



5180 Soquel Drive • Soquel, CA 95073
831.475.8500 • www.soquelcreekwater.org

Board of Directors
Dr. Bruce Jaffe, *President*
Rachél Lather, *Vice-President*
Jennifer Balboni
Carla Christensen
Dr. Thomas R. LaHue

Ron Duncan, *General Manager*

May 21, 2024

Rebecca “Becky” Steinbruner
3441 Redwood Drive
Aptos, CA 95003

Email: ki6tkb@yahoo.com

Re: Public Records Requests Received Via Emails Dated March 23, 2024, and March 25, 2024

Dear Ms. Steinbruner,

As you know, the District received two Public Records Act (“PRA”) requests from you via email on March 23, 2024 (Request #1) and March 25, 2024 (Request #2).

The requests are as follows:

Request #1

I am hereby filing a Public Records Act request for the final contract with CH2M Hill Engineers, a division of Jacobs Engineering Group (Jacobs) to perform the operations and maintenance at-risk (OMAR) services of the Pure Water Soquel Advanced Water Purification Facility (AWPF) approved by the District Board of Directors at the public meeting held on March 5, 2024.

I further request any and all edits of the contract that were made by Counsel for Soquel Creek Water District to be included, with any strikeout and underline versions provided.

Request #2

I request to visit the District Office to review the final Agreement approved in Resolution 24-04.

On March 5, 2024, the Board of Directors for Soquel Creek Water District approved Resolution 24-04.

<https://www.soquelcreekwater.org/AgendaCenter/ViewFile/Item/547?fileID=2046>

The Board unanimously approved Resolution 24-04:

RESOLUTION NO. 24-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOQUEL CREEK WATER DISTRICT AUTHORIZING, PURSUANT TO THE PREVIOUSLY CERTIFIED PURE WATER SOQUEL ENVIRONMENTAL IMPACT REPORT AND PREVIOUSLY ADOPTED ADDENDA, THE EXECUTION FOR PHASE 3 SCOPE OF WORK WITH CH2M HILL ENGINEERS, INC. FOR THE LONG-TERM OPERATION AND MANAGEMENT OF THE CHANTICLEER SITE ADVANCED WATER PURIFICATION FACILITY SECTION 9 of the Resolution above (page 56 of the agenda packet) states:

SECTION 9. The documents and materials that constitute the record of proceedings on which this Resolution and the above findings have been based are located at the offices of the District. The custodian for these records is the General Manager.

Please notify me when I may visit the District Office to review the Final Agreement described above.

District's Response to Request No. 1:

As to your request for the:

“final contract with CH2M Hill Engineers, a division of Jacobs Engineering Group (Jacobs) to perform the operations and maintenance at-risk (OMAR) services of the Pure Water Soquel Advanced Water Purification Facility (AWPF) approved by the District Board of Directors at the public meeting held on March 5, 2024”

* the District does not have this document in its files as of March 23, 2024, the date of Request No. 1. The PRA mandates agencies only to produce responsive, nonexempt records that are in its possession at the time a request is made. (Government Code section 7922.535(a).) Therefore, this portion of the request has been fully responded to by the District.

As to your request for:

“any and all edits of the contract that were made by Counsel for Soquel Creek Water District to be included, with any strikeout and underline versions provided”

the District has located responsive documents that can be accessed in the following link:

<https://www.imanageshare.com/pd/4rv1YrvP5bT>

Further, responding to Request No. 1, the District is notifying you that certain documents were withheld from production based on the applicable attorney-client and attorney work product privileges pursuant to Evidence Code section 954 and Code of Civil Procedure section 2018.030, incorporated into the PRA through Government Code section 7927.705.

Because the District will not provide the privileged information described above, PRA requires the District to provide a written response when a records request is denied, either in whole or in part. (Gov. Code § 7922.540, subd. (a).) The PRA also requires that notification of denial of any request for records must include the names and titles or positions of each person responsible for the denial. (Gov. Code § 7922.540, subd. (b).) With the name and title of the undersigned, this letter fulfills both aforementioned legal requirements.

District's Response to Request No. 2:

In Request No. 2, you seek to visit the District Office to review the “final Agreement approved in Resolution 24-04.” As March 25, 2024, the date of Request No. 2, the District does not have any responsive documents to this request. Therefore, this portion of the request has been fully responded to by the District.

Additionally, the PRA mandates agencies to produce responsive, nonexempt records that are in its possession at the time a request is made. (Government Code section 7922.535(a).) The PRA does not mandate an agency to notify a requester when a document becomes available for review. Therefore, the District has fully responded to your PRA request and it is considered closed. Thank you.

Sincerely,


Traci Hart

Human Resources Manager

From: [Becky Steinbruner](#)
To: [bod](#); [Mackenzi Morris](#)
Cc: [Becky Steinbruner](#)
Subject: Why is Financial Report Missing From May 21, 2024 Board Agenda Packet?
Date: Monday, May 20, 2024 4:57:59 PM

Dear Board of Directors for Soquel Creek Water District,
I find it curious that staff has omitted the Financial Report in Consent Agenda Item 3.2, stating it will be available in a future meeting. Why is it listed as a Consent Agenda item for broad approval without discussion, but the actual financial data is not included?

There has been no Financial Status Report since the February 2024 Report provided to the Board and public in Consent Agenda Item 4.4 at the April 16, 2024 Board meeting. Nothing has been reported since, which would provide information about the financial effects of the new rate increases. (see page 41):
<https://www.soquelcreekwater.org/AgendaCenter/ViewFile/Item/552?fileID=2081>

This is not transparent and fails to lend supportive justification to the public that the recent rate increases were necessary. Please provide the Financial Status Report at tomorrow evening's Board meeting and post it to your website.

Sincerely,
Becky Steinbruner

Finance Status Report (to be included in future packet)
<https://www.soquelcreekwater.org/AgendaCenter/ViewFile/Item/557?fileID=2125>

From: [Becky Steinbruner](#)
To: [Ethan Martin](#); [Board of Directors](#); [Mackenzi Morris](#)
Cc: wesley.stokes@wildlife.ca.gov; [Mandy Culpepper](#); [Jessie Maxfield](#); [Michael Guth](#); [Steve Bakaley](#); [Kristen Sandel](#); [Melanie Mow Schumacher](#); [WIFIA](#); [Karen Fligger](#); [Charity Schiller](#); [Sarah Owsowitz](#); [Mayor Fred Keeley](#); askbdr@wildlife.ca.gov; Peisch.Amanda@DWR; [Senator John Laird](#); [CA.gov](#); [Charlton Bonham](#); [Becky Steinbruner](#)
Subject: Re: PureWater Soquel Project: Is Garney Construction Working on the Laurel Street Bridge Again?
Date: Friday, May 17, 2024 4:30:41 PM

Dear Mr. Martin and Soquel Creek Water District Board of Directors,
I am now following up on my previous Cease and Desist Letter just sent to you regarding what seems to be the District's public announcement that Garney Construction will resume working on the Laurel Street Bridge.

I am hereby including the link to "URGENT ACTION REQUIRED" correspondence from the Santa Cruz Sierra Club, dated May 8, 2024, that is included in the Board's May 21, 2024 meeting agenda packet, reinforcing the importance that Garney Construction crews postpone any and all work on the Laurel Street Bridge.

<https://www.soquelcreekwater.org/AgendaCenter/ViewFile/Item/557?fileID=2126>

Again, I demand that Garney Construction and all subcontractors associated with the PureWater Soquel Project conveyance pipeline work on the Laurel Street Bridge cease and desist any and all work on the Bridge until September 1, 2024 to protect the Cliff Swallow population that has nested there historically and is now in danger of disturbance should construction resume on the Bridge.

Please respond. Thank you.

Sincerely,
Becky Steinbruner

On Friday, May 17, 2024 at 03:57:56 PM PDT, Becky Steinbruner <ki6tkb@yahoo.com> wrote:

Dear Mr. Martin and Soquel Creek Water District Board of Directors,
I am writing to demand that Garney Construction and all subcontractors working on the PureWater Soquel Project conveyance pipeline, cease and desist any and all work on the Laurel Street Bridge until September 1, 2024.

The PureWater Soquel Project construction update issued today by Soquel Creek Water District for next week states there will crews resuming work on the Laurel Street Bridge regarding the conveyance pipeline:

Laurel Street: (Work hours are Monday through Friday from 7:00-4:00 PM)

- ***Architectural cover work will resume next week and continue for approximately two weeks.***
- <https://www.soquelcreekwater.org/256/Construction-Updates>

The Cliff Swallows are now in their active nesting season, and likely are either incubating eggs or have live hatchlings. Crews working on the Bridge will disturb the birds and interfere with their breeding season.

Cliff swallows are federally protected, migratory songbirds, and it is a violation of state and federal laws to harm them or interfere with their nests while they are breeding. All swallows are state and federally protected under the Migratory Bird Treaty Act of 1918.

Please cease and desist any and all work on the Laurel Street Bridge until September 1, 2024 when the

Cliff Swallow breeding season is complete.

Please respond. Thank you.

Sincerely,
Becky Steinbruner



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COORESPONDENCE - 05/21/2024

Board of Directors

Dr. Bruce Jaffe, *President*

Rachél Lather, *Vice-President*

Jennifer Balboni

Carla Christensen

Dr. Thomas R. LaHue

Ron Duncan, *General Manager*

Sent via email: mguth@guthpatents.com

May 20, 2024

Michael Guth, Executive Committee Chair
Sierra Club, Santa Cruz County Group of the Ventana Chapter
PO Box 604
Santa Cruz, CA 95061

Subject: Laurel Street Bridge/Pure Water Soquel Conveyance Project

Dear Mr. Guth,

Thank you for your letter dated May 8, 2024. We appreciate Sierra Club's recent observations regarding the presence of cliff swallow nesting under the Laurel Street Bridge. This is consistent with our biologist's observations.

Work associated with the pipeline and architectural cover on the bridge have not been conducted since April 24, 2024. Further, this work on the bridge will not commence until after the nesting season (anticipated through August 31, 2024).

On behalf of the Board of Directors, thank you for your interest.

Sincerely,

A handwritten signature in blue ink that reads 'Melanie Mow Schumacher' followed by a stylized flourish.

Melanie Mow Schumacher, PE
Assistant General Manager/ Pure Water Soquel Program Director


cc: Soquel Creek Water District Board of Directors

From: [Melanie Mow Schumacher](#)
To: [Michael Guth](#)
Cc: [bod](#)
Subject: RE: Sierra Club letter - URGENT - PureWater Soquel Project wildlife impact
Date: Monday, May 20, 2024 3:06:07 PM
Attachments: [Sierra Club Letter_05.20.2024_.pdf](#)

Dear Mr. Guth,
Thank you for your email. Please see attached.

I'd appreciate confirmation that you've received this letter.

Sincerely,
-Melanie

Melanie Mow Schumacher, P.E. (she/her/hers) | Special Projects-Communications
Manager/Assistant GM
Soquel Creek Water District | 5180 Soquel Dr., Soquel CA 95073 | www.soquelcreekwater.org
main 831-475-8500x153 | mobile 831-239-7960
email melanies@soquelcreekwater.org
 **Please consider the environment before printing this e-mail**

-----Original Message-----

From: Michael Guth <mguth@guthpatents.com>
Sent: Friday, May 10, 2024 6:14 PM
To: bod <bod@soquelcreekwater.org>; Emma Western <emmaw@soquelcreekwater.org>
Cc: Fred Keeley <keeley@santacruzca.gov>; ethan.martin@garney.com; askbdr@wildlife.ca.gov
Subject: Sierra Club letter - URGENT - PureWater Soquel Project wildlife impact

Soquel Creek Water District,

Please see the attached letter from the Sierra Club.

As you can see in the letter, the Sierra Club asserts that now with observation of nesting cliff swallows directly adjacent to the project site at the Laurel Street Bridge, the Pure Water Soquel Environmental Impact Report Mitigation Measures require a stop on construction in this area. The details in support of this conclusion are discussed in the attached letter, in addition to other regulatory requirements - with photo documentation also seen in the attached letter.

It appears that the next step in your construction process is to extend the pipe coverings further along the bridge, which is directly adjacent to the observed nesting sites.

We look forward to and expect prompt action on your part.

--

Yours Sincerely,
Michael A. Guth
Attorney at Law
(831) 462-8270



**SANTA CRUZ
COUNTY GROUP**
Of The Ventana Chapter
P.O. Box 604, Santa Cruz, CA 95061
<https://www.sierraclub.org/ventana/santa-cruz>
email: sierraclubsantacruz@gmail.com

Soquel Creek Water District
5180 Soquel Drive
Soquel, CA 95073
bod@soquelcreekwater.org

Re: Laurel St. Bridge/Pure Water Soquel Conveyance Project Habitat Impact

URGENT ACTION REQUIRED

May 8, 2024

Dear Soquel Creek Water District Board Members,

The Sierra Club is contacting you to make you aware of an issue that needs immediate attention. Conditions are such at the Laurel Street Bridge portion of your Conveyance Project that compliance with your own Environmental Impact Report (EIR) requires you stop work on the Laurel Street Bridge portion and then also take further actions. The certified Environmental Impact Report for the above-referenced project includes a mitigation measure that requires that once “nesting birds are identified” that a “biologist shall define a suitable protective buffer around the nest and no activities shall occur within this buffered area.”¹

Recent observations confirm that cliff swallows are now nesting under the Laurel Street Bridge in the area which appears to be the next area of construction, as part of the ongoing installation of the pipe covers. These nests appear to be within 10 feet of the next phase of installation of the covers, as seen below:



¹ Pure Water Soquel: Groundwater Replenishment And Seawater Intrusion Prevention Project Environmental Impact Report; Mitigation Measure 4.4-1a

The installed covers are seen at the upper right of the first photo, and if the cover installation proceeds it will be within feet of cliff swallow nests. Photos of the nests are seen here:



Nesting activity under the Laurel Street Bridge in the areas identified in the first photo.



More nesting activity under the Laurel Street Bridge in the areas identified in the first photo.



**SANTA CRUZ
COUNTY GROUP**
Of The Ventana Chapter
P.O. Box 604, Santa Cruz, CA 95061
<https://www.sierraclub.org/ventana/santa-cruz>
email: sierraclubsantacruz@gmail.com

Soquel Creek Water District
5180 Soquel Drive
Soquel, CA 95073
bod@soquelcreekwater.org

Re: Laurel St. Bridge/Pure Water Soquel Conveyance Project Habitat Impact

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May 8, 2024

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Nesting activity under the Laurel Street Bridge in the areas identified in the first photo.



More nesting activity under the Laurel Street Bridge in the areas identified in the first photo.



More nesting activity under the Laurel Street Bridge

The mitigation measure of note for this circumstance is seen in its entirety here:

Mitigation Measures

Mitigation Measure 4.4-1a: Perform preconstruction nesting bird surveys in areas that provide suitable habitat.

Mitigation Measure 4.4-1 applies to all Project components.

Project construction activities should avoid the nesting season of February 15 through August 31, if feasible. If seasonal avoidance is not possible, then no sooner than 30 days prior to the start of any Project activity, a biologist experienced in conducting nesting bird surveys shall survey the Project area and all accessible areas within 500 feet for nesting birds. If nesting birds are identified, the biologist shall define a suitable protective buffer around the nest and no activities shall occur within this buffered area. The buffer area limits would ensure that construction activities would not cause an adult to abandon an active nest or young or change an adult's behavior so it could not care for an active nest or young. Typical buffers are 150 feet for songbirds and 300 feet for raptors, but may be decreased in coordination with CDFW according to site-specific, Project-specific, activity-specific considerations such as visual barriers between the nest and the type of activity, decibel levels associated with the activity relative to baseline noise levels, and the species of nesting bird and its tolerance of the activity. Construction activities that are conducted within any reduced buffers may be conducted in the presence of a qualified biological monitor, until the biological monitor determines that the reduced buffer is effective.

2

The mitigation measure clearly states that if nesting birds are identified, that a suitable protective buffer shall be defined, and that no activities shall occur within this buffered area. The required bird survey either took place too early to capture this nesting activity, or did not take place at all. Regardless, cliff swallows are nesting at the site, and one purpose of this letter is to make clear that you are on notice of this fact.

Observers have also reported to the Sierra Club that when the earlier work was proceeding on the bridge that swallows avoided the work area. This certainly implies that these nesting cliff swallows will be disturbed and impacted by any resumption of work, should the cover installation proceed. This further implies that any determined buffer area will be larger than the distance between these nests and the work.

The Sierra Club notes that all swallows are included within the federal Migratory Bird Treaty Act of 1918 (MBTA) and are protected by state and federal regulations. The California Department of Fish and Wildlife is the state's enforcement agency and considers February 15 to September 1 to be the swallow nesting season. Nests active during this time period cannot be touched, **disturbed**, or destroyed without a permit for the U.S. Fish and Wildlife Service. Both of the afore-mentioned agencies shall be copied on this correspondence.

The Sierra Club asserts that the EIR for this project requires that no further work be done near the above-identified area of the Laurel Street Bridge, and further that a biologist is now needed to determine the buffer area. The Sierra Club believes, in light of observations of swallow behavior around construction activities to date, that this buffer will preclude further work in the identified area until after the end of the nesting season.

We expect that you and your project team will respond to these concerns immediately.

A handwritten signature in black ink that reads "Michael Guth". The signature is written in a cursive style with a prominent 'M' and 'G'.

Michael Guth,
Executive Committee Chair
Sierra Club, Santa Cruz County Group