



# Safe, Clean Water and Natural Flood Protection Program Modifications - Countywide



**What:** Public Hearing on Proposed Modifications to the Safe, Clean Water and Natural Flood Protection Program

**Who:** Santa Clara Valley Water District (Valley Water)

**When:** Tuesday, January 24, 2023, at 1:00 p.m.

**Where:** Valley Water Headquarters Building Boardroom  
5700 Almaden Expressway, San Jose, CA  
and by Zoom Teleconference at: <https://valleywater.zoom.us/j/84454515597>

Valley Water invites you to a public hearing regarding proposed modifications to the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program).

Infrastructure construction projects in the Safe, Clean Water Program are experiencing significant cost increases. Among the projects with a major cost escalation is Project E1: Coyote Creek Flood Protection Project, with an approximately \$162 million increase. These increased costs are impacting the Safe, Clean Water fund's financial health, resulting in staff's recommendation that the Valley Water Board of Directors provide direction on balancing the overall fund and delivering the voter-approved Safe, Clean Water Program. Furthermore, Valley Water staff has identified the need to modify Project D3: Sediment Reuse to Support Shoreline Restoration due to changed circumstances.

Therefore, staff is recommending modifying projects D3: Sediment Reuse to Support Shoreline Restoration, D4: Fish Habitat and Passage Improvement, D6: Restoration of Natural Creek Functions, E2: Sunnyvale East and Sunnyvale West Channels Flood Protection, and E4: Upper Penitencia Creek Flood Protection.

## Priority D: Restore Wildlife Habitat

### D3: Sediment Reuse to Support Shoreline Restoration (MODIFY KPI)

The project key performance indicator (KPI) #1 is to maintain partnership agreements to reuse sediment to improve the success of salt pond and tidal marsh restoration projects and activities. Valley Water has been delivering sediment to Salt Pond A8 via an agreement with U.S. Fish and Wildlife Service (USFWS). Valley Water is pausing delivering sediment to Pond A8 for approximately two years as USFWS renews necessary permits. To support continued sediment reuse for restoration purposes, staff is recommending that the Board modify KPI #1 to expand sediment reuse beyond the South Bay Salt Pond Restoration Project. Staff is also recommending adjusting the project's name, description and benefits in alignment with the proposed modification. The proposed modified KPI #1 is as follows:

**D3 – KPI #1: Reuse sediment meeting applicable screening criteria at available Valley Water or partnership project sites to support restoration.**

#### D4: Fish Habitat and Passage Improvement (MODIFY KPI)

KPI #1 is to plan and design one creek/lake separation project and KPI #2 is to construct a creek/lake separation project. As the KPIs do not identify specific projects, the Board selects which projects should meet the KPIs. In 2021, the Board chose the Almaden Lake Project to be constructed under KPI #2; however, since then, the estimated project costs have nearly tripled, making the project's construction unfeasible. Therefore, staff is recommending that the Board select the Ogier Ponds project to be constructed under KPI #2. As Valley Water is also funding the Ogier Ponds project as part of the required mitigation for the Anderson Dam Seismic Retrofit Project, staff is recommending that the Board modify KPI #2 to partially fund the construction of a creek/lake separation project.

**D4 – KPI #2: Partially fund the construction of one (1) creek/lake separation project in partnership with local agencies.**

#### D6: Restoration of Natural Creek Functions (NOT IMPLEMENT KPI - KPI # 3 placeholder project)

Staff is recommending not implementing KPI #3 and reallocating the placeholder project funding to the Safe, Clean Water Program's Operating and Capital (Fund 26 Reserves), thus supporting the fund's financial health. The project commits Valley Water to construct three geomorphic-designed projects. Valley Water is on track to complete the construction of the first two projects in fiscal year 2023-24. The third project is yet to be identified.

**NOT IMPLEMENT D6 – KPI #3: Identify, plan, design, and construct a third geomorphic-designed project to restore stability and stream function by preventing incision and promoting sediment balance throughout the watershed.**

### **Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways**

#### E2: Sunnyvale East and Sunnyvale West Channels Flood Protection (MODIFY FUNDING)

Staff is recommending modifying the project funding allocation to construct Sunnyvale West Channel, putting Sunnyvale East Channel construction on hold, and reallocating Sunnyvale East Channel-construction-related planned expenditures to the Fund 26 Reserves. This will support the fund's financial health; however, it will impact Valley Water's ability to construct the project and deliver the KPI. Should additional funding become available within the Fund 26 Reserves or through partnership and/or grant funding, the Board may reallocate the construction funding to the project through a direction provided during a regular board meeting.

#### **MODIFY FUNDING**

Project E2: Sunnyvale East and Sunnyvale West Channels Flood Protection Financial Summary (\$ Thousand)		
15-Year Allocation	Total Budget Expended (FY22)	Modified 15-Year Allocation
\$49,268	\$1,290	<b>\$23,075</b>

#### E4: Upper Penitencia Creek Flood Protection Project (MODIFY FUNDING)

Staff is recommending modifying the funding allocation for the Upper Penitencia Flood Protection project and reallocating construction-related planned expenditures to the Fund 26 Reserves. This will support the fund's financial health; however, it will impact Valley Water's ability to construct the project and deliver the project KPIs. Should additional funding become available within the Fund 26 Reserves or

through partnership and/or grant funding, the Board may reallocate the construction funding to the project through a direction provided during a regular board meeting.

#### MODIFY FUNDING

E4: Upper Penitencia Creek Flood Protection Project Financial Summary (\$ Thousand)		
15-Year Allocation	Total Budget Expended (FY22)	Modified 15-Year Allocation
\$23,592	\$679	\$1,534

This meeting is being held in accordance with the Brown Act. The 1:00 p.m., January 24, 2023, public hearing will be held during a Board Meeting and is accessible for public in-person participation at the time, date, and location shown above, or by public virtual participation at the Zoom link above.

Document(s) associated with this hearing are available for public inspection prior to the meeting in the Clerk of the Board's Office or online at [www.valleywater.org](http://www.valleywater.org), and will be available at the meeting.

For more information, contact **Meenakshi Ganjoo, Program Administrator, at 408-630-2295.**

#### Important Notices:

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled Valley Water Board meeting to ensure that Valley Water may assist you. Reasonable efforts will be made to accommodate persons with disabilities.

#### 重要通知：

Valley Water 遵守美國殘疾人法案 (ADA), 要求需要特殊便利才能訪問和/或參加 Valley Water 委員會會議的個人請致電 (408) 630-2711 聯繫委員會辦公室的書記員, 網址為在預定的 Valley Water 委員會會議召開前至少 3 個工作日, 以確保 Valley Water 可以為您提供幫助。將做出合理的努力以容納殘疾人。

#### Thông báo quan trọng:

Valley Water, để tuân thủ Đạo luật Người Mỹ Khuyết tật (ADA), yêu cầu những cá nhân cần điều chỉnh đặc biệt để tiếp cận và/hoặc tham gia các cuộc họp của Hội đồng Valley Water vui lòng liên hệ với Văn phòng Thư ký của Hội đồng theo số (408) 630-2711, tại ít nhất 3 ngày làm việc trước cuộc họp đã lên lịch của Hội đồng Valley Water để đảm bảo rằng Valley Water có thể hỗ trợ bạn. Những nỗ lực hợp lý sẽ được thực hiện để hỗ trợ người khuyết tật.

#### Aviso Importantes:

Valley Water, en cumplimiento de la Ley de Estadounidenses con Discapacidades (ADA), solicita a las personas que requieren adaptaciones especiales para acceder y/o participar en las reuniones de la Junta de Valley Water que se comuniquen con la oficina del Secretario de la Junta al (408) 630-2711, al menos 3 días hábiles antes de la reunión programada de la Junta de Valley Water para asegurarse de que Valley Water pueda ayudarlo. Se harán esfuerzos razonables para acomodar a las personas con discapacidades.