order to escape high flows and predation during the winter. Similarly, as the concentration of fine sediment in the streambed increases, growth and survival of juvenile steelhead and salmon decreases as a consequence of lower biomass of aquatic insect prey species, and increasing activity level, aggressive behavior, and attacks between juvenile salmon and steelhead as they compete for food.

- 2. Channel incision has greatly reduced the quantity and quality of spawning and rearing habitat for Chinook salmon in Napa River watershed. Habitat losses as a result of incision exert a significant negative influence on freshwater growth and survival of juvenile salmon, and therefore, on the number of Chinook salmon that ultimately return to spawn.**

Channel incision, the progressive lowering over time of streambed elevation as a result of net erosion, has lowered the streambed of the mainstem of the Napa River by more than two meters since the start of the current episode of incision, which began sometime after 1965. As a result, habitat is being degraded. The channel has become isolated from its flood plain and there has been a large reduction in the size and frequency of riffles, gravel bars, side channels, and sloughs. These habitats provide essential spawning and juvenile rearing habitat for Chinook salmon. Human activities that have contributed to channel incision in the River, including (but not necessarily limited to) levee building, development projects that have increased peak runoff during storms, construction of large tributary dams, straightening of some mainstem channel reaches, filling of side channels, historical gravel mining, dredging to reduce flood risk, and intensive removal of large woody debris.

- 3. Low flows and stressful water temperatures during the spring and dry season, and fish migration barriers exert a significant negative influence on the number (and fitness) of juvenile steelhead that migrate to the ocean from the watershed, and as such, on the number of adults that successfully return to spawn.**

Drifting aquatic insects produced in riffles often are the primary source of food for juvenile steelhead. Low or no flow over riffles during the spring and dry season greatly reduces this food source. An association between low and/or negative growth rates in juvenile steelhead and poor baseflow persistence was documented in the summer and fall of 2001 in Napa River watershed. Summer water temperatures in tributaries also are often stressful to juvenile steelhead, likely contributing to poor growth rates that were documented. If low growth rates in summer are not mitigated by high rates of growth during other times of the year, significant reductions in survival rates during all subsequent life stages may result.

Poor access to and from potential spawning and rearing habitat due to man-made structures built in channels (e.g., dams, road crossings, weirs, etc.) and human water uses have reduced the size of the steelhead run in the Napa River watershed. For

example, approximately 30 percent of the land area in the Napa River watershed drains into over 400 on-channel reservoirs.

Due to excess erosion and sedimentation in the Napa River watershed, the narrative water quality objectives for sediment and settleable material are not being met, and cold freshwater habitat, wildlife habitat, fish spawning, recreation, and preservation of rare and endangered species beneficial uses are impaired. In addition, channel incision has reduced the quantity of gravel bars, riffles, side channels, and sloughs, which threatens Chinook salmon and other fish and aquatic wildlife species. Channel incision is a controllable water quality factor that is contributing to a violation of the narrative water quality objective for population and community ecology.

Numeric Targets

Meeting the numeric targets listed in Table 1 will allow water quality in the Napa River and its tributaries to achieve the Basin Plan's narrative water quality objectives for sediment, settleable material, and population and community ecology.

Table 1. TMDL sediment targets for the Napa River and its Tributaries

Spawning gravel permeability	Median value ≥ 7000 cm/hr ^a
Streambed scour	Mean depth of scour ≤ 15 cm ^b
<p>^a Target applies to all potential spawning sites for steelhead and salmon in the Napa River and its tributaries, excluding those upstream of municipal water supply reservoirs.</p> <p>^b Target applies to the response of the streambed to peak flows less than the bankfull event at all potential spawning sites for salmon in gravel-bedded reaches of: 1) mainstem Napa River; and 2) alluvial reaches of tributaries where streambed slope is between 0.001 and 0.02. Potential spawning sites can be identified based on the following: 1) dominant substrate size in the streambed surface layer is between 8 and 128 mm; 2) minimum surface area of gravel deposit is 0.2 square meters in tributaries and 1.0 square meter in mainstem Napa River; or 3) located within mainstem Napa River at a riffle head, pool tail, and/or pool margin or in tributary reaches where streambed slope < 0.03, or in tributary reaches where streambed slope > 0.03 in pool tails, backwater pools, and/or in gravel deposits associated with flow obstructions (e.g., woody debris, boulders, banks, etc.).</p>	

Sources

Field inventories conducted throughout the watershed provide credible estimates of the rates and sizes of sediment delivered to Napa River watershed channels between 1994 and 2004. Based on this work, and application of channel and reservoir mapping, the Water Board concludes that:

1. More than half of fine sediment delivered to Napa River during the 1994–2004 period is associated with land use activities, including roads, human-caused channel incision, vineyards, intensive historical livestock grazing, and urban stormwater runoff.
2. In addition to its prominence in the sediment budget, channel incision is the primary agent for isolation of the channel from its flood plain and a reduction in the quantity and frequency of spawning and rearing habitat for salmon and steelhead in Napa River and the lower reaches of its tributaries.
3. Channel sediment loads vary greatly depending upon nature of underlying bedrock or sediment deposits, land use activities, and the location of dams.
4. Thirty percent of the watershed drains into reservoirs constructed in tributary channels. These reservoirs capture all of the gravel and sand, and most of the finer sediment input to upstream channels. Nonetheless, anthropogenic activities, downstream of dams, are contributing enough sediment such that the fine sediment load is substantially elevated in the Napa River downstream of the reservoirs.

Mean annual sediment delivery rate to channels is estimated to have been 272,000 metric tons per year during the period from 1994 to 2004, which when considered in relation to the land area draining into the Napa River at Soda Creek (e.g., 584 km²), equals 466 metric tons per km² per year (Table 2). The natural background rate of sediment delivery during this period, absent dams and human-caused erosion is estimated to have been 252 metric tons per km² per year, which is calculated from Table 2 as follows:

$$\begin{array}{l} 48,000 \text{ metric tons/year--sediment deposited in tributary reservoirs} \\ 7,000 \text{ metric tons/year--sediment discharged through dams on tributaries} \\ 92,000 \text{ metric tons/year--input to channels downstream of reservoirs} \\ 147,000 \text{ metric tons/year} \\ \\ 147,000 \text{ metric tons}/584 \text{ km}^2\text{--land area draining to Napa R. at Soda Creek} \\ =252 \text{ metric tons}/\text{km}^2\text{/year} \end{array}$$

Therefore total sediment load in the Napa River at Soda Creek is estimated to have been 185 percent of natural background (e.g., $466/252 = 185\%$) during 1994-2004. Table 2 breaks down the sediment sources to the Napa River, with annual average rate calculated at Soda Creek over the 10-year study period.

Table 2. Mean Annual Sediment Delivery to Napa River at Soda Creek (1994-2004)

Source	Estimated Mean Annual Delivery Rate (metric tons/yr)
Land areas upstream of dams (fine sediment discharged from reservoirs)	
▪ Natural Processes	7,000
▪ Human Actions	11,000
Land areas downstream of dams	
▪ Natural Processes:	92,000
▪ Human Actions:	
○ Channel incision and associated bank erosion	37,000
○ Road-related sediment delivery (all processes)	55,000
○ Surface erosion associated with vineyards and/or livestock grazing	37,000
○ Gullies and shallow landslides associated with vineyards, and/or intensive historical grazing	30,000
○ Urban stormwater runoff and wastewater discharges	2,500
TOTAL	272,000
Notes: Drainage area for Napa River at Soda Creek = 584 km ² . Estimates above do not include sediment deposited and retained in tributary reservoirs, which includes all gravel and sand, and most of the finer sediment input to channels located upstream of the reservoirs. Approximately 104,000 metric tons per year of sediment are deposited in tributary reservoirs, 48,000 metric tons per year of which is derived from natural processes (Above estimates are rounded to the nearest thousand).	

Total Maximum Daily Load and Allocations

The Napa River sediment TMDL is established at 185,000 metric tons per year, which is approximately 125 percent of natural background load (based on sediment load estimates from the 1994-2004 period) calculated at Soda Creek. Natural background load depends upon natural processes, and varies significantly. Therefore, the TMDL and allocations are expressed both in terms of sediment mass and percent of natural background. The percentage based TMDL, 125% of natural background, applies throughout the watershed. In order to achieve the TMDL, controllable sediment delivery resulting from human actions needs to be reduced by approximately 50 percent from current proportion of the total load (Tables 3a and 3b). TMDL attainment will be evaluated at the confluence of Napa River with Soda Creek, which approximates the downstream boundary of freshwater habitat for salmon and steelhead. Attainment of the TMDL will be evaluated over a 5-to-10-year averaging period.

Because dams trap almost all upstream sediment inputs to channels, natural sediment input to channels downstream of dams equals only 62 percent of the total natural background load (e.g., amount that would have been input to Napa River absent dams and human caused erosion). Almost 50 percent of the TMDL can be allocated to human-caused sources. The TMDL equal to

125 percent of natural background load, can be achieved if human-related sources are reduced to the level of the allocations shown in Tables 3a and 3b).

Table 3a. Load Allocations

Source category	Load during 1994-2004		Estimated reductions needed (percentage)	Load allocations	
	Metric tons/year	Percentage of Natural Background		Metric tons/year	Percentage of Natural Background
Land areas upstream of dams					
▪ Natural processes	7,000	4.8	0	7,000	4.8
▪ Human actions	11,000	7.5	51	5,000	3.6
Land areas downstream of dams					
▪ Natural processes	92,000	63	0	92,000	63
▪ Human actions:					
○ Channel incision and associated bank erosion	37,000	25	51	18,000	12
○ Roads	55,000	38	51	27,000	18
○ Surface erosion associated with vineyards and grazing	37,000	25	51	18,000	12
○ Gullies and shallow landslides associated with vineyards, and/or intensive historical grazing	30,000	20	51	15,000	10
TOTAL	269,000			182,000	123
Note: Above estimates for loads, percent reductions, and allocations are rounded to two significant figures					

Table 3b. Wasteload Allocations for Urban Runoff and Wastewater Discharges

Point Source Category	Current Load		Reductions needed (percentage)	Wasteload Allocations	
	Metric tons/year	Percentage of Natural Background		Metric tons/year	Percent of Natural Background
Construction Stormwater-NPDES Permit No. CAS000002	500	0.3	0	500	0.3
Municipal Stormwater NPDES Permit No. CAS000004	800	0.5	0	800	0.5
Industrial Stormwater NPDES Permit No. CAS000001	500	0.3	0	500	0.3
Caltrans Stormwater-NPDES Permit No. CAS000003	600	0.4	0	600	0.4
Wastewater Treatment Plant Discharges^a					
City of St. Helena NPDES Permit No. CA0038016	30	<0.1	0	30	<0.1
Town of Yountville/CA Veteran's Home NPDES Permit No. CA0038121	30	<0.1	0	30	<0.1
City of Calistoga NPDES Permit No. CA0037966	40	<0.1	0	40	<0.1
TOTAL	2500	2		2500	2
<p>a. For wastewater treatment plant discharges, compliance with existing permit effluent limit of 30 mg/L of TSS is consistent with these wasteload allocations Note: Above estimates for loads, percent reductions, and allocations are rounded to two significant figures</p>					

IMPLEMENTATION PLAN

The actions described below, including the processes by which sediment and runoff control practices are proposed and implemented, are necessary to achieve TMDL targets and allocations and habitat enhancement goals by September 2029. In addition, actions specified in this plan are expected to enhance steelhead run size and facilitate establishment of a self-sustaining Chinook salmon run.

Regulatory Tools

The only point sources of sediment identified in Tables 2 and 3b are those associated with urban stormwater runoff (e.g., municipal stormwater, runoff from State highways, and industrial and construction discharges) and wastewater treatment plants, which are regulated by NPDES permits. Table 4.0 shows implementation measures required of these sources.

The state's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program requires regulation of nonpoint source discharges using the Water Board's administrative permitting authorities, including waste discharge requirements (WDRs), waiver of WDRs, Basin Plan Discharge Prohibitions, or some combination of these. Consistent with this policy, Tables 4.1 – 4.4 specify actions and performance standards by nonpoint source category, as needed to achieve TMDL sediment targets and allocations in Napa River watershed. The Water Board will consider adopting conditions for waiving WDRs that apply to the nonpoint sources (vineyards, grazing, roads, etc.) listed in Tables 4.1 – 4.4, address all pollutants of concern, protect all beneficial uses, and balance the agricultural, environmental, recreational, and residential needs of the watershed.

Table 4.0 TMDL Implementation Measures for Sediment Discharges Associated with Urban Stormwater Runoff and Wastewater Discharges

Source Category	Actions	Implementing Parties
Urban stormwater runoff and wastewater discharges	Comply with applicable NPDES permits	Napa County, City of Napa, Town of Yountville, City of St. Helena, City of Calistoga, City of American Canyon, State of California, Department of Transportation, California Veterans' Home, owners or operators of industrial facilities and construction projects > 1 acre

Problems associated with channel incision, related rapid bank erosion, and loss of essential habitat features, reflect and integrate multiple historical and ongoing disturbances, some of which are local and direct, and others that are indirect and distal. Effectively addressing these issues will require cooperative and coordinated actions by multiple landowners, working with public agencies, over significant distances along the river. The most effective means of controlling channel incision and reducing related fine sediment delivery to the river is a channel restoration program that re-establishes width-to-depth ratios and sinuosity values conducive to formation of alternate bars and a modest flood plain. The Water Board will work with stakeholders along the Napa River, through local stewardship groups, to implement such channel restoration/habitat enhancement projects. Tables 5.1 to 5.4 (Recommended Measures to Protect or Enhance Habitat), specify actions to address adverse impacts of channel incision on salmon habitat quantity and quality, and to accomplish habitat enhancement goals for flow, temperature, and fish passage for steelhead and salmon.

Individual landowners or coalitions may work with "third parties" to develop and implement sediment pollutant control programs. With regard to achievement of actions to protect or enhance baseflow, fish passage, habitat complexity, and stream temperature, the effectiveness of the recommended actions specified in Tables 5.1 through 5.4, will be evaluated as part of the adaptive implementation program.

Minimization of Potential Impacts to Sensitive Natural Communities

In order to minimize potential impacts to sensitive natural communities that may not be fully protected through County regulations, Basin Plan amendment compliance actions will not be ~~required~~ or approved beyond the development footprint authorized by local land-use authorities in any of the following sensitive natural communities within the Napa River watershed:

- Redwood forest
- Ponderosa Pine alliance
- Tanbark Oak alliance
- Oregon white oak woodland
- Mixed serpentine chaparral
- Wet meadow grasses NFD super alliance.

Locations for these sensitive natural communities and/or land-cover types in the Napa River watershed can be determined by review of the *Vegetation Map of Napa County, California* (Thorne et al., 2004; <http://cain.ice.ucdavis.edu/regional/napavegmap/>), the Baseline Data Report (Chapter 4, Jones & Stokes, 2005) and/or the *California Natural Diversity Database* (<http://www.dfg.ca.gov/biogeodata/cnddb/>).

Table 4.1 Required and Trackable TMDL Implementation Measures for Sediment Discharges Associated with Vineyards¹

Land Use Category	Performance Standards	Actions	Implementing Parties	Completion Dates
Vineyards	<p>Surface Erosion associated with vineyards: Control excessive rates of sediment delivery to channels resulting from vineyard surface erosion⁵, and</p> <p>Roads: Road-related sediment delivery to channels \leq 500 cubic yards per mile per 20-year period⁶; and</p> <p>Gullies and/or shallow landslides: Accelerate natural recovery and prevent human-caused increases in sediment delivery from unstable areas; and</p> <p>Effectively attenuate significant increases in storm runoff, so that the runoff from vineyards shall not cause or contribute to downstream increases in rates of bank or bed erosion.</p>	<p>Submit a Report of Waste Discharge² (RoWD) to the Water Board that provides, at a minimum, the following: a description of the vineyard; identification of site-specific erosion control measures needed to achieve performance standard(s) specified in this table; and a schedule for implementation of identified erosion control measures.</p> <p>Or</p> <p>Develop and begin implementing a farm plan certified under Fish Friendly Farming Environmental Certification Program or other farm plan certification program, approved as part of a waiver of WDRs. All dischargers applying for coverage under a waiver of WDRs also will be required to file a notice of intent (NOI) for coverage, and to comply with all conditions of the WDR waiver.⁴</p>	Vineyard owner and/or operator	October 2014
		Comply with applicable waste discharge requirements (WDRs) or waiver of WDRs.	Vineyard owner and/or operator	As specified in applicable WDRs or waiver of WDRs
		Report progress on implementation of site specific erosion control measures. ³	Vineyard owner and/or operator	As specified in applicable WDRs or waiver of WDRs

¹To achieve TMDL allocations and consistent with the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (State Board, 2004).

²Or compliance with applicable conditional waivers of WDRs that may be adopted by the Water Board.

³Reports may be submitted individually or jointly through a recognized third party.

⁴Additional conditions may be required under a General WDR and/or waiver program consistent with the Policy for Implementation and Enforcement of the Nonpoint Source Control Program (State Board 2004), and/or as needed to avoid potentially significant environmental impacts.

⁵Napa County Conservation Regulations (County Code, Chapter 18.108) are effective in the control of excessive rates of sediment delivery resulting from vineyard surface erosion. Rates of sediment delivery are "excessive" when the predicted soil loss rate exceeds the tolerable soil loss rate (T), calculations as described in "The Universal Soil Loss Equation, Special Applications for Napa County, California" (USDA, 1994).

⁶Methods for estimating rates of sediment delivery to channels are described in general terms in "Upslope Erosion Inventory and Erosion Control Guidance" Weaver et al. (2006).

Table 4.2 Required TMDL Implementation Measures for Sediment Discharges Associated with Grazing¹

Land Use Category	Performance Standards	Actions	Implementing Parties	Completion Dates
Grazing	<p>Surface erosion associated with livestock grazing: Attain or exceed minimal residual dry matter values consistent with University of California Division of Agriculture and Natural Resources Guidelines⁴; and</p> <p>Roads: Road-related sediment delivery to channels ≤ 500 cubic yards per mile per 20-year period⁵; and</p> <p>Gullies and/or shallow landslides: Gullies and/or shallow landslides: Accelerate natural recovery and prevent human-caused increases in sediment delivery from unstable areas.</p>	<p>Submit a Report of Waste Discharge² to the Water Board that provides, at a minimum, the following: description of the property; identification of site-specific erosion control measures to achieve performance standard(s) specified in this table; and a schedule for implementation of identified erosion control measures.</p>	Landowner and/or ranch operator	October 2014
		Comply with applicable waste discharge requirements (WDRs) or waiver of WDRs.	Landowner and/or ranch operator	As specified in applicable WDRs or waiver of WDRs
		Report progress on implementation of site specific erosion control measures. ³	Landowner and/or ranch operator	As specified in applicable WDRs or waiver of WDRs

¹To achieve TMDL allocations and consistent with the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (State Board, 2004).

²Or compliance with applicable conditional waivers of WDRs that may be adopted by the Water Board.

³These reports may be prepared individually or jointly or through a recognized third party.

⁴University of California 2002, California guidelines for residual dry matter (RDM) management on coastal and foothill annual rangelands. Rangeland Monitoring Series Publication 8092.

⁵Methods for estimating rates of sediment delivery to channels are described in general terms in "Upslope Erosion Inventory and Erosion Control Guidance" Weaver et al. (2006).

Table 4.3 Required TMDL Implementation Measures for Sediment Discharges Associated with Rural Lands^{1,3}

Land Use Category	Performance Standards	Actions	Implementing Parties	Completion Dates
Rural Lands	<p>Roads: Road-related sediment delivery to channels \leq 500 cubic yards per mile per 20-year period^a, and</p> <p>Gullies and/or shallow landslides: Accelerate natural recovery and prevent human-caused increases in sediment delivery from unstable areas.</p>	<p>Submit a Report of Waste Discharge² to the Water Board that provides, at a minimum, the following: description of the property; identification of site-specific erosion control measures to achieve performance standard(s) specified in this table; and a schedule for implementation of identified erosion control measures.</p>	Landowners	October 2014
		Comply with applicable Waste Discharge Requirements (WDRs) or waiver of WDRs.	Landowners	As specified in applicable WDRs or waiver of WDRs
		Report progress on implementation of site specific erosion control measures. ⁴	Landowners	As specified in applicable WDRs or waiver of WDRs

¹To achieve TMDL allocations and consistent with the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (State Board, 2004).
²Or compliance with applicable conditional waivers of WDRs that may be adopted by the Water Board.
³Rural lands, per Napa County definition include: non-farmed and non-grazing portions of parcels >10-ac that contain one or more residences and/or a winery; vacant residential parcels >10-acres; and/or portions of 10-acre or larger parcels with secondary vineyard, orchard, and/or grazing
⁴These reports may be prepared individually or jointly or through a recognized third party.
^aMethods for estimating rates of sediment delivery to channels are described in general terms in "Upslope Erosion Inventory and Erosion Control Guidance" Weaver et al. (2006).

Table 4.4 Required TMDL Implementation Measures for Sediment Discharges associated with Parks and Open Space, and/or Municipal Public Works¹

Landowner Type	Performance Standards	Actions	Implementing Parties	Completion Dates
PARKS AND OPEN SPACE AND PUBLIC WORKS	<p>Roads: Road-related sediment delivery to channels \leq 500 cubic yards per mile per 20-year period^{2,3}, and</p> <p>Gullies and/or shallow landslides: Accelerate natural recovery and prevent human-caused increases in sediment delivery from unstable areas.</p>	<p>Submit a Report of Waste Discharge² to Water Board that provides, at a minimum, the following: description of the road network and/or segments; identification of erosion and sediment control measures to achieve performance standard(s) specified in this table; and a schedule for implementation of identified control measures. For paved roads, erosion and sediment control actions could primarily focus on road crossings to meet the performance standard.</p> <p>Adopt and implement best management practices for maintenance of unimproved (dirt/gravel) roads, and conduct a survey of stream-crossings associated with paved public roadways, and develop a prioritized implementation plan for repair and/or replacement of high priority crossings/culverts to reduce road-related erosion and protect stream-riparian habitat conditions.</p>	<p>Napa County Stormwater Management Program</p> <p>State of California, Department of Parks and Recreation</p> <p>State of California, Department of Transportation</p>	<p>October 2014</p>
		<p>Comply with applicable Waste Discharge Requirements (WDRs) or waiver of WDRs.</p>	<p>Landowners</p>	<p>As specified in applicable WDRs or waiver of WDRs, and/or the SWMP</p>
		<p>Report progress on development and implementation of best management practices to control road-related erosion.³</p>	<p>Landowners</p>	<p>As specified in applicable WDRs or waiver of WDRs, and/or SWMP</p>

¹To achieve TMDL allocations and consistent with the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (State Board, 2004).

²Or compliance with applicable conditional waivers of WDRs that may be adopted by the Water Board.

³These reports may be prepared individually or jointly or through a recognized third party.

⁴Methods for estimating rates of sediment delivery to channels are described in general terms in "Upslope Erosion Inventory and Erosion Control Guidance" Weaver et al. (2006).

Table 5.1 Recommended Actions to Reduce Sediment Load and Enhance Habitat Complexity in Napa River and its Tributaries

Stressor	Management Objective(s)	Actions	Implementing Parties	Completion Dates and Notes
<p>Habitat degradation as a result of mainstem Napa River and lower reaches of its larger tributaries incising.</p>	<p>Reduce rates of sediment delivery (associated with incision and accelerated bank erosion) to channels, by 50 percent.</p> <p>Enhance channel habitat as needed to support self-sustaining run of Chinook salmon and enhance the overall health of the native fish community.</p>	<p>1.1. Develop and implement plans to enhance stream-riparian habitat conditions, and reduce fine sediment supply in mainstem Napa River and lower tributary reaches.</p>	<p>Landowners and/or designated agents, and reach-based stewardships</p>	<p>Comply with conditions of Clean Water Act Section 401 certifications (implementation of Rutherford Project completed by fall 2017, other projects by 2027)</p>
<p>Habitat degradation as a result of reduction in large woody debris in stream channels.</p>	<p>Enhance quality of rearing habitat for juvenile salmonids.</p>	<p>1.2. Develop and implement performance standards for protection of ecologically significant large woody debris in stream channels.</p>	<p>Napa County Stormwater Management Program and State Department of Parks and Recreation</p>	<p>Performance standards will be developed by Fall 2010, and implemented by Fall 2011</p>

Table 5.2 Recommended actions to protect or enhance baseflow

Stressor	Management Objective	Action(s)	Implementing Parties	Schedule/Notes
Low flows during dry season	Maintain suitable conditions for juvenile rearing, and smolt migration to Napa River estuary.	2.1. Local, State, and federal agencies to participate in a cooperative partnership to develop a plan for joint resolution of water supply reliability and fisheries conservation concerns.	Local municipalities working with Water Board, State Water Board (Division of Water Rights), National Oceanic and Atmospheric Administration Fisheries Service (NOAA), and California Department Fish and Game (DFG)	Adopt plan by Fall 2012
		2.2. Install and maintain dial-up water-level gage programs and implement public education program in 10 key tributaries for steelhead.	Local public agencies	Accomplish by Spring 2012
		2.3. Develop water-level guidelines to support juvenile salmonid rearing and migration.	Local public agencies	Adopt guidelines by Spring 2012
		2.4. Conduct water rights compliance survey to protect fish and water rights.	State Water Board(Division of Water Rights)	Schedule per consultation with National Oceanic and Atmospheric Administration Fisheries Service (NOAA), California Department Fish and Game (DFG), and Water Board

Table 5.3 Recommended Actions to Restore to Fish Passage

Stressor	Management Objective(s)	Action(s)	Implementing Parties	Schedule/Notes
Structures in channels that block or impede fish migration (note: flow-related barriers are addressed above)	No significant structural impediments to salmonid migration in mainstem or in 10 key tributaries for steelhead (including but not limited to the following): Dry, Milliken, Redwood, Sulphur, and York. Designation of remaining tributaries will be determined in consultation with Napa County RCD, CDFG, NOAA Fisheries, and USEPA.	3.1. Enhance conditions for adult and juvenile salmon and juvenile steelhead passage at Zinfandel Lane.	Local public agencies and landowners	Project completed by Fall 2012
		3.2. Restore passage for adult and juvenile steelhead to-and-from York Creek upstream of Upper Dam.	City of St. Helena	Schedule to be determined based on consultation with NOAA, and DFG
		3.3. Identify and develop a plan-to-remedy all significant structural impediments to salmonid migration in ten key steelhead tributaries (including York).	Local public agencies and landowners	Complete comprehensive fish passage surveys in 10 key tributaries by Fall 2012. Schedule for barrier remediation to be determined based on consultation with NOAA and DFG

Table 5.4 Recommended Actions to Protect and/or Enhance Stream Temperature

Stressor	Management Objective(s)	Action(s)	Implementing Parties	Schedule/Notes
Stressful summer water temperatures in tributaries	Protect and/or enhance baseflow.	4.1. As described in Table 5.2	As indicated in Table 5.2	As described in Table 5.2
	Enhance amount of ecologically significant large woody debris in channels.	4.2. As described in Table 5.1	As indicated in Table 5.1	As described in Table 5.1
	Enhance potential shade along riparian corridors.	4.3. Implement management actions to accelerate recovery of native riparian tree species.	As indicated in Tables 4.1 to 4.4.	As described in Tables 4.1 to 4.4.

Agricultural Water Quality Control Program Costs

Implementation measures for grazing lands and vineyards constitute an agricultural water quality control program and therefore, consistent with California Water Code requirements (Section 13141), the cost of this program is estimated herein. This cost estimate includes the cost of implementing all actions to reduce sediment discharges and enhance habitat complexity as specified in the implementation plan, and is based on costs associated with technical assistance and evaluation, project design, and implementation of actions needed to achieve the TMDL. In estimating costs, the Water Board has assumed that owners of agricultural businesses (e.g., grape growers and ranchers), within the unincorporated area, own 75 percent of total land area on hillside parcels, and 95 percent of the land along Napa River and lower reaches of its tributaries. Based on these assumptions, we estimate total cost for program implementation for agricultural sources could be \$1.9-to-3.4 million per year throughout the 20-year implementation period. More than two-thirds of these potential costs are associated with reducing sediment discharges and enhancing habitat conditions (to address channel incision) in Napa River. Considering potential benefits to the public in terms of ecosystem functions, aesthetics, recreation, and water quality, it is anticipated that at least 75 percent of the cost of these actions will be paid for with public funds. Therefore, the total cost to agricultural businesses associated with efforts to reduce sediment supply and enhance habitat in Napa River is \$800,000 to \$1.7 million per year.

Evaluation and Monitoring

Three types of monitoring are specified to assess progress toward achievement of numeric targets and load allocations for sediment:

- 1) Implementation monitoring to document that required sediment control and habitat enhancement actions are implemented
- 2) Upslope effectiveness monitoring to evaluate effectiveness of sediment control actions in reducing rates of sediment delivery to channels
- 3) In-channel effectiveness monitoring (e.g., spawning gravel permeability and redd scour) to evaluate channel response to management actions and natural processes

Implementation monitoring will be conducted by landowners or designated agents. The purpose of this type of monitoring is to document that sediment control and/or habitat enhancement actions specified herein actually occur.

The Water Board will conduct upslope effectiveness monitoring to evaluate sediment delivery to channels from land use activities and natural processes. The first update will occur on or before the fall of 2017, when sediment delivery associated with land use activities should be reduced by 25 percent or more. A subsequent update may occur, assuming the numeric targets for sediment are not already achieved, on or before the fall of 2022, when sediment supply associated with land use activities should be reduced by 37 percent or more.

In-channel effectiveness monitoring should be conducted by local government agencies with scientific expertise and demonstrated capability in working effectively with private property owners (to gain permissions for access), as needed to develop a representative sample of stream

habitat conditions, in relation to sediment supply and transport within the watershed. In addition, the Water Board will conduct in-channel effectiveness monitoring as part of the Surface Water Ambient Monitoring Program. In-channel effectiveness monitoring needs to include measurements of redd scour and spawning gravel permeability to evaluate attainment of water quality objectives for sediment, settleable material, and population and community ecology. To establish a high level of statistical confidence in estimated values, spawning gravel permeability will need to be measured at 150 or more potential spawning sites located in ten-or-more tributaries, and 50 or more potential spawning sites in the mainstem of the Napa River. Redd scour will need to be measured in the mainstem Napa River at approximately 30 or more potential spawning sites, with 4 or more scour measurements per spawning site. Desired frequency for measurement of permeability and redd scour is once every two to three years. At a minimum, repeat surveys will be conducted once every five years.

In addition to the above described monitoring program to evaluate attainment of numeric targets for sediment, the Water Board will monitor turbidity and residual pool volume. Monitoring will be conducted in a subset of the channel reaches where spawning gravel permeability and/or redd scour are measured. Stream temperature and baseflow persistence will be monitored as part of the Surface Water Ambient Monitoring Program.

Adaptive Implementation

In concert with the monitoring program, described above, the Napa River Sediment Reduction and Habitat Enhancement Plan and TMDL will be regularly updated. Results of in-progress or anticipated studies that enhance understanding of the population status of steelhead trout and Chinook salmon in Napa River watershed, and/or factors controlling those populations, may also trigger changes to the plan and TMDL. At a minimum, data in response to the following questions will be considered to guide research and monitoring efforts and focus each subsequent update of the TMDL.

Key Questions to be considered in the course of Adaptive Implementation:

1. What is the population status of steelhead and salmon in the watershed?

An improved understanding of the status of steelhead and salmon populations in the Napa River watershed is essential for guiding adaptive updates to the management actions recognized in this plan.

Two types of monitoring data may be needed to evaluate the population status of steelhead in the Napa River watershed: 1) "smolt" production and sizes, and 2) adult spawning run-size. Smolt refers to the life stage when juvenile salmon and trout migrate from freshwater to the ocean. Estimates of smolt production and sizes, and inter-annual variation in these parameters, can provide a strong basis for evaluating population status of ocean migrating species of trout and salmon, and influence of freshwater rearing habitat conditions on number of adults that successfully return to spawn. At least five years of monitoring (trapping) of ocean migrating smolts are needed to evaluate current steelhead population status. In addition to smolt trapping, three or more years of monitoring data are needed to estimate the number of adult

steelhead returning to spawn. This information, when combined with estimates of smolt production and sizes, would provide a basis for assessing the influences of ocean and freshwater habitat on steelhead run-size, for validating smolt production estimates and predictions regarding ocean survival, and ultimately for evaluating the status of the steelhead population in the watershed.

A similar monitoring program is needed to evaluate the population status of the Chinook salmon in the Napa River watershed. Such a program might include the following elements: 1) adult spawning run-size, age, and genetic structure; 2) smolt production; and 3) egg survival from spawning to emergence (emergence trapping). During the past two years, the Napa County Resource Conservation District has conducted surveys to estimate the number of adult salmon returning to spawn. These surveys should continue for at least three more years, both to estimate the number of spawners and inter-annual variations, and to collect fin clips, as needed to evaluate origins of the spawning adults (e.g., returning adults or strays from hatcheries or other streams). The hypothesis that Chinook salmon experience very high rates of mortality during all freshwater life stages in the Napa River watershed, could be confirmed or rejected through direct monitoring of egg survival to emergence (emergence trapping), fry survival and growth, and smolt trapping.

2. What are expected benefits of various actions to enhance habitat for steelhead and salmon?

For steelhead, the results of in-progress studies of juvenile growth and survival will enhance understanding of the significance of dry season base flow and temperature as potential limiters on steelhead run-size. Other information needed to refine the understanding of primary constraints on steelhead population size includes the following: a) comprehensive fish passage evaluations in all key tributaries that provide potential habitat for steelhead; b) dry season water-level monitoring in the same tributaries conducted over two-or-more consecutive years; and c) field surveys to evaluate winter rearing habitat quantity and quality. Given the above sources of information, it may be possible to accurately predict relative increases (high, medium, low) in smolt production associated with various management actions (e.g., baseflow enhancement, fish passage enhancement, reduction in fine sediment supply, etc.) in various locations throughout the watershed.

Key information sources needed to refine understanding of primary controls on Chinook salmon population size include egg survival-to-emergence and controls (e.g., redd scour, gravel permeability), fry survival and growth, and number and sizes of juvenile salmon migrating to the ocean. To this end, pre-and-post project monitoring associated with the proposed Rutherford channel enhancement project may provide an opportunity to determine the amount and types of habitat enhancement actions needed to support a self-sustaining run of Chinook salmon, and to enhance the overall health of the native fish community within the watershed. Key parameters that might be monitored to evaluate fisheries' response to channel enhancement could include: a) changes in quantity, quality, and frequency of key habitat types (e.g., riffles, pools, side channels, gravel bars); b) spawning gravel permeability and scour; c) base flow persistence and temperature; and d) relative abundance of native and introduced fish species.



RECEIVED
San Jose City Clerk

Date: October 1, 2010
2010 OCT -6 P 2: 52

To: Chuck Reed
Office of the Mayor
City of San Jose

Re: Anti-Graffiti & Litter Task Force Program

This letter is in regard to the recent positive results between the cooperative efforts from the City of San Jose's Anti-Graffiti & Litter Task Force and the Coyote Creek Neighborhood Association volunteers.

Since the month of March, 2010, the CCNA Adopt-a-Park Volunteers have been working very closely with both the Anti-Graffiti & Litter Task Force and the Parks & Recreation Neighborhood Services Maintenance Division / District 2. The Association Volunteers and the City's respective agencies have put their efforts into abating all graffiti tags along a 2 mile stretch of Coyote Road, the Regional Bike Trail, the Coyote Creek embankments, two undeveloped City Lots and the median strip of Blossom Hill Road at the entrance to our neighborhood association area.

The CCNA Volunteers for both the Anti-Graffiti & Litter Task Force and the Adopt-a-Park & Adopt-a-Trail Programs have noticed an incredible reduction of graffiti over the past 4 months. According to representatives from the Task Force, there has been an 85% reduction of graffiti within the Coyote Creek Neighborhood Association boundary area. When referencing www.crimereports.com, the site shows a similar % in reduction of neighborhood crime.

The Board Members of the Coyote Creek Neighborhood Association would like to express their gratitude to the Office of the Mayor for continuing to provide such an excellent program to our community. The CCNA Board believes that there is a huge correlation between the City of San Jose's Anti-Graffiti & Litter Task Force Program and the positive results that we are experiencing within our neighborhood and feel that this is the most valuable intervention program within the City of San Jose. Please continue the funds to this program -- with the provisions from the Task Force, our neighborhood continues to prove an example of excellence and positive results between this City agency and our volunteer cooperative efforts.

Bill Broderick
Vice President

Gill Wichi
President

Darryl Ospring
Secretary

Sandy Bowman
Community Outreach

Michael Colar
Treasurer

Lisa Rowland
Community Outreach

- Coyote Creek Neighborhood Association -
"Neighborhood Volunteers serving over 850 Residential Homes within the City of San Jose"

Cc: Brandon Casper
Director / Anti-Graffiti & Litter Task Force Program

Ash Kalra
Council Member / District 2

Neighborhoods Commission
City of San Jose

RECEIVED
San Jose City Clerk

P U B L I C N O T I C E

2010 OCT -6 A 10:59

**NOTIFICATION OF APPLICATION BY SAN JOSE WATER COMPANY
FOR A RATE INCREASE AND
REQUEST FOR PUBLIC COMMENTS IN APPLICATION NO. 10-09-019**

The California Public Utilities Commission (CPUC) is seeking public comments on Application 10-09-019 filed by the San Jose Water Company (SJWC). As noted below, the application is requesting to increase rates for water service to fund improvements to SJWC's Montevina Water Treatment Plant in 2011, 2012, 2013, 2014 and 2015. As part of its decision-making process, the CPUC is interested in hearing from SJWC's customers by sending your comments on any portion of the company's operation including proposed rates, service quality or any other issues that may be of concern to you.

The purpose of this notice is to inform SJWC's customers of the filing of the Application and to give instructions on how to provide input in the review process.

The Application

In compliance with Commission Decision 09-11-032, SJWC is requesting the CPUC's approval of upgrades to SJWC's 40-year old Montevina Water Treatment Plant (MWTP). MWTP treats surface water from the local watershed by direct media filtration and chlorine disinfection. Over the past 40 years, State and Federal drinking water regulations have changed significantly in areas that MWTP was not designed to address. MWTP has aging infrastructure and many of its components are out-dated and at the end of their useful lives, and the concrete structures do not meet current structural and seismic requirements. The total project cost is \$73.7 million over 5 years, with the project commencing in 2011.

To fund the MWTP upgrades, SJWC's Application is requesting revenue increases of \$489,848 or 0.22% in 2011, \$1,861,422 or 0.85% in 2012, and \$7,700,411 or 3.50% in 2013, \$3,546,500 or 1.61% in 2014 and \$842,539 or 0.38% in 2015.

The following tables summarize SJWC's forecasted rate changes associated with the proposed project by meter size:

Schedule 1 – General Metered Service and
Schedule 1C - Mountain District

Meter Size	Monthly Service Charge Current Rates	Rates Proposed in SJWC's Application				
		2011 Rates	2012 Rates	2013 Rates	2014 Rates	2015 Rates
5/8 x 3/4-inch	\$16.31	\$16.38	\$16.65	\$17.78	\$18.30	\$18.42
3/4-inch	\$16.31	\$16.38	\$16.65	\$17.78	\$18.30	\$18.42

1-inch	\$27.18	\$27.30	\$27.76	\$29.64	\$30.51	\$30.72
1 1/2-inch	\$54.37	\$54.61	\$55.52	\$59.29	\$61.02	\$61.43
2-inch	\$86.99	\$87.37	\$88.83	\$94.86	\$97.64	\$98.30
3-inch	\$163.11	\$163.83	\$166.56	\$177.86	\$183.06	\$184.30
4-inch	\$271.84	\$273.04	\$277.59	\$296.42	\$305.09	\$307.15
6-inch	\$543.69	\$546.09	\$555.20	\$596.87	\$610.22	\$614.34
8-inch	\$869.90	\$873.73	\$888.30	\$948.57	\$976.33	\$982.92
10-inch	\$1,250.48	\$1,255.99	\$1,276.93	\$1,363.57	\$1,403.47	\$1,412.95

Quantity Charges (Per Ccf) Ccf
Schedule 1- General Metered
Service

Residential Customers with a 5/8 x 3/4-
inch, 3/4-inch or 1-inch meter:

0 to 13 Ccf	\$2.440	\$2.444	\$2.459	\$2.520	\$2.549	\$2.555
Over 13 Ccf	\$2.684	\$2.688	\$2.704	\$2.772	\$2.803	\$2.810

Residential Customers with 1 1/2-inch
or 2-inch meter:

0 to 26 Ccf	\$2.440	\$2.444	\$2.459	\$2.520	\$2.549	\$2.555
Over 26 Ccf	\$2.684	\$2.688	\$2.704	\$2.772	\$2.803	\$2.810

All Other Customers:

All Usage	\$2.5223	\$2.5263	\$2.5416	\$2.6049	\$2.6341	\$2.6410
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Quantity Charges (Per Ccf)
Schedule 1C- General Metered
Service

0 to 13 Ccf	\$2.440	\$2.444	\$2.459	\$2.520	\$2.549	\$2.555
14 Ccf to 20 Ccf	\$2.684	\$2.688	\$2.704	\$2.772	\$2.803	\$2.810
Over 20 Ccf	\$7.000	\$7.000	\$7.000	\$7.000	\$7.000	\$7.000

Elevation Charge Per Ccf	\$0.7632	Unchanged	Unchanged	Unchanged	Unchanged	Unchanged
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For the typical customer with a 3/4-inch meter using 15 ccf (one ccf = 748 gallons) of water per month, the monthly water bill will increase by \$0.13 or 0.24% from \$54.14 at present rates to \$54.27 in 2011, by \$0.50 or 0.92% to \$54.77 in 2012, by \$2.08 or 3.8% to \$56.85 in 2013, by \$0.96 or 1.69% to \$57.81 in 2014, and by \$0.23 or 0.4% to \$58.04 in 2015. These bill amounts include 1.5% charge to fund the CPUC. The rates shown on your water bill may vary slightly from the existing rates shown above due to temporary surcredits or surcharges in effect from time to time.

A copy of SJWC's Application and further information may be obtained from the company's customer service office located at:

San Jose Water Company
110 West Taylor Street
San Jose, CA 95110
Telephone: 408.279.7900
www.sjwater.com

THE CPUC PROCESS

Evidentiary hearings may be held whereby formal parties of record will present their testimony and will be subject to cross-examination before the assigned Administrative Law Judge (ALJ). These evidentiary hearings are open to the public, but only formal parties to the proceeding may present evidence or cross-examine witnesses. If you wish to become a party and participate in the evidentiary hearings, please contact the CPUC's Public Advisor at the address shown below. Parties at these hearings may offer proposals to the Commission that differ from those requested by SJWC. After considering all proposals, testimony and evidence presented during the formal hearing process, the assigned ALJ will issue a proposed draft decision. When the CPUC issues a final decision on Application 10-09-019, it may adopt, amend or modify all or part of the ALJ's proposed decision as written. The CPUC's final decision may be different from SJWC's proposal.

PROTESTING THE APPLICATION

Protests to this application should be mailed to the CPUC's Public Advisor's Office. For assistance in filing a protest or otherwise participating in the proceeding, please contact the Public Advisor's Office at:

California Public Utilities Commission
Public Advisor's Office
505 Van Ness Avenue
San Francisco, CA 94102,
E-mail: public.advisor@cpuc.ca.gov

You may also call 866.849.8390 (toll free) or 415.703.2074. Please mention that you are writing about Application 10-09-019, and include your SJWC account number.

PUBLIC COMMENT

Written public comment may be sent to the Public Advisor's Office at the address shown above. These comments will become part of the formal correspondence file of the proceeding and will be circulated for review to the assigned ALJ, the assigned Commissioner and the appropriate CPUC staff. Comments will be collected on an ongoing basis until such time that the evidentiary hearings commence. Please send comments to the CPUC's Public Advisor's Office listed above. . Please refer to San Jose Water Company's Application No. 10-09-019 in all of your communications.

From: Raania Mohsen [mailto:executive_director@sccca.gov]

Sent: Thursday, October 07, 2010 4:52 PM

Subject: Cities Association: CSC & Board of Directors Meeting, Thursday, Oct 14, 6:50 pm

Dear All,

There will be a CSC Meeting and a Board of Directors Meeting next Thursday, October 14.

The CSC meeting is scheduled to begin at 6:50 pm and the Board meeting will begin immediately afterwards at 7:00 pm.

Regarding the CSC Agenda, members are to appoint a Director and Alternate Director to the Silicon Valley Regional Interoperability Authority (SVRIA).

According to the Joint Powers Agreement (JPA), the SVRIA is governed by a Board of nine Directors. The CSC is responsible for appointing one of these Directors and its Alternate. The Director shall be an elected official/representative of a city that does not have a representative on the Board at the time of appointment. For more details or information about the SVRIA, copies of the JPA and Bylaws are included in the Agenda Packet.

Elected officials representing the following cities are eligible:

Milpitas
Sunnyvale
Los Gatos
Monte Sereno
Palo Alto
Mountain View
Morgan Hill
Cupertino
Saratoga

Laura Macias of Mountain View has expressed interest in the Director appointment.

An expression of interest has not yet been received for the Alternate to this appointment. Please notify your fellow council members if they represent a city/town that is eligible for this position.

The CSC Agenda & Packet is available on our website at http://www.sccca.gov/sidebar-home_10_3432657609.pdf.

Regarding the Board Meeting, items on the agenda include:

- 1) A Special Presentation from Michele Lew, CEO & President of ACCI;
- 2) Priorities discussions on the Revised Cities Association Bylaws and the next RHNA cycle for SCC – the revised bylaws and memo are forthcoming, and for background

information on RHNA, please download the June ABAG presentation on RHNA for SCC at http://www.sccca.gov/sidebar-home_10_3432657609.pdf;

- 3) VTA presentation on the Sustainable Communities Strategy, Scott Haywood;
- 4) Request for endorsement of Measure A, Mayor Kathleen King – a video is attached;
- 5) San Jose International Airport – San Jose Council Member Nancy Pyle
- 6) CSC Appointee Report – Dean Chu, MTC
- 7) Leg Report – Betsy Shotwell.

The Board Agenda & Packet is attached and available on our website at http://www.sccca.gov/sidebar-home_17_2841865661.pdf.

If you are not able to attend these meetings, please forward this notice to your Alternate.

If you are able to attend this meeting, please confirm your attendance.

To those whom have already confirmed their attendance or their Alternate's attendance, thank you!

If you have any questions, please let me know.

I look forward to seeing you all next week.

Thanks,

Raania

Raania Mohsen

Executive Director

Santa Clara County Cities Association

505 West Olive Avenue, Suite 749

Sunnyvale, CA 94086

(408) 730-7770

<http://www.sccca.gov/>

NOTICE and AGENDA

CITIES ASSOCIATION BOARD OF DIRECTORS MEETING AGENDA Thursday, October 14, 2010, 7:00 p.m. West Conference Room, Sunnyvale City Hall 456 West Olive Avenue, Sunnyvale, CA

This agenda and packet are available at http://www.sccca.gov/sidebar-home_16_2841865661.pdf.

1. **Welcome, Introductions and Roll Call** 7:00
2. **Oral Communication** 7:00 – 7:05
(This time is reserved for public comment and is limited to topics not on the agenda; comment time not to exceed 3 minutes.)
3. **Consent Calendar** 7:05 – 7:10
 - a. Approval of Minutes of September 9, 2010 (Hamilton)
 - b. Compensation Adj. to Budget – Exec. Director
 - c. Acceptance of Financial Reports (Hamilton)
 1. September 2010 Balance Sheet
 2. September 2010 Budget Report
 3. September 2010 Transactions Report
4. **Special Presentation**
 - a. AACI (Michelle Lew) 7:10 – 7:20
5. **Priorities Focus Presentation/Discussion**
 - a. Review/Approval of Bylaws Revisions (Al Pinheiro, David Casas, Don Perry, Steve Tate) 7:20 – 7:30
 - b. Housing Allotments for SCC (Sam Liccardo, Dan Furtado, Ronit Bryant, Melinda Hamilton) 7:30 – 7:40
6. **Other Presentations**
 - a. VTA, Sustainable Communities Strategy (Scott Haywood) 7:40 – 7:50
 - b. Measure A – Request for endorsement (King) 7:50 – 8:00
 - c. San Jose Intl. Airport (Nancy Pyle, David Vossbrink) 8:00 – 8:10
7. **New Business**
 - a. City Managers' Report (Schmitz) 8:10 – 8:15
 - b. CSC Appointee Report – MTC (Chu) 8:15 – 8:30
 - c. Nominating Committee Report (Casas) 8:30 – 8:35
 - d. Legislation Report (Betsy Shotwell) 8:35 – 8:40

- 8. City Reports: Joys and Challenges** 8:40 – 8:50
- 9. Announcements** 8:50 – 9:00
- a. December 2, 6 pm, Holiday Party, Los Altos Golf & Country Club
 - b. Other
- 10. Adjournment and Next Meeting** 9:00
- Thursday, November 4, 2010, 7pm, Sunnyvale City Hall

David S. Wall
P.O. Box 7621
San José, California 95150
Phone / Fax (408)-295-5999

PUBLIC RECORD h

RECEIVED
San Jose City Clerk

October 7, 2010

2010 OCT -7 P 4: 13

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Wednesday (10.06.10), after the Rules and Open Government Committee meeting, in which inquiries were made by Mayor Reed and Vice-Mayor Chirco into the issue as to why a “public record document” has not or cannot be posted on the city’s website, I ventured over to North Tenth Street @ Horning Street to “take the pulse” of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 1500 hours and found five (5) stolen and abandoned shopping carts. *A 71% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The “perennial garbage pile” (PGP) continues from last week to resemble just a “small scattering of garbage”. Whoever is responsible for removing the stolen and abandoned shopping carts continues to empty out trash and garbage for others to pick up.

The “perennial growing debris field” (PGDF) along the northbound railroad tracks is growing and can be used as a “homing beacon” that leads to the encampments. The encampments must not be allowed to exist on the railroad property. These encampments constitute; first, a safety hazard to the vagrants and hobos, they are also “base camps” of criminal activity and public health hazards (garbage/sewage).

The travel trailer, “*The Golden Falcon*” CA # JT 9621 has returned to the NW corner of Mission Street @ North 11th Street. This trailer is a “perennial problem” for District 3.

Ownership of the stolen and abandoned shopping carts is as follows;

“Cactus Low Carb Supermarket” (1), OSH (1), Mi Pueblo (1), Safeway (1), and FoodMaxx (1).

*“Unmarked stolen and abandoned shopping carts have been “purposefully altered” to shield true identity. *****special note***** the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are “filthy” and are potential reservoirs of microbial agents waiting to spread contagion(s).

Public Safety Hazard on North Tenth Street is still abated as of this SCEP report.

As reported for the past several weeks, illegally parked vehicles that habitually parked in front of; “T&A Supply, Inc., 1045 North Tenth Street”, in the parking strip; create a “blind spot” placing motorists and pedestrians in jeopardy. As of the date and time this SCEP report was taken, the aforementioned safety hazard to the public has been abated. Thanks again to the tireless efforts of **Mayor Reed!**

*****special note***** a “chair” has been placed at North Tenth Street @ Horning Street. If someone placed the chair at this locale so I might rest while counting the stolen and abandoned shopping carts, making notation concerning the PGP or just to visit and chat with Manuel’s chickens, I thank-you!

Respectfully submitted,

David S. Wall
10-07-10

Cc: City Attorney / City Auditor / City Manager

David S. Wall
P.O. Box 7621
San José, California 95150
Phone / Fax (408)-295-5999

PUBLIC RECORD i

RECEIVED
San Jose City Clerk

October 7, 2010

2010 OCT -7 P 4:13

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Consortium for Police Leadership in Equity (CPLÉ) use of SJPD staff, send in the Auditor!

Auditor needed to "quantify" actual costs to taxpayers by CPLÉ via SJPD's assignments of resources.

CPLÉ "Report", a public record, is predicated on taxpayer funded "research and data collection".

During the Rules and Open Government Committee meeting on Wednesday (10.06.10), the issue of "property rights" with reference to the CPLÉ report entitled, "Safe-Because We Are Fair" and the city's non-posting of this "public record" document of the city's webpage was discussed in some detail. The outcome of this poignant discussion was the direction to the City Attorney to investigate the issue and to memorialize his findings in a memorandum for next week's "Rules" meeting.

One question that the honorable and dutiful City Attorney must grapple with is, "Whether taxpayer funded "research and data collection" to wit the aforementioned CPLÉ report could not have been; formulated, written and published by CPLÉ, does CPLÉ have property rights on this public record with reference to publication on the City's website?"

Another question, **"Did the City of San José make a gift of taxpayer money via the budget of the San José Police Department, with reference to the allocation of staff time and or any other San José taxpayer funded resources, to participate in any and all manner of cooperation with CPLÉ?"**

Or...was this an issue of the City Council of San José wanting to substantiate and authenticate a series of articles earlier this year in the San José Mercury News incomplete reporting of allegations of a disproportionate number of Hispanics arrested for being drunk in public to appease Hispanic voters?

Was the public told the complete story? Some highly regarded sources at city hall have said that many of the "drunken Hispanics" arrested by SJPD were foreign nationals; in the country "illegally" and with prior arrests for other crimes including outstanding warrants. And that the hullabaloo in the "Merc" was due in part to several of these "criminal aliens" being rightfully held for Immigration and Customs Enforcement (ICE).

There will be additional "questions" arising from the relationship between CPLÉ and the City of San José, but this will have to wait until the analysis of the Memorandum of Understanding (MOU) between the aforementioned parties is made public.

IN THE MEANTIME...THE OFFICE OF THE AUDITOR should be immediately directed to analyze and report the entire costs of the relationship of CPLÉ with the City of San José. Special emphasis on the costs to the taxpayers via the San José Police Department's association and assignment of resources to "cooperate with CPLÉ" and directions from the Office of the City Manager should be included in the report.

The report by CPLÉ, in my opinion, contains a well stated "political bias" prior to the commencement of the alleged "scientific investigation" of the San José Police Department. CPLÉ is therefore, a political entity, using taxpayer resources to substantiate, authenticate and the furtherance of its stated political agenda.

The Members of the San José City Council should never have had any relationship with CPLÉ in the first place and said relationship should be terminated immediately and with extreme prejudice.

Respectfully submitted,

David S. Wall
10.07.10

Cc: City Attorney / City Auditor / City Manager / SJPOA