Santa Clara Valley Water District
Board of Directors Meeting

HQ. Bldg. Boardroom, 5700 Almaden Expressway, San Jose, California
Join Zoom Meeting: https://valleywater.zoom.us/j/84454515597

*AMENDED/APPENDED
CLOSED SESSION AND REGULAR MEETING AGENDA

Tuesday, February 24, 2026
11:00 AM

***ITEMS AMENDED AND/OR APPENDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA ARE IDENTIFIED BY AN ASTERISK (*) HEREIN**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

DISTRICT BOARD OF DIRECTORS
Tony Estremera, Chair-District 6
Richard P. Santos, Vice Chair-District 3
John L. Varela-District 1
Shiloh Ballard-District 2
Jim Beall-District 4
Nai Hsueh-District 5
Rebecca Eisenberg-District 7

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 630-2277.

MELANIE RICHARDSON
Interim Chief Executive Officer

CANDICE KWOK-SMITH
Clerk, Board of the Directors
(408) 630-3193
www.valleywater.org

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
Board of Directors

*AMENDED/APPENDED AGENDA

***ITEMS AMENDED AND/OR APPENDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA ARE IDENTIFIED BY AN ASTERISK (*) HEREIN**

Tuesday, February 24, 2026	**11:00 AM**	**HQ. Bldg. Boardroom, 5700 Almaden Expressway, San Jose, California Join Zoom Meeting: https://valleywater.zoom.us/j/84454515597**

IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as hybrid meetings, conducted in-person as well as by telecommunication, and are compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while maintaining transparency and public access, members of the public have the option to participate via teleconference/video conference or attend in person. To participate in the meeting via teleconference/video conference, please refer to the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order that requests are received and granted speaking access to address the Board. Written comments on any item on the agenda may be submitted to clerkoftheboard@valleywater.org or board@valleywater.org.

- Members of the Public may test their connection to Zoom Meetings at: https://zoom.us/test
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: https://www.youtube.com/watch?v=TojJpYCxXm0

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This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq., and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes, or other obligations. Any projections, plans, or other forward-looking statements included in the information on this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities

disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at https://emma.msrb.org/ and https://www.valleywater.org/how-we-operate/financebudget/investor-relations, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:
https://valleywater.zoom.us/j/84454515597
Meeting ID: 844 5451 5597
Join by Phone:
1 (669) 900-9128, 84454515597#

1. CALL TO ORDER/ROLL CALL:

1.1. Roll Call.

2. 11:00 AM - CLOSED SESSION:

Notice to the Public: The Board of Directors meets in Closed Session in accordance with the Ralph M. Brown Act. Following the conclusion of Closed Session discussion, the Board will return for the remaining items on the regular meeting agenda.

2.1. CLOSED SESSION 26-0213
CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Amanda Aguirre, et al. v. Santa Clara Valley Water District
Santa Clara County Superior Court Case No. 23CV415312

*2.2. CLOSED SESSION 26-0243
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: District Counsel
Pursuant to Government Code Section 54957(b)(1)

*2.3. District Counsel Report on Closed Session.
(*Previously listed as Item 2.2)

3. 1:00 PM - TIME CERTAIN:

3.1. Pledge of Allegiance/National Anthem.

3.2. Orders of the Day.
A. Approximate Discussion Time (Board); and
B. Adjustments to the Order of Agenda Items.

3.3. Time Open for Public Comment on any Item not on the Agenda.
Notice to the public: Members of the public who wish to address the

Board/Committee on matters not listed on the agenda may do so by completing a Speaker Card and submitting it to the Clerk, or by using the "Raise Hand" feature within the Zoom meeting application to request recognition. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and, when recognized, will be granted speaking access to address the Board/Committee.

Public comments shall be limited to three (3) minutes per speaker, or such other time as determined by the Chair. State law does not permit the Board/Committee to take action on, or engage in extended discussion of, any item not appearing on the posted agenda, except as otherwise authorized under applicable law. If Board/Committee action is requested, the matter may be scheduled for consideration at a future meeting.

All public comments requiring a response will be referred to staff for a written reply. The Board/Committee may take action on any item of business appearing on the posted agenda.

3.4. Recognition of Director Tony Estremera for 30 Years of Service on the Santa Clara Valley Water District Board.

3.5. Approve Proposed Updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program. 26-0194

Recommendation: Approve staff's proposed updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program.

Manager: Luz Penilla, 408-630-2228

Attachments:
Attachment 1: Resolution No. 20-64
Attachment 2: Existing Board-Approved Change Control Process
Attachment 3: Draft Revised Change Control Process, Redlined
Attachment 4: Draft Revised Change Control Process, Clean
Attachment 5: Change Control Process At-A-Glance, Updated
Attachment 6: PowerPoint

Est. Staff Time: 20 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - *4.7) (Est. Time: 5 Minutes)

Notice to the public: There is no separate discussion of individual consent calendar items. Recommended actions are voted on in one motion. If an item is approved on the consent vote, the specific action recommended by staff is adopted. Items listed in this section of the agenda are considered to be routine by the Board, or delegated to the Board Appointed Officers (BAOs) yet required by law or contract to be Board approved (EL-7.10). Any item may be removed for separate consideration at the request of a

Board member. Whenever a resolution is on the consent calendar, a roll call vote will be taken on the entire calendar. Members of the public wishing to address the Board on any consent items may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify themselves to speak.

4.1. Adopt a Resolution Adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approve the Guadalupe Riverbank Stabilization Project: Malone Road and Blossom Hill Road, Under the Watersheds Asset Rehabilitation Program, Project No. 62084001 (San Jose, Districts 2 and 4). 26-0082

Recommendation:

A. Consider the environmental effects of the Guadalupe Riverbank Stabilization Project: Malone Road and Blossom Hill Road as discussed in the Final Initial Study/Mitigated Negative Declaration;
B. Adopt the Resolution ADOPTING THE FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GUADALUPE RIVERBANK STABILIZATION PROJECT: MALONE ROAD AND BLOSSOM HILL ROAD; and
C. Approve the Project.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: Attachment 1: Final IS/MND
Attachment 2: Resolution
Attachment 3: Project Delivery Process Chart

4.2. Adopt Recommended Positions on Federal Legislation: S. 3693 (Cortez Masto) - Large-Scale Water Recycling Program Reauthorization Act; H.R. 4593 (Fry) - Saving Homeowners from Overregulation With Exceptional Rinsing (SHOWER) Act; H.R. 6641 (Gray) - Central Valley Water Solution Act; H.R. 6984 (Menendez) - Data Center Transparency Act; H.R. 5566 (Carbajal) / S. 3590 (Blunt Rochester) - Water Infrastructure Resilience and Sustainability Act; And Other Legislation That May Require Consideration by the Board. 25-1052

Recommendation:

A. Adopt a Position of "Support" on S. 3693 (Cortez Masto) - Large-Scale Water Recycling Program Reauthorization Act;
B. Adopt a Position of "Oppose" on H.R. 4593 (Fry) - Saving Homeowners from Overregulation With Exceptional Rinsing (SHOWER) Act;
C. Adopt a Position of "Support" on H.R. 6641 (Gray) - Central Valley Water Solution Act;
D. Adopt a Position of "Support" on H.R. 6984 (Menendez) - Data Center Transparency Act; and
E. Adopt a Position of "Support" on H.R. 5566 (Carbajal) /

S. 3590 (Blunt Rochester) - Water Infrastructure Resilience and Sustainability Act.

Manager: Marta Lugo, 408-630-2237

4.3. Authorize the Chief Executive Officer to Execute the Exclusive Negotiations Agreement Among Santa Clara Valley Water District, the City of San Jose, and the City of Santa Clara, for Real Property to Develop the Proposed Pure Water Silicon Valley Project. 26-0189

Recommendation: Authorize the Chief Executive Officer to execute the Exclusive Negotiations Agreement among Santa Clara Valley Water District, the City of San Jose, and the City of Santa Clara, for Real Property to develop the proposed Pure Water Silicon Valley Project.

Manager: Kirsten Struve, 408-630-3138

Attachments: Attachment 1: Agreement

4.4. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending September 30, 2025. 26-0180

Recommendation:
A. Review the Board of Directors' Quarterly Expense Report for the quarter ending September 30, 2025; and
B. Approve the Report if the reimbursements comply with Board Policy.

Manager: Darin Taylor, 408-630-3068

Attachments: Attachment 1: Quarterly Expense Report

4.5. Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the South Babb Creek Flood Mitigation Project, Under the Watersheds Asset Rehabilitation Program, Granite Rock Company, Contractor, Project No. 62084001, Contract No. C0716 (San Jose, District 6). 26-0077

Recommendation:
A. Accept the work as complete on the South Babb Creek Flood Mitigation Project, under the Watersheds Asset Rehabilitation Program, Project No. 62084001, Contract No. C0716 as complete; and
B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: Attachment 1: Notice of Completion and Acceptance of Work
Attachment 2: Construction Contract Acceptance
Attachment 3: Project Completion Letter
Attachment 4: Construction Photos
Attachment 5: Project Delivery Process Chart

*4.6. Accept the CEO Bulletin for the Weeks of February 6 - 19, 2026. 26-0211

Recommendation: Accept the CEO Bulletin.

Manager: Melanie Richardson, 408-630-2017

Attachments: *Attachment 1: 02192026 CEO Bulletin

*4.7. Approval of Minutes from January 27 and January 29, 2026. 26-0079

Recommendation: Approve the minutes from January 27 and January 29, 2026.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: *Attachment 1: 01272026 Meeting Minutes
*Attachment 2: 01292026 Special Meeting Minutes

5. BOARD OF DIRECTORS:

*5.1. Adopt a Resolution Appointing an Interim CEO and Authorizing the Associated Compensation. 26-0214

Recommendation: *Adopt the Resolution APPOINTING THE INTERIM CHIEF EXECUTIVE OFFICER, AN UNCLASSIFIED EMPLOYEE, APPOINTED BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND APPROVING THE COMPENSATION AMOUNT.

Manager: Patrice McElroy, 408-630-3159

Attachments: *Original Board Agenda Memorandum
*Supplemental Board Agenda Memorandum
*Supplemental Attachment 1: Resolution

Est. Staff Time: 5 Minutes.

5.2. Receive the Semi-Annual Lobbyist Report and Annual Registration of Individuals Engaged in Compensated Lobbying Activities for the period July 1, 2025, through December 31, 2025. 26-0159

Recommendation: Receive the Semi-Annual Lobbyist Report and Annual Registration of Individuals Engaged in Compensated Lobbying Activities for the period July 1, 2025, through December 31, 2025.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: Attachment 1: Lobbyist Report

Est. Staff Time: 5 Minutes.

*5.3. Board Committee Reports. 26-0210

Attachments: *Handout 5.3-A: 12162025 RWC, Summary
*Handout 5.3-B: 01212026 BAC, Summary
*Handout 5.3-C: 02252026 RWC, Agenda

Est. Staff Time: 5 Minutes.

*5.4. Consider the February 18, 2026, Board Audit Committee Recommendation to Initiate a Request-For-Proposal for a New Chief Audit Executive Agreement to Replace the Current Agreement Which Expires on November 22, 2026. 26-0190

Recommendation: Consider recommendations resulting from the February 18, 2026, Board Audit Committee meeting to:

A. Initiate a Request-For-Proposal for a new Chief Audit Executive agreement to replace the current agreement, which expires on November 22, 2026; and
B. Provide feedback and recommendations to staff as necessary.

Manager: Darin Taylor, 408-630-3068

Est. Staff Time: 10 Minutes.

*5.5. Consider the January 21, 2026, Board Audit Committee Recommendation to Accept the Water Conservation Program Performance Audit Final Report with Management Responses. 26-0203

Recommendation: Consider recommendations resulting from the January 21, 2026, Board Audit Committee meeting to:

A. Accept the 2025 Water Conservation Program Performance Audit Report with Management Response; and
B. Provide feedback and recommendations to staff as necessary.

Manager: Darin Taylor, 408-630-3068

Attachments: Attachment 1: Audit Report, with Management Responses
Attachment 2: PowerPoint

Est. Staff Time: 10 Minutes.

6. WATER UTILITY ENTERPRISE:

6.1. Receive Report of Bids, Ratify Addenda, Approve the Contingency Fund, 25-1022

and Award the Construction Contract to J.F. Shea Construction, Inc., for the Almaden Valley Pipeline Replacement Project - Phase 1, Project No. 92304001, Contract No. C0714, in the Sum of $77,875,209 (San Jose, Unincorporated Santa Clara County; Districts 1, and 7).

Recommendation:

A. Ratify Addenda No(s). 1, 2, 3, 4, 5, and 6 to the Contract Documents for the Almaden Valley Pipeline Replacement Project - Phase 1;
B. Award the Construction Contract to J.F. Shea Construction, Inc., located in Walnut, CA, in the sum of $77,875,209; and
C. Approve a contingency sum of $11,681,281 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Emmanuel Aryee, 408-630-3074

Attachments: Attachment 1: Project Delivery Process Chart
Attachment 2: Project Map

Est. Staff Time: 5 Minutes.

7. WATERSHEDS:

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

10.1. Receive and Approve the Mid-Year Operating and Capital Budget Adjustments to the Fiscal Year 2025-26 Rolling Biennial Adopted Budget. 26-0075

Recommendation: Approve the Mid-Year Operating and Capital Budget Adjustments to the Fiscal Year 2025-26 Rolling Biennial Adopted Budget.

Manager: Darin Taylor, 408-630-3068

Attachments: Attachment 1: FY25-26 Mid-Year Budget Adjustments, 1 - 4
Attachment 2: FY25-26 Mid-Year Budget Adjustments, 5
Attachment 3: Resolution No. 2025-41

Est. Staff Time: 5 Minutes.

*10.2. CEO and Chiefs' Reports. 26-0212

Attachments: *Handout 10.2-A: Grants, Bi-Monthly Update

Est. Staff Time: 5 Minutes.

11. ADMINISTRATION:

12. DISTRICT COUNSEL:

13. BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:

*13.1 Review the Fiscal Year 2026 Board Policy Planning Calendar. 25-0916

Recommendation: Review the Fiscal Year 2026 Board Policy Planning Calendar.

Manager: Candice Kwok-Smith, 408-630-3139

Attachments: *Attachment 1: FY26 Board Calendar

Est. Staff Time: 5 Minutes

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

16. ADJOURN:

16.1 The Board will convene for the next Regular meeting at 1:00 p.m. on Tuesday, March, 10, 2026, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Santa Clara Valley Water District

File No.: 26-0213

Agenda Date: 2/24/2026
Item No.: 2.1.

NON-EXHIBIT/CLOSED SESSION ITEM

SUBJECT:
CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Amanda Aguirre, et al. v. Santa Clara Valley Water District
Santa Clara County Superior Court Case No. 23CV415312

Santa Clara Valley Water District

File No.: 26-0243

Agenda Date: 3/24/2026
Item No.: *2.2.

NON-EXHIBIT/CLOSED SESSION ITEM

SUBJECT:
CLOSED SESSION
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: District Counsel
Pursuant to Government Code Section 54957(b)(1)

Santa Clara Valley Water District

File No.: 26-0194

Agenda Date: 2/24/2026
Item No.: 3.5.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Approve Proposed Updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program.

RECOMMENDATION:
Approve staff's proposed updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program.

SUMMARY:
In November 2020, Santa Clara County voters approved Measure S, renewing the Santa Clara Valley Water District's (Valley Water) Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program or Program). Measure S authorizes the Board of Directors (Board) to direct that Program projects be adjusted, modified, or not implemented based on factors such as funding availability, environmental review, and permitting requirements.

Paragraph "Fourth," Section N of the voter-approved Measure S requires the Board to conduct a formal, publicly noticed Hearing prior to approving any decision to modify or not implement a Program project. The full text of the Measure, as reflected in Board Resolution 20-64 and provided in full to the voters, is included as Attachment 1. Valley Water implements this requirement through a Board-approved Change Control Process.

At its meeting on October 28, 2025, the Board approved updates to the Change Control Process to expand opportunities for public input and enhance transparency related to proposed project modifications. The process improvements included (1) extending the Public Hearing duration, which would allow the public to raise issues and comment on a proposed project modification; (2) continuing and expanding the outreach efforts for Public Hearings; (3) aligning the Program's Public Hearing noticing with Valley Water's District Act procedures; and (4) clarifying the kind of information that would be reported once a project adjustment decision is made and where such information would be available to the public. The current Board-approved Change Control Process, which incorporates these October 2025 updates, is included as Attachment 2.

On November 12, 2025, the Board received the Safe, Clean Water Performance Audit Report for the

period covering July 1, 2021, through June 30, 2024. The audit report includes nine findings, two of which include recommendations for Valley Water to evaluate whether to modify the Key Performance Indicators (KPIs) for several projects to ensure: they are financially sustainable, they remain aligned with current project activities, and their descriptions clearly articulate the project's scope and deliverables. At its November 12th meeting, the Board directed the Board Chair to work with the CEO to identify an appropriate Board committee to conduct a more in-depth examination of those findings discussing KPIs, including evaluating whether any KPI revisions are necessary. The Chair and the CEO have since determined that the Board Policy and Monitoring Committee (BPMC) should conduct the in-depth examination. Staff is currently finalizing their proposal and response to the audit findings discussing KPIs. Once completed, staff's work will be brought before the BPMC for discussion. After receiving input from the BPMC, staff will finalize and present its proposal to the full Board for discussion and direction.

After reviewing potential revisions to KPIs in response to the audit findings, staff identified a need to refine the definition of "Adjustment" to better align with the language of Measure S itself. The revised definition of "Adjustment" would include edits to KPI text when they are proposed to clarify a KPI for purpose of improving its alignment with the project description. The revised definition of "Adjustment" would remain consistent with the plain language of Measure S and the associated Board Resolution approving the program that a Public Hearing is required only when Valley Water is proposing to modify or not implement a project. In addition to revising the definition of "Adjustment", staff is also proposing some minor editorial or clarifying revisions to other parts of the Change Control Process including the definition of "Modification."

The proposed updated definitions of "Adjustments" and "Modifications" are as follows:

- **Adjustments:** Changes to the Safe, Clean Water Program's project text or funding allocation that do not impact the delivery of any project KPI, or changes to a project schedule. Adjustments may include change(s) to a KPI when the purpose of such change(s) is to clarify the project KPI to be consistent with the applicable project description in the approved Program.

- **Modifications**: Changes to project description, project KPI, or funding allocation that impact the delivery of any project KPI.

Note that both adjustments and modifications require Board approval. Adjustments will be made by the Board during regular board meetings, while modifications or a decision not to implement a project require formal Public Hearings.

A redlined and a clean copy of the draft Revised Change Control Process are provided as Attachments 3 and 4, respectively. Attachment 5 is a revised version of the Change Control Process At-A-Glance, which reflects the proposed updates.

ENVIRONMENTAL JUSTICE IMPACT:
There is no environmental justice impact associated with this item.

FINANCIAL IMPACT:
There is no financial impact associated with this item.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
Attachment 1: Resolution No. 20-64
Attachment 2: Existing Board-Approved Change Control Process
Attachment 3: Draft Revised Change Control Process, Redlined
Attachment 4: Draft Revised Change Control Process, Clean
Attachment 5: Change Control Process At-A-Glance, Updated
Attachment 6: PowerPoint

UNCLASSIFIED MANAGER:
Luz Penilla, 408-630-2228

BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT

RESOLUTION NO. 20-64

PROVIDING FOR THE CONTINUATION AND LEVY OF A SPECIAL TAX TO PAY THE COST OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM IN THE COMBINED FLOOD CONTROL ZONE OF THE SANTA CLARA VALLEY WATER DISTRICT SUBJECT, NEVERTHELESS, TO SPECIFIED LIMITS AND CONDITIONS

WHEREAS, the Santa Clara Valley Water District (Valley Water) policy is to ensure current and future water supplies and provide healthy, clean, and reliable water in Santa Clara County; and

WHEREAS, Valley Water policy is to protect Santa Clara County creeks, reservoirs, Monterey Bay, and San Francisco Bay from toxins, pollutants, and contaminants; and

WHEREAS, Valley Water policy is to provide for flood water and storm water flood protection to residents, businesses, visitors, public highways, and the watercourses flowing within the District; and

WHEREAS, Valley Water policy is to protect our water supply, pipelines, and local dams from earthquakes and natural disasters; and

WHEREAS, Valley Water maintains a flood protection system of levees, channels, drains, detention basins, and other improvements upon which the lives and property of Valley Water residents depend, which said improvements must be kept in a safe and effective condition; and

WHEREAS, the Valley Water policy is to protect, enhance, and restore healthy Santa Clara County creeks, watersheds, and bay lands ecosystems; and

WHEREAS, in 2000, voters passed the 15-year Clean, Safe Creeks and Natural Flood Protection Plan; and

WHEREAS, the Valley Water policy is to engage in partnerships with the community to provide open spaces, trails, and parks along Santa Clara County creeks and watersheds; and

WHEREAS, in November 2012, voters passed the Safe, Clean Water and Natural Flood Protection Program which replaced the Clean, Safe Creeks and Natural Flood Protection Plan in its entirety when it became effective on July 1, 2013; and

WHEREAS, the Safe, Clean Water and Natural Flood Protection Program was originally scheduled to sunset on June 30, 2028; and

WHEREAS, in order to protect Santa Clara County water supplies, creeks, watersheds, and bay lands and ensure residents have an ample supply of clean water in the future, Valley Water will need a dedicated source of revenue in the future and beyond 2028 to maintain the programs established in the Safe, Clean Water and Natural Flood Protection Program; and

WHEREAS, the California State Legislature has authorized Valley Water to levy a special tax on each parcel of property within Valley Water or any zone or zones thereof upon approval by a two-thirds vote of the electorate of Valley Water or zones therein; and

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

WHEREAS, the purpose of the special tax is to supplement other available but limited revenues to keep said improvements in a safe and effective condition; to enable Valley Water to respond to emergencies; to perform maintenance and repair; to acquire, restore, and preserve habitat; to provide opportunities and access to recreation; to conduct environmental education; to protect and improve water quality; and to construct, operate, and maintain flood protection and storm drainage facilities; to support public health and public safety through efforts authorized by the District Act; and to fund the cost of financing such activities; and

WHEREAS, State California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), states that government funding mechanisms are not projects subject to the requirements of CEQA.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

FIRST: The Board hereby finds that since (a) the management of creeks, watersheds, and bay lands are necessary to ensure safe, clean water and to protect, enhance and restore healthy ecosystems, (b) the construction and management of flood protection services are made necessary by stormwater runoff, and (c) the lands from which runoff derives are benefitted by provision of means of disposition which alleviates or ends the damage to other lands affected thereby, by direct protection of loss of property, and other indirect means which include improved aesthetics and quality of life, the basis on which to levy the special tax is at fixed and uniform rates per area and county or city designated land use of each parcel, taxed as such parcel is shown on the latest tax rolls.

SECOND: Pursuant to the authority of Section 3 of the District Act, a Combined Zone consisting of the aggregate metes and bounds descriptions of Zones One, Two, Three, Four, and Five is presently existing as generally depicted in Attachment 1.

THIRD: A special Valley Water Election for November 3, 2020 will be called within said District, on the proposition of levy of a special tax.

FOURTH: Subject to approval by two-thirds of the electors of Valley Water voting at such election and pursuant to the authority vested in the Board, there is hereby established a special tax as authorized by this resolution, the proceeds of which shall be used solely for the purpose of supporting the priorities of the Safe, Clean Water and Natural Flood Protection Program. The priorities are summarized in Attachment 2. The Safe, Clean Water and Natural Flood Protection Program Report (hereafter “Report”) generally describes the priorities. This tax shall be instituted with the following provisions:

A. The Chief Executive Officer (CEO) or designee of Valley Water is directed to cause a written Report to be prepared for each fiscal year for which a special tax is to be levied and to file and record the same, all as required by governing law. Said Report shall include the proposed special tax rates for the upcoming fiscal year at any rate up to the maximum rate approved by the voters. Valley Water’s Board of Directors shall consider formal acceptance of this Report at a public meeting and shall thereafter make a final determination of special taxes with a confirming resolution. A special fund shall be established into which proceeds from the tax shall be deposited. Proceeds from the tax may be used only for the Safe, Clean Water and Natural Flood Protection Program.

B. The CEO, or designee of Valley Water may cause the special tax to be corrected in the same manner as assessor's or assessee's errors may be corrected but based only upon any or all of the following:

1. Changes or corrections in ownership of a parcel;

2. Changes or corrections of address of an owner of a parcel;

3. Subdivision of an existing parcel;

4. Changes or corrections in the use of all or part of a parcel;

5. Changes or corrections in the computation of the area of a parcel;

6. As to railroad, gas, water, telephone, cable television, electric utility right of way, electric line right of way, or other utility right of way properties.

Changes and corrections are not valid unless and until approved by the Board.

C. The Clerk of the Board shall immediately file certified copies of the final determination of special taxes and confirming resolution with the Auditor-Controller of the County of Santa Clara and shall immediately record with the County Recorder of said County a certified copy of the resolution confirming the special tax.

D. The special tax for each parcel set forth in the final determination by the Board shall appear as a separate item on the tax bill and shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes. Upon recording of the resolution confirming the special tax such special tax shall be a lien upon the real property affected thereby.

E. Failure to meet the time limits set forth in this resolution for whatever reason shall not invalidate any special tax levied hereunder.

F. No special tax for the Safe, Clean Water and Natural Flood Protection Program shall be imposed upon a federal or state or local governmental agency. Where real property owned by a federal, state, or local agency is leased to a private person or private entity, the private interest so created shall be separately assessed as a possessory interest and the special tax for the Safe, Clean Water and Natural Flood Protection Program shall be levied on all holders of such possessory interests. With said exceptions, a Safe, Clean Water and Natural Flood Protection Program special tax is levied on each parcel of real property in the five Flood Control Zones of Valley Water subject to this resolution for the purposes stated in the Report and in this resolution. Except for the minimum special tax as hereinafter indicated, the special tax for each parcel of real property in each such zone is computed by determining its area (in acres or fractions thereof) and land use category (as hereinafter defined) and then multiplying the area by the special tax rate applicable to land in such land use category. A minimum special tax may be levied on each parcel of real property having a land area up to 0.25 acre for Groups A, B, and C, up to 10 acres for Groups D and E Urban and, for Group E Rural, the minimum special tax shall be that as calculated for the E Urban category.

G. Land use categories for each parcel of land in Valley Water are defined and established as follows:

Group A: Land used for commercial or industrial purposes.

Group B: Land used for institutional purposes such as churches and schools or multiple dwellings in excess of four units, including apartment complexes, mobile home parks, recreational vehicle parks, condominiums, and townhouses.

Group C: (1) Land used for single-family residences and multiple-family units up to four units and (2) the first 0.25 acre of a parcel of land used for single-family residential purposes.

Group D: (1) Disturbed agricultural land, including irrigated land, orchards, dairies, field crops, golf courses, and similar uses and (2) the portion of the land, if any, in excess of 0.25 acre of a parcel used for single-family residential purposes.

Group E: Vacant undisturbed land (1) in urban areas and (2) in rural areas including dry farmed land, grazing and pasture land, forest and brush land, salt ponds, and small parcels used exclusively as well sites for commercial purposes.

Group F: Parcels used exclusively as well sites for residential uses are exempt from the special tax.

H. The special tax amounts applicable to parcels in the various land uses shall be as prescribed by the Board of Directors in each fiscal year (July 1 through June 30) beginning with fiscal year 2021-2022 as set forth in Attachment 3, which is incorporated herein by reference, and as required by law; provided, that the annual basic special tax unit (single-family residential parcel of 1/4 acre or less) shall not exceed a maximum limit of $67.67 annually (averaging $0.006 per square foot annually), as adjusted by the compounded percentage increases of the San Francisco-Oakland-San Jose Consumer Price Index (CPI-U) for all Urban Consumers (or an equivalent index published by a government agency) in the year or years after April 30, 2021; provided, however, that appropriate amounts may be increased in any year by up to the percentage increase of the San Francisco-Oakland-San Jose Consumer Price Index for all Urban Consumers in the preceding year or two percent (2%) whichever is greater; provided further, however, that in any period, not exceeding three years, immediately following a year in which the Governor of the State of California or the President of the United States has declared an area of said zones to be a disaster area by reason of flooding or other natural disaster, then to the extent of the cost of repair of Valley Water facilities damaged by such flooding or other natural disaster, the maximum tax rate shall be the percentage increase in CPI-U plus 4.5 percent; and provided, that special taxes for the Safe, Clean Water and Natural Flood Protection Program shall be levied annually until ended by voters.

I. In the event that the county or city designated land use for a parcel is different than the actual land use, the CEO of Valley Water may, pursuant to written policies and procedures, cause the special tax to be adjusted based upon any or all of the following:

1. The parcel owner shall provide Valley Water a claim letter stating that the present actual land use is different than the county or city designated land use, including an estimate of the portion of the parcel that is different than the designated land use. Such claim is subject to investigation by Valley Water as to the accuracy of the claim. Parcel owner shall furnish information deemed necessary by Valley Water to confirm the actual uses and areas in question which may include, but not be limited to, a survey by a licensed surveyor.

2. The parcel owner shall request Valley Water to inspect the parcel and reevaluate the parcel tax.

3. The parcel owner shall notify Valley Water after a substantial change in the actual land use occurs, including a new estimate of the portion of the parcel that is different than the designated land use.

4. Valley Water may inspect and verify the actual land use for these parcels on a regular basis and will notify the appropriate parcel owners when it is determined that the actual land use has matched a county or city designated land use. Valley Water shall then correct the special tax rates for these parcels accordingly.

J. Pursuant to state law, Valley Water may provide an exemption from the special tax for low income owner-occupied residential properties for taxpayer-owners who are 65 years of age or older, the following shall apply:

Residential parcels where the total annual household income does not exceed 75 percent of the latest available figure for state median income at the time the annual tax is set, and such parcel is owned and occupied by at least one person who is aged 65 years or older is qualified to apply for an exemption from the applicable special tax.

K. The Safe, Clean Water and Natural Flood Protection Program shall follow 15-year financial planning cycles. This will allow Valley Water to align its budget each year with the projects' key performance indicators as well as long-term financial planning efforts, such as the Capital Improvement Program. Prior to the development of each 15-year financial plan, Valley Water will conduct outreach to engage the community and key stakeholders, including the Safe, Clean Water and Natural Flood Protection Program's independent monitoring committee (IMC) and Valley Water advisory committees, to help ensure that the Safe, Clean Water and Natural Flood Protection Program's priorities remain aligned with the priorities of the residents of Santa Clara County.

L. After a period of no longer than fifteen (15) years, the Board of Directors shall evaluate the need for the Safe, Clean Water and Natural Flood Protection Program, and make an affirmative determination of whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program. Should the Board of Directors determine that no additional Projects are needed, the Safe, Clean Water and Natural Flood Protection Program special tax will be

reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with Safe, Clean Water and Natural Flood Protection Program funds. This evaluation process shall include the Valley Water advisory committees and the Program's IMC, which will be charged with making recommendations to the Board of Directors on the determination of whether the special tax should be reduced, repealed, or maintained. Following the first fifteen-year determination of continued need for the special tax, the determination shall be made every fifteen (15) years thereafter.

M. As projects under the Program are completed, the Board of Directors shall identify and prioritize new projects for inclusion in the Program. These new projects may be identified and proposed for Board approval at a public meeting through the Board's review and approval of the Program's five-year implementation plans, the first of which will be produced by the CEO or designee of Valley Water in year one of the Program and every five years thereafter; or, as directed by the Board.

N. The Board of Directors may direct that proposed projects in the Safe, Clean Water and Natural Flood Protection Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of CEQA environmental review and permitting by state and federal regulatory agencies. The Board of Directors must hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before adoption of any such decision to modify or not implement a project.

O. The Chief Financial Officer or designee of Valley Water shall file a fiscal year report with the Board of Directors no later than January 1 of each year for the prior fiscal year. The annual report shall contain both of the following: (a) the amount of funds collected and expended; and (b) the status of any project required or authorized to be funded under this resolution.

P. An external, independent monitoring committee (IMC) shall be appointed by the Valley Water Board of Directors to conduct an annual review of Valley Water's fiscal year report and provide an annual report from the IMC to the Board of Directors regarding implementation of the intended results of the Program. The IMC shall also review each proposed five-year implementation plan prior to its submittal for Board approval. Through review of both the annual reports and five-year implementation plans, the IMC may make recommendations to the Valley Water Board of Directors regarding reasonably necessary measures to meet the priorities of the Safe, Clean Water and Natural Flood Protection Program. Every fifteen years, the IMC will review, and recommend to the Board and general public, whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program as described in Paragraph L of this resolution.

Q. While the Safe, Clean Water and Natural Flood Protection Program is in effect, the Board of Directors shall conduct independent professional audits of the Program to provide for accountability and transparency at least every five years.

R. Grants and partnerships offered through the Safe, Clean Water and Natural Flood Protection Program, where aligned with the District Act and permitted by law, may

extend to state and local governmental organizations; organized community groups with an established structure; nonprofit organizations as defined by Internal Revenue Code subsections (c) or (d); schools, community colleges, or universities (public or nonprofit; non-profit organizations as defined under Internal Revenue Code section 501(c); religious or apostolic associations as defined under Internal Revenue Code section 501(d); for-profit organizations; and persons.

S. Pursuant to the State California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), adoption of this resolution for continuation of the parcel tax and as a government funding mechanism, is not a project subject to the requirements of CEQA. Prior to commencement of any project included in the Safe, Clean Water and Natural Flood Protection Program, any necessary environmental review required by CEQA shall be completed.

T. Upon entering into effect, the Safe, Clean Water and Natural Flood Protection Program parcel tax authorized by this resolution and placed on the ballot by RESOLUTION NO. 20-63, shall repeal and replace the Safe, Clean Water and Natural Flood Protection Program parcel tax approved by the voters in 2012. On the date that the parcel tax authorized by this resolution and RESOLUTION NO. 20-63 goes into effect, the updated Safe, Clean Water and Natural Flood Protection Program (the priorities of which are summarized in Attachment 2) will replace in its entirety the previously approved Safe, Clean Water and Natural Flood Protection Program. Any tax payments already made by voters and collected for use by Valley Water for the prior Safe, Clean Water and Natural Flood Protection Program will be used to achieve priorities identified in this updated Safe, Clean Water and Natural Flood Protection Program. Funding for capital projects currently identified in the prior Safe, Clean Water and Natural Flood Protection Program, will continue under this updated Safe, Clean Water and Natural Flood Protection Program to meet previous commitments. All other projects and programs identified in the prior Safe, Clean Water and Natural Flood Protection Program will be replaced by comparable projects or programs with similar or expanded obligations under the updated Safe, Clean Water and Natural Flood Protection Program. Commitments for incomplete non-capital projects or programs carried forward from the 2012 Safe, Clean Water and Natural Flood Protection Program, shall continue at no less than the current levels (funding or key performance indicators) as identified in the comparable replacement projects or programs under the updated Safe, Clean Water and Natural Flood Protection Program, until such time as they are completed. Changes to funding levels or key performance indicators may only be made by the Board as set forth under Paragraphs K and L or through Board decisions via a Board-approved Change Control Process.

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on July 21, 2020:

AYES:	Directors	Santos, Estremera, Keegan, Kremen, LeZotte, Varela, Hsueh
NOES:	Directors	None.
ABSENT:	Directors	None.
ABSTAIN:	Directors	None.

SANTA CLARA VALLEY WATER DISTRICT

NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors

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Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions
Resolution No. 20-64

ATTACHMENT 1
COVERSHEET

SCVWD FLOOD CONTROL ZONES AND BOARD DISTRICTS IN SANTA CLARA COUNTY

No. of Pages: 1

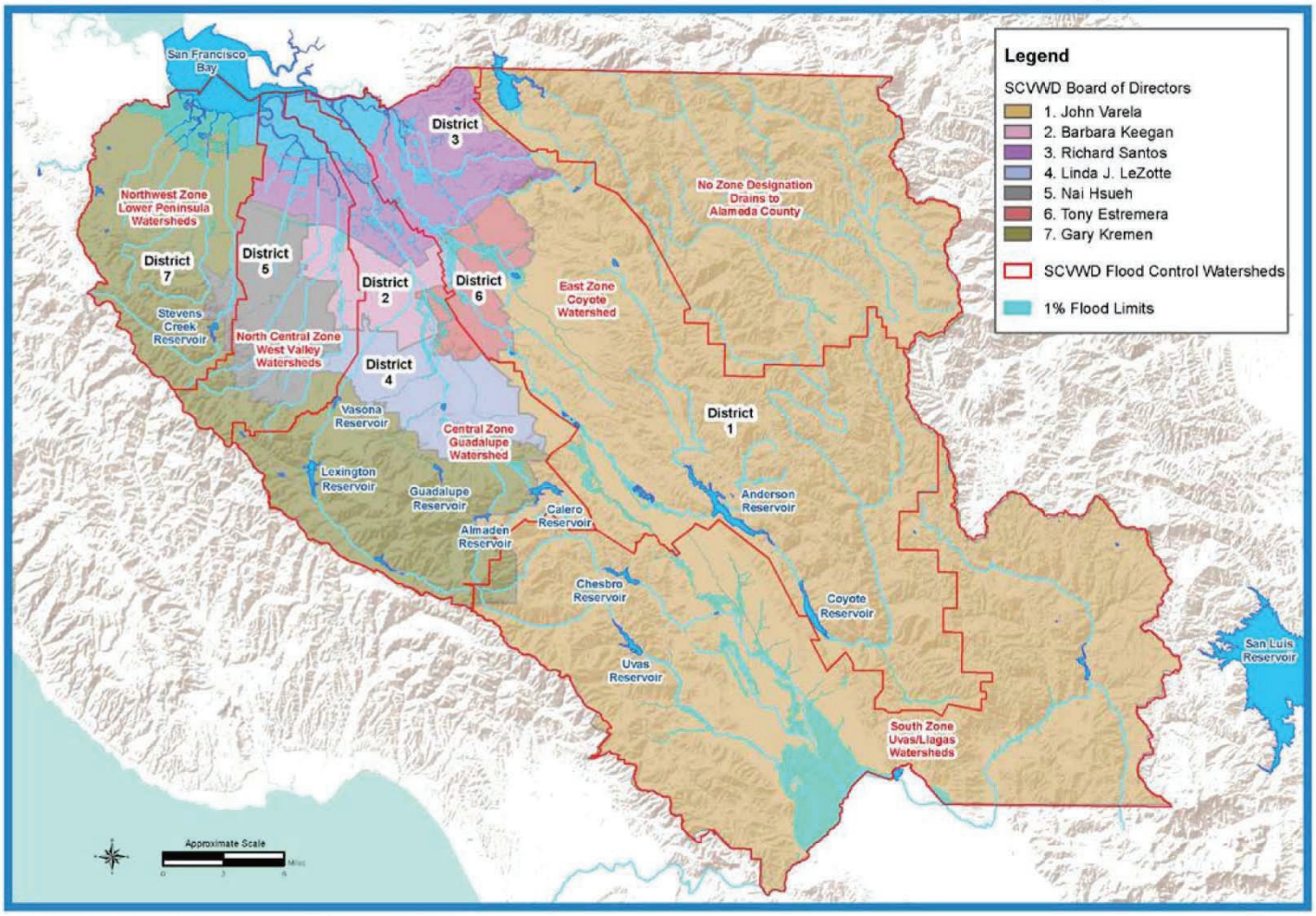
Additional Items: None.

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Resolution

APPENDIX D

SCVWD Flood Control Zones and Board Districts in Santa Clara County



GIS themes are for illustration and general analysis purposes only and are not accurate to surveying or engineering standards. Information is not guaranteed to be accurate, current, or complete and use of this information is your responsibility.

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Valley Water

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Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions
Resolution No. 20-64

ATTACHMENT 2
COVERSHEET

SUMMARY OF KEY PERFORMANCE INDICATORS FOR THE FIRST 15 YEARS OF PROGRAM

No. of Pages: 5

Additional Items: None.

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Summary of Key Performance Indicators for the First 15 Years of Program

Project	Key Performance Indicator
Priority A: Ensure a Safe, Reliable Water Supply	
A1 Pacheco Reservoir Expansion	1. Provide a portion of funds, up to $10 million, to help construct the Pacheco Reservoir Expansion Project.
A2 Water Conservation Rebates and Programs	1. Award up to $1 million per year toward specified water conservation program activities, including rebates, technical assistance and public education within the first seven (7) years of the Program.
A3 Pipeline Reliability	1. Install four (4) new line valves on treated water distribution pipelines.

Project	Key Performance Indicator
Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways	
B1 Impaired Water Bodies Improvement	1. Investigate, develop and implement actions to reduce methylmercury in fish and other organisms in the Guadalupe River Watershed. 2. Prepare and update a plan for the prioritization of surface water quality improvement activities, such as addressing trash and other pollutants. 3. Implement at least two (2) priority surface water quality improvement activities identified in the plan per 5-year implementation period.
B2 Inter-Agency Urban Runoff Program	1. Address trash in creeks by maintaining trash capture devices or other litter control programs. 2. Maintain Valley Water's municipal stormwater compliance program and partner with cities to address surface water quality improvements, including participation in at least three (3) countywide, regional or statewide stormwater program committees to help guide regulatory development, compliance, and monitoring. 3. Support at least one (1) stormwater quality improvement activity per 5-year implementation period in Santa Clara County, including providing up to $1.5 million over 15 years to support implementation of green stormwater infrastructure consistent with Santa Clara Basin and South County Stormwater Resource Plans.
B3 Hazardous Materials Management and Response	1. Respond to 100% of hazardous materials reports requiring urgent on-site inspection in two (2) hours or less.
B4 Support Volunteer Cleanup Efforts	1. Fund Valley Water's creek stewardship program to support volunteer cleanup activities such as annual National River Cleanup Day, California Coastal Cleanup Day, the Great American Litter Pick Up; and the Adopt-A-Creek Program.

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Project	Key Performance Indicator
Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters	
C1 Anderson Dam Seismic Retrofit	1. Provide portion of funds, up to $54.1 million, to help restore full operating reservoir capacity of 90,373 acre-feet.

Project	Key Performance Indicator
Priority D: Restore Wildlife Habitat and Provide Open Space	
D1 Management of Riparian Planting and Invasive Plant Removal	1. Maintain a minimum of 300 acres of riparian planting projects annually to meet regulatory requirements and conditions. 2. Maintain a minimum of 200 acres of invasive plant management projects annually to meet regulatory requirements and conditions. 3. Remove 25 acres of Arundo donax throughout the county over a 15-year period.
D2 Revitalize Riparian, Upland and Wetland Habitat	1. Revitalize at least 21 acres over a 15-year period through native plant revegetation and/or removal of invasive exotic species. 2. Develop an Early Detection and Rapid Response Program Manual. 3. Identify and treat at least 100 occurrences of emergent invasive species over a 15-year period, as identified through the Early Detection and Rapid Response Program. 4. Develop at least eight (8) information sheets for Early Detection of Invasive Plant Species.
D3 Sediment Reuse to Support Shoreline Restoration	1. Maintain partnership agreements to reuse sediment to improve the success of salt pond and tidal marsh restoration projects and activities. 2. Provide up to $4 million per 15-year period to support activities necessary for sediment reuse.
D4 Fish Habitat and Passage Improvement	1. Complete planning and design for one (1) creek/lake separation. 2. Construct one (1) creek/lake separation project in partnership with local agencies. 3. Use $8 million for fish passage improvements by June 30, 2028. 4. Update study of all major steelhead streams in the county to identify priority locations for fish migration barrier removal and installation of large woody debris and gravel as appropriate. 5. Complete five (5) habitat enhancement projects based on studies that identify high priority locations for large wood, boulders, gravel, and/or other habitat enhancement features.
D5 Ecological Data Collection and Analysis	1. Reassess and track stream ecological conditions and habitats in each of the county's five (5) watersheds every 15 years. 2. Provide up to $500,000 per 15-year period toward the development and updates of five (5) watershed plans that include identifying priority habitat enhancement opportunities in Santa Clara County.
D6 Restoration of Natural Creek Functions	1. Construct the Hale Creek Enhancement Pilot Project, which includes restoration and stabilization of a 650-foot section of concrete-lined channel on Hale Creek, between Marilyn Drive and North Sunshine Drive on the border of Mountain View and Los Altos. 2. Construct the Bolsa Road Fish Passage Project along 1,700 linear feet of Uvas-Carnadero Creek in unincorporated Santa Clara County, which includes geomorphic design features that will restore stability and stream function. 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 D: Restore Wildlife Habitat and Provide Open Space cont…	
D7 Partnerships for the Conservation of Habitat Lands	1. Provide up to $8 million per 15-year period for the acquisition or enhancement of property for the conservation of habitat lands.

Project	Key Performance Indicator
Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways	
E1 Coyote Creek Flood Protection, Montague Expressway to Tully Road – San Jose	1. Construct flood protection improvements along Coyote Creek between Montague Expressway and Tully Road to provide protection from floods up to the level that occurred on February 21, 2017, approximately a 5% (20-year) flood event.
E2 Sunnyvale East and Sunnyvale West Channels Flood Protection, San Francisco Bay to Inverness Way and Almanor Avenue – Sunnyvale	1. Provide 1% (100-year) flood protection for 1,618 properties and 47 acres (11 parcels) of industrial land, while improving stream water quality and working with other agencies to incorporate recreational opportunities.
E3 Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3) – Milpitas	1. With local funding only: Complete the design phase of the 1% (100-year) flood protection project to protect an estimated 1,420 parcels.
E4 Upper Penitencia Creek Flood Protection, Coyote Creek to Dorel Drive – San Jose	1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 8,000 parcels. 2. With local funding only: Construct a 1% (100-year) flood protection project from Coyote Creek confluence to Capital Avenue to provide 1% (100-year) flood protection to 1,250 parcels, including the new Berryessa BART station.
E5 San Francisquito Creek Flood Protection, San Francisco Bay to Upstream of Highway 101 – Palo Alto	1. Preferred project with federal, state and local funding: Protect more than 3,000 parcels by providing 1% (100-year) flood protection. 2. With state and local funding only: Protect approximately 3,000 parcels by providing 1% (100-year) flood protection downstream of Highway 101, and approximately 1.4% (70-year) protection upstream of Highway 101.

Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways cont…	
E6 Upper Llagas Creek Flood Protection, Buena Vista Avenue to Llagas Road – Morgan Hill, San Martin, Gilroy	1. Preferred project with federal and local funding: Plan, design and construct flood protection improvements along 13.9 miles of Upper Llagas Creek from Buena Vista Avenue to Llagas Road to provide flood protection to 1,100 homes, 500 businesses, and 1,300 agricultural acres, while improving stream habitat. 2. With local funding only: Construct flood protection improvements along Llagas Creek from Buena Vista Avenue to Highway 101 in San Martin (Reaches 4 and 5 (portion)), Monterey Road to Watsonville Road in Morgan Hill (Reach 7a), approximately W. Dunne Avenue to W. Main Avenue (portion of Reach 8), and onsite compensatory mitigation at Lake Silveira.
E7 San Francisco Bay Shoreline Protection – Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale	1. Provide portion of the local share of funding for planning, design and construction phases for the Santa Clara County shoreline area, EIAs 1-4. 2. Provide portion of the local share of funding for planning and design phases for the Santa Clara County shoreline area, EIAs 5-9.
E8 Upper Guadalupe Flood Protection, Highway 280 to Blossom Hill Road – San Jose	1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 6,280 homes, 320 businesses and 10 schools and institutions. 2. With local funding only: Construct flood protection improvements along 4,100 feet of Guadalupe River between the Southern Pacific Railroad (SPRR) crossing, downstream of Willow Street, to the Union Pacific Railroad (UPRR) crossing, downstream of Padres Drive, and provide gravel augmentation along approximately 800 linear feet of the Upper Guadalupe River in San Jose, from approximately the Union Pacific Railroad Bridge to West Virginia Street Bridge to improve aquatic habitat for migrating steelhead and channel stability.

Project	Key Performance Indicator
Priority F: Support Public Health and Public Safety for Our Community	
F1 Vegetation Control and Sediment Removal for Capacity	1. Maintain completed flood protection projects for flow conveyance.
F2 Emergency Response Planning and Preparedness	1. Coordinate with local municipalities to merge Valley Water-endorsed flood emergency processes with their own emergency response plans and processes. 2. Complete five (5) flood management plans/procedures per 5-year period, selected by risk priorities. 3. Train Valley Water staff and partner municipalities annually on disaster procedures via drills and exercises before testing the plans and procedures. 4. Test flood management plans/procedures annually to ensure effectiveness.
F3 Flood Risk Assessment Studies	1. Complete engineering studies on three (3) creek reaches to address 1% (100-year) flood risk. 2. Annually, update floodplain maps on a minimum of three (3) creek reaches in accordance with new FEMA standards.

Priority F: Support Public Health and Public Safety for Our Community cont…	
F4 Vegetation Management for Access and Fire Safety	1. Provide vegetation management for access and fire risk reduction on an average of 495 acres per year, totaling 7,425 acres along levee, property lines and maintenance roads over a 15-year period.
F5 Good Neighbor Program: Encampment Cleanup	1. Perform 300 annual cleanups to reduce the amount of trash and pollutants entering the streams. 2. Provide up to $500,000 per year in cost-share with other agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the homelessness crisis with the goal of reducing the need for encampment cleanups.
F6 Good Neighbor Program: Graffiti and Litter Removal and Public Art	1. Cleanup identified trash and graffiti hotspots at approximately 80 sites four (4) times per year. 2. Respond to requests on litter or graffiti cleanup within five (5) working days. 3. Provide up to $1.5 million over 15 years to implement public art projects on Valley Water property and infrastructure.
F7 Emergency Response Upgrades	1. Maintain existing capabilities for flood forecasting and warning. 2. Improve flood forecast accuracy and emergency response time working with the National Weather Service and through research and development.
F8 Sustainable Creek Infrastructure for Continued Public Safety	1. Provide up to $7.5 million in the first 15-year period to plan, design and construct projects identified through Watersheds asset management plans.
F9 Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	1. Provide a grant and partnership cycle each year for projects related to safe, clean drinking water, flood protection and environmental stewardship. 2. Provide annual funding for bottle filling stations to increase drinking water accessibility, with priority for installations in economically disadvantaged communities and locations that serve school-age children and students. 3. Provide annual mini-grant funding opportunity for projects related to safe, clean drinking water, flood protection and environmental stewardship. 4. Provide up to $3 million per 15-year period for partnerships with small municipalities (defined as under 50,000 people in the most recent census available), or special districts with boundaries substantially within the footprint of small cities, for projects aligned with the District Act and related to safe, clean drinking water, flood protection and environmental stewardship.

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions
Resolution No. 20-64

ATTACHMENT 3
COVERSHEET

FIGURE 1
ACTUAL FY 2019–20 AND ACTUAL FY 2020–21 SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION SPECIAL TAX RATES

No. of Pages: 1

Additional Items: None.

RL14541

FIGURE 1
Actual FY 2019–20 and Actual FY 2020–21
Safe, Clean Water and Natural Flood Protection Special Tax Rates

Land Use Categories	Actual FY '19-20	Actual FY '20-21
A - Commercial, Industrial		
Rate ($/Acre)	$541.60	$541.60
Minimum Assessment [1]	$135.39	$135.39
B - Apartment, Schools, Churches, Condominiums & Townhouse		
Rate ($/Acre)	$406.20	$406.20
Minimum Assessment [1]	$101.55	$101.55
Condominiums & Townhouses ($/unit)	$32.95	$32.95
C - Single Family Residential, Small Multiples (2-4 units) [2]		
Minimum Assessment [1]	$67.67 (Averaging $0.006 per square foot)	$67.67 (Averaging $0.006 per square foot)
D - Utilized Agriculture[2]		
Rate ($/Acre)	$3.47	$3.47
Minimum Assessment [1]	$34.70	$34.70
E - Urban - Nonutilized Agricultural, Grazing Land, Salt Ponds, Well Site in Urban Areas		
Rate ($/Acre)	$1.02	$1.02
Minimum Assessment [1]	$10.23	$10.23
E - Rural - Nonutilized Agricultural, Grazing Land, Well Sites in Rural Areas		
Rate ($/Acre)	$0.14	$0.14
Minimum Assessment [1]	$10.23	$10.23

[1] The minimum assessments shown for Categories A, B, and C apply to parcels 1/4 acre or less in size. Category C parcels larger than 1/4 acre pay the minimum assessment for the first 1/4 acre and the remaining acreage is assessed at the Category D rate. For Category D, the minimum assessment applies to parcels less than 10 acres. The minimum assessment for Group E parcels is the amount charged for 10 acres of urban undeveloped land; the minimum assessment is the same for both the Urban Category and the Rural Category parcels, however the Rural Category applies to parcels of 80 acres or less.

[2] Residential land in excess of 1/4 acre is assessed at the "D" rate.

RL14541 3-1

Safe, Clean Water and Natural Flood Protection Program Change Control Process

1. PURPOSE

To define and standardize the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program or Program). This document outlines the Change Control Process for the Safe, Clean Water Program.

2. BACKGROUND

In November 2020, voters in Santa Clara County approved Measure S, a renewal of Valley Water's Safe, Clean Water Program. The Program was first passed by voters in 2000 as the Clean, Safe Creeks and Natural Flood Protection Plan, then again in 2012 as the Safe, Clean Water and Natural Flood Protection Program.

The Safe, Clean Water Program was developed to allow for adjustments to projects as needed over the course of the Program, to track and ensure that key performance indicators (KPIs) are delivered. The voter-approved measure allows the Board of Directors (Board) to direct that proposed projects in the Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of environmental reviews and permitting by state and federal regulatory agencies. However, the measure requires that the Board first hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before making any decision to modify or not implement a project. Resolution No. 20-64, Section N.

Valley Water follows an established, Board-approved Change Control Process when the Board is considering whether to adjust, modify, or not implement a proposed project in the Program. This Change Control Process was originally developed and approved as part of the 2012 Program and has been updated several times to incorporate feedback and direction from the Board, to address audit recommendations, and to align with the latest Program after its approval by the voters in 2020.

3. DEFINITIONS

The Change Control Process distinguishes between the following types of changes:

Adjustments: Changes to the Safe, Clean Water project text, schedule, and/or funding that do not impact the delivery of any KPI.

Modifications: Changes to project KPIs or funding allocations that impact the delivery of a KPI.

Non-Implementation: Decisions by the Board not to implement a project.

Table 1 Types of Changes		
Types of Changes	**Adjustments**	**Modifications / Non-Implementation**
Text	Edits to text to correct errors, information/data updates, and overall readability.	Changes to a project's KPI.
Schedule	Adjustments to project schedules provided for each 15-year funding cycle of the Program	
Funding	Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project KPIs in the Program.	Changes to funding allocations that will impact any project's KPIs in the Program.

By distinguishing between project adjustments and modifications, Valley Water can clearly define the project changes that trigger the requirement for a public hearing. Additionally, by identifying the processes for making adjustments and formalizing a clear process for annual public hearings, Valley Water can implement the Safe, Clean Water Program as intended. The following Section 4, Change Control Process Framework, describes the processes by which Valley Water will consider and make decisions on whether to adjust, modify, or not implement a project within the Program.

4. CHANGE CONTROL PROCESS FRAMEWORK

A. Process for Adjustments

After determining that an adjustment to a project may be necessary, staff will provide the analysis and recommendations to the Board, and the Board will provide direction based on staff's analysis and input from the community or others who might be interested in the project. Adjustments to the Program will be made by the Board and the changes will be reflected in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page. Table 2 outlines the processes for making adjustments to the Program.

Table 2 Process for Adjustments	
Text: Edits to text to correct errors, information/data updates, and overall readability	1. Board approval will be sought at the time the Program Annual Report (Annual Report) is presented for approval. 2. Board-approved adjustments to text will be reflected in the annual report, the current Safe, Clean Water Program five-year implementation plan (five-year implementation plan), via addendum, the subsequent five-year plans, and the Program web page.
Schedule: Adjustments to project schedules provided for each 15-year funding cycle of the Program	1. Capital project schedules will be approved by the Board through the adoption of the Capital Improvement Program (CIP) Five-Year Plan or at the end of the fiscal year. 2. All schedule adjustments, including those approved through the CIP Five-Year Plan, will be presented to the Board at the end of the fiscal year. 3. Schedule comparison of the original project schedule provided for each 15-year funding cycle of the Program to the project's current schedule will be included in the annual report 4. The adjustments will be included in the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.
Funding: Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project deliverables in the Program	1. Comply with Valley Water processes for budget adjustments. 2. Approval for changes to project appropriations per the Program Report, Appendix E, will follow Valley Water's annual budget process, with analysis provided as to the impact on the overall program fund to ensure that any project KPIs in the Program will not be impacted. 3. Annual and Cumulative Financial Summary information will be included in the Annual Report. 4. All funding allocation adjustments, including those approved through the CIP Five-Year Plan, will be included in the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.

B. Process for Modifications and Non-Implementation

Table 3 outlines the process for making modifications or non-implementation decisions. A more detailed description of the steps to implement this process is provided below.

Table 3: Process for Modification and Non-Implementation	
Text: Changes to a project's KPIs	1. Public hearing. 2. Approved modifications will be included in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.
Funding: Changes to project funding allocations that will impact any project's KPIs in the Program	1. Public hearing. 2. Approved modifications will be included in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.
Decision to not implement a project	1. Public hearing. 2. Approved non-implementation of a project will be included in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.

1) Public Hearing: Process and Timeline

a. Once staff determines that a project modification or non-implementation may be necessary, staff will consider options and perform analysis on the proposed modification and options.

b. Staff will present their analysis and the proposed modification at a Board meeting. The Board will discuss and receive public comments during the meeting. The analysis will likely include a financial analysis, an impact assessment on project KPI(s), proposed options to mitigate the impacts on projects if feasible, along with the justifications for the recommended changes. Before presenting the analysis to the Board, staff may bring the information to Board committees, as appropriate, for input.

c. After Board discussion and public input and pursuant to Board's direction, staff may (i) not move forward with proposing the modification; (ii) return to the Board with further analysis; or (iii) return to the Board and recommend that the Board set a public hearing date to consider the proposed

modification. The timing for the Board to set the public hearing can occur in two ways:

- Standard Process - In most cases, staff will return to the Board at the next regular board meeting and seek the Board's approval to set the public hearing date to occur at the following regular board meeting.

- Expedited Process – In some instances, a decision may need to be made more expeditiously (e.g., reallocation of funding may be required to award a construction contract to avoid project delay). In such a case, staff may seek the Board's approval to set a public hearing date at the same board meeting where staff present the analysis.

d. The Board will open the public hearing at the scheduled public hearing date and time and hear public comments. The Board will continue the public hearing without closing the public hearing.

e. After the Board sets the public hearing date (see 1.c above) and while the public hearing is continued, staff will identify and pursue opportunities as appropriate to engage with the community and other interested parties (e.g., cities, county, community groups). These opportunities may include presenting the proposed modification at one or more Board committees (e.g., Capital Improvement Program Committee, Environmental Creek Cleanup Committee) and meeting with communities directly to answer questions and collect input. Staff will collect input gathered during these outreach meetings and provide the information to the Board as the public hearing continues.

f. At the close of the public hearing, the Board will deliberate before making a decision on the matter.

   Two timelines are available for use depending on the urgency and complexity of the proposed modification or non-implementation. The standard process, which allows extended public input, community engagement, and municipal outreach, is estimated to last 2-3 months. The expedited process will also incorporate public outreach and engagement, but the process will be shortened to take place over a period of 1-2 months.

   The preferred timeframe to conduct a public hearing during each fiscal year is no later than April and before the Board's adoption of the next fiscal year budget. This timing has been established so that if the need for project modifications or non-implementation arises for multiple projects, the following is accomplished:
   - Reduced costs for public notice placements in newspapers by holding one public hearing for multiple projects;
   - Consistency for the community and other interested parties who wish to participate on an annual basis;

- Acceptance or rejection of proposed modifications prior to the budget hearings, allowing for the Board's direction to be incorporated in the next fiscal year budget; and
- An annual opportunity for project managers to propose modifications that incorporate the Board's review of the Annual Report (November).

2) Public Hearing: Noticing and Outreach

Once the Board sets a public hearing date to consider whether to modify or not implement a project, Valley Water will provide notice of the scheduled public hearing consistent with the applicable requirements set forth in Section 12(a)[1] of the Santa Clara Valley Water District Act (District Act). Specifically, notice of the public hearing will be given by publication once per week for two consecutive weeks before the hearing, the last publication of which notice will be at least seven days before the hearing, in a newspaper of general circulation.

In addition to the above, Valley Water will implement measures to encourage public participation and expand its outreach on the public hearing if needed, including the following:

a. **Publications** in local papers (e.g. Vietnam Daily, El Observador, Palo Alto Daily Post, etc.)

b. **Online –** Posting the public hearing notice in the District News section of the website and on social media (e.g. Facebook, LinkedIn, NextDoor, and X).

c. **Email –** Sending E-blasts to the IMC members, the Safe, Clean Water list of interested parties, and applicable project email lists. Presentations regarding the Safe, Clean Water Program at public meetings include a Quick Response (QR) code linking to the sign-up form for email notifications.

5. CHANGE HISTORY

DATE	REV	SIGNIFICANT CHANGE	COMMENTS
TBD	A	Yes	Revised Safe, Clean Water Program (SCW) Change Control Process (2025) Document (Extended public hearings, public advertisement requirements and clarification of rationale for recommendations)

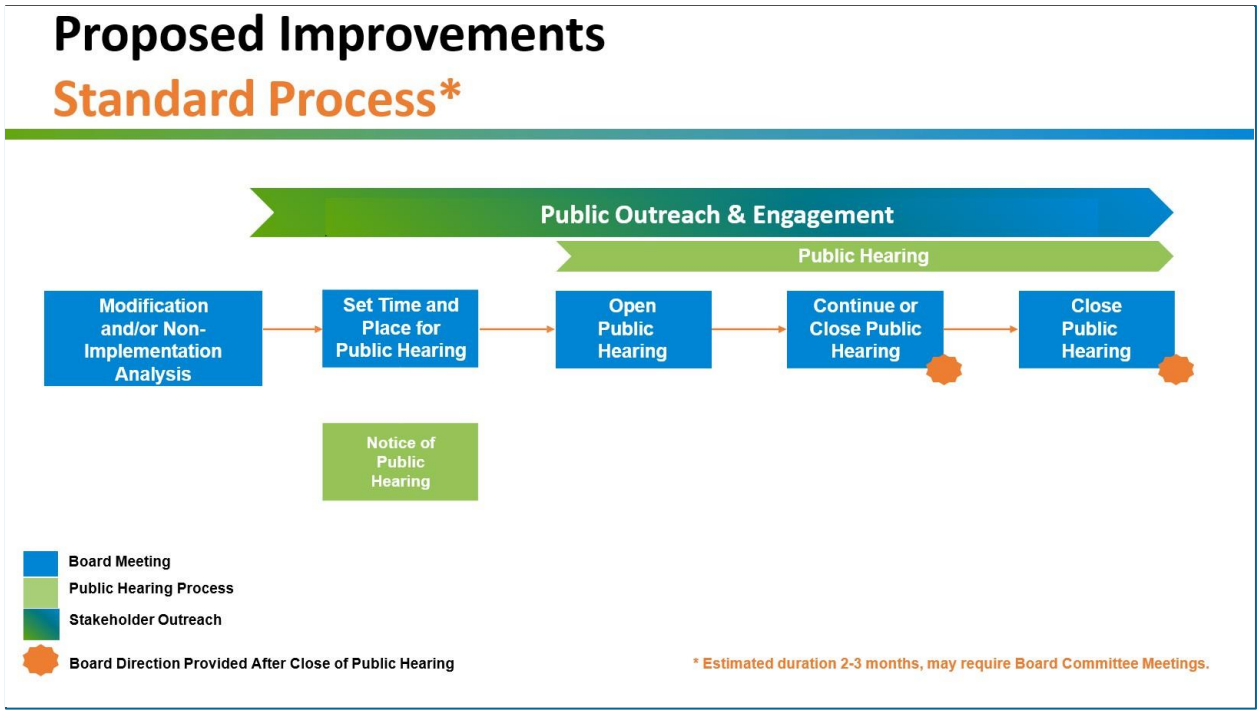
6. ADDENDA

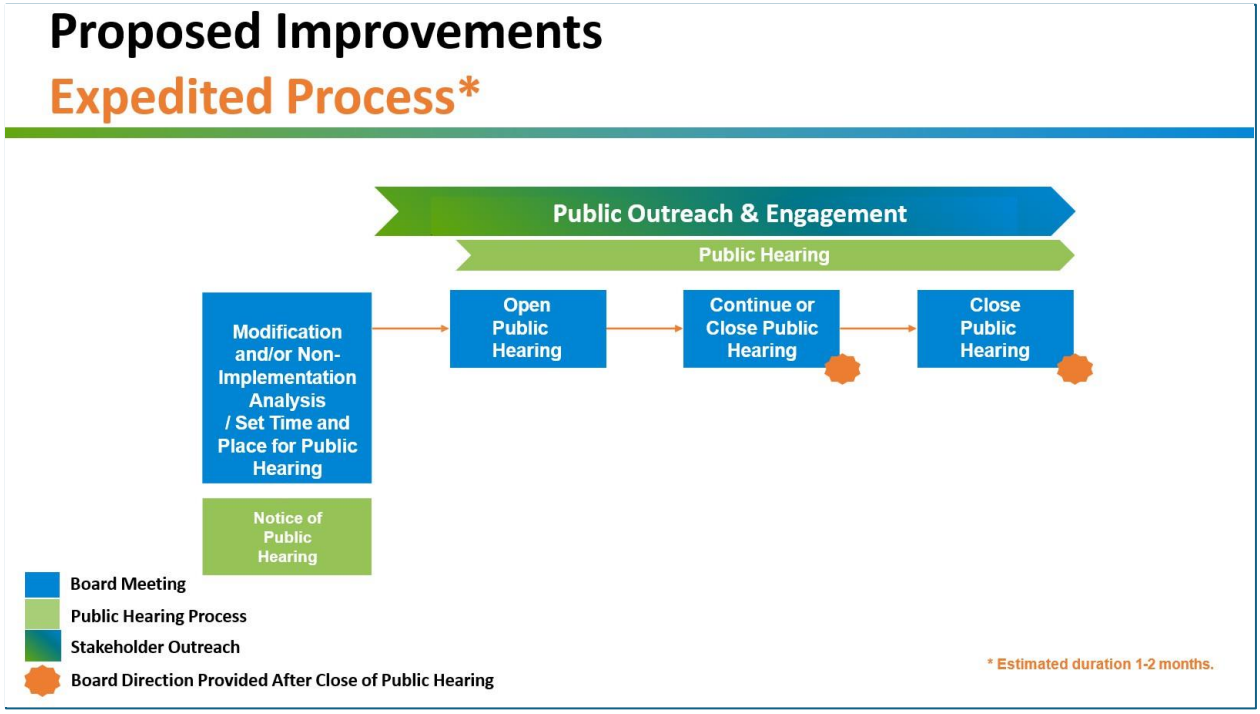
APPENDIX A: Flowcharts for SCW Change Control: Public Hearing for Modifications and Non-Implementation

[1] Section 12(a) of the District Act provides the requirements for noticing public hearings for the Board's consideration of engineer reports. Valley Water will follow a similar process for noticing public hearings for SCW Program changes.

Safe, Clean Water and Natural Flood Protection Program Change Control Process

APPENDIX A: Flowcharts for SCW Change Control: Public Hearing for Modifications and Non-Implementation





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Safe, Clean Water and Natural Flood Protection Program Change Control Process

1. PURPOSE

~~To~~The purpose of this document is to define and standardize the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program or Program). ~~This document outlines the Change Control Process for the Safe, Clean Water Program.~~

2. BACKGROUND

In November 2020, voters in Santa Clara County approved Measure S, a renewal of Valley Water's Safe, Clean Water Program. The Program was first passed by voters in 2000 as the Clean, Safe Creeks and Natural Flood Protection Plan, then again in 2012 as the Safe, Clean Water and Natural Flood Protection Program.

The Safe, Clean Water Program was developed to allow for adjustments to projects as needed over the course of the Program, to track and ensure that key performance indicators (KPIs) for the Program's projects are delivered. The voter-approved measure allows the Board of Directors (Board) to direct that proposed projects in the Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of environmental reviews and permitting by state and federal regulatory agencies. However, the measure requires that the Board first hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before making any decision to modify or not implement a project. Resolution No. 20-64, Section N.

Valley Water follows an established, Board~~-~~ approved Change Control Process ~~when the Board is considering whether to adjust, modify, or not implement a~~on how proposed ~~project~~adjustments, modifications or non-implementation of projects in the Program will be considered. This Change Control Process was originally developed and approved as part of the 2012 Program and has been updated several times to incorporate feedback and direction from the Board, to address audit recommendations, and to align with the ~~latest~~current Program ~~after its approval~~approved by the voters in 2020.

3. DEFINITIONS

The Change Control Process distinguishes between the following three types of changes to projects in the Safe, Clean Water Program:

Adjustments: Changes to the Safe, Clean Water Program's project text~~, **schedule, and/**~~ or funding allocation that do not impact the delivery of any project KPI, or changes to a project schedule. Adjustments may include change(s) to a KPI when the purpose of such change(s) is to clarify the project KPI to be consistent with the applicable project description in the approved Program.

Modifications: Changes to project ~~**KPIs**~~description, project KPI, or funding ~~**allocations**~~allocation that impact the delivery of ~~**a**~~any project KPI.

Non-Implementation: ~~Decisions~~A decision by the Board to not ~~to~~ implement a project.

Table 1 Types of Changes		
Types of Changes	**Adjustments**	**Modifications / Non-Implementation**
Project Text or KPI Text	Edits to project description text to correct errors, incorporate information/data updates, ~~and~~or improve overall readability~~.~~, or edits to KPI text to be consistent with the project description in the Program.	Changes to ~~a~~project description or KPI that will impact delivery of any project's ~~KPI~~KPIs in the Program.
Schedule	~~Adjustments~~Changes to project schedules provided for each 15-year funding cycle of the Program	
Funding	Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project KPIs in the Program.	Changes to project funding allocations that will impact delivery of any project's KPIs in the Program.

By distinguishing between project adjustments and modifications, Valley Water can clearly define the project changes that trigger the requirement for a public hearing~~.~~ under the Safe, Clean Water Program measure. Additionally, by identifying the ~~processes~~process for making adjustments and formalizing a clear process for annual public hearings, Valley Water can implement the Safe, Clean Water Program as intended. The following Section 4, Change Control Process Framework, describes the processes by which Valley Water will consider and make decisions on whether to adjust, modify, or not implement a project within the Program.

4. CHANGE CONTROL PROCESS FRAMEWORK

When staff is considering proposing a change to a project in the Program, staff will evaluate whether the proposed change is an adjustment or a modification based on the above definitions. Section 4A describes the process for making project adjustments. Section 4B describes the process for making project modifications or deciding not to implement a project, both of which require public hearings pursuant to the approved measure.

A. Process for Adjustments

After determining that an adjustment to a project may be necessary, staff will provide the analysis and recommendations to the Board, and the Board will provide direction based on staff's analysis and input from the community or others who might be interested in the project. Adjustments to the Program will be made by the Board and the changes will be reflected in the annual report~~,~~ for the year the adjustment was made, the then-current five-year implementation plan~~,~~ via addendum, the subsequent five-year plans, and the Program web page. Table 2 outlines the processes for making adjustments to the Program.

~~Table 2 outlines the processes for making adjustments to the Program.~~

Table 2 Process for Adjustments	
Project Text or KPI **Text:** Edits to project description text to correct errors, incorporate information/data updates, ~~and~~or improve overall readability, or edits to KPI text to clarify a project KPI to be consistent with the project description in the Program.	1. Board approval will be sought at the time the Program Annual Report (Annual Report) is presented for approval. 2. Board-approved adjustments to text will be reflected in the annual report, the then-current Safe, Clean Water Program five-year implementation plan (five-year implementation plan~~),~~) via addendum, the subsequent five-year plans, and the Program web page. ~~2.~~
Schedule: Adjustments to project schedules provided for each 15-year funding cycle of the Program	1. Capital project schedules will be approved by the Board through the adoption of the Capital Improvement Program (CIP) Five-Year Plan or at the end of the fiscal year. 2. All schedule adjustments, including those approved through the CIP Five-Year Plan, will be presented to the Board at the end of the fiscal year. 3. Schedule comparison of the original project schedule provided for each 15-year funding cycle of the Program to the project's current schedule will be included in the annual report 4. The adjustments will be included in the then-current five-year implementation plan~~,~~ via addendum, the subsequent five-year plans, and the Program web page.
Funding: Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project deliverables in the Program	1. Comply with Valley Water processes for budget adjustments. 2. Approval for changes to project appropriations per the Program Report, Appendix E, will follow Valley Water's annual budget process, with analysis provided as to the impact on the overall program fund to ensure that any project KPIs in the Program will not be impacted. 3. Annual and Cumulative Financial Summary information will be included in the Annual Report. 4. All funding allocation adjustments, including those approved through the CIP Five-Year Plan, will be included in the then-current five-year implementation plan~~,~~ via addendum, the subsequent five-year plans, and the Program web page.

B. Process for Modifications and Non-Implementation

Table 3 outlines the process for making modifications or non-implementation decisions. A more detailed description of the steps to implement this process is provided below.

Table 3: Process for Modification and Non-Implementation	
Text: Changes to ~~a~~project description or KPI that will impact delivery of any project's KPIs in the Program.	1. Public hearing~~.~~ ~~2.~~ Approved modifications will be included in the annual report, the then-current five-year implementation plan~~,~~ via addendum, the subsequent five-year plans, and the 2. Program web page.
Funding: Changes to project funding allocations that will impact delivery of any project's KPIs in the Program.	1. Public hearing. ~~2.~~ Approved modifications will be included in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the 2. Program web page.
Decision to not implement a project.	1. Public hearing. ~~2.~~ Approved non-implementation of a project will be included in the in the annual report, the then-current five-year implementation plan, via addendum, the subsequent five-year plans, and the 2. Program web page.

1) Public Hearing: Process and Timeline

a. Once staff determines that a project modification or non-implementation may be necessary, staff will consider options and perform analysis on the proposed modification and options.

b. Staff will present their analysis and the proposed modification ~~at~~to the Board as a regular agenda item for preliminary assessment. This initial Board meeting~~.~~ is not the public hearing itself, but rather a forum for Board discussion and initial public comment. The Board will discuss and receive ~~public~~ comments during ~~the~~this initial meeting. ~~The~~Staff's analysis will likely include a financial analysis, an impact assessment on project KPI(s), proposed options to mitigate the impacts on projects if feasible, along with the justifications for the recommended changes. Before presenting the analysis to the Board, staff may bring the information to relevant Board committees, as appropriate, for input.

c. After Board discussion and public input and pursuant to Board's direction, staff may (i) not move forward with proposing the modification; (ii) return to the Board with

further analysis; or (iii) ~~return to the Board and~~ recommend that the Board set a public hearing date to consider the proposed modification. The timing for the Board to set the public hearing can occur in two ways:

~~modification. The timing for the Board to set the public hearing can occur in two ways:~~

- Standard Process - In most cases, staff will return to the Board at the next regular board meeting and seek the Board's approval to set the public hearing date to occur at the following regular board meeting.

- Expedited Process – In some instances, a decision may need to be made more expeditiously (e.g., reallocation of funding may be required to award a construction contract to avoid project delay). In such a case, staff may seek the Board's approval to set a public hearing date at the same board meeting where staff present the analysis.

d. The Board will open the public hearing at the scheduled public hearing date and time and hear public comments. The Board will continue the public hearing without closing the public hearing.

e. After the Board sets the public hearing date (see 1.c above) and while the public hearing is continued, staff will identify and pursue opportunities as appropriate to engage with the community and other interested parties (e.g., cities, county, community groups). These opportunities may include presenting the proposed modification at one or more Board committees (e.g., Capital Improvement Program Committee, Environmental Creek Cleanup Committee) and meeting with communities directly to answer questions and collect input. Staff will collect input gathered during these outreach meetings and provide the information to the Board as the public hearing continues.

f. At the close of the public hearing, the Board will deliberate before making a decision on the matter.

Two timelines are available for use depending on the urgency and complexity of the proposed modification or non-implementation. The standard process, which allows extended public input, community engagement, and municipal outreach, is estimated to last 2-3 months. The expedited process will also incorporate public outreach and engagement, but the process will be shortened to take place over a period of 1-2 months.

The preferred timeframe to conduct a public hearing during each fiscal year is no later than April and before the Board's adoption of the next fiscal year budget. This timing has been established so that if the need for project modifications or non-implementation arises for multiple projects, the following is accomplished:

- Reduced costs for public notice placements in newspapers by holding one public hearing for multiple projects;
- Consistency for the community and other interested parties who wish to participate on an annual basis;

- Acceptance or rejection of proposed modifications prior to the budget hearings, allowing for the Board's direction to be incorporated in the next fiscal year budget; and
- An annual opportunity for project managers to propose modifications that incorporate the Board's review of the Annual Report (November).

2) Public Hearing: Noticing and Outreach

Once the Board sets a public hearing date to consider whether to modify or not implement a project, Valley Water will provide notice of the scheduled public hearing consistent with the applicable requirements set forth in Section 12(a~~)~~[1]) of the Santa Clara Valley Water District Act (District Act). Specifically, notice of the public hearing will be given by publication once per week for two consecutive weeks before the hearing, the last publication of which notice will be at least seven days before the hearing, in a newspaper of general circulation.

In addition to the above, Valley Water will implement measures to encourage public participation and expand its outreach on the public hearing if needed, including the following:

a. **Publications** in local papers (e.g. Vietnam Daily, El Observador, Palo Alto Daily Post, etc.)

b. **Online –** Posting the public hearing notice in the District News section of the website and on social media (e.g. Facebook, LinkedIn, NextDoor, and X).

c. **Email –** Sending E-blasts to the IMC members, the Safe, Clean Water list of interested parties, and applicable project email lists. Presentations regarding the Safe, Clean Water Program at public meetings include a Quick Response (QR) code linking to the sign-up form for email notifications.

5. CHANGE HISTORY

DATE	REV	SIGNIFICANT CHANGE	COMMENTS
~~TBD~~10/28/25	A	Yes	Revised Safe, Clean Water Program (SCW) Change Control Process (2025) Document (Extended public hearings, public advertisement requirements and clarification of rationale for recommendations)
02/24/26	B	Yes	Revised SCW Change Control Process (refine definitions for Adjustments and Modifications and clarify associated process steps)

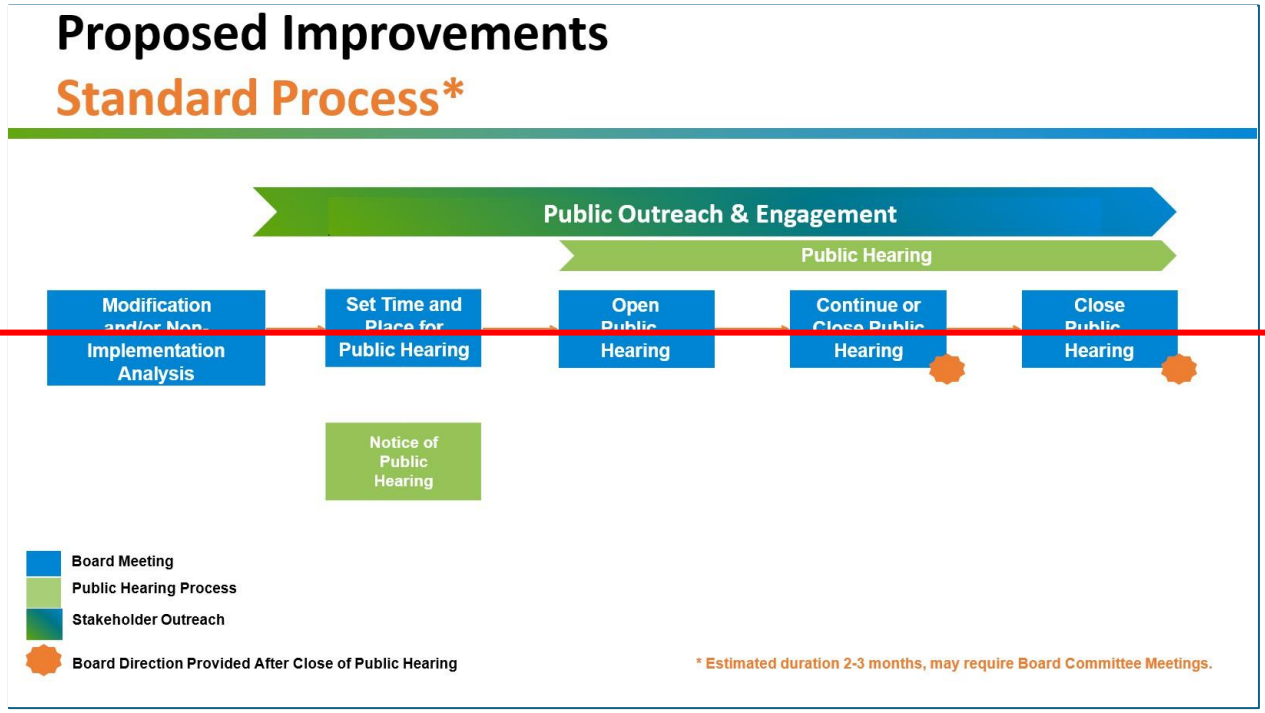
[1] Section 12(a) of the District Act provides the requirements for noticing public hearings for the Board's consideration of engineer reports. Valley Water will follow a similar process for noticing public hearings for SCW Program changes.

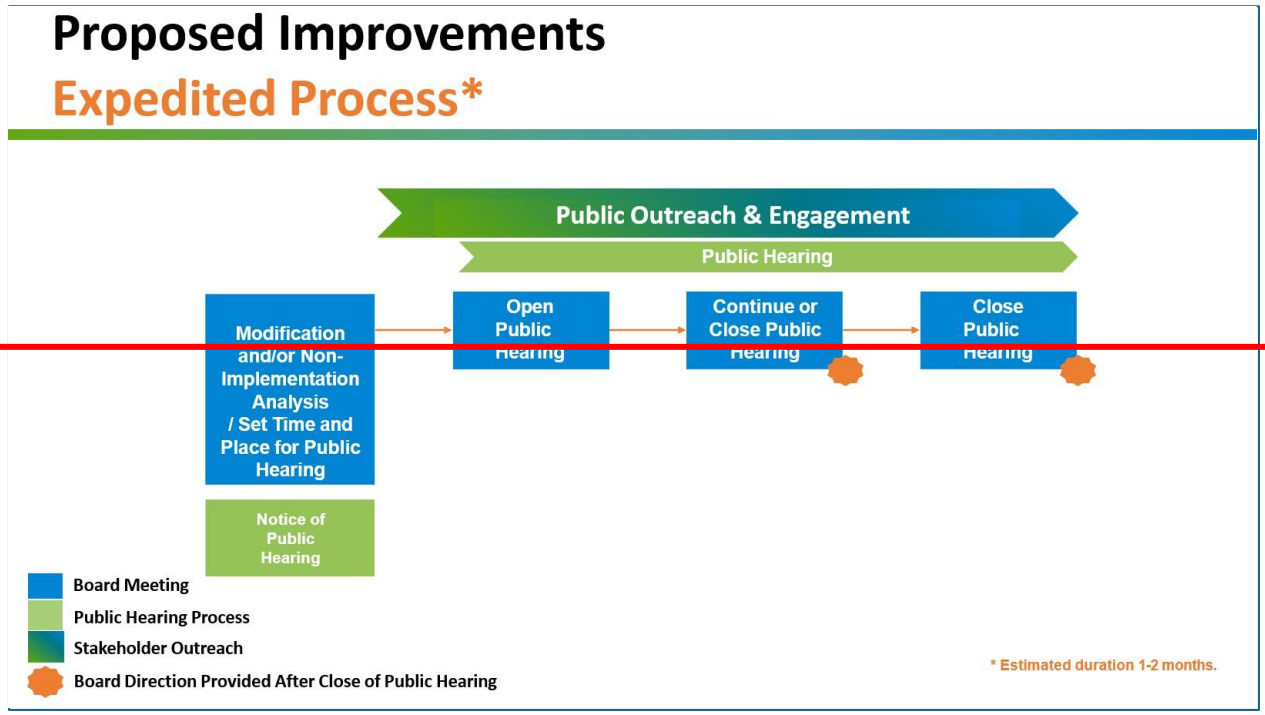
6. ADDENDA

APPENDIX A: Flowcharts for SCW Change Control: Public Hearing for Modifications and Non-Implementation

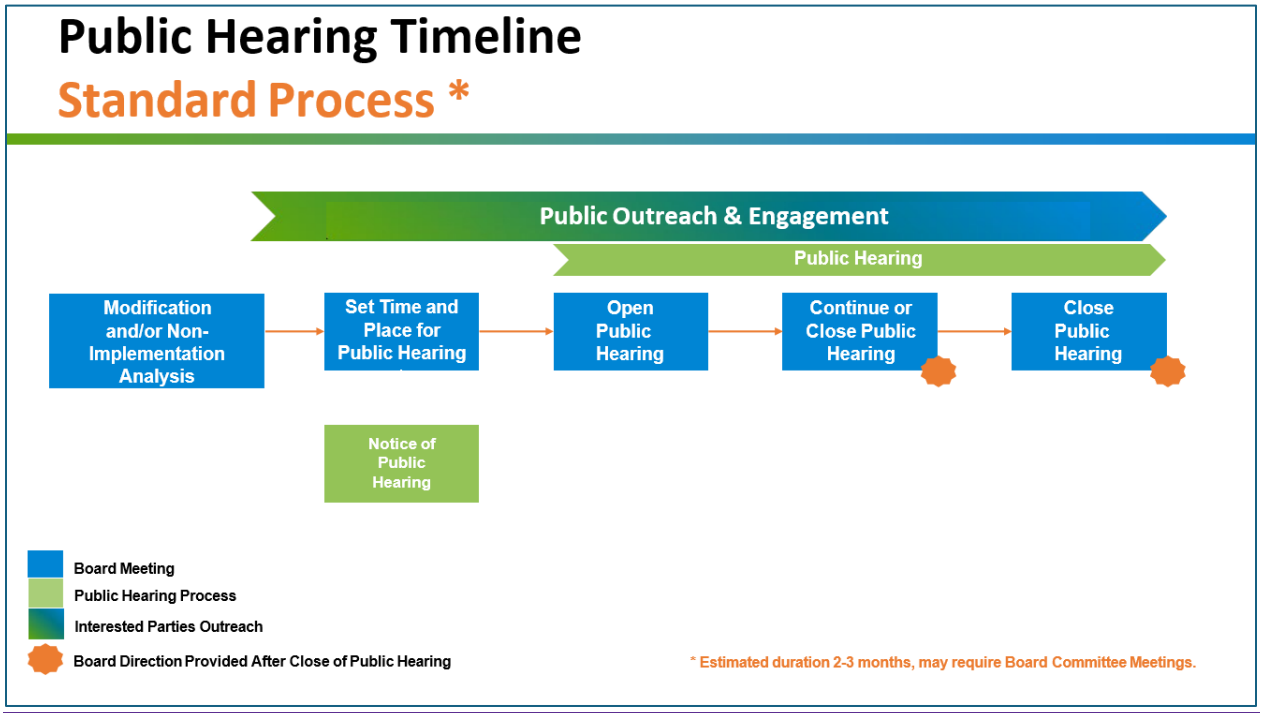
~~[1] Section 12(a) of the District Act provides the requirements for noticing public hearings for the Board's consideration of engineer reports. Valley Water will follow a similar process for noticing public hearings for SCW Program changes.~~

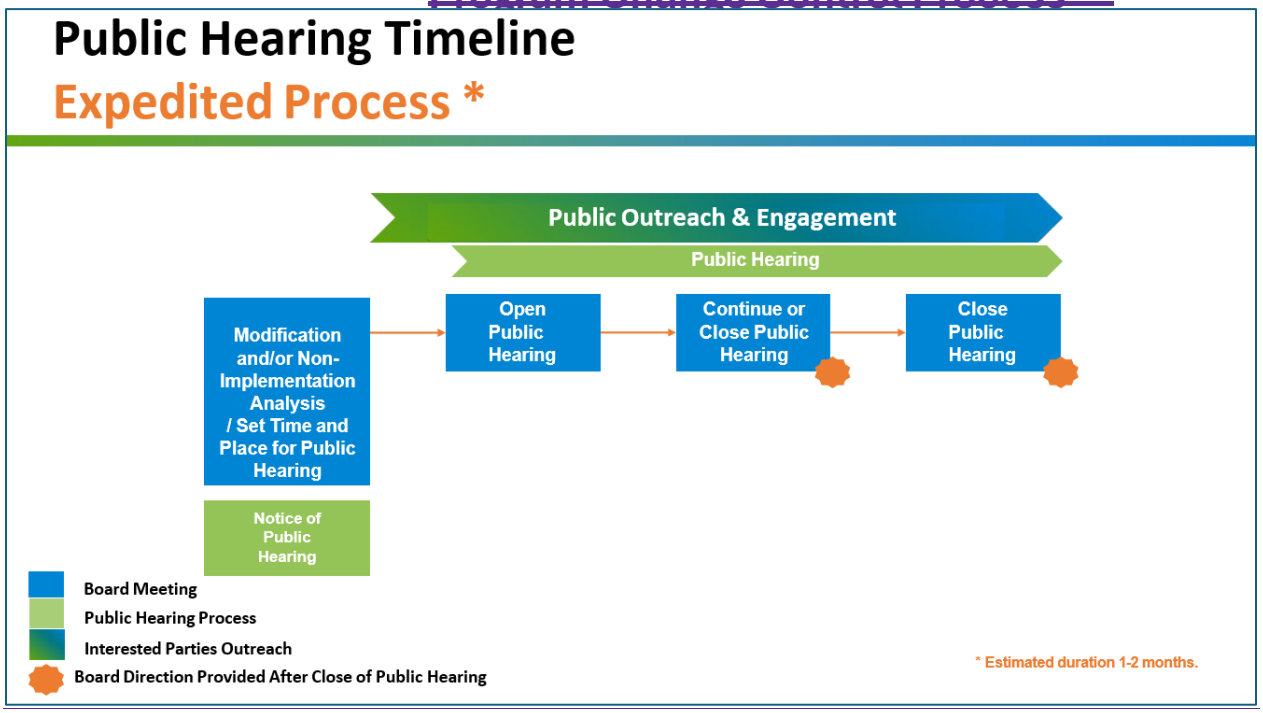
APPENDIX A: Flowcharts for SCW Change Control: Public Hearing for Modifications and Non-Implementation





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Public Hearing Timeline
Expedited Process *
Public Outreach & Engagement
Public Hearing
Modification and/or Non-Implementation Analysis / Set Time and Place for Public Hearing
Open Public Hearing
Continue or Close Public Hearing
Close Public Hearing
Notice of Public Hearing
Board Meeting
Public Hearing Process
Interested Parties Outreach
Board Direction Provided After Close of Public Hearing
* Estimated duration 1-2 months.

Safe, Clean Water and Natural Flood Protection Program Change Control Process

1. PURPOSE

The purpose of this document is to define and standardize the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program or Program).

2. BACKGROUND

In November 2020, voters in Santa Clara County approved Measure S, a renewal of Valley Water's Safe, Clean Water Program. The Program was first passed by voters in 2000 as the Clean, Safe Creeks and Natural Flood Protection Plan, then again in 2012 as the Safe, Clean Water and Natural Flood Protection Program.

The Safe, Clean Water Program was developed to allow for adjustments to projects as needed over the course of the Program, to track and ensure that key performance indicators (KPIs) for the Program's projects are delivered. The voter-approved measure allows the Board of Directors (Board) to direct that proposed projects in the Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of environmental reviews and permitting by state and federal regulatory agencies. However, the measure requires that the Board first hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before making any decision to modify or not implement a project. Resolution No. 20-64, Section N.

Valley Water follows an established, Board approved Change Control Process on how proposed adjustments, modifications or non-implementation of projects in the Program will be considered. This Change Control Process was originally developed and approved as part of the 2012 Program and has been updated several times to incorporate feedback and direction from the Board, to address audit recommendations, and to align with the current Program approved by the voters in 2020.

3. DEFINITIONS

The Change Control Process distinguishes between the following three types of changes to projects in the Safe, Clean Water Program:

Adjustments: Changes to the Safe, Clean Water Program's project text or funding allocation that do not impact the delivery of any project KPI, or changes to a project schedule. Adjustments may include change(s) to a KPI when the purpose of such change(s) is to clarify the project KPI to be consistent with the applicable project description in the approved Program.

Modifications: Changes to project description, project KPI, or funding allocation that impact the delivery of any project KPI.

Non-Implementation: A decision by the Board to not implement a project.

Table 1 Types of Changes		
Types of Changes	**Adjustments**	**Modifications / Non-Implementation**
Project Text or KPI Text	Edits to project description text to correct errors, incorporate information/data updates, or improve overall readability, or edits to KPI text to clarify a project KPI to be consistent with the project description in the Program.	Changes to project description or KPI that will impact delivery of any project's KPIs in the Program.
Schedule	Changes to project schedules provided for each 15-year funding cycle of the Program	
Funding	Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project KPIs in the Program.	Changes to project funding allocations that will impact delivery of any project's KPIs in the Program.

By distinguishing between project adjustments and modifications, Valley Water can clearly define the project changes that trigger the requirement for a public hearing under the Safe, Clean Water Program measure. Additionally, by identifying the process for making adjustments and formalizing a clear process for annual public hearings, Valley Water can implement the Safe, Clean Water Program as intended. The following Section 4, Change Control Process Framework, describes the processes by which Valley Water will consider and make decisions on whether to adjust, modify, or not implement a project within the Program.

4. CHANGE CONTROL PROCESS FRAMEWORK

When staff is considering proposing a change to a project in the Program, staff will evaluate whether the proposed change is an adjustment or a modification based on the above definitions. Section 4A describes the process for making project adjustments. Section 4B describes the process for making project modifications or deciding not to implement a project, both of which require public hearings pursuant to the approved measure.

A. Process for Adjustments

After determining that an adjustment to a project may be necessary, staff will provide the analysis and recommendations to the Board, and the Board will provide direction based on staff's analysis and input from the community or others who might be interested in the project. Adjustments to the Program will be made by the Board and the changes will be reflected in the annual report for the year the adjustment was made, the then-current five-year implementation plan via addendum, the subsequent five-year plans, and the Program web page. Table 2 outlines the processes for making adjustments to the Program.

Table 2 Process for Adjustments	
Project Text or KPI Text: Edits to project description text to correct errors, incorporate information/data updates, or improve overall readability, or edits to KPI text to clarify a project KPI to be consistent with the project description in the Program.	1. Board approval will be sought at the time the Program Annual Report (Annual Report) is presented for approval. 2. Board-approved adjustments to text will be reflected in the annual report, the then-current Safe, Clean Water Program five-year implementation plan (five-year implementation plan) via addendum, the subsequent five-year plans, and the Program web page.
Schedule: Adjustments to project schedules provided for each 15-year funding cycle of the Program	1. Capital project schedules will be approved by the Board through the adoption of the Capital Improvement Program (CIP) Five-Year Plan or at the end of the fiscal year. 2. All schedule adjustments, including those approved through the CIP Five-Year Plan, will be presented to the Board at the end of the fiscal year. 3. Schedule comparison of the original project schedule provided for each 15-year funding cycle of the Program to the project's current schedule will be included in the annual report 4. The adjustments will be included in the then-current five-year implementation plan via addendum, the subsequent five-year plans, and the Program web page.
Funding: Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project deliverables in the Program	1. Comply with Valley Water processes for budget adjustments. 2. Approval for changes to project appropriations per the Program Report, Appendix E, will follow Valley Water's annual budget process, with analysis provided as to the impact on the overall program fund to ensure that any project KPIs in the Program will not be impacted. 3. Annual and Cumulative Financial Summary information will be included in the Annual Report. 4. All funding allocation adjustments, including those approved through the CIP Five-Year Plan, will be included in the then-current five-year implementation plan via addendum, the subsequent five-year plans, and the Program web page.

B. Process for Modifications and Non-Implementation

Table 3 outlines the process for making modifications or non-implementation decisions. A more detailed description of the steps to implement this process is provided below.

Table 3: Process for Modification and Non-Implementation	
Text: Changes to project description or KPI that will impact delivery of any project's KPIs in the Program.	1. Public hearing 2. Approved modifications will be included in the annual report, the then-current five-year implementation plan via addendum, the subsequent five-year plans, and the Program web page.
Funding: Changes to project funding allocations that will impact delivery of any project's KPIs in the Program.	1. Public hearing. 2. Approved modifications will be included in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.
Decision to not implement a project,	1. Public hearing. 2. Approved non-implementation of a project will be included in the in the annual report, the then-current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.

1) Public Hearing: Process and Timeline

a. Once staff determines that a project modification or non-implementation may be necessary, staff will consider options and perform analysis on the proposed modification and options.

b. Staff will present their analysis and the proposed modification to the Board as a regular agenda item for preliminary assessment. This initial Board meeting is not the public hearing itself, but rather a forum for Board discussion and initial public comment. The Board will discuss and receive comments during this initial meeting. Staff's analysis will likely include a financial analysis, an impact assessment on project KPI(s), proposed options to mitigate the impacts on projects if feasible, along with the justifications for the recommended changes. Before presenting the analysis to the Board, staff may bring the information to relevant Board committees, as appropriate, for input.

c. After Board discussion and public input and pursuant to Board's direction, staff may (i) not move forward with proposing the modification; (ii) return to the Board with further analysis; or (iii) recommend that the Board set a public hearing date to consider the proposed modification. The timing for the Board to set the public hearing can occur in two ways:

- Standard Process - In most cases, staff will return to the Board at the next regular board meeting and seek the Board's approval to set the public hearing date to occur at the following regular board meeting.

- Expedited Process – In some instances, a decision may need to be made more expeditiously (e.g., reallocation of funding may be required to award a construction contract to avoid project delay). In such a case, staff may seek the Board's approval to set a public hearing date at the same board meeting where staff present the analysis.

d. The Board will open the public hearing at the scheduled public hearing date and time and hear public comments. The Board will continue the public hearing without closing the public hearing.

e. After the Board sets the public hearing date (see 1.c above) and while the public hearing is continued, staff will identify and pursue opportunities as appropriate to engage with the community and other interested parties (e.g., cities, county, community groups). These opportunities may include presenting the proposed modification at one or more Board committees (e.g., Capital Improvement Program Committee, Environmental Creek Cleanup Committee) and meeting with communities directly to answer questions and collect input. Staff will collect input gathered during these outreach meetings and provide the information to the Board as the public hearing continues.

f. At the close of the public hearing, the Board will deliberate before making a decision on the matter.

Two timelines are available for use depending on the urgency and complexity of the proposed modification or non-implementation. The standard process, which allows extended public input, community engagement, and municipal outreach, is estimated to last 2-3 months. The expedited process will also incorporate public outreach and engagement, but the process will be shortened to take place over a period of 1-2 months.

The preferred timeframe to conduct a public hearing during each fiscal year is no later than April and before the Board's adoption of the next fiscal year budget. This timing has been established so that if the need for project modifications or non-implementation arises for multiple projects, the following is accomplished:

- Reduced costs for public notice placements in newspapers by holding one public hearing for multiple projects;
- Consistency for the community and other interested parties who wish to participate on an annual basis;
- Acceptance or rejection of proposed modifications prior to the budget hearings, allowing for the Board's direction to be incorporated in the next fiscal year budget; and
- An annual opportunity for project managers to propose modifications that incorporate the Board's review of the Annual Report (November).

2) Public Hearing: Noticing and Outreach

Once the Board sets a public hearing date to consider whether to modify or not implement a project, Valley Water will provide notice of the scheduled public hearing consistent with the applicable requirements set forth in Section 12(a)[1] of the Santa Clara Valley Water District Act (District Act). Specifically, notice of the public hearing will be given by publication once per week for two consecutive weeks before the hearing, the last publication of which notice will be at least seven days before the hearing, in a newspaper of general circulation.

In addition to the above, Valley Water will implement measures to encourage public participation and expand its outreach on the public hearing if needed, including the following:

a. **Publications** in local papers (e.g. Vietnam Daily, El Observador, Palo Alto Daily Post, etc.)

b. **Online –** Posting the public hearing notice in the District News section of the website and on social media (e.g. Facebook, LinkedIn, NextDoor, and X).

c. **Email –** Sending E-blasts to the IMC members, the Safe, Clean Water list of interested parties, and applicable project email lists. Presentations regarding the Safe, Clean Water Program at public meetings include a Quick Response (QR) code linking to the sign-up form for email notifications.

5. CHANGE HISTORY

DATE	REV	SIGNIFICANT CHANGE	COMMENTS
10/28/25	A	Yes	Revised Safe, Clean Water Program (SCW) Change Control Process (2025) Document (Extended public hearings, public advertisement requirements and clarification of rationale for recommendations)

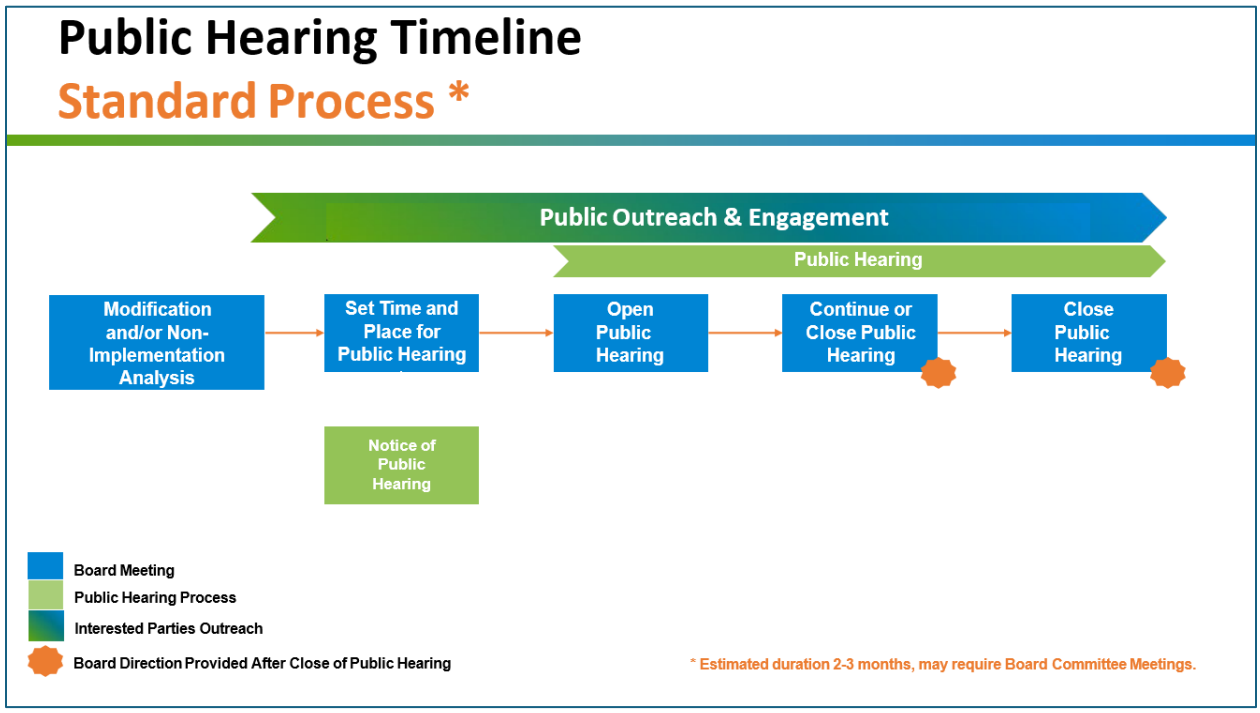
[1] Section 12(a) of the District Act provides the requirements for noticing public hearings for the Board's consideration of engineer reports. Valley Water will follow a similar process for noticing public hearings for SCW Program changes.

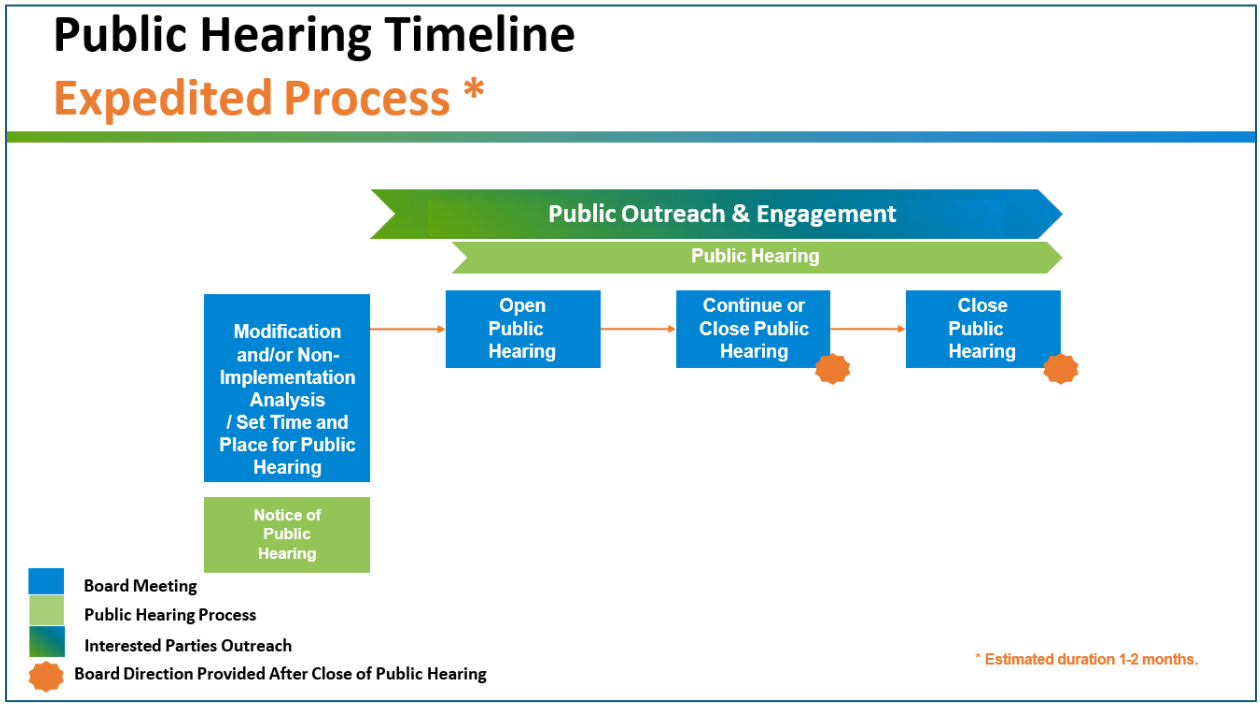
02/24/26	B	Yes	Revised SCW Change Control Process (refine definitions for Adjustments and Modifications and clarify associated process steps)

6. ADDENDA

APPENDIX A: Flowcharts for SCW Change Control: Public Hearing for Modifications and Non-Implementation

APPENDIX A: Flowcharts for SCW Change Control: Public Hearing for Modifications and Non-Implementation





Safe, Clean Water Program
Change Control Process—At-A-Glance

YOUR TAX DOLLARS AT WORK

Valley Water

Safe, Clean Water and Natural Flood Protection

What is the Change Control Process?

The Change Control Process outlines how Valley Water evaluates and implements decisions to **adjust, modify, or not carry out** a Safe, Clean Water project. It ensures projects stay on track, use funds wisely, and meet community needs. Every project has clear outcomes, called key performance indicators (KPIs), that are used to measure progress and results.

Types of Changes

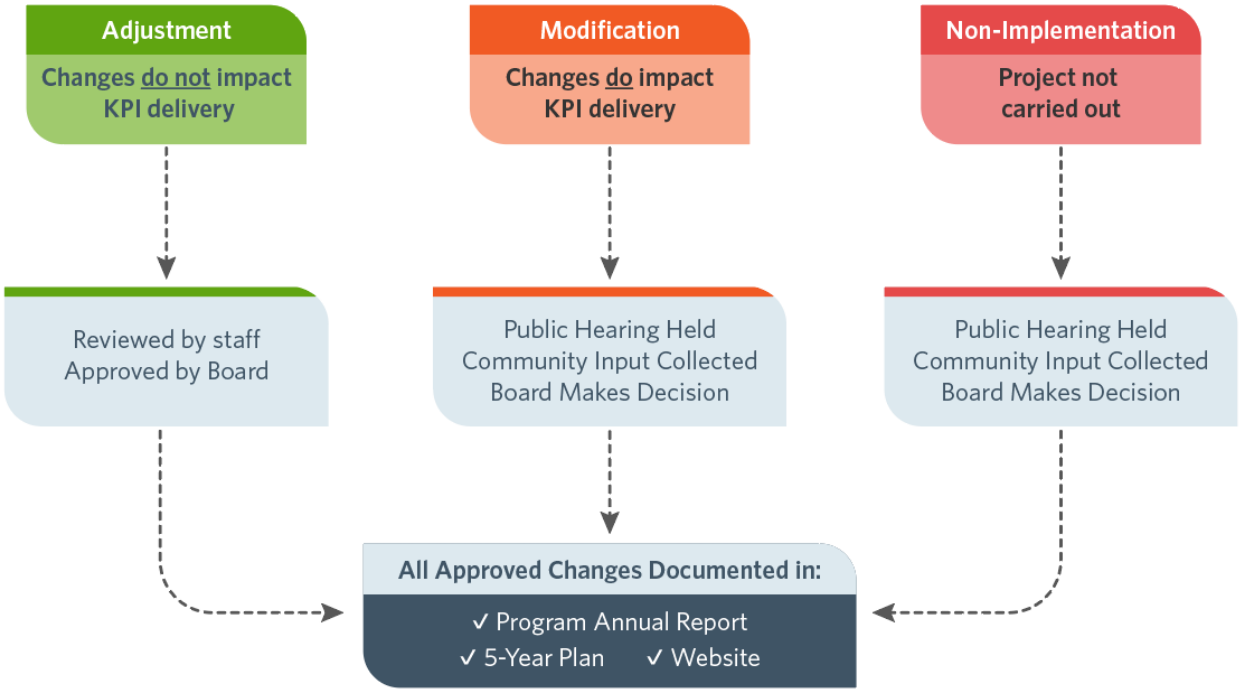
Type of Change	What It Means	Public Hearing Needed?
Adjustment	**Changes** to project text or funding allocation that **do not impact** the delivery of any project **KPI**, or changes to a project schedule. Adjustments may include change(s) to a KPI when the purpose of such change(s) is to clarify the project KPI to be consistent with the applicable project description in the approved Program.	No public hearing—Board approves during regular meetings.
Modification	**Changes** to project description, project KPI, or funding allocation that **impact** delivery of any project **KPI.**	Yes—requires a public hearing.
Non-Implementation	A decision not to carry out a project.	Yes—requires a public hearing.

Public Hearings—Your Role

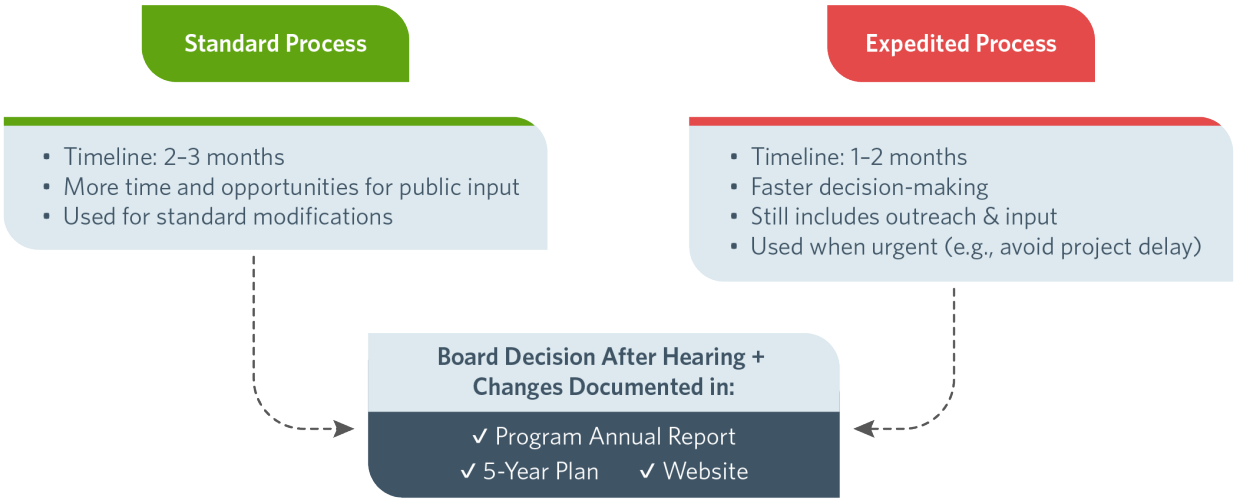
- When?
  Usually, no later than April.
- How long?
  Standard process (2–3 months) or expedited process (1–2 months if urgent).
- How are you notified?
  Notices in local newspapers, Valley Water's website, social media, and email updates.
- How can you participate?
  Attend hearings, sign up for email updates, and join public meetings.

Continued on back...

How a Proposed Project Change Flows



Standard vs. Expedited Public Hearing



Summary

- Changes with no impact to KPI delivery are approved during Board meetings.
- Changes with any impact to KPI delivery are approved by the Board after holding a noticed public hearing.
- Your voice helps shape the future of Safe, Clean Water projects.

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Safe, Clean Water and Natural Flood Protection

Safe, Clean Water Program Change Control Process Updates

Presented by: **Luz Penilla, Assistant Officer – Office of Integrated Water Management**

RECOMMENDED BOARD ACTION

Approve the proposed updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program

Agenda

- Background
- **Proposed Change Control Process Updates**

Background

Safe Clean Water Overview

- Renewed Safe, Clean Water and Natural Flood Protection Program **Measure S**, **Voter-approved (2020**)
- Strong **funding principles**, along with board and public oversight, ensure transparency and accountability
- **Voter-approved Measure S authorizes** Valley Water Board to **modify or not implement** a project, but **only after** the Board holds a **noticed public hearing** before adopting such a decision
    - **Measure S does <u>not</u> require a <u>hearing</u> for other changes**
    - **All changes are made via a Board-approved change control process**

Safe Clean Water Funding Principles

- **Countywide Parcel Tax:** revenues are not earmarked for or distributed by city
  - Revenues must support voter-approved priorities only
- **Voter-approved priorities:** Valley Water is committed to completing 31 capital and operating projects under 6 priorities
- **Project cost estimates:** are estimates not earmarks
  - Unless… financial commitment is specified in KPI
- **Supplemental Funding:** provided by Watershed Stream Stewardship (WSS) and Water Utility (WU) funds for many projects

Safe Clean Water Funding Principles cont…

- **Project Modifications:** Board may adjust a project's schedule, scope, or cost, or cancel a project in response to economic, policy or regulatory conditions
  - Must follow the SCW Change Control Process
  - Staff use risk-based prioritization tools to support recommendations
  - Decisions captured in CIP plans, 5-Year SCW Implementation Plan, & Adopted Budget
- Excess funds from canceled or completed projects **return to SCW fund reserves**, not to specific cities
- Board allocates funds based on **countywide priorities and highest risks**, not geography

Prior Board Action

Change Control Process Updates for Enhanced Transparency & Public Input

- **Oct 2025 Board Approved Improvements**
  - Extended Public Hearing
  - Expanded Outreach
  - Aligned Public Hearing Notice with Notice for District Act-Required Hearings
  - Enhanced reporting

Nov 2025 SCW Performance Audit (FY2021-24)

- Audit findings included **recommendations to evaluate key performance indicators (KPIs) for several projects**
- Prompted Staff to review Adjustment vs. Modification
  - Refined Definitions
  - Minor editorial revisions

Proposed Updates

Change Control Process

Definitions

Adjustment
(publicly noticed Board meeting)

Changes to the project text or funding allocation that **do not impact** the delivery of any project **KPI**, or changes to a project schedule. Adjustments may include change(s) to a KPI when the purpose of such change(s) is to clarify the project KPI to be consistent with the applicable project description in the approved Program

Modification
(formal public hearing)*

Changes to project description, project KPI, or funding allocation that **impact** the delivery of any project **KPI.**

Not Implement
(formal public hearing)*

A decision by the Board to **not implement** a **project**

Valley Water

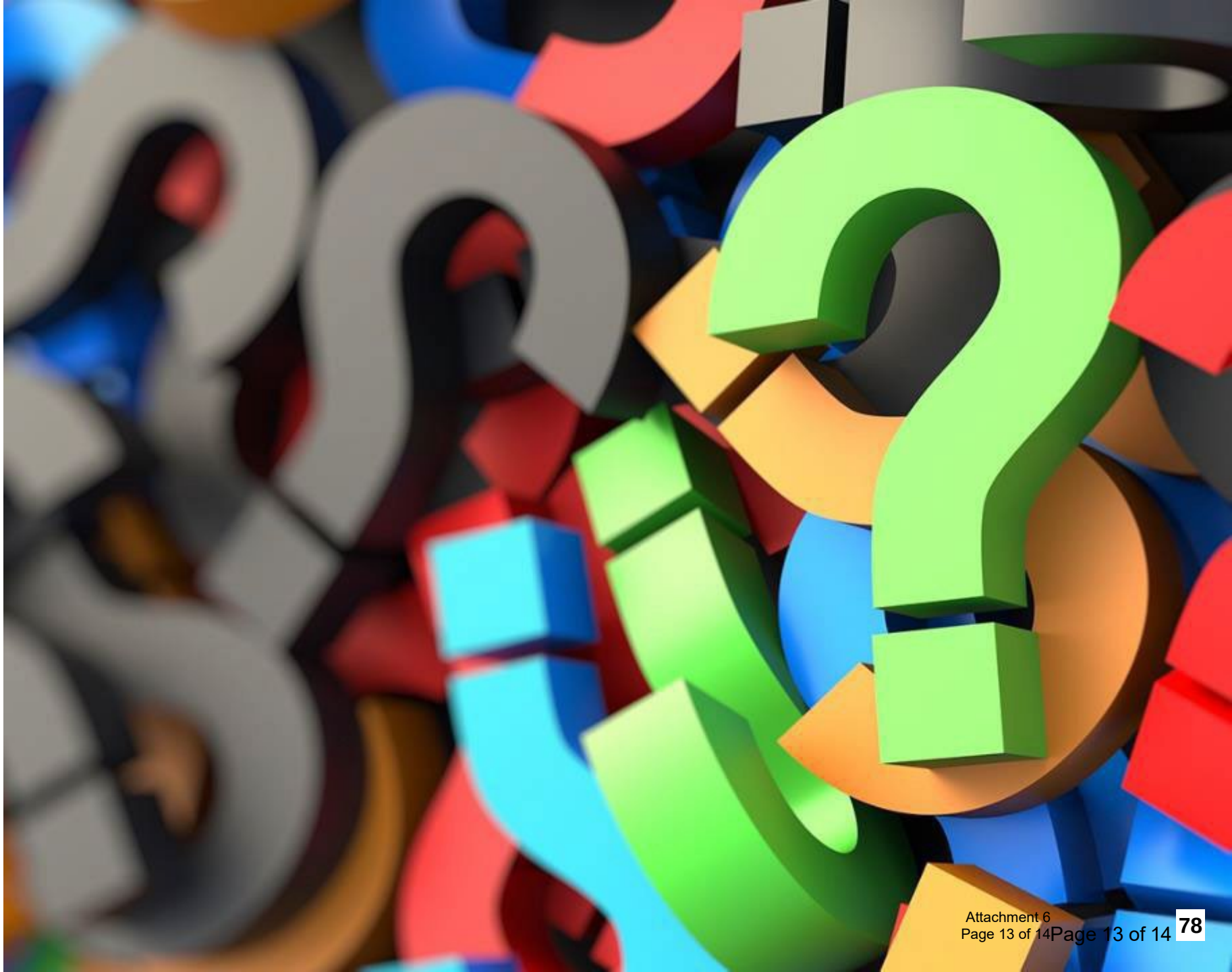
*Aligns with District Act (Section 12(a)) for public notice requirements.

RECOMMENDED BOARD ACTIONS

Approve the proposed updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program

QUESTIONS

Stay informed about **Valley Water** by signing up for our **eNewsletter**.





Valley Water

Clean Water • Healthy Environment • Flood Protection

File No.: 26-0082

Agenda Date: 2/24/2026
Item No.: 4.1.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Adopt a Resolution Adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approve the Guadalupe Riverbank Stabilization Project: Malone Road and Blossom Hill Road, Under the Watersheds Asset Rehabilitation Program, Project No. 62084001 (San Jose, Districts 2 and 4).

RECOMMENDATION:

A. Consider the environmental effects of the Guadalupe Riverbank Stabilization Project: Malone Road and Blossom Hill Road as discussed in the Final Initial Study/Mitigated Negative Declaration;
B. Adopt the Resolution ADOPTING THE FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GUADALUPE RIVERBANK STABILIZATION PROJECT: MALONE ROAD AND BLOSSOM HILL ROAD; and
C. Approve the Project.

SUMMARY:
Background and Project Description

Santa Clara Valley Water District (Valley Water) is responsible for maintenance of portions of the Guadalupe River, which flows approximately 14 miles from the Santa Cruz Mountains through downtown San José to the southern tip of San Francisco Bay. The river's watershed encompasses approximately 170 square miles. Maintenance of the river is necessary to support creek functions such as providing critical flood protection, water supply, and natural creek habitat for the region.

During periodic inspections performed by Watersheds Operation & Maintenance staff, deficiencies were observed along Guadalupe River at the Malone Road and Blossom Hill Road crossings in the City of San José. These deficiencies include toe erosion, concrete slope erosion, and damaged gabion wall structures. A repair project was identified as a high priority project to be completed under the Watersheds Asset Rehabilitation Program (WARP). Valley Water is proposing the Guadalupe Riverbank Stabilization Project: Malone Road and Blossom Hill Road (Project) to address the damage at the two locations.

The Project will repair the existing broken concrete slope embankment and damaged gabion wall structure. The repairs will span approximately 340 linear feet combined along the length of the channel.

Specific Project objectives include:

- Address ongoing erosion of the concrete slope embankment and wall structures at the Malone Road Project site as well as the failed gabion baskets at the Blossom Hill Road Project site;
- Restore the structural integrity of the embankment;
- Prevent potential damage to adjacent properties;
- Reduce the need for on-going maintenance; and
- Continue to provide adequate flood protection.

Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), Valley Water, acting as the lead agency for the Project, prepared a Final Initial Study (IS) and Mitigated Negative Declaration (MND), which is included as Attachment 1 for the Board's consideration prior to approving the Project. The Draft IS/MND was circulated for public review from June 26, 2025, to July 28, 2025. Upon request, an extension was provided to the California Department of Fish and Wildlife (CDFW) through August 11, 2025**.** Valley Water received comments from the San Francisco Bay Regional Water Quality Control Board, CDFW, and Caltrans. There were no other comments received from the public.

Valley Water staff considered the comments and included responses to the comments in Appendix C of the Final IS/MND and made edits as appropriate in the Final IS/MND to incorporate the responses to comments. The information added to the Final IS/MND merely clarifies, amplifies, or makes insignificant modifications to the Draft IS/MND, and thus no recirculation of the IS/MND is required pursuant to Section 15073.5 of the CEQA Guidelines.

Summary of Environmental Impacts

As discussed in the Final IS/MND, the Project as proposed would result in less than significant impact or no impact in all resource areas except air quality, biological resources, paleontological resources, and noise. The latter resource sections would all have less than significant impacts with the incorporation of mitigation to the Project.

Potentially significant impacts from air quality described in the MND include construction-related emissions. Mitigation Measures MM-AQ-1 (Additional BAAD Dust Control Measures) and MM-AQ-2 (Construction Exhaust Emissions Reduction Measures) would reduce potential impacts to a less than significant level by requiring additional dust control measures and construction exhaust emission reduction measures, including the use of Tier 4 Final equipment.

Potentially significant impacts on biological resources described in the MND include the permanent loss of riparian habitat and removal of riparian trees. Mitigation Measure MM BIO-1 (Riparian Tree and Habitat Compensation and Restoration) would reduce impacts on riparian habitat and trees to a less than significant level by requiring Valley Water to coordinate with the Santa Clara Valley Habitat Agency to compensate for riparian tree removal and habitat impacts through the Santa Clara Valley Habitat Plan's in-lieu fee program, or alternatively, develop a detailed mitigation and monitoring plan with revegetation or replanting of trees on Valley Water fee title properties.

Potentially significant impacts to paleontological resources are addressed through MM GEO-1 (Worker Awareness Training for Paleontological Resources) and MM GEO-2 (Stop Work, Evaluation, and Treatment in the Event of a Paleontological Find), which would reduce potential impacts to a less than significant level by requiring in-person worker awareness training and a protocol for stopping work when encountering potential paleontological resources.

Potentially significant impacts from noise described in the Final IS/MND are limited to temporary increase in noise levels from construction, specifically from generators that may be used during nighttime hours at the Malone Road Project site. Mitigation Measure MM-NOI-1 (Generator Noise Attenuation) would reduce this potential impact to a less than significant level by requiring installation of four-sided noise barriers/sound blankets around the generators if used during nighttime hours (7 p.m. to 7 a.m.).

The mitigation measures required by the Project are included in the Mitigation Monitoring and Reporting Program (MMRP) (Appendix D of the Final IS/MND).

Next Steps

If the Board approves the recommendations, staff will continue to complete the Project design and obtain environmental permits necessary for Project implementation. The Board will be requested to adopt the plans and specifications and authorize advertisement for bids for construction in a future Board meeting. The typical Project Delivery Process Chart is provided as Attachment 3 for reference.

ENVIRONMENTAL JUSTICE IMPACT:
There are no environmental justice impacts associated with the recommended action for the Guadalupe Riverbank Stabilization Project: Malone Road and Blossom Hill Road. The recommended action is unlikely to or will not result in disproportionate impacts on any specific community(ies) relative to the general population.

FINANCIAL IMPACT:
The Guadalupe Riverbank Stabilization Project: Malone Road and Blossom Hill Road Project as part of the Watershed Asset Rehabilitation Program (WARP), Project No. 62084001, is included in the Capital Improvement Program (CIP) Fiscal Year (FY) 2026-30 Five-Year Plan and in the FY 2025-26 Adopted Budget. The estimated construction cost of the Project is approximately $5 million and does not increase the overall Total Project Cost reflected in the CIP FY 2026-30 Five-Year Plan. The Project is funded by the Watershed Stream Stewardship Fund (Fund 12).

CEQA:
Valley Water is acting as the lead agency under CEQA for the Project. The Final IS/MND has been prepared and is included for Board consideration and adoption before Project approval.

ATTACHMENTS:
Attachment 1: Final IS/MND
Attachment 2: Resolution
Attachment 3: Project Delivery Process Chart

UNCLASSIFIED MANAGER:
Bhavani Yerrapotu, 408-630-2735

Santa Clara Valley Water District

Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road

Final ~~Draft~~ Initial Study and Mitigated Negative Declaration

~~June 2025~~ February 2026

Prepared for:
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Appendix B: Noise Technical Report
Appendix C: Comment Response Matrix
Appendix D: Mitigation Monitoring and Reporting Program

Acronyms and Abbreviations

micrograms per cubic meter ..... $\mu g/m^3$
American Meteorological Society/Environmental Protection Agency Regulatory Model ..... AERMOD
Avoidance and Minimization Measure ..... AMM
Bay Area Air District ..... BAAD
Bay Area Air Quality Management District ..... BAAQMD
Water Quality Control Plan for the San Francisco Bay Basin ..... Basin Plan
Best Management Practice ..... BMP
Clean Air Act ..... CAA
California Air ~~Resources Board CARB~~Pollution Control Officers Association ..... CAPCOA
California Emissions Estimator Model ..... CalEEMod
California Environmental Protection Agency ..... Cal/EPA
California Department of Forestry and Fire Protection ..... CAL FIRE
California Governor's Office of Emergency Services ..... Cal OES
Division of Occupational Safety and Health ..... Cal/OSHA
California Department of Transportation ..... Caltrans
California Stormwater Quality Association ..... CASQA
California Air Resources Board ..... CARB
Climate Change Action Plan ..... CCAP
California Department of Fish and Wildlife ..... CDFW
California Department of Conservation ..... CDOC
California Environmental Quality Act ..... CEC
California Environmental Quality Act ..... CEQA
California Natural Diversity Database ..... CNDDB
California Native Plant Society ..... CNPS
Carbon Monoxide ..... CO
Carbon Dioxide ..... CO_2e
~~carbon monoxide~~ ..... ~~CO~~

Acronyms and Abbreviations

Certified United Program Agencies ..... CUPA
Clean Water Act ..... CWA
Diameter at Breast Height ..... DBH
California Department of Motor Vehicles ..... DMV
Diesel Particulate Matter ..... DPM
Department of Toxic Substances ..... DTSC
Endangered Species Act ..... ESA
Federal Emergency Management Agency ..... FEMA
Fire Hazard Severity Zone ..... FHSZ
Flood Insurance Rate Map ..... FIRM
Federal Transit Administration ..... FTA
Greenhouse Gases ..... GHG
Habitat Conservation Plan ..... HCP
Hazard Index ..... HI
~~Hazard Quotient ..... HQ~~
Health Risk Assessment ..... HRA
Initial Study ..... IS
Local Responsibility Area ..... LRA
Section 1600 Lake or Streambed Alteration Agreement ..... LSAA
Leaking Underground Storage Tank ..... LUST
~~Maximum Exposed Individual Residence ..... MEIR~~
Migratory Bird Treaty Act ..... MBTA
Maximally Exposed Individual Residence ..... MEIR
Mitigated Negative Declaration ..... MND
Miles Per Hour ..... mph
National Flood Hazard Layer ..... NFHL
National Marine Fisheries Service ..... NMFS
National Pollutant Discharge Elimination System ..... NPDES
Natural Resources Conservation Service ..... NRCS
Nitrogen Oxides ..... NO_x
U.S. Army Corps of Engineers Nationwide Permit 13 ..... NWP 13
California Office of Environmental Health Hazard Assessment ..... OEHHA

Acronyms and Abbreviations

Ordinary High-Water Mark ..... OHWM
Occupational Safety and Health Administration ..... OSHA
Open Space, Parklands, and Habitat ..... OSPH
Professional Geologist ..... PG
~~reactive organic gases~~ ..... ~~ROG~~
Peak Particle Velocity ..... PPV
Reference Exposure Level ..... REL
Reactive Organic Gases ..... ROG
Regional Water Quality Control Board ..... RWQCB
South Coast Air Quality Management District ..... SCAQMD
Santa Clara Valley Habitat Agency ..... SCVHA
San Francisco Bay Area Air Basin ..... SFBAAB
San Jose Fire Department ..... SJFD
Sacramento Metropolitan Air Quality Management District ..... SMAQMD
Stream Maintenance Program ..... SMP
~~San Francisco Bay Regional Water Quality Control Board~~ ..... ~~RWQCB~~
~~San Francisco Regional Water Quality Control Board~~ ..... ~~SFRWQCB~~
~~Santa Clara Valley Water District~~ ..... ~~Valley Water~~
Sulfur Dioxide ..... SO_2
State Responsibility Area ..... SRA
Stormwater Pollution Prevention Plan ..... SWPPP
State Water Resources Control Board ..... SWRCB
U.S. Army Corps of Engineers ~~Nationwide 13 Permit~~ NWP 13 ..... USACE
U.S. Environmental Protection Agency ..... ~~US EPA/EPA~~USEPA
U.S. Geological Survey ..... USGS
Santa Clara Valley Water District ..... Valley Water or District
Santa Clara Valley Habitat Plan ..... VHP
Vehicle Miles Traveled ..... VMT
Volatile Organic Compounds ..... VOC
Wildland–Urban Interface ..... WUI

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1 Introduction

1.1 Organization of This Document

This document is organized to assist the reader in understanding the potential impacts that the Project may have on the environment and to fulfill the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.). Section 1 describes the purpose of the Initial Study (IS) under CEQA, sets forth the public participation process, and summarizes local, state, and federal regulatory requirements applicable to the Project. Section 2, Project Description, describes the location and features of the Project and the environmental setting. Section 3 evaluates the potential impacts of the Project through the application of the CEQA Initial Study Checklist questions. Section 4 provides the list of preparers, and Section 5 supplies the references for sources used in the preparation of the Initial Study. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with CEQA Guidelines Section 15097 and is included as Appendix D to this IS/MND. The MMRP identifies the mitigation measures adopted for the Project and assigns responsibility and timing for their implementation and monitoring.

1.2 Purpose of The Initial Study/Mitigated Negative Declaration

The Santa Clara Valley Water District (Valley Water), acting as the lead agency under CEQA, prepared this IS and draft Mitigated Negative Declaration (MND) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of bank stabilization as proposed at two sites along the Guadalupe River.

This IS was prepared consistent with CEQA, the CEQA Guidelines (Title 14, California Code of Regulations §§ 15000 et seq.), and Valley Water's procedures for implementation of CEQA (Environmental Management System - Environmental Planning Q520D01).

CEQA requires that public agencies such as Valley Water identify the significant adverse impacts and beneficial environmental effects of their actions. Beneficial effects should be encouraged and expanded where possible, and adverse impacts should be avoided or minimized or, in cases where avoidance and minimization are not possible, mitigated. In addition to acting as the CEQA Lead Agency for its projects, Valley Water's mission includes objectives to conduct its activities in an environmentally sensitive manner as a steward of Santa Clara Valley watersheds. Valley Water strives to preserve the natural qualities, scenic beauty, and recreational uses of Santa Clara Valley's waterways by using methods that reflect an ongoing commitment to conserving the environment.

1.3 Decision to Prepare a Mitigated Negative Declaration for This Project

The IS (Section 3) for the Project identifies potentially significant effects on air quality, biological resources, geology and soils, and noise that could result from implementation of the Project. Mitigation measures have been proposed for the Project that would reduce any potential impacts to less than significant levels, and Valley Water has committed to implementing such measures. Accordingly, preparation of an MND for the Project complies with CEQA Guidelines section 15070(b), which indicates that an MND is appropriate when a project's IS identifies potentially significant effects but:

- Revisions to the project were made that would avoid or reduce the effects to a point where clearly no significant effects would occur; and
- There is no substantial evidence that the project, as revised, may have a significant effect on the environment.

1.4 Public Review Process

~~This draft MND will be~~Per CEQA Guidelines section 15105(b), Valley Water circulated a Draft MND to local and state agencies, interested organizations, and ~~individuals who may wish to review and~~to provide comments on the Project description, the proposed mitigation measures, or other aspects of the Project. The ~~publication of this~~Draft MND ~~will commence the~~ was published on June 30, 2025. The 30-day public review period~~, per CEQA Guidelines section 15105(b), beginning on June 26, 2025, and ending~~ ended on July 28, 2025. Upon request, an extension was provided to the California Department of Fish and Wildlife (CDFW) through August 11, 2025.

The Draft MND and supporting documents were~~are~~ posted on the Valley Water website:

https://www.valleywater.org/public-review-documents

A hard copy of the Draft MND and supporting documents ~~are~~ were made available at Valley Water Headquarters building: 5700 Almaden Expressway San Jose, CA 95118-3614.

Written comments or questions regarding the Draft MND ~~should be~~were submitted to Lawrence Truong at the address indicated below ~~no later than~~by July 28, 2025. This~~The~~ final MND ~~along with any~~incorporates all applicable comments received by Valley Water during the public review period and all ~~will be~~were considered by Valley Water prior to the~~a~~ decision on the Project. Responses to all comments received are available in Appendix C (Comment Response Matrix). Text changes between the Draft and Final IS/MND are shown using underline for additions and strikethrough for deletions; double underline indicates text that has been relocated within the document without substantive change.

Lawrence Truong, Associate Environmental Planner
5750 Almaden Expressway San Jose, CA 95118-3614
Phone: (408) 630-2916,
E-mail: ltruong@valleywater.org

1.5 Interagency Coordination and Regulatory Review

The CEQA review process is intended to provide both trustee and responsible agencies with an opportunity to provide input into the Project. A *trustee agency* is a state agency that has jurisdiction by law over natural resources held in trust for the public. A *responsible agency* is any state or local agency that bears some responsibility or discretionary authority for approving or implementing a project or portion thereof. In many instances, a responsible agency must make a discretionary decision to issue a local permit or to grant right-of-way, funding, or resources that are critical to a project's implementation. The responsible agencies for the Project are the Santa Clara Valley Habitat Agency, California Department of Fish and Wildlife (CDFW), and San Francisco Bay Regional Water Quality Control Board (RWQCB). Valley Water will provide the draft IS/MND to these responsible agencies for their review and comment. In addition to state and local agencies, the Project may also require permits or approvals ~~by~~from federal agencies.

The Project will require project-specific permitting or approval from the following federal and state agencies, as summarized below.

- U.S. Army Corps of Engineers (USACE): Nationwide 13 Permit (NWP 13)
- National Marine Fisheries Service (NMFS): Section 7 consultation
- California RWQCB: Clean Water Act (CWA) Section 401 Water Quality Certification or Waste Discharge Requirements (WDR; Discharges to Waters of the State)
- CDFW: Fish and Game Code section 1602 Lake or Streambed Alteration Agreement (LSAA)
- City of San Jose and/or California Department of Transportation (Caltrans) Special Permit for oversized loads

2 Project Description

2.1 Project Background

Valley Water is proposing the Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road (Project). The Project would involve bank stabilization at two locations (Project sites) along the Guadalupe River, where in-stream structures have significant erosion and subsequent damage has occurred at the embankment-, potentially risking impact to neighboring properties.

The in-stream structures are located at the Guadalupe River crossings at Malone Road and Blossom Hill Road in the City of San José. The Project would consist of repairs to address the existing broken concrete slope paving and failed gabion baskets as well as include the removal of vegetation and trees. The repairs would span approximately ~~410~~ 340 linear feet along the length of the channel.

~~Stream maintenance activities are generally covered under Valley Water's Stream Maintenance Program (SMP). However, the Project would require removal of trees with a *diameter at breast height* (dbh) greater than 12 inches, which is greater than what is allowed under the SMP.~~Stream maintenance activities such as vegetation management and bank stabilization are programmatically covered and implemented under Valley Water's Stream Maintenance Program (SMP) (Valley Water 2020) and its Final Environmental Impact Report (EIR) (Horizon 2011). However, because the Project would require removal of trees with a *diameter at breast height* (DBH) greater than 12 inches, which is greater than what is allowed under the SMP, this Project would not meet the criteria for coverage under the SMP and Final EIR; therefore, this project-specific draft MND has been prepared for the Project. Nonetheless, construction and operation of the Project would be implemented consistent with SMP policies and procedures given the nature of the proposed activities.

2.2 Location

The Project sites are located on either Valley Water fee title or easement property within the City of San José, as shown in Figure 2-1. Repair work would occur at the Guadalupe River crossing along the top of the east bank upstream of Malone Road. Primary staging and access would occur along the top of the west bank upstream of Malone Road, supplemented by one other staging area along the top of the east bank upstream of Malone Road. Repair work, staging, and access would also occur at the Guadalupe River crossing along the west bank at Blossom Hill Road. The Guadalupe River crossing locations where Project work would occur are shown in Figure 2-2 and Figure 2-3 . The Project site is categorized as Open Space,

Parklands, and Habitat (OSPH) under the City of San José 2040 General Plan (City of San José 2011).

Adjacent residential neighborhoods and urban development surround both Project sites. The nearest residences to the Malone Road Project site, surrounding the site along Malone Road and Almaden Road, are approximately 50 feet from the Project site boundary (see Figure 2-2). The nearest residences to the Blossom Hill Road Project site are approximately 450 feet northeast of the Project site along Blossom River Drive (see Figure 2-3).

Figure 2-1 Regional Overview

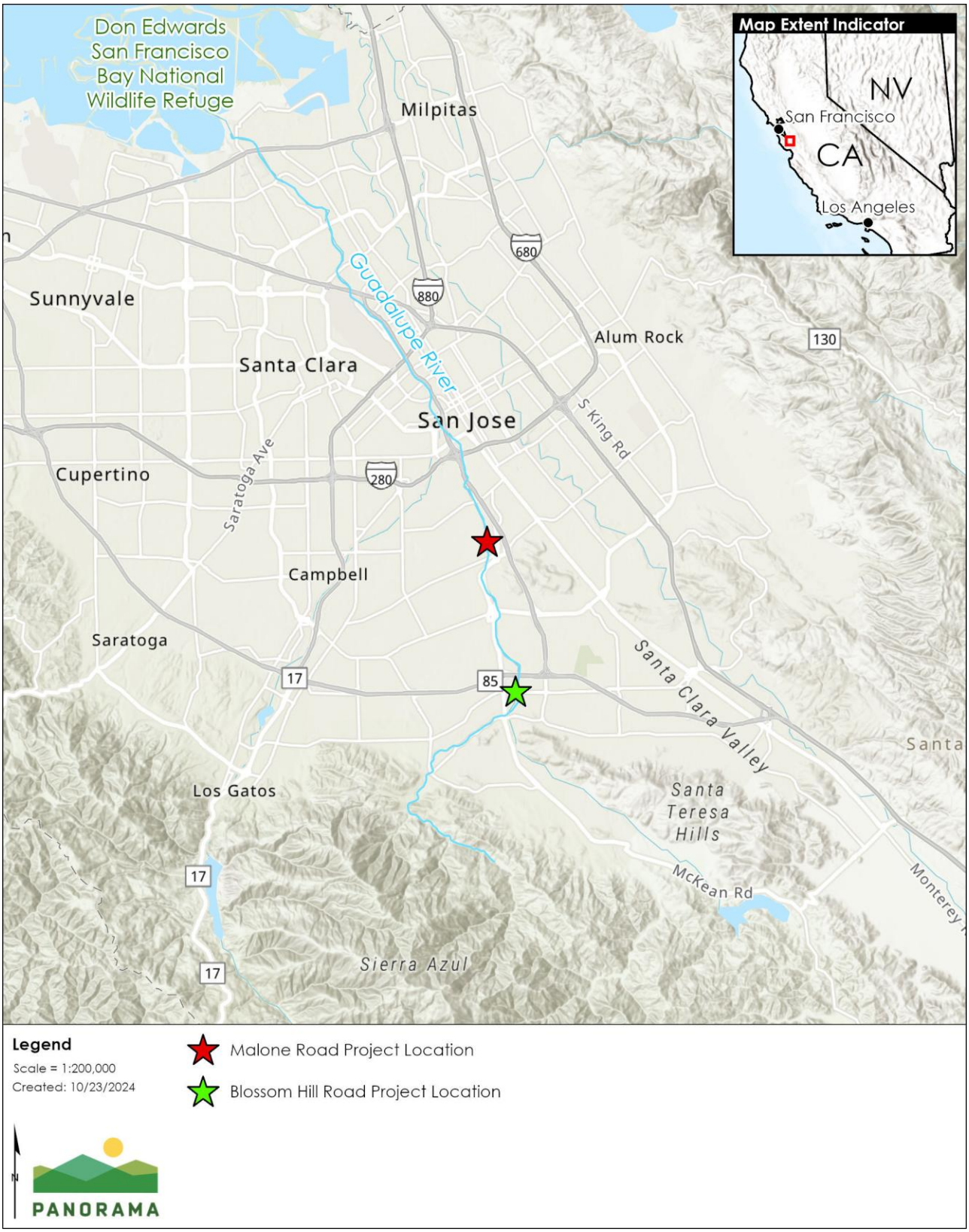
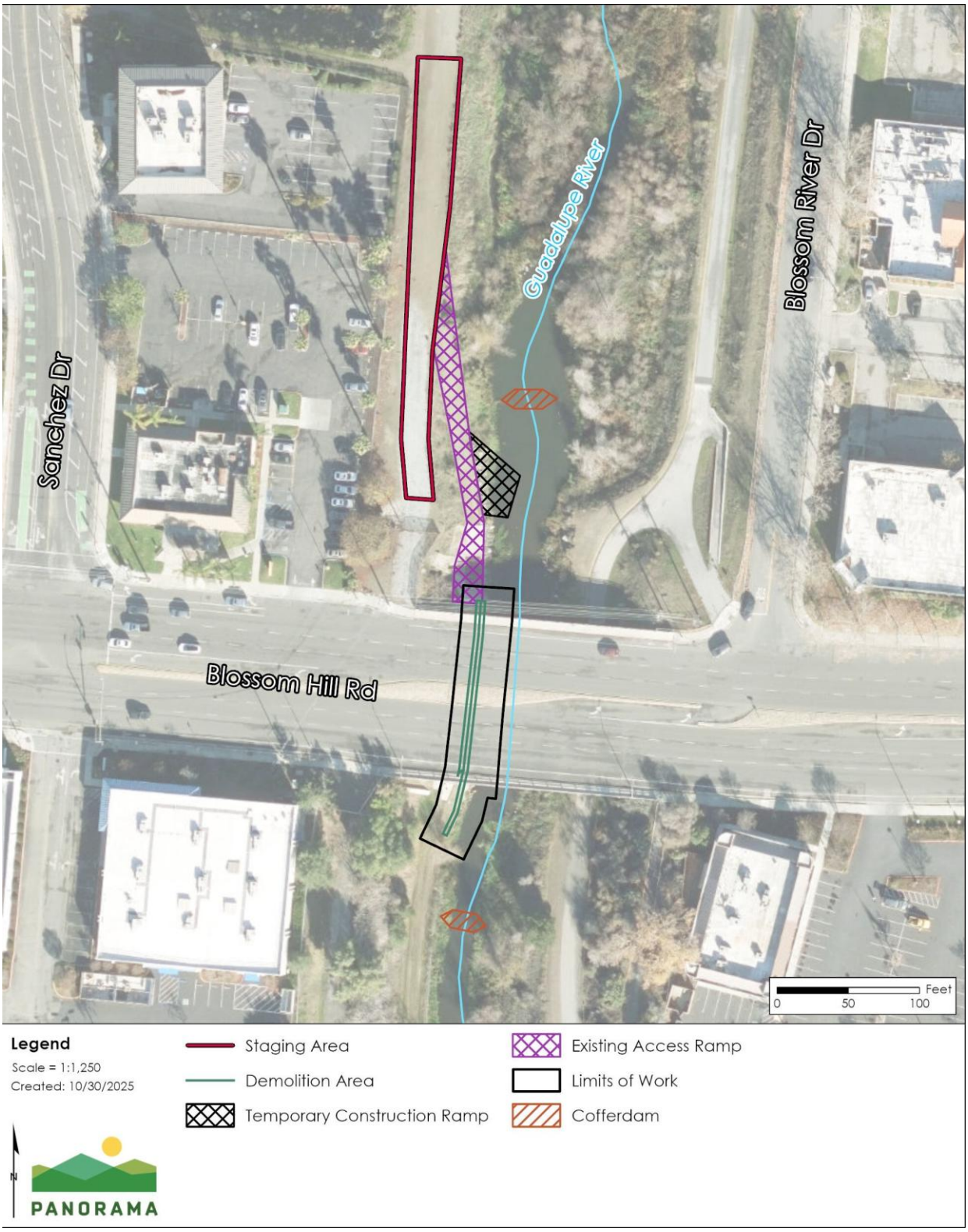


Figure 2-2 Project Location – Malone Road



Figure 2-3 Project Location – Blossom Hill Road



2.3 Project Purpose

The purpose of the Project is to address ongoing erosion of the concrete slope embankment and cutoff wall footing at the Malone Road, as well as the failed gabion baskets at Blossom Hill Road. The ongoing erosion threatens the structural integrity of the embankment. The Project would include repairs to address the existing broken concrete-lined embankment and failed gabion baskets as well as removal of vegetation and trees that are exacerbating erosion.

2.4 Project Activities

2.4.1 Guadalupe River ~~Crossing~~ Upstream of Malone Road

The Guadalupe River crossing upstream of the Malone Road Project site is approximately 10,890 square feet (ft²). The concrete–lined embankment area is approximately 8,050 ft² (~~145~~ 170 linear feet), and the eroding concrete cutoff wall footing area is approximately 460 ft².

A segment of the existing concrete -lined embankment and corresponding footing has eroded along the outside bend of the Guadalupe River, creating a large cavity. The resulting washing away of the underlying earthen material and fill has been exacerbated by high-flow events that typically accompany heavy rainfall. During intense precipitation, increased runoff contributes to the discharge and velocity of the river, strengthening the hydraulic force exerted on the river bank. The continued erosion has compromised the structural integrity of the concrete embankment as well as the adjacent retaining wall at the top of east bank along Almaden Road. Additionally, several trees have grown through the eroded concrete slope paving, further compromising the structural integrity of the concrete embankment.

Project activities would include tree removal, creating an active water bypass system throughout the length of the Project site, and installation of a concrete slope paving with compacted earth backfill utilizing concrete slope protection and footing with embedded rock riprap in the eroded cavity and along the concrete footing. A grade control feature would be installed at the channel bottom to maintain existing channel grade and limit bed degradation and slope toe undermining during high flows. The structure would consist of approximately 10 cubic yards of 1-ton, angular rock placed across the full channel width (approximately 20 feet long by 3 feet wide) and keyed a minimum of 5 feet into the channel bed. After placement, the rock would be covered with native streambed material to maintain existing channel substrate and fish passage conditions.

Valley Water would import approximately 340 cubic yards (CY) of 1-ton rock riprap to armor the new cutoff wall footing against scour. Two 100- to 110-foot-long temporary access ramps would be installed on the west bank to gain access to the channel from the vacant lot at the top of the west bank. In certain areas, where there are existing voids in the channel embankment due to scouring at the failed concrete footing, riprap and slurry mix would be placed to fill the voids below finished grade., ~~as well as,~~Additionally, 1-ton riprap ~~will~~would be placed along the

channel bottom so as to match the bed slope at the upstream transition areas. The ~~upstream~~ Malone Road Project site would require approximately 150 CY of concrete.

2.4.2 Guadalupe River Crossing at Blossom Hill Road

The Guadalupe River crossing at Blossom Hill Road Project site is approximately 4,356 ft^2, and the rock riprap embankment area is approximately 1,360 ft^2 (170 linear feet).

Underneath the Blossom Hill Road bridge, galvanized gabion baskets have eroded, dislodging most of the stones into the channel. As a result, the remaining top baskets have buckled and shifted away from the adjacent maintenance road located under the bridge. Continued flows have worsened erosion conditions, significantly compromising the structural integrity of the maintenance road. The eroded gabion baskets and altered bank structure have limited the establishment of riparian vegetation, and habitat complexity at this site is minimal compared to the Malone Road Project site.

Project activities would include installation of an active dewatering system, debris removal, and replacing the failed gabion basket structure through the rock slope protection method, with two grade control features along the channel bed. The grade control features would be installed at the channel bottom to maintain existing channel grade and limit bed degradation and slope toe undermining during high flows. The structures would consist of approximately 10 CY of 2-ton, angular rock placed across the full channel width (approximately 20 feet long by 3 feet wide) and keyed a minimum of 4 feet into the channel bed. After placement, the rock would be covered with native streambed material to maintain existing channel substrate and fish passage conditions.

Approximately 500 CY of rock riprap would be placed adjacent to the lower maintenance road, ~~10 CY of~~including for rock riprap for the grade control weirs, and ~~60 CY of~~for the channel fill between the grade control weirs. The riprap would largely match the contours of the existing gabion baskets. ~~If necessary, resurfacing of the maintenance road would occur upon completion of the channel repairs, in addition to replacing the existing outer edge of the lower maintenance road with approximately 8 CY of concrete where it interfaces with the rock riprap throughout the length of the repair.~~ Following completion of the channel repairs, the lower maintenance road would be replaced in-kind with approximately 70 CY of new concrete pavement.

2.4.3 Active Dewatering System

Flows at the Malone Road Project site are mainly controlled by upstream dam summer operations, which is influenced by the amount of winter and spring rainfall totals. Historically this reach of the Guadalupe River is dry during the summer months, however the channel has experienced continuous flows during the summer months in recent history. In the event of similar wet conditions, these flows would be diverted by installing a sump pump in the trench with pipes, hoses, and an erosion dissipater and turbidity filter downstream. For the entirety of the Project duration, sump pumps would be installed approximately 50 feet upstream to divert any flows around the Project site as needed. Bypass hoses and/or pipes would be used for

dewatering. Pump sizing for the temporary creek diversion system would be based on representative summer flows, calculated using historical hydrologic data from the past 25 years, to ensure that diversion capacity is adequate under typical and higher-than-average seasonal conditions.

The dewatering system setup would comprise of two earthen cofferdams (approximately 30 CY of gravel bags each), two generators, and up to two 6-inch-to 10-inch sump pumps with approximately 700 feet of bypass pipes and hoses. Earthen cofferdams would be installed up and downstream of the Malone Road Project site, with pipes running through and under the temporary construction ramp and discharging flows. Sheet piling is not proposed. Generators would be placed along the top of the west bank.

The Blossom Hill Road Project site is also controlled by upstream dam operations and may experience running flows during summer months. Similar to the Malone Road Project site, the dewatering setup would include two earthen cofferdams (approximately 30 CY of gravel bags each) upstream and downstream of the Blossom Hill Road Project site, with pipes running through and under the center cell of the bridge to discharge flows downstream of the Project site. Groundwater encountered during excavation activities would be pumped into a Baker tank, or similar equipment, staged along the top of bank for containment prior to disposal.

2.4.4 Vegetation and Debris Removal

The Project site at Malone Road would require the removal of up to 15 trees (black walnut, Oregon ash, almond, Fremont cottonwood, weeping willow, California buckeye, and black locust) that range between 4 and 32 inches DBH for construction of the temporary access ramp and construction of the concrete slope paving embankment. At the Malone Road Project site, the creek contains large woody debris (LWD) that has ensnared approximately 2 CY of other trash and debris within the creek. Per SMP definition, LWD is naturally occurring wood having a diameter of 12-inches and a minimum length of 6-feet that occurs below the ordinary high-water mark. These materials would also be removed as part of tree removal activities. Valley Water would pay applicable Santa Clara Valley Habitat Plan (VHP) land cover fees as compensation to mitigate for any impacts on covered species and their habitats, including ~~serpentine bunchgrass grassland, northern coastal scrub/Diablan sage scrub,~~ mixed riparian forest and woodland~~,~~ and riverine habitats/land cover types.

2.4.5 Site Access and Staging Area

Construction vehicles and equipment would access the Malone Road Project site via Malone Road and Guadalupe River. Staging would be confined to Valley Water fee title properties along the top of the west bank upstream of Malone Road. A secondary staging area may be used upstream of Malone Road Project site to accommodate excess materials and equipment in the event the primary area is not sufficiently large enough. The proposed staging areas are shown in Figure 2-3 . There is currently no ramp access to Guadalupe River within the Malone Road Project site. Valley Water would import material to create two 100- to 110-foot-long

temporary ramps on the west bank to create access to the channel from the vacant lot at top of the west bank.

Construction vehicles and equipment would access the Blossom Hill Road Project site along the west maintenance access road at top of bank and north of the Blossom Hill Road bridge. The Blossom Hill Road Project site can also be accessed north, downstream from the depressed maintenance road south, upstream of the Blossom Hill Road bridge. The proposed staging area is shown in Figure 2-2. Staging would be confined to a Valley Water fee title property along the top of the west bank (APN 458-14-034) downstream of Blossom Hill Road.

2.4.6 Site Preparation

Erosion and sediment control *best management practices* (BMPs) would be implemented prior to any action and would be maintained throughout construction *(*see "Best Management Practices," below*).* A project-specific Stormwater Pollution Prevention Plan (SWPPP) or amendment to an existing SWPPP is necessary because the total Project site is greater than 1 acre in size (1.83 acres). The Project would be required to adhere to National Pollutant Discharge Elimination System (NPDES) Order Number R2-2015-0049. Prior to beginning work, crews would install and implement construction site controls to prevent discharges of pollutants from the construction site.

2.4.7 Site Restoration

Following Project implementation, all temporary work areas would be restored to pre-construction conditions. All construction material and debris would be removed and disposed of at approved facilities. Hydroseeding, or other appropriate erosion control methods, ~~of~~will be applied to all disturbed areas ~~would be applied after~~ construction and before seasonal rain events, with reapplication when necessary for winterization. Table 2.4-1~~Table 2.4-1~~ provides the estimated river bank, streambed, and channel disturbance areas that would occur as result of the Project. Areas of temporary disturbance would be restored to pre-construction conditions through removal of temporary materials and stabilized following construction as specified in Section 2.4.7, Site Restoration.

Table 2.4-1 Estimated Bank, Streambed, and Channel Disturbance by Project Site

Site	Linear Feet (LF) of Bank Affected	Streambed/Channel disturbance (square feet (sf)/acres (ac))	Volume of Fill/Concrete/Riprap (Cubic Yards (CY))
Malone Road	~170LF	Permanent: ~10,890 sf (0.25 ac) Temporary: ~4,510 sf (0.10 ac) for temporary access ramps and cofferdams	Permanent: 340 CY riprap, 150 CY concrete Temporary: 60 CY earthen cofferdams
Blossom Hill Road	~170 LF	Permanent: ~4,356 sf (0.10 ac) Temporary: ~1,858 sf (0.04 ac) for temporary construction ramp and cofferdams	Permanent: 500 CY riprap, 70 CY fill/concrete Temporary: 60 CY earthen cofferdams

Site	Linear Feet (LF) of Bank Affected	Streambed/Channel disturbance (square feet (sf)/acres (ac))	Volume of Fill/Concrete/Riprap (Cubic Yards (CY))
Total	~340 LF	Permanent:~15,246 sf (~0.35 ac) Temporary: 6,368 sf (~0.15 ac)	-

2.4.8 Equipment, Workers, And Truck Trips

Truck trips would include off-site material-hauling trips and employee commute trips between the Project sites and any off-site yards. The Project would require up to 300 truck trips to remove existing debris and bank materials at the Malone Road Project site and up to 150 truck trips to remove existing failed gabion baskets and haul new rock riprap at the Blossom Hill Road Project site. Large deliveries (e.g., excavators, concrete trucks, rock riprap) could require oversized load permits from the City of San José. Oversized loads are not anticipated to use the State Transportation Network (STN) under the jurisdiction of Caltrans; however, in the event oversized loads are required to use the STN, a permit through Caltrans would be obtained. Typically, each site would be staffed with one foreman, four to five workers, one flagger, and one water trucker/sweeper. Equipment to be used under the Project is listed and broken down by Project activity in Table 2.4-2.

Table 2.4-2 Proposed Equipment Use Per Construction Phase

Project activity	Equipment	Amount
Concrete slab/gabion removal	Excavator	2
Concrete slab/gabion removal	Tractors/loaders/backhoes	4
Concrete slab/gabion removal	Dump trucks	10
Concrete slab/gabion removal	Water truck/sweeper	1
Concrete slab/gabion removal	Pickup trucks	4
Grading and excavation	Excavator	2
Grading and excavation	Tractors/loaders/backhoes	4
Grading and excavation	Dump trucks	10
Grading and excavation	Water truck/sweeper	1
Grading and excavation	Pickup trucks	4
Drainage, utilities, and subgrade	Excavator	2
Drainage, utilities, and subgrade	Tractors/loaders/backhoes	4
Drainage, utilities, and subgrade	Dump trucks	1
Drainage, utilities, and subgrade	Water truck/sweeper	1
Drainage, utilities, and subgrade	Pickup trucks	4

Project activity	Equipment	Amount
Finished grading	Excavator	2
Finished grading	Tractors/loaders/backhoes	4
Finished grading	Compactor	1
Finished grading	Truck-mounted crane	1
Finished grading	Concrete trucks	2
Finished grading	Concrete pumper	1
Finished grading	Pickup trucks	4

2.5 Schedule

Construction activities are anticipated to occur between June 15 and October 15 in 2026 or 2027, for approximately 4 months. Construction hours are anticipated to be from 7 a.m. to 7 p.m. Monday through Friday, in compliance with section 20.100.450 of the City of San José's Municipal Code. The construction timeframe would coincide with the historically dry summer months~~.~~, when water levels in the Guadalupe River are typically lower, to reduce potential impacts to water quality and aquatic habitat.

2.6 Operations and Maintenance

Upon completion, the Project is anticipated to have a useful lifespan of approximately 20 years. The Project would not require long-term vegetation maintenance; therefore, an Operations and Maintenance Plan is not applicable. Operations and maintenance activities required for the Project ~~site~~sites would ~~occur under~~be conducted in accordance with Valley Water's SMP.

2.7 Environmental Protection Measures

2.7.1 Best Management Practices

~~BMPs~~The Project would require the implementation of several types of environmental protection measures. These include BMPs, which are standard operating procedures to prevent, avoid, or minimize effects associated with construction and other activities. Valley Water routinely incorporates a wide range of BMPs into projects~~, as described in detail in the~~ based on Valley Water's 2014 Best Management Practices Handbook (herein referred to as "standard BMPs") (Valley Water 2014). ~~The~~Additionally, as discussed in Section 2.1, construction and operation of the Project would be implemented consistent with Valley Water's SMP, which includes a variety of BMPs (herein referred to as "SMP BMPs"), and Valley Water would incorporate relevant ~~to the Project are provided in Table 2.7-1. Additional~~SMP BMPs into the Project. For any project-specific impacts that would not be adequately reduced or avoided by

standard BMPs or SMP BMPs, Project-specific *avoidance and minimization measures* (AMMs) ~~and~~have been developed to reduce or avoid impacts. Lastly, where AMMs would not adequately reduce impacts to less-than-significant levels, Project-specific mitigation measures ~~were~~have been developed to reduce and mitigate impacts associated with Project implementation ~~and not avoidable through standard construction BMPs are identified~~, as presented in Section ~~2.7.3 and throughout Section~~ 3.4 of this IS/MND.

~~All Project BMPs~~All standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures which are further discussed below, would be incorporated into the Project's work plans, and all contractors employed on the Project would be required to ~~adhere to~~comply with them.

2.7.2 Valley Water Standard Best Management Practices

The standard BMPs from Valley Water's 2014 Best Management Practices Handbook (Valley Water 2014) that would be implemented as part of the Project are provided in Table 2.7-1.

Table 2.7-1 Standard BMPs to be Implemented

Resource	Standard BMP	Standard BMP Condition(s)
Air Quality	**AQ-1: Use Dust Control Measures**	The following Bay Area Air ~~Quality Management~~ District (~~BAAQMD~~BAAD) dust control measures would be implemented: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. Water used to wash the various exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, etc.) will not be allowed to enter waterways. 5. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 7. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations), and this requirement shall be clearly communicated to construction workers (such as verbiage in contracts and clear signage at all access points).

Resource	Standard BMP	Standard BMP Condition(s)
		8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications, and all equipment shall be checked by a certified visible emissions evaluator. 9. Correct tire inflation shall be maintained in accordance with manufacturer's specifications on wheeled equipment and vehicles to prevent excessive rolling resistance. 10. Post a publicly visible sign with a telephone number and contact person at the lead agency to address dust complaints; any complaints shall be responded to and take corrective action within 48 hours. In addition, a ~~BAAQMD~~BAAD telephone number with any applicable regulations will be included.
Air Quality	**AQ-2: Avoid Stockpiling Odorous Materials**	Materials with decaying organic material, or other potentially odorous materials, will be handled in a manner that avoids impacting residential areas and other sensitive receptors, including: • Avoid stockpiling potentially odorous materials within 1,000 feet of residential areas or other odor sensitive land uses; and • Odorous stockpiles will be disposed of at an appropriate landfill.
Biological Resources	**BI-2: Minimize Impacts to Steelhead**	Minimize potential impacts to salmonids by avoiding routine use of vehicles and equipment in salmonid streams between January 1 and June 15.
Biological Resources	**BI-3: Remove Temporary Fill**	Temporary fill materials, such as for diversion structures or cofferdams, will be removed upon finishing the work or as appropriate. The creek channels and banks will be re-contoured to match pre-construction conditions to the extent possible. Low-flow channels within non-tidal streams will be contoured to facilitate fish passage and will emulate the pre-construction conditions as closely as possible, within the finished channel topography.
Biological Resources	**BI-5: Avoid Impacts to Nesting Migratory Birds**	Nesting birds are protected by state and federal laws. Valley Water will protect nesting birds and their nests from abandonment, loss, damage, or destruction. Nesting bird surveys will be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of birds, bird nests, or nesting migratory birds. Inactive bird nests may be removed with the exception of raptor nests. Birds, nests with eggs, or nests with hatchlings will be left undisturbed.
Biological Resources	**BI-6: Avoid Impacts to Nesting Migratory Birds from Pending Construction**	Nesting exclusion devices may be installed to prevent potential establishment or occurrence of nests in areas where construction activities would occur. All nesting exclusion devices will be maintained throughout the nesting season or until completion of work in an area makes the devices unnecessary. All exclusion devices will be removed and disposed of when work in the area is complete.

Resource	Standard BMP	Standard BMP Condition(s)
Biological Resources	**BI-7: Minimize Impacts to Vegetation from Survey Work**	Survey cross-sections will be moved, within acceptable tolerances, to avoid cutting dense riparian vegetation and minimize cutting of woody vegetation, taking advantage of natural breaks in foliage. If the cross-section cannot be moved within the established acceptable tolerances to avoid impacts to dense riparian or woody vegetation, the survey section will be abandoned.
Biological Resources	**BI-8: Choose Local Ecotypes Of Native Plants and Appropriate Erosion-Control Seed Mixes**	Whenever native species are prescribed for installation, the following steps will be taken by a qualified biologist or vegetation specialist: Evaluate whether the plant species currently grow wild in Santa Clara County, and if so, the qualified biologist or vegetation specialist will determine if any need to be local natives, i.e., grown from propagules collected in the same or adjacent watershed, and as close to the Project site as feasible. Also, consult a qualified biologist or vegetation specialist to determine which seeding option is ecologically appropriate and effective, specifically: For areas that are disturbed, an erosion control seed mix may be used consistent with the Valley Water Guidelines and Standards for Land Use Near Streams, Design Guide 5, 'Temporary Erosion Control Options.' In areas with remnant native plants, the qualified biologist or vegetation specialist may choose an abiotic application instead, such as an erosion control blanket or seedless hydro-mulch and tackifier to facilitate passive revegetation of local native species. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable. If a gravel or wood mulch has been used to prevent soil compaction, this material may be left in place [if ecologically appropriate] instead of seeding. Seed selection shall be ecologically appropriate as determined by a qualified biologist, per *Guidelines and Standards for Land Use Near Streams, Design Guide 2: Use of Local Native Species*.
Biological Resources	**BI-10: Avoid Animal Entry and Entrapment**	All pipes, hoses, or similar structures less than 12 inches diameter will be closed or covered to prevent animal entry. All construction pipes, culverts, or similar structures, greater than 2-inches diameter, stored at a construction site overnight, will be inspected thoroughly for wildlife by a qualified biologist or properly trained construction personnel before the pipe is buried, capped, used, or moved. If inspection indicates presence of sensitive or state- or federally-listed species inside stored materials or equipment, work on those

Resource	Standard BMP	Standard BMP Condition(s)
		materials will cease until a qualified biologist determines the appropriate course of action. To prevent entrapment of animals, all excavations, steep-walled holes or trenches more than 6-inches deep will be secured against animal entry at the close of each day. Any of the following measures may be employed, depending on the size of the hole and method feasibility: Hole to be securely covered (no gaps) with plywood, or similar materials, at the close of each working day, or any time the opening will be left unattended for more than one hour; or In the absence of covers, the excavation will be provided with escape ramps constructed of earth or untreated wood, sloped no steeper than 2:1, and located no farther than 15 feet apart; or In situations where escape ramps are infeasible, the hole or trench will be surrounded by filter fabric fencing or a similar barrier with the bottom edge buried to prevent entry.
Biological Resources	**BI-11: Minimize Predator-Attraction**	Remove trash daily from the worksite to avoid attracting potential predators to the site.
Cultural Resources	**CU-1: Accidental Discovery of Archaeological Artifacts or Burial Remains**[1]	If historical or unique archaeological artifacts, or tribal cultural resources, are accidentally discovered during construction, work in affected areas will be restricted or stopped until proper protocols are met. Work at the location of the find will halt immediately within 100 feet of the find. A "no work" zone shall be established utilizing appropriate flagging to delineate the boundary of this zone. A Consulting Archaeologist will visit the discovery site as soon as practicable for identification and evaluation pursuant to Section 21083.2 of the Public Resources Code and Section 15126.4 of the California Code of Regulations. If the archaeologist determines that the artifact or resource is not significant, construction may resume. If the archaeologist determines that the artifact or resource is significant, the archaeologist will determine if the artifact or resource can be avoided and, if so, will detail avoidance procedures. If the artifact cannot be avoided, the archaeologist will develop within 48 hours an Action Plan which will include provisions to minimize impacts and, if required, a Data Recovery Plan for recovery of artifacts in accordance with Public Resources Code section 21083.2 and section 15126.4 of the CEQA Guidelines. If a tribal cultural resource cannot be avoided, the Action Plan will include notification of the appropriate Native American tribe, and consultation with the tribe regarding acceptable recovery options.

[1] Valley Water BMP CU-1 was updated to extend the no-work buffer zone from 30 feet to 100 feet if archeological artifacts, tribal cultural resources, or burial remains are encountered during construction.

Resource	Standard BMP	Standard BMP Condition(s)
		If burial finds are accidentally discovered during construction, work in affected areas will be restricted or stopped until proper protocols are met. Upon discovering any burial site as evidenced by human skeletal remains, the County Coroner will be immediately notified, and the field crew supervisor shall take immediate steps to secure and protect such remains from vandalism during periods when work crews are absent. No further excavation or disturbance within 100 feet of the site or any nearby area reasonably suspected to overlie adjacent remains may be made except as authorized by the County Coroner, California Native American Heritage Commission, and/or the County Coordinator of Indian Affairs.
Hazards and Hazardous Resources	**HM-7: Restrict Vehicle and Equipment Cleaning to Appropriate Locations**	Vehicles and equipment may be washed only at approved areas. No washing of vehicles or equipment will occur at job sites.
Hazards and Hazardous Resources	**HM-8: Ensure Proper Vehicle and Equipment Fueling and Maintenance**	No fueling or servicing will be done in a waterway or immediate flood plain, unless equipment stationed in these locations is not readily relocated (i.e., pumps, generators). For stationary equipment that must be fueled or serviced on-site, containment will be provided in such a manner that any accidental spill will not be able to come in direct contact with soil, surface water, or the storm drainage system. All fueling or servicing done at the job site will provide containment to the degree that any spill will be unable to enter any waterway or damage riparian vegetation. All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented. All equipment used in the creek channel will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use. If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location will be done in a channel or flood plain.
Hazards and Hazardous Resources	**HM-9: Ensure Proper Hazardous Materials Management**	Measures will be implemented to ensure that hazardous materials are properly handled, and the quality of water resources is protected by all reasonable means. Prior to entering the work site, all field personnel will know how to respond when toxic materials are discovered.

Resource	Standard BMP	Standard BMP Condition(s)
		Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials will not contact soil and not be allowed to enter surface waters or the storm drainage system. All toxic materials, including waste disposal containers, will be covered when they are not in use, and located as far away as possible from a direct connection to the storm drainage system or surface water. Quantities of toxic materials, such as equipment fuels and lubricants, will be stored with secondary containment that is capable of containing 110% of the primary container(s). The discharge of any hazardous or non-hazardous waste as defined in Division 2, Subdivision 1, Chapter 2 of the California Code of Regulations will be conducted in accordance with applicable state and federal regulations. In the event of any hazardous material emergencies or spills, personnel will call the Chemical Emergencies/Spills Hotline at 1-800-510-5151.
Hazards and Hazardous Resources	**HM-10: Utilize Spill Prevention Measures**	Prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water following these measures: 1. Field personnel will be appropriately trained in spill prevention, hazardous material control, and clean-up of accidental spills; 2. Equipment and materials for clean-up of spills will be available on site, and spills and leaks will be cleaned up immediately and disposed of according to applicable regulatory requirements; 3. Field personnel will ensure that hazardous materials are properly handled, and natural resources are protected by all reasonable means; 4. Spill prevention kits will always be in close proximity when using hazardous materials (e.g., at crew trucks and other logical locations), and all field personnel will be advised of these locations; and, 5. The work site will be routinely inspected to verify that spill prevention and response measures are properly implemented and maintained.
Hazards and Hazardous Resources	**HM-12: Incorporate Fire Prevention Measures**	All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors.

Resource	Standard BMP	Standard BMP Condition(s)
		During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site. An extinguisher shall be available at the Project site at all times when welding or other repair activities that can generate sparks (such as metal grinding) is occurring. Smoking shall be prohibited except in designated staging areas and at least 20 feet from any combustible chemicals or vegetation.
Hazards and Hazardous Resources	**HM-13: Avoid Impacts from Naturally Occurring Asbestos**	~~The District~~Valley Water will comply with and implement ~~BAAQMD~~BAAD dust control measures and notification requirements when working in serpentine soils.
Hydrology and Water Quality	**WQ-3: Limit Impact of Pump and Generator Operation and Maintenance**	Pumps and generators will be maintained and operated in a manner that minimizes impacts to water quality and aquatic species. 1. Pumps and generators will be maintained according to manufacturers' specifications to regulate flows to prevent dry-back or washout conditions. 2. Pumps will be operated and monitored to prevent low water conditions, which could pump muddy bottom water, or high water conditions, which creates ponding. 3. Pump intakes will be screened to prevent uptake of fish and other vertebrates. Pumps in steelhead creeks will be screened according to NMFS criteria. 4. Sufficient back-up pumps and generators will be onsite to replace defective or damaged pumps and generators.
Hydrology and Water Quality	**WQ-4: Limit Impacts from Staging and Stockpiling Materials**	1. To protect on-site vegetation and water quality, staging areas should occur on access roads, surface streets, or other disturbed areas that are already compacted and only support ruderal vegetation. Similarly, all equipment and materials (e.g., road rock and project spoil) will be contained within the existing service roads, paved roads, or other pre-determined staging areas. 2. Building materials and other project-related materials, including chemicals and sediment, will not be stockpiled or stored where they could spill into water bodies or storm drains. 3. No runoff from the staging areas may be allowed to enter water ways, including the creek channel or storm drains, without being subjected to adequate filtration (e.g., vegetated buffer, swale, hay wattles or bales, silt screens). 4. The discharge of decant water to water ways from any on-site temporary sediment stockpile or storage areas is prohibited. 5. During the wet season, no stockpiled soils will remain exposed, unless surrounded by properly installed and maintained silt fencing or other means of erosion control. During the dry

Resource	Standard BMP	Standard BMP Condition(s)
		season; exposed, dry stockpiles will be watered, enclosed, covered, or sprayed with non-toxic soil stabilizers.
Hydrology and Water Quality	**WQ-5: Stabilize Construction Entrances and Exits**	Measures will be implemented to minimize soil from being tracked onto streets near work sites: • Methods used to prevent mud from being tracked out of work sites onto roadways include installing a layer of geotextile mat, followed by a 4-inch-thick layer of 1 to 3-inch diameter gravel on unsurfaced access roads. Access will be provided as close to the work area as possible, using existing ramps where available and planning work site access so as to minimize disturbance to the water body bed and banks, and the surrounding land uses.
Hydrology and Water Quality	**WQ-9: Use Seeding for Erosion Control, Weed Suppression, and Site Improvement**	Disturbed areas shall be seeded with native seed as soon as is appropriate after activities are complete. An erosion control seed mix will be applied to exposed soils down to the ordinary high-water mark (OHWM) in streams. 1. The seed mix should consist of California native grasses, (for example *Hordeum brachyantherum*; *Elymus glaucus*; and annual *Vulpia microstachyes*) or annual, sterile hybrid seed mix (e.g., *Regreen*™, a wheat x wheatgrass hybrid). Temporary earthen access roads may be seeded when site and horticultural conditions are suitable or have other appropriate erosion control measures in place.
Hydrology and Water Quality	**WQ-11: Maintain Clean Conditions at Work Sites**	The work site, areas adjacent to the work site, and access roads will be maintained in an orderly condition, free and clear from debris and discarded materials on a daily basis. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust into storm drains or waterways. For activities that last more than one day, materials or equipment left on the site overnight will be stored as inconspicuously as possible and will be neatly arranged. Any materials and equipment left on the site overnight will be stored to avoid erosion, leaks, or other potential impacts to water quality Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the work site.
Hydrology and Water Quality	**WQ-15: Prevent Water Pollution**	Oily, greasy, or sediment laden substances or other material that originate from the Project operations and may degrade the quality of surface water or adversely affect aquatic life, fish, or wildlife will not be allowed to enter, or be placed where they may later enter, any waterway. The Project will not increase the turbidity of any watercourse flowing past the construction site by taking all necessary precautions to limit the increase in turbidity as follows:

Resource	Standard BMP	Standard BMP Condition(s)
		1. where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases will not exceed 5 percent; 2. where natural turbidity is greater than 50 NTU, increases will not exceed 10 percent; 3. where the receiving water body is a dry creek bed or storm drain, waters in excess of 50 NTU will not be discharged from the Project. Water turbidity changes will be monitored. The discharge water measurements will be made at the point where the discharge water exits the water control system for tidal sites and 100 feet downstream of the discharge point for non-tidal sites. Natural watercourse turbidity measurements will be made in the receiving water 100 feet upstream of the discharge site. Natural watercourse turbidity measurements will be made prior to initiation of project discharges, preferably at least 2 days prior to commencement of operations.
~~Hydrology and Water Quality~~	~~**WQ-16**~~ ~~**Prevent Stormwater Pollution**~~	~~Suitable erosion control, sediment control, source control, treatment control, material management, and non-stormwater management BMPs will be implemented consistent with the latest edition of the California Stormwater Quality Association "Stormwater Best Management Practices Handbook," which is available at www.cabmphandbooks.com.~~ ~~To prevent stormwater pollution, the applicable measures from the following list will be implemented:~~ ~~Soils exposed due to project activities will be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These measures will be implemented such that the site is stabilized and water quality protected prior to significant rainfall. In creeks, the channel bed and areas below the OHWM are exempt from this BMP.~~ ~~Erosion control fabrics will consist of natural fibers. No non-porous fabric will be used as part of a permanent erosion control approach. Erosion control measures will be installed according to manufacturer's specifications.~~ ~~To prevent stormwater pollution, the appropriate measures from, but not limited to, the following list will be implemented:~~ ~~• Silt Fences~~ ~~• Straw Bale Barriers~~ ~~• Brush or Rock Filters~~ ~~• Storm Drain Inlet Protection~~ ~~• Sediment Traps or Sediment Basins~~ ~~• Erosion Control Blankets and/or Mats~~ ~~• Soil Stabilization (i.e., tackified straw with seed, jute blankets, etc.)~~

Resource	Standard BMP	Standard BMP Condition(s)
		~~• Straw mulch.~~ ~~All temporary construction-related erosion control methods shall be removed at the completion of the projectSurface barrier applications installed as a method of animal conflict management, such as chain link fencing, woven geotextiles, and other similar materials, will be installed no longer than 300 feet, with at least an equal amount of open area prior to another linear installation.~~
Hydrology and Water Quality	**WQ-17: Manage Sanitary and Septic Waste**	Temporary sanitary facilities will be located on jobs that last multiple days, in compliance with California Division of Occupational Safety and Health (Cal/OSHA) regulation 8 California Code of Regulations 1526. All temporary sanitary facilities will be located where overflow or spillage will not enter a watercourse directly (overbank) or indirectly (through a storm drain).
Transportation	**TR-1: Incorporate Public Safety Measures**	Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction, to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof.

~~2.7.2~~2.7.3 Santa Clara Valley Habitat Plan/Natural Community Conservation Planning

Proposed work is within the VHP area, and work is covered by the VHP. The VHP is a joint habitat conservation and natural communities conservation plan developed to serve as the basis for incidental take permits and authorizations pursuant to Section 10 of the federal Endangered Species Act (ESA) and the California Natural Community Conservation Planning Act (SCVHA 2012). Valley Water would adhere to the following VHP conditions, which are further described in Table 2.7-3~~Table 2.7-3~~:

- **Condition 1**: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species
- **Condition 3:** Maintain Hydrologic Conditions and Protect Water Quality[2]
- **Condition 4:** Avoidance and Minimization for In-Stream Projects
- **Condition 5**: Avoidance and Minimization Measures for In-Stream Operations and Maintenance
- **Condition 19**: Plant Salvage when Impacts are Unavoidable
- **Condition 20:** Avoid and Minimize Impacts to Covered Plant Occurrences

[2] Note that compliance with this measure necessitates implementation of measures listed in Chapter 6 of the VHP (http://scv-habitatagency.org/178/Final-Habitat-Plan); these measures are BMPs to protect water quality and avoid other adverse effects, and many overlap or are similar to Valley Water's BMPs.

Table 2.7-2 Santa Clara Valley Habitat Plan Conditions

Condition	Description
Condition 1. Avoid Direct Impacts on Legally Protected Plant and Wildlife Species	Contra Costa goldfields is a federally endangered and California Native Plant Society (CNPS) 1B plant species whose extreme rarity precludes coverage under the Habitat Plan. Because the Habitat Plan does not cover the species, compliance is required on an individual basis. Several wildlife species that occur in the study area are listed as fully protected, as defined under Sections 3511 and 4700 of the California Fish and Game Code. As described in Chapter 1, CDFG cannot issue permits for take. • Golden eagle. • of these species. • Fully protected species that are known or likely to occur in the study area are listed below. • Bald eagle. • American peregrine falcon. • Southern bald eagle. • White-tailed kite. • California condor. • Ring-tailed cat (= ringtail). All migratory bird species and their nests are protected under the Migratory Bird Treaty Act (MBTA).
Condition 3. Maintain Hydrologic Conditions and Protect Water Quality	Protect water quality by preventing and reducing the adverse impacts of stormwater pollutants and increases in peak runoff rate and volume.
Condition 4, Avoidance and Minimization for In-Stream Projects	Identify design requirements and construction practices for in-stream projects to minimize impacts on riparian and aquatic habitat.
Condition 5. Avoidance and Minimization Measures for In-Stream Operations and Maintenance	Identify and apply appropriate AMMs to reduce impacts on stream and riparian land cover types and covered species when conducting operations and maintenance activities.
Condition 19. Plant Salvage when Impacts are Unavoidable	Where impacts on covered plant species cannot be avoided and plants will be removed by approved covered activities, the Implementing Entity has the option of salvaging the covered plants. Salvage of covered plants is conducted in addition to mitigation that may be required for impacts on covered plants.
Condition 20. Avoid and Minimize Impacts to Covered Plant Occurrences	In order to reduce impacts to covered plants, all covered activities will be confined to the minimum area necessary to complete the activity or construction.

2.7.4 Valley Water Stream Maintenance Program Best Management Practices

As discussed under Section 2.1, Valley Water would implement the Project consistent with SMP standard policies and procedures. The relevant SMP BMPs that would be implemented as part of the Project are provided in Table 2.7-3~~Table 2.7-3~~.

Table 2.7-3 Stream Maintenance Program BMPs to be Implemented

SMP BMP	Description
BMP GEN-1: In-Channel Work Window	All ground-disturbing maintenance activities (i.e., sediment removal, bank stabilization, tree removal, and mechanized vegetation management) occurring in the channel (below bankfull) will take place between June 15 and October 15. No new instream sediment removal projects and bank protection work will be initiated after October 15. Requests for work window extensions must be submitted to the regulatory agencies by October 1st, listing the creek names and reaches where a work extension will occur. work extensions vary per work activity. The agencies will provide a single response within one week. Significant rainfall applies after October 15. An extension through December 31 may apply if the following requirements are met and regulatory agency approval is received: For ground-disturbing activities: • Work may continue if no significant rainfall, defined as greater than 0.5 inches per 24 hours within a local watershed, is either forecasted[3] or observed. Following October 15th, maintenance work shall cease for the season if such a rain event is forecasted or observed. • Winterized sites will be visually inspected prior to, and within 48 hours following, each significant rain event (defined as rainfall 0.5 inch or greater within a 24-hour period in the subject watershed) to ensure that winterization measures are properly implemented and maintained. Sediment Removal: • Extended Work Window: 1. Creeks supporting anadromous fish: An extended work window may occur from October 15 through October 31, or until local rainfall of 0.5 inches or greater falls within the subject watershed within a 24-hour period, whichever occurs first. 2. Creeks not supporting anadromous fish: An extended work window may occur from October 15 through November 30th, or until local rainfall of 0.5 inches or greater falls within the subject watershed within a 24-hour period, whichever occurs first. • Extended Work Window in Lower Quality Areas: 1. Sediment removal work may occur until December 31.

[3] Weather Forecasts. No phase of the project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event if that construction phase may cause the introduction of sediments into the stream. Seventy-two-hour weather forecasts from the National Weather Service or other localized and more detailed weather forecast service will be consulted prior to start-up of any phase of the project that may result in sediment runoff to a stream.

SMP BMP	Description
	2. Will only occur on Berryessa Creek (0-88+80; 232+70-236+00; 284+30-288+00), Lower Silver Creek (Reach 3 between Stations 37+40 and 381+19), Thompson Creek (0+00-10+00), Canoas Creek (0+00-390+00), Ross Creek (0+00-86+30), Calabazas Creek (35+00-105+00), and San Tomas Aquino Creek (80+00-100+00) with the following conditions: – site conditions are dry and access for all construction equipment and vehicles will not impact waterways; and 3. all work will stop if any rainfall is forecast for the next 72-hour period. Work may occur after a significant rainfall event but no later than December 31. 4. Sites must be maintained in a rapidly winterizable[4] state (implement control measures BMP GEN-20). Bank stabilization projects may continue until the approved date stated below. Prior to a forecasted significant rainfall event (0.5 inches/24 hours), all incomplete bank stabilization projects must be winterized. 1. In Creeks Supporting Anadromous Fish – An extended work window may occur until October 31st for bank stabilization projects that will be 50% complete by October 15th. 2. In Creeks Not Supporting Anadromous Fish – An extended work window may occur until November 30th for projects that will be 50% complete by October 15th or until significant rainfall. – An extended work window may occur until November 30th for new bank stabilization projects that will be completed in five (5) days or less, or until significant rainfall. • Instream hand pruning and hand removal of vegetation will occur year-round, except when: – Wheeled or tracked equipment needs to access the site by crossing a creek, ponded area, or secondary channel; or – Work occurs in streams that support steelhead. In these streams instream vegetation maintenance will cease on December 31 or when local rainfall greater than 0.5 inches is predicted within a 24-hour period of planned activities, whichever happens first. Modification and removal of instream large woody debris will occur at any time of the year, and as further described in the NMFS Biological Opinion. Work (including large woody debris, encampment cleanup, and burrow filling) within the wetted channel of streams that support steelhead that is being done outside of the in-stream work window must adhere to the following conditions: 1. Pre-activity surveys must be conducted within seven days of the start of work. 2. A qualified biologist must be on site to monitor this in-stream work.

[4] Winterization is the process to maintain work sites with the appropriate BMPs to prevent erosion, Sediment transport, and protect water quality. Winterization occurs upon completion of bank repairs or on incomplete projects after October 15 and prior to significant rainfall, 0.5 inches or greater of local watershed rainfall within 24 hours. Winterization shall be completed prior to the occurrence of such actual significant rainfall.

SMP BMP	Description
BMP GEN-4: Minimize the Area of Disturbance	To minimize impacts to natural resources, soil disturbance will be kept to the minimum footprint necessary to complete the maintenance operation.
BMP GEN-7: Protection of Burrowing Owls	1. If occupied burrows are identified, a 250-foot radius no work buffer zone will be established around the burrow. The buffer may be modified, with CDFW approval, to take into consideration of paved roads, intervening riparian corridors and levees. 2. No construction work will occur within the 250-foot buffer zone until after the nesting season. 3. After the nesting season, work may occur within the 250-foot buffer zone provided: a. A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction). b. The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities. c. If there is any change in owl foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer. d. If the owls are gone for at least one week, the project proponent may request approval from the Santa Clara County Habitat Agency that a qualified biologist excavate the usable burrows to prevent owls from re-occupying the site. After the usable burrows are excavated, the buffer zone will be removed and construction may continue. e. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active. 4. Routine use of existing Valley Water maintenance roads within the 250-foot buffer will be allowed. However, no construction traffic will be allowed to use the maintenance road during the active nesting period. 5. Exceptions. a. Mowing on levees may occur during the nesting season and within 250 feet of active burrows provided the burrows are marked by a qualified biologist. b. No vehicle mounted mowers will be used within 10 ft of occupied burrows. c. A qualified biologist will monitor the mowing within the buffer zone and stop the mowing if burrowing owls are observed on the surface at the nest or another burrow. d. Areas within 10 feet of the burrows may be mowed using hand equipment when no owls are visible on the surface. e. All mowing activities within the buffer zone will be completed within 30 minutes.
BMP GEN-9: Avoid Impacts to Special-Status Plant Species and Sensitive Natural	A qualified botanist will identify special status plant species and sensitive natural vegetation communities and clearly map or delineate them as needed in order to avoid and/or minimize disturbance, using the CDFW protocols and the California Native Plant Society (CNPS) Botanical Survey Guidelines to formulate the following protocols:

SMP BMP	Description
Vegetation Communities	1. A qualified botanist will use the GIS database, California Natural Diversity Database (CNDDB), and/or other suitable tools to identify special status plants and sensitive natural vegetation communities located within or near work areas. 2. Surveys of areas identified as sensitive natural communities or suitable habitat for special status plant species will be conducted by a qualified botanist prior to commencement of work. 3. Surveys will be conducted during the appropriate time of the year to adequately identify special-status plants that could occur on the site of proposed maintenance activities. 4. The qualified botanist will ensure avoidance and/or minimize impacts by implementing one or more of the following, as appropriate, per the botanist's recommendation: a. Flag or otherwise delineate in the field the special status plant populations and/or sensitive natural community to be protected; b. Allow adequate buffers around plants or habitat; the location of the buffer zone will be shown on the maintenance design drawings and marked in the field with stakes and/or flagging in such a way that exclusion zones are visible to maintenance personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing). c. Time construction or other activities during dormant and/or non-critical life cycle period; d. Store removed sediment off site; and e. Limit the operation of maintenance equipment to established roads whenever possible. 5. No herbicides, terrestrial or aquatic, will be used in areas identified as potential habitat for special status plants species or containing sensitive natural communities, until a qualified botanist has surveyed the area and determined the locations of special status plant species present. 6. If special status plant species or sensitive communities are present, then a qualified botanist will determine if a given type of vegetation management method is ecologically appropriate for a given area. Alternative strategies based on the botanist's recommendations will be coordinated with appropriate staff. 7. All impacts to sensitive natural communities and special status plants identified by the qualified botanist will be avoided and/or minimized.
BMP GEN-12: Protection of Special-Status Amphibian and Reptile Species	1. A District qualified biologist will conduct a desk audit to determine whether suitable special-status amphibian or reptile habitat is present in or adjacent to a maintenance activity based on all available information including the habitats modeled in the Valley Habitat Plan. 2. If Valley Water's Wildlife or Fisheries Biologist determines that a special-status amphibian or reptile could occur in the activity area, a qualified biologist will conduct one daytime and one nighttime survey within a 7-day period preceding the onset of maintenance activities. a. If a special-status amphibian or reptile, or the eggs or larvae of a special status amphibian or reptile, are found within the activity area during a pre-activity survey or during Project activities, the qualified biologist shall notify

SMP BMP	Description
	the Project proponent about the special-status species and conduct the following work specific activities: (1) For minor maintenance activities and for vegetation removal activities that will take less than 1 day, a qualified biologist shall conduct a special status species survey on the morning of and prior to the scheduled work. (a) If no special status species is found, the work may proceed. (b) If eggs or larvae of a special status species are found, a buffer will be established around the location of the eggs/larvae and work may proceed outside of the buffer zone. No work will occur within the buffer zone. Work within the buffer zone will be rescheduled until the time that eggs have hatched and/or larvae have metamorphosed. (c) If an active western pond turtle nest is detected within the activity area, a 50-foot buffer zone around the nest will be established and maintained during the breeding and nesting season (April 1 – August 31). The buffer zone will remain in place until the young have left the nest, as determined by a qualified biologist. (d) If adults or non-larval juveniles of a special status species are found, one of the following two procedures will be implemented: i) If, in the opinion of the qualified biologist, capture and removal of the individual to a safe place outside of the work area is less likely to result in adverse effects than leaving the individual in place and rescheduling the work (e.g., if the species could potentially hide and be missed during a follow-up survey), the individual will be captured and relocated by a qualified biologist (with USFWS and/or CDFW approval, depending on the listing status of the species in question), and work may proceed. ii) If, in the opinion of the qualified biologist, the individual is likely to leave the work area on its own, and work can be feasibly rescheduled, a buffer will be established around the location of the individual(s) and work may proceed outside of the buffer zone. No work will occur within the buffer zone. Work within the buffer zone will be rescheduled. (2) For minor maintenance and vegetation removal activities that will take more than 1 day, the qualified biologist shall conduct a special-status species survey on each morning of and prior to the scheduled work commencing. (a) If eggs or larvae of a special status species are found, a buffer will be established around the location of the eggs/larvae and work may proceed outside of the buffer zone. No work will occur within the buffer zone. Work within the buffer zone will be rescheduled until the time that eggs have hatched and/or larvae have metamorphosed. (b) If an active western pond turtle nest is detected within the activity area, a 50 ft-buffer zone around the nest will be established and maintained during the breeding and nesting season (April 1 – August 31). The buffer zone will remain in place until the young have left the nest, as determined by a qualified biologist.

SMP BMP	Description
	(c) If adults or non-larval juveniles of a special status species are found, the individual will be captured and relocated by a qualified biologist with USFWS and/or CDFW approval, depending on the listing status of the species in question), and work may proceed. (3) For Sediment Removal and Bank Stabilization Projects the wildlife or fisheries biologist in cooperation with the Project proponent shall complete a Site-Specific Species Protection Form for the Project. Elements of the form include: work rescheduling, training work crews, daily surveys, establishment of buffers and buffer fencing, on-site monitoring, habitat modification in advance of work activities, capture and relocation of individual special-status species, methods of documentation, and reporting of results. b. If no special status amphibian or reptile is found within the activity area during a pre-activity survey, the work may proceed. c. During animal conflict management activities, if special status species are found within a burrow proposed for destruction, a qualified biologist will determine an appropriate buffer distance around that burrow to ensure adequate protection of the habitat. The buffer area may include not destroying adjacent burrows as that may damage subterranean networks of the occupied burrow or produce substrate vibrations which could interfere with prey detection mechanisms. If two consecutive follow up surveys are conducted (spaced 30 days apart) in which the burrow is found to be unoccupied, work can proceed as planned. A naturally found back filled burrow known to have been inhabited by a special-status species will be presumed to still be occupied by that species and a clearly delineated buffer demarcation of the burrow area will be in place for the duration of nearby work activities. In rare instances in which destruction of the burrow is not avoidable during animal conflict management, the animal will be relocated to a safe burrow outside the impact area, with USFWS and/or CDFW approval, depending on the listing status of the species in question. A biologist will observe the relocated animal until it is certain that the animal is not in immediate danger of desiccation or predation.
BMP GEN-15: Salvage Native Aquatic Vertebrates from Dewatered Channels	If fisheries or native aquatic vertebrates are present when cofferdams, water bypass structures, and silt barriers are to be installed, a fish and native aquatic vertebrate relocation plan shall be implemented to ensure that fish and native aquatic vertebrates are not stranded. Relocation efforts will be based on Valley Water's Fish Relocation Guidelines (Attachment B). Streams that support a sensitive species (i.e. steelhead) will require a relocation effort and/or initial onsite monitoring by a qualified biologist depending on seasonal conditions: 1. In non-tidal channels, where water is to be diverted, prior to the start of work or during the installation of water diversion structures, native aquatic vertebrates shall be captured in the work area and transferred to another reach as determined by a qualified biologist. Timing of work in streams that supports a significant number of amphibians will be delayed until metamorphosis occurs to minimize impacts to the resource. Capture and relocation of aquatic native vertebrates is not required at individual work sites when site conditions preclude reasonably effective operation of capture gear and equipment.

SMP BMP	Description
	2. Aquatic invertebrates will not be transferred (other than incidental catches) because of their anticipated abundance and colonization after completion of the repair work.
BMP GEN-17: Employee/Contractor Training	All appropriate Valley Water staff and contractors will receive annual training on Stream Maintenance Program BMPs. The training will also include an overview of special-status species identification and habitat requirements. Valley Water staff and contractors will receive fact sheets to assist with in-the-field identification of special-status species and their habitats.
BMP GEN-20: Erosion and Sediment Control Measures	1. Soils exposed due to maintenance activities will be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These measures will be implemented such that the site is stabilized and water quality protected prior to significant rainfall. The channel bed and areas below the Ordinary High Water Mark (OHWM) are exempt from this BMP. 2. The preference for erosion control fabrics will be to consist of natural fibers; however, steeper slopes and areas that are highly erodible may require more structured erosion control methods. No non-porous fabric will be used as part of a permanent erosion control approach. Plastic sheeting may be used to temporarily protect a slope from runoff, but only if there are no indications that special-status species would be impacted by the application. 3. Erosion control measures will be installed according to manufacturer's specifications and following the California Stormwater Quality Association (CASQA) Construction Stormwater Best Management Practice Handbook guidelines. 4. Appropriate measures include, but are not limited to, the following: • Silt Fences • Straw Bale Barriers • Brush or Rock Filters • Storm Drain Inlet Protection • Sediment Traps • Sediment Basins • Erosion Control Blankets and Mats • Soil Stabilization (i.e. tackified straw with seed, jute or geotextile blankets, etc.) • Wood chips • Straw mulch 5. Where necessary to minimize soil from being tracked onto streets near work sites, stabilize construction entrances and exits. 6. All temporary construction-related erosion control methods shall be removed at the completion of the Project (e.g., silt fences). 7. Oily, greasy, or sediment-laden substances or other material that originate from the Project operations and may degrade the quality of surface water or adversely affect aquatic life, fish, or wildlife will not be allowed to enter, or be placed where they may later enter, any waterway. The Project will not increase the turbidity of any watercourse flowing past the construction site by taking all necessary

SMP BMP	Description
	precautions to limit the increase in turbidity as follows: where natural turbidity is between 0 and 50 NTU, waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses; where natural turbidity is greater than 50 NTU, increases will not exceed 10 percent; where the receiving water body is a dry creek bed or storm drain, waters in excess of 50 NTU will not be discharged from the work area. 8. Active non-stormwater discharges of sediment, sediment-laden water, and/or construction related materials shall cease immediately. Corrective actions shall be implemented before the next rain event, but no longer than 10 business days after the potential and/or actual discharges are discovered. If more than 10 business days are required for compliance, a rationale shall be recorded. Active non-stormwater discharges and visual increases in turbidity must be immediately reported to the Valley Water's Stream Maintenance Program Implementation Project Manager. 9. Each maintenance site will be visually inspected at least once daily during extended storm events to confirm that BMPs are effective and maintained as necessary. Each maintenance site will be visually inspected within two business days (48 hours) after each significant rain event to determine whether BMPs were effective and identify the need to modify or maintain existing BMPs or include additional BMPs to be protective.

~~2.7.3~~2.7.5 Avoidance and Minimization Measures

AMMs are measures to prevent, avoid, or minimize potentially adverse effects on resources (e.g., cultural, biological, water) associated with construction and other activities. Because the standard BMPs from Valley Water's Best Management Practices Handbook are ~~standardized and~~ intended to apply to a broad range of projects and activities, and because SMP BMPs would not address all Project site-specific impacts, Valley Water has ~~tailored several of the standardized BMPs to apply more directly to the Project. To differentiate them from the standard BMPs, these modified measures are identified as~~developed Project-specific AMMs~~; however, similar~~ to avoid or minimizes potential adverse impacts. Similar to the standard BMPs and SMP BMPs, AMMs would be implemented as part of the Project design (and are therefore not considered mitigation~~.~~). Accordingly, and in addition to the Valley Water BMPs, VHP Conditions, and SMP BMPs listed above, Valley Water would incorporate the Project-specific AMMs provided in Table 2.7-4.

~~Accordingly, and in addition to the Valley Water BMPs and VHP Conditions listed above, Valley Water would incorporate the Project-specific AMMs provided in the list below to avoid or minimize potential adverse environmental effects.~~

~~All AMMs for proposed Project implementation activities would be incorporated into the Project's work plans, and all contractors employed on the proposed Project would be required to adhere to them. Additional environmental measures developed to mitigate specific impacts~~

~~associated with proposed Project implementation and not avoidable through standard construction BMPs or AMMs are further detailed in Section 3 of this IS/MND.~~

Table 2.7-4 Project-specific Avoidance and Minimization Measures

AMM	Description
AMM – BIO-1: Phytophthoras in Native Habitats	All tools, equipment, and clothing and shoes must be sanitized before entering sensitive natural areas. Prior to beginning work, obtain a sanitizing agent from a Valley Water Botanist.
AMM – CR-1: Pre-construction Worker Awareness Training	All earthmoving construction personnel will receive cultural sensitivity awareness training that includes information on the possibility of encountering tribal cultural resources during construction, the types of artifacts likely to be seen based on finds in the site vicinity, and the proper procedures in the event tribal cultural resources are encountered. Worker training will be prepared and presented by a qualified archaeologist with appropriate experience and expertise in teaching non-specialists. The awareness training will be conducted on site at the start of construction and thereafter as required for new construction personnel.
AMM – BIO-2: Crotch's Bumble Bee Avoidance Plan	During construction of the Project, Valley Water would implement the California Department of Fish and Wildlife-approved Federal Energy Regulatory Commission Order Compliance Project's Crotch's Bumble Bee Avoidance Plan (Valley Water 2024), which includes measures to survey for Crotch's bumble bees and their nests, avoid active nests and individuals if they are detected, and minimize impacts on the species' floral resources.
~~AMM – GEN- 1: Minimize the Area of Disturbance~~	~~To minimize impacts to natural resources, soil disturbance will be kept to the minimum footprint necessary to complete the maintenance operation.~~
~~AMM – GEN- 2: Erosion and Sediment Control Measures~~	~~4. Soils exposed due to maintenance activities will be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These measures will be implemented such that the site is stabilized and water quality protected prior to significant rainfall. The channel bed and areas below the OHWM are exempt from this BMP.~~
AMM-GHG-1: Reduce Construction GHG Emissions	• Require all diesel-fueled off-road construction equipment be equipped with USEPA Tier 4 Final compliant engines or better as a condition of contract. Where specific equipment is required and an USEPA-rated Tier 4 version is not available, other lower tiered equipment may be used, so long as it can be demonstrated that acquiring the Tier 4 equipment would not be feasible (defined as not being available in the market or resulting in schedule delays that could be detrimental to completion of the Project). Alternatively, use CARB – approved renewable diesel fuel in off-road construction equipment and on road trucks. • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes (A five-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the Project site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.

AMM	Description
	• Require all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction activity workers and offer meal options onsite or shuttles to nearby meal destinations for construction activity workers. • Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more by weight than the diversion requirement in Title 24. • Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water. • Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.

3 Environmental Evaluation

3.1 Environmental Checklist

Topic	Description
Project title	Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road
Lead Agency name and address	Santa Clara Valley Water District 570 Almaden Expressway San Jose, CA 95118
Contact person	Lawrence Truong, Associate Environmental Planner (408) 630-2916
Project location	Santa Clara County, City of San Jose, along the Guadalupe River crossing upstream of Malone Road (APNs 456-09-003 and 456-18-001), and the Guadalupe River crossing located at Blossom Hill Road (APN 458-14-034).
Project sponsor's name and address	Santa Clara Valley Water District 570 Almaden Expressway San Jose, CA 95118
General Plan description	OSPH under the City of San José 2040 General Plan (City of San José 2011)
Zoning	Malone Road (APNs 456-09-003, 456-187-001, 456-09-002: Single-family Residential (up to five dwelling units per acre) and Single-family Residential (up to eight dwelling units per acre) Blossom Hill Road (APN 458-14-034): High Industrial and Planned Development

Topic	Description
Description of the Project	Valley Water is proposing the Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road (Project). The Project would involve bank stabilization at two crossings along the Guadalupe River, at Malone Road and Blossom Hill Road, where in-stream structures have been significantly eroded and subsequent damage has occurred at the embankment, posing a risk of impacts to neighboring properties. The Project would consist of repairs to address the existing broken concrete-lined channel and failed gabion baskets and would include the removal of vegetation and trees. The repairs would span approximately ~~410~~ 340 linear feet along the length of the channel. After Project completion, there would be no required operation and maintenance activities; thus, operational impacts are not discussed in each section. Operation and maintenance activities required for the Project site would occur under Valley Water's SMP. Please see Section 2, Project Description, for additional information.
Surrounding land uses and setting	The Project is within the City of San José, on undeveloped land along the Guadalupe River. Soils at the Blossom Hill work area are categorized as Urban land — Landelspark complex, 0 to 2 percent slopes. Soils at the Malone Road work area are categorized Urban land - Still complex, 0 to 2 percent slopes, and Urban land — Elpaloalto complex, 0 to 2 percent slopes. Residential areas are adjacent to the work areas.
Other public agencies whose ministerial or discretionary approval may be required	• Santa Clara Valley Habitat Agency • California Department of Fish and Wildlife (CDFW) • California Regional Water Quality Control Board (RWQCB) • Army Corps of Engineers (USACE) • National Marine Fisheries Service (NMFS)
Tribal coordination	Valley Water emailed and mailed Project notification letters describing the Project and location and offering the opportunity of AB 52 consultation to Tribal Chair Charlene Nijmeh of the Muwekma Ohlone Indian Tribe and Chairwoman Quirina Luna Geary of Tamien Nation on October 3, 2024. No request for consultation was received within or after the 30-day response period from the Muwekma Ohlone Indian Tribe. Tamien Nation emailed Valley Water on October 10, 2024, to request a consultation. Valley Water had a meeting with Tamien Nation about the Project via Microsoft Teams on November 26, 2024. Valley Water emailed Tamien Nation requested Project information on December 2, 2024. Valley Water sent follow up emails to Tamien Nation on December 11, 2024 and December 19, 2024, making itself available for any follow up and no further follow up was requested. Valley Water emailed Tamien Nation about the Draft MND on June 26, 2025.

3.2 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by the Project, as indicated by the checklist and described on the following pages.

	Aesthetics		Agriculture and Forestry Resources	X	Air Quality
X	Biological Resources		Cultural Resources		Energy
X	Geology and Soils		Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology and Water Quality		Land Use and Planning		Mineral Resources
X	Noise		Population and Housing		Public Services
	Recreation		Transportation / Traffic		Tribal Cultural Resources
	Utilities and Service Systems		Wildfire		Mandatory Findings of Significance

3.3 Determination

On the basis of this initial evaluation:

____ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

__X__ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

____ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

____ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

___ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lawrence Truong — February 4, 2026

Signature — Date

Lawrence Truong
Associate Environmental Planner
Santa Clara Valley Water District

3.4 Evaluation of Environmental Impacts

3.4.1 Aesthetics

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Figure 3-1 Malone Road Project Site Photo 1: Deep Pool Habitat with Failed Concrete Bank



Figure 3-2 Malone Road Project Site Photo 2: Failed Concrete Lined Bank



Figure 3-3 Blossom Hill Road Project Site Photo 1: Both Bridge Cells Looking Upstream



Figure 3-4 Blossom Hill Road Project Site Photo 2: Rock Gabion and Pool Habitat Under Bridge



Environmental Setting

The two Project sites are located within the City of San José. The existing visual character of the river crossings consists primarily of vegetated areas within open space areas surrounded by residential uses and urban development. There is one eligible scenic highway that traverses the City of San José, Route 280; however, Route 280 is not located in the vicinity of the Project sites (Caltrans 2021). Vegetation types within the Project sites include coyote brush, red willow, Chinese pistache, invasive fig, invasive black locust, poison oak, invasive ash, and invasive walnut, portions of which would be removed under the Project for access and repair activities. Existing views of the Project sites and vicinity are restricted to occasional observation from nearby residential properties and from isolated observation points along the neighboring roadways.

Discussion

a) Have a substantial adverse effect on a scenic vista?

No Impact. The Project activities would not occur near or be visible from a scenic vista or designated scenic highway. Therefore, the Project would not impact a scenic vista or designated scenic highway.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than Significant Impact. There are no designated scenic resources, such as wild and scenic rivers or scenic highways, in the vicinity of either Project site. As stated above, both Project sites are located in predominately open space areas but are only casually visible, due to topography, and are surrounded by residential uses and urban development. Route 280, the nearest eligible scenic highway to either Project site, is approximately 4 miles from the Malone Road Project site and 6 miles from the Blossom Hill Road Project site (Caltrans 2021). Construction at the Blossom Hill Road Project site is approximately 0.06 mile from Sánchez Ponds, 0.10 mile from the Los Alamitos Percolation Ponds, 0.50 mile from the Almaden Lake Park. The Project work is limited, and the aforementioned ponds and lake have limited views of the Project sites. Project work would not impact the visual character of the ponds or lake.

The Project would result in the removal of up to 15 trees as well as vegetation, including invasive species. Valley Water would revegetate any graded areas with native vegetation. Valley Water would recontour the work areas following completion of proposed maintenance and repair, returning each Project site to its previous aesthetic condition. The Project would thus not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings. Therefore, impacts would be less than significant.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. Both Project sites are located in open space areas surrounded by residential uses and urban development. As there is no public access at either Project site, visibility of the Project would be limited. The construction schedule would span June 15, 2026, through October 15, 2026, totaling 4 months, with minimal equipment needed. ~~Due to the proposed~~During construction, Valley Water would implement standard BMP WQ-11 (Maintain Clean Working Conditions at Work Sites) as well as SMP BMP GEN-4 (Minimize the Area of Disturbance) to ensure construction work areas are maintained and minimized. Due to the Project's localized scale, any impacts from degradation to visual character or quality of public views, such as tree removal or temporary views of construction equipment, would not be significant. Valley Water would restore each Project site to its previous aesthetic condition upon completion of the Project.

The Project would not otherwise conflict with the County of Santa Clara or City of San José policies pertaining to scenic resources and would not substantially degrade the existing visual character or quality of public views of the Project sites and their surroundings. Therefore, impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. Existing sources of light and glare in the vicinity of the Project sites include streetlights located along roads, headlights from vehicles traveling at nighttime, and glare from sunlight reflecting off passing or parked vehicles as well as rooftops and sides of surrounding buildings. Further, the Blossom Hill Road Project site, specifically, may experience light and glare from the surrounding urban development.

Because the Project's construction activities would occur during daylight hours, temporary construction lighting equipment would not be necessary. Project construction would include typical construction equipment (e.g., excavator, tractors/loaders/backhoes, dump trucks, water truck/sweeper, pickup trucks) that could create some glare in the immediate vicinity of the Project sites; however, any glare resulting from Project activities would not be substantial and would be temporary. The Project would not result in any new permanent sources of light or glare. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.2 Agriculture and Forestry

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

Environmental Setting

The Project sites are located on Valley Water fee title or easement property. Adjacent residential neighborhoods and urban development surround both Project sites. The Malone Road Project site is zoned Single-family Residential (up to five dwelling units per acre) and Single-family Residential (up to eight dwelling units per acre). The Blossom Hill Road Project site is zoned High Industrial and Planned Development and is located approximately 0.50 mile from Almaden Lake Park. The overall Project site is approximately 0.80 mile from the western end of the Santa Teresa Hills. The Project sites are categorized as OSPH under the City of San José 2040 General Plan and are bounded by residences and urban development (City of San José 2011). No lands in the vicinity of the Project sites are mapped as important farmland or under a Williamson Act Contract (CDOC 2016; CDOC n.d.).

Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. There is no Prime Farmland, Farmland of Statewide Importance, or Unique Farmland within the vicinity of either of the Project site (CDOC 2016). Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and no impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. Work would not occur within a Williamson Act contract parcel or in an area zoned for agricultural use (CDOC n.d.). Additionally, Project activities would not alter the existing land use such as to conflict with existing zoning. Therefore, no impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. As discussed in Section 2.2, Project Location, the Project site is categorized as OSPH under the City of San José 2040 General Plan (City of San José 2011). Accordingly, the Project sites are not located within forest land, timberland, or timberland zoned Timberland Production. Therefore, no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project sites are not located within forest land. Therefore, no impact would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. See discussions under Impact a, c, and d in this section. Project activities would not involve changes to the existing environment that could result in conversion of farmland to non-agricultural use. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.3 Air Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		X		
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

The air quality analysis includes a review of criteria pollutant[5] emissions such as carbon monoxide (CO), nitrogen oxides (NO_x), sulfur dioxide (SO_2), volatile organic compounds (VOC) as reactive organic gases (ROG), particulate matter less than 10 micrometers (coarse particulate, or PM_{10}), and particulate matter less than 2.5 micrometers (fine particulate, or $PM_{2.5}$).

Environmental Setting

The Project sites are located within the San Francisco Bay Area Air Basin (SFBAAB), which encompasses Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda counties. Santa Clara County, which includes the City of San José, is located entirely within the SFBAAB. ~~The BAAQMD~~The Bay Area Air District (BAAD; formerly the Bay Area Air Quality Management District [BAAQMD]) manages air quality in the SFBAAB and is the regional agency primarily responsible for monitoring pollutant concentrations and regulating pollutant emissions. ~~BAAQMD~~BAAD has permitting authority over stationary sources of air emissions and prepares air quality management plans to improve air quality in the basin and achieve state and federal air quality standards. The SFBAAB is currently designated "nonattainment" for state and national (1-hour and 8-hour) ozone standards, for state PM_{10} standards, and for state and national (annual average and 24-hour) $PM_{2.5}$ standards. The SFBAAB is designated "attainment" or "unclassifiable" with respect to the other ambient air quality standards.

Adjacent residential neighborhoods and urban development surround both Project sites. The nearest residences to the Malone Road Project site surround the site at a distance of approximately 50 feet along Malone Road and Almaden Road (from the upstream Cofferdam

[5] Criteria air pollutants refer to those air pollutants for which the USEPA and CARB has established National Ambient Air Quality Standards and California Ambient Air Quality Standards under the Federal CAA.

with Sump Pump). The nearest residences to the Blossom Hill Road Project site are approximately 450 feet northeast along Blossom River Drive (from the temporary cofferdam). The Avana Almaden Apartments are also located 760 feet northwest of the Project site.

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. Air quality plan refers to any clean air plan, ozone plan, or other air quality management plan developed by ~~BAAQMD~~BAAD. The most recent clean air plan adopted by ~~BAAQMD~~BAAD is the 2017 Clean Air Plan, which includes a wide range of control measures designed to decrease emissions of air pollutants such as particulate matter, ozone, and toxic air contaminants; reduce greenhouse gas (GHG) emissions of methane and other "super-GHG" in the near term; and decrease GHG emissions by reducing fossil fuel combustion in the long-term (BAAQMD 2017).

When a lead agency contemplates approving a project where an air quality plan consistency determination is required, ~~BAAQMD~~BAAD recommends that the agency analyze the project with respect to the following questions: (1) Does the project support the primary goals of the air quality plan; (2) Does the project include applicable control measures from the air quality plan; and (3) Does the project disrupt or hinder implementation of any control measures from the air quality plan? If the first two questions are concluded in the affirmative and the third question is concluded in the negative, the ~~BAAQMD~~BAAD considers the project consistent with the air quality plan prepared for the SFBAAB.

The federal Clean Air Act (CAA) requires air districts to create a clean air plan that describes how the jurisdiction will meet air quality standards. These plans must be updated periodically. As stated, the most recently adopted air quality plan for the SFBAAB is the 2017 Clean Air Plan. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors and reduce the transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Clean Air Plan builds upon and enhances ~~BAAQMD's~~BAAD's efforts to reduce emissions of fine particulates and air toxics. The 2017 Clean Air Plan does not include control measures that apply directly to individual development projects. Rather, the control strategy includes measures related to mobile sources, stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-~~greenhouse gas (~~GHG~~)~~ pollutants (BAAQMD 2017).

The Project includes applicable control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of the 2017 Clean Air Plan control measures.

> *Mobile Source Measures*. These measures promote lower emission vehicles and equipment. These measures are aimed at reducing ozone precursor emissions (ROGs and NOx) from mobile sources. Consistent with the California Airborne Toxic Control Measure (Title 13, Section 2485 of the CCR), implementation of Valley Water standard BMP AQ-1 (~~BAAQMD~~Use Dust Control Measures) would limit construction vehicle idling to 5 minutes or less. The Project would also implement the use of Tier 4 emission

standards (MM AQ-2~~)~~ [Construction Exhaust Emissions Reduction Measures]) reducing emissions due to construction equipment and vehicles. Thus, applicable control measures are included in the Project and the Project would not disrupt or hinder implementation of any Mobile Source Measures.

Stationary Source Control Measures. The Stationary Source Control Measures aim to protect public health by reducing emissions of criteria pollutants and TACs. Stationary Source Control Measure 32 (SS32), Emergency Backup Generators, is aimed at reducing emissions of diesel PM from backup generators. The Project does not contain emergency backup generators or other stationary sources; therefore, the Stationary Source Control Measures do not apply.

Land Use and Local Impacts Measures. These measures are aimed at promoting mixed-use, infill development to reduce vehicle travel and emission, as well as protecting people from exposure to air pollution from stationary and mobile sources of emissions. The Land Use and Local Impacts Measures do not apply to the Project because the Project is not a land use development project, would have no effect on land use, and would not induce growth. In addition, the Project would not disrupt or hinder implementation of any Land Use and Local Impacts Measures.

A project that would not support the 2017 Clean Air Plan's goals would not be considered consistent with the plan. On an individual project basis, consistency with ~~BAAQMD's~~BAAD's quantitative thresholds is interpreted as demonstrating support for the 2017 Clean Air Plan's goals. As shown in the discussion under Impact b, the Project would not result in exceedances of ~~BAAQMD's~~BAAD's thresholds for criteria air pollutants and thus would not conflict with the 2017 Clean Air Plan's goal to attain air quality standards. Further, the Project would not result in new land use development that would increase regional emissions sources (e.g., vehicular exhaust, area wide source). Because the Project only involves construction activities, some of which require the use of trucks and heavy equipment for short periods of time over the course of approximately 4 months, no operational impact analysis is required. Therefore, the Project would not conflict with the adopted Clean Air Plan.

Additionally, the Project would support the primary goals of the 2017 Clean Air Plan because the Project's construction emissions are below the ~~BAAQMD~~BAAD CEQA significance thresholds (see Impact b). Accordingly, implementation of the Project would not disrupt implementation of the 2017 Clean Air Plan. Therefore, impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact with Mitigation Incorporated. To determine if the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standards, the Project's construction emissions were estimated utilizing the California Emissions Estimator Model

(CalEEMod) (CAPCOA 2022). The estimated construction emissions were then compared to the ~~BAAQMD~~BAAD CEQA significance thresholds.

During Project construction, the use of heavy construction equipment, truck trips from hauling materials, and truck trips from construction workers traveling to and from the Project sites would emit air pollutants for which the SFBAAB is nonattainment as follows:

- Mobile-source emissions, primarily NO_x, would be generated by equipment such as excavators, bulldozers, loaders, and graders during demolition and excavation activities.
- Paving operations would release fugitive ROG.
- Construction activities would also generate fugitive dust that could contribute particulate matter into the local atmosphere.

Per ~~BAAQMD's~~BAAD's *CEQA Air Quality Guidelines*, the reported PM_{10} and $PM_{2.5}$ emissions are those related to combustion exhaust only (BAAQMD 2022). Fugitive dust emissions would be addressed via implementation of standard BMP AQ-1 (Use Dust Control Measures) and MM AQ-1 (Additional BAAD Dust Control Measures), per ~~BAAQMD's~~BAAD's *CEQA Air Quality Guidelines* (Table 5-2~~) and Valley Water BMPs.~~).

Table 3.4-1 provides the estimated short-term construction emissions that would result from the Project. The average daily construction emissions (i.e., total construction period emissions divided by the number of actual construction days) were compared to the ~~BAAQMD~~BAAD significance thresholds. With implementation of standard BMP AQ-1 (Use Dust Control Measures) and MM AQ-1~~,~~ (Additional BAAD Dust Control Measures), all construction-related emissions would fall below the ~~BAAQMD~~BAAD significance thresholds. Therefore, impacts would be less than significant with mitigation.

As discussed in Impact c, the health risk assessment (HRA) would additionally require implementation of MM AQ-2 (Construction Exhaust Emissions Reduction Measures) to reduce the health impacts to less than significant. Therefore, Table 3.4-1 incorporates MM AQ-1 (Additional BAAD Dust Control Measures) and as well as MM AQ-2 (Construction Exhaust Emissions Reduction Measures) into the construction emissions inventory. Due to control technologies implemented in accordance with MM AQ-1 ~~and MM AQ-2 that~~(Additional BAAD Dust Control Measures) and MM AQ-2 (Construction Exhaust Emissions Reduction Measures), which are focused on reducing ROG, NOx, PM_{10}, and $PM_{2.5}$ emissions, mitigated CO emissions would be greater than the unmitigated CO emissions as those control technologies increase CO emissions.

Table 3.4-1 Construction-Related Pollutant Emissions

Project	Pollutant emissions (pounds/day)				
	ROG	NO_x	PM_{10}	$PM_{2.5}$	CO
Unmitigated					

Blossom Hill Road	3.07	27.2	0.84	0.77	31.7
Malone Road	3.08	27.7	0.85	0.78	32.0
Project total	**6.14**	**54.9**	**1.69**	**1.55**	**63.7**
Significance threshold	54	54	82	54	—
Significant? (yes or no)	No	No	No	No	No
Mitigated					
Blossom Hill Road	0.82	15.2	0.14	0.13	40.5
Malone Road	0.83	15.8	0.15	0.14	40.8
Project total	**1.66**	**31.0**	**0.29**	**0.27**	**81.3**
Significance threshold	54	54	82	54	—
Significant? (yes or no)	No	No	No	No	No

Note: ~~BAAQMD~~BAAD does not have construction screening thresholds for either CO or SO_2.

Source: Valley Water Guadalupe River Bank Stabilization Air Quality Technical Report (RCH Group 2024a)

In accordance with standard BMP AQ-1 (Use Dust Control Measures), idling times would be minimized by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, title 13 section 2485 of California Code of Regulations). Clear signage would be provided for construction workers at all access points. ~~All~~Furthermore, in accordance with standard BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), all construction equipment would be maintained and properly tuned in accordance with the manufacturer's specifications. ~~All equipment would be checked by a certified mechanic and determined to be running in proper condition prior to operation.~~

The Project ~~shall~~would also require construction contractors to recycle or salvage a minimum of 65 percent of the non-hazardous construction and demolition waste generated directly from construction and demolition of the Project, per CalGreen Construction Waste Management Requirements.

In addition, for construction projects, regulatory requirements may include, but are not limited to, ~~BAAQMD's~~BAAD's Regulation 6, Rule 1 (General Requirements) and Regulation 6, Rule 6 (Prohibition of Trackout), which require dust-generating operations to limit particulate matter emissions. Rule 6-1 prohibits fugitive emissions on site, and ~~BAAQMD~~BAAD enforcement staff are trained to document visible emissions and fugitive dust using either the opacity or the Ringlemann test methods. For construction sites, Rule 6-1 does not prescribe mitigation measures; however, operators are expected to utilize standard construction management practices to comply with the fugitive dust emissions prohibition. Rule 6-6 prohibits trackout. For construction sites, Rule 6-6 does not prescribe mitigation measures; however, construction

operators are expected to use common operational measures and suppression techniques (e.g., trackout control devices) to minimize trackout.

Using standard fuel consumption estimates, construction activities would require approximately 58,560 gallons of diesel fuel per year (haul trucks and offroad equipment) (CAPCOA n.d.)[6]

Accordingly, with implementation of standard BMPs and MM AQ-1 (Additional BAAD Dust Control Measures) and adherence to regulatory requirements ~~and MM AQ-1~~, impacts would be less than significant with mitigation.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact with Mitigation Incorporated. For purposes of CEQA, ~~BAAQMD~~BAAD considers a sensitive receptor to be land use associated with those segments of the population most susceptible to poor air quality: children, the elderly, and those with pre-existing serious health problems affected by air quality. Examples include residences, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities. ~~BAAQMD~~BAAD considers the relevant zone of influence for an assessment of air quality health risks to be the area within 1,000 feet of a Project site.

Adjacent residential neighborhoods and urban development surround both Project sites. The nearest residences to the Malone Road Project site surround the site at a distance of approximately 50 feet along Malone Road and Almaden Road (from the upstream cofferdam with sump pump). The nearest residences to the Blossom Hill Road Project site are approximately 450 feet northeast along Blossom River Drive (from the temporary cofferdam). The Avana Almaden Apartments are also located 760 feet to the northwest of the Project site. Other sensitive land uses are located further from the Project sites and would experience less significant impacts to air quality.

Because of the potential for sensitive receptors to occur within 1,000 feet of the Project sites, an HRA was conducted following methodologies in California Office of Environmental Health Hazard Assessment (OEHHA)'s *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2015). Estimated emissions concentrations at the receptors were analyzed to the established cancer risk estimates and acceptable reference concentrations for non-cancer health effects.

The Project would constitute a new emission source of diesel particulate matter (DPM) and $PM_{2.5}$ due to construction activities. Studies have demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk.

[6] Fuel usage is estimated using the CalEEMod output for CO2 and a 10.19 kgCO2/gallon (diesel) conversion factor, https://www.eia.gov/environment/emissions/co2_vol_mass.php

Health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Individual cancer risk is the likelihood that a person exposed to air toxic concentrations over a 70-year lifetime would contract cancer, based on the use of standard risk-assessment methodology. The maximally exposed individual residence (MEIR) represents the worst–case risk estimate, based on a theoretical person continuously exposed for a lifetime at the point of highest compound concentration in the air. This is a highly conservative assumption since most people do not remain at home all day and, on average, residents change residences every 11 to 12 years. In addition, this assumption assumes that residents are experiencing outdoor concentrations for the entire exposure period.

The HRA analyzes the incremental cancer risks to sensitive receptors in the vicinity of the Project sites using emission rates (in pounds per hour) from the construction emissions inventory. DPM (reported as combustion exhaust emissions of $PM_{2.5}$) emission rates were input into the USEPA's American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) atmospheric dispersion model to calculate ambient air concentrations of DPM at receptors in the Project vicinity.

For the Malone Road Project site, the nearest residences are located approximately 50 feet surrounding the site along Malone Road and Almaden Road, therefore the MEIR is consistent and interchangeable among these residences (RCH Group 2024a). For the Malone Road Project site, the maximum cancer risk from unmitigated construction emissions for a residential-adult receptor would be 1.74 per million and, for a residential-child receptor, would be 38.8 per million at the MEIR. Thus, the cancer risk due to unmitigated construction activities ~~are~~would be greater than the ~~BAAQMD~~BAAD significance threshold of 10 per million, and the impact would be potentially significant.

However, the maximum cancer risk from mitigated construction emissions for a residential-adult receptor would be 0.31 per million and for a residential-child receptor would be 6.97 per million. Thus, the cancer risk due to mitigated construction activities ~~are~~would be less than the ~~BAAQMD~~BAAD significance threshold of 10 per million. Implementation of MM AQ-2 (Construction Exhaust Emissions Reduction Measures) would reduce cancer risks related to the Project's construction activities from 38.8 to 6.97 per million, less than the ~~BAAQMD~~BAAD significance threshold of 10 per million. Thus, the ~~Project exposing~~Project's potential to expose sensitive receptors to substantial pollutant concentrations at the Malone Road Project site ~~is~~would be less than significant impact with mitigation.

For the Blossom Hill Road Project site, the MEIR is located within the Avana Almaden Apartments to the northwest of the Project site (RCH Group 2024). In this area the maximum cancer risk from unmitigated construction emissions for a residential-adult receptor would be 0.03 per million and for a residential-child receptor would be 0.64 per million. Thus, the cancer risks due to unmitigated construction activities ~~are~~would be less than the ~~BAAQMD~~BAAD threshold of 10 per million, and impacts would therefore be less than significant. Therefore, although MM AQ-2 ~~is not~~(Construction Exhaust Emissions Reduction Measures) would not be

required for the Blossom Hill Road Project site, implementation of the mitigation measure would further reduce potential health impacts.

Both acute (short-term) and chronic (long-term) adverse health impacts unrelated to cancer are measured against a hazard index (HI), which is defined as the ratio of the predicted incremental exposure concentration from the Project to a reference exposure level (REL) that could cause adverse health effects on a specific target organ (e.g., nervous system, respiratory system, cardiovascular system, etc.) within the human body. The REL are published by OEHHA based on epidemiological research. For the Project, the DPM concentration is divided by the REL for DPM (i.e., 5 micrograms per cubic meter ($\mu g/m^3$)) to determine the HI with potential effects on the respiratory system. The health impact is considered to be significant if the HI for DPM is greater than 1.0." Of note, there is a cancer potency factor and a chronic HI, but no acute HI, associated with DPM (OEHHA n.d.). The chronic REL for DPM was established by the California OEHHA as 5 $\mu g/m^3$ (OEHHA 2015). Thus, the annual concentration of DPM cannot exceed 5.0 $\mu g/m^3$, which would result in a chronic HI of greater than 1.0 (i.e., DPM annual concentration/5.0 $\mu g/m^3$). The unmitigated chronic HI would be 0.06 (for the Malone Road Project site) and less than 0.01 (for the Blossom Hill Road Project site). The mitigated chronic HI would be 0.01 (for the Malone Road Project site) and less than 0.01 (for the Blossom Hill Road Project site) and thus, the chronic HI would be below the project-level threshold of 1, and the impacts to public health from Project emissions would be less than significant with mitigation.[7]

Dispersion modeling also estimated the exposure of sensitive receptors to Project-related concentrations of $PM_{2.5}$. ~~BAAQMD's~~BAAD's *CEQA Air Quality Guidelines* requires inclusion of $PM_{2.5}$ exhaust and fugitive dust emissions in this analysis (BAAQMD 2022). Unmitigated annual $PM_{2.5}$ concentration due to construction (combustion exhaust and fugitive dust) would be 0.36 $\mu g/m^3$ for the Malone Road Project site (above the ~~BAAQMD~~BAAD significance threshold of 0.3 $\mu g/m^3$) and 0.01 $\mu g/m^3$ for the Blossom Hill Road Project site. With implementation of MM AQ-2~~,~~ (Construction Exhaust Emissions Reduction Measures), mitigated annual $PM_{2.5}$ concentration due to construction (combustion exhaust and fugitive dust) would be 0.13 $\mu g/m^3$ for the Malone Road Project site and less than 0.01 $\mu g/m^3$ for the Blossom Hill Road Project site and, thus, the annual $PM_{2.5}$ concentration would fall below the ~~BAAQMD~~BAAD significance threshold of 0.3 $\mu g/m^3$. Therefore, impacts would be less than significant with mitigation incorporated.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Construction-related odors from the use of diesel-powered construction equipment may be evident in the immediate vicinity of the Project sites but would disperse rapidly and are unlikely to be perceptible at adjacent parcels. Although excavation of decaying organic material is not expected during construction, implementation of standard

[7] MM AQ-2 (Construction Exhaust Emissions Reduction Measures) would be required to reduce the cancer risk but would also reduce the chronic HI.

BMP AQ-2 (~~Reduce Construction Exhaust Emissions~~Avoid Stockpiling Odorous Materials) would ensure that nearby residences ~~are~~would not be adversely affected by any stockpiled materials. As similar to odors from the use of diesel-powered construction equipment, diesel fumes generated during monthly testing of the standby generators are unlikely to be perceptible beyond the Project sites. The potential for Project construction to generate odors affecting a substantial number of people would be less than significant.

~~Best Management Practices~~

~~The following measures would be implemented per BAAQMD's *CEQA Air Quality Guidelines*, Table 5-2, and Valley Water BMPs):~~

~~BMP AQ-1:~~

- ~~All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.~~
- ~~All haul trucks transporting soil, sand, or other loose material off-site shall be covered.~~
- ~~All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.~~
- ~~Water used to wash the various exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, etc.) will not be allowed to enter waterways.~~
- ~~All vehicle speeds on unpaved roads shall be limited to 15 mph.~~
- ~~All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.~~
- ~~Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.~~

Mitigation Measures

MM-AQ-1: Additional BAAD Dust Control Measures

The following additional ~~BAAQMD~~BAAD Dust Control Measures ~~will~~shall be implemented (per ~~BAAQMD~~BAAD CEQA Air Quality Guidelines, Table 5-2):

- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

MM-AQ-2: Construction Exhaust Emissions Reduction Measures

The applicant shall implement the following measures during construction to further reduce construction exhaust emissions:

- All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall utilize diesel engines that are EPA certified "Tier 4 Final" emission standards for particulate matter and be equipped with California Air Resources Board (CARB)-certified Level 3 Diesel Particulate Filters. Prior to the issuance of any demolition/construction permits, the construction contractor shall submit specifications of the equipment to be used during construction and Valley Water shall confirm this requirement is met.[8]
- Equipment such as air compressors, concrete/industrial saws, forklifts, light stands, manlifts, pumps, and welders shall be electric or alternative-fueled (i.e., non-diesel), where feasible. Pole power shall be utilized at the earliest feasible point in time and shall be used to the maximum extent feasible in lieu of generators. If stationary construction equipment, such as diesel-powered generators, must be operated continuously, such equipment must be Tier 4 Final construction equipment or better and located at least 100 feet from air quality sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses) whenever possible.
- At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export with a gross vehicle weight rating of at least 14,001 pounds) that meet CARB's 2010 engine emissions standards or newer, cleaner trucks.

[8] EPA and CARB have implemented regulations and a tiering system to reduce emissions from off-road equipment with increasing combustion efficiency (i.e., decreasing emissions) where Tier 1 is the least efficient (greatest emissions) and Tier 4 is the most efficient (least emissions). The regulations have been implemented over time such that Tier 1 was phased out in the 1990s and Tier 2 was required, followed by implementation of Tier 3 and Tier 4 by 2015 with a phase out of Tier 2.

3.4.4 Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special--status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X		

Environmental Setting

The Project sites are located within the City of San José in Santa Clara County, on undeveloped land near the south end of the ~~City. The Malone Road Project site is surrounded by residential properties.~~city. The Project sites are categorized as OSPH under the City of San José 2040 General Plan and are bounded by residences and urban development (City of San José 2011), with the Malone Road Project site primarily surrounded by residential properties and roadways detailed in Section 3.4.17: Transportation. The Blossom Hill Road Project site is approximately 0.06 mile from Sánchez Ponds, 0.10 mile from the Los Alamitos Percolation Ponds, 0.50 mile from the Almaden Lake Park, and approximately 0.80 mile from the Santa Teresa Hills. ~~The Project sites are categorized as OSPH under the City of San José 2040 General Plan and are~~

~~bounded by residences and urban development (City of San José 2011) The Malone Road Project site is zoned Single-Family Residential (up to five dwelling units per acre) and Single-Family Residential (up to eight dwelling units per acre). The Blossom Hill Road Project site is zoned High Industrial and Planned Development (City of San José 2011).~~

~~Soil types ultimately play a large role in influencing distributions of habitats and wildlife. Soils at the Malone Road work area are categorized as Urban land — Still complex, 0 to 2 percent slopes, and Urban land — Elpaloalto complex, 0 to 2 percent slopes. Soils at the Blossom Hill work area are categorized as Urban land — Landelspark complex, 0 to 2 percent slopes (NRCS n.d.).~~

San José's latitude and location on the west coast of California create a Mediterranean climate. The wet season extends from November through March, and the dry season, when rain is limited, occurs May through October. The wet season is categorized as cool but mild whereas the dry season is characterized by consistent warm sunny days. The average mid-summer high temperature ranges from 80 to 85 degrees Fahrenheit, with lows consistently between 55- and 60 degrees Fahrenheit. High temperatures during mid-winter months range between 55 and 60 degrees Fahrenheit, with nighttime temperatures ranging between 40 and 45 degrees Fahrenheit (Miller and Null 2015). The average yearly precipitation in San José is 14.9 inches (U.S. Climate Data, n.d.).

Baseline human disturbance at the Project sites is moderate, ~~and~~with the Project sites ~~are characterized~~being undeveloped but directly adjacent to and surrounded by urban development and residential uses.

Soil types largely influence distributions of habitats and wildlife in a given location. Soils at the Malone Road Project site are categorized as Urban land — Still complex, 0 to 2 percent slopes, and Urban land — Elpaloalto complex, 0 to 2 percent slopes. Soils at the Blossom Hill Project site are categorized as Urban land — Landelspark complex, 0 to 2 percent slopes (NRCS n.d.). The habitat land cover types and covered species as determined by the VHP to be located within the Project sites and/or within a 1-mile radius of the Project sites are described below. These land cover zones include Serpentine Fee Zones, Wetland Fee zones, Plant Survey Areas, and known occurrences of covered plants survey areas.[9] Of these, mixed riparian forest and woodland, is considered sensitive by the CDFW.

1. ~~**Serpentine bunchgrass grassland**: Occurs near the Malone Road Project site. Dominated by smooth lessingia (*Lessingia micradenia* var. *glabrata)*, fragrant fritillary (*Fritillaria liliacea*), Metcald canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), most beautiful jewelflower (*Streptanthus glandulosus* ssp. *glandulous*), Tiburon paintbrush (*Castilleja affinis* subsp. *neglecta*), and Coyote~~

[9] Although Valley Water is not seeking VHP coverage for the project, as described in MM BIO-1, Valley Water may compensate for impacts to habitat via the VHP's in-lieu fee program, if approved by the Valley Habitat Agency. As such, VHP land cover zones at the Project sites are identified.

~~ceanothus (*Ceanothus ferrisae).* Scattered Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchelli*), which is listed as endangered under the federal ESA, occurs in rocky outcrops adjacent to but outside of the survey area (CDFW 2024).~~

~~2.~~1. **Mixed riparian forest and woodland:** Occurs near the Malone Road Project site. The canopy of this landcover type is typically dominated by Fremont cottonwood forest and woodland (*Populus fremontii – Fraxinus velutina – Salix gooddingii*) Alliance, California sycamore (*Platanus racemosa*), and Goodding's willow - red willow riparian woodland and forest (*Salix gooddingii – Salix laevigata*) Alliance. Shrubs include willows (*Salix* spp.) (Santa Clara County 2006; CDFW 2024).

~~3.~~2. **Willow riparian forest and scrub:** Occurs within the Malone Road Project and Blossom Hill Road Project sites. The dominant canopy species in this habitat include ~~Black~~Goodding's black willow (*Salix gooddingii*), red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), and narrowleaf willow (*Salix exigua*). In addition, Fremont cottonwood, white alder (*Alnus rhombifolia*), bigleaf maple~~,~~ (*Acer macrophyllum*), California sycamore (*Platanus racemosa*), and coast live oak (*Quercus agrifolia*) are often found in these communities (Santa Clara County 2006; CDFW 2024).

~~4.~~3. **Open water aquatic (pond):** Occurs near the Blossom Hill Road Project site. The Blossom Hill Road Project site is approximately 0.06 mile from Sanchez Ponds, 0.50 mile from the Almaden Lake Park, and 0.10 mile from the Los Alamitos Percolation Ponds (CDFW 2024).

~~5.~~4. **Urban suburban:** A developed land cover type represented by the adjacent residential area and horticultural landscaping (CDFW 2024).

~~6.~~5. **Ranchlands and natural lands:** Occurs near the Malone Road Project site and Blossom Hill Road Project site. Ranchlands and natural lands are typically dominated by natural land cover types including grassland, oak woodland, and chaparral (Willdan Financial Services 2012; CDFW 2024).

~~7.~~6. **Agricultural and valley floor lands:** Occurs within the Malone Road Project site and Blossom Hill Road Project site. Agricultural and valley floor lands are typically dominated by cultivated agricultural land cover types such as grain, row crop, hay and irrigated pasture, disked/short term fallowed, orchards, and vineyard (Willdan Financial Services 2012; CDFW 2024).

~~8.~~7. **Small vacant sites under 10 acres:** Occurs near the Malone Road Project site. This land type is typical of undeveloped sites (Willdan Financial Services 2012; CDFW 2024).

~~9.~~8. **Bay checkerspot butterfly (wildlife survey area)**: Occurs within the Malone Road survey area but not within the Malone Road Project site (BIOS_Admin 2023).

~~10.~~9. **Tricolored blackbird (wildlife survey area):** Occurs within the wildlife survey area, including the Blossom Hill Road Project site (CDFW 2021).

Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact. Impacts to special-status species may be direct or indirect. Direct impacts would include the take (i.e., injury, harassment, killing) of species if any are present within the Project sites during construction. Indirect impacts would include the degradation of suitable habitat for species. Specifically, bank stabilization activities often necessitate the operation of heavy equipment within the stream bed (after dewatering). Movement of heavy equipment may compact the substrate, potentially killing benthic invertebrates, embedding gravel within finer sediments, and otherwise altering habitat conditions.~~Several special status species were determined to have possibly extirpated from the Project sites or vicinity and, thus, would not be adversely impacted by the Project. These species include the Northern California legless lizard, western ridged mussel, robust spineflower, California tiger salamander, and the Congdon's tarplant.~~

A one-mile buffer around each Project site was applied to establish the study area for determining the likelihood of presence of species identified as a candidate sensitive, or special-status species by the CDFW, USFWS, or in any local or regional policies, plans, or regulations. ~~Multiple species that meet these criteria are assumed to be present within 1 mile of the Project sites, as listed in Table 3.4-2.~~

Several special-status species have historic or county-level records but no recent documented extant occurrences in the immediate vicinity of the Project sites based on current CNDDB and CNPS records and regional status reviews. These species include northern California legless lizard (*Anniella pulchra*), California tiger salamander (*Ambystoma californiense*), robust spineflower (*Chorizanthe robusta* var. *robusta*), and Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*). Documented occurrences are historic and presumed extirpated or possibly extirpated. The closest Northern California legless lizard record dates to 1949 (possibly extirpated), while the nearest California tiger salamander records are from 1895 (extirpated) and 1992 (possibly extirpated). The closest robust spineflower record is from 1882 (possibly extirpated), and the nearest Congdon's tarplant record is from 1908 (extirpated). Given the historic nature of these records and the lack of high-quality, suitable habitat within the Project site footprints, these species are not expected to occur or be adversely affected by the Project.

Species that have the potential to occur within one-mile of the Project sites are listed in Table 3.4-2 and are discussed further below.

Table 3.4-2 One-mile Radius of Species of Special Concern and State and/or Federally Listed as Candidate, Sensitive, or Special Status

Category	Species [a]
CDFW ~~s~~Species of Special Concern	~~• Obscure bumble bee~~ ~~•~~ Yellow rail ~~• Hoary bat~~ ~~• Chaparral ragwort~~ ~~• American peregrine falcon (delisted)~~ ~~• Burrowing owl~~ ~~• Great blue heron~~ ~~• Snowy egret~~ ~~• Great egret~~ • ~~Black-crowned night heron~~ (*Coturnicops noveboracensis*; SSC)
CNPS Rare Plant	• Chaparral ragwort (*Senecio aphanactis*; CRPR 1B.2)
State and/or federally listed as threatened or endangered, candidate, sensitive, or special status	• Burrowing owl (*Athene cunicularia*; SCE, SSC) • Crotch's ~~bumblebee~~bumble bee (*Bombus crotchii*; SCE) ~~• Western bumblebee~~ ~~• Steelhead~~ • Northwestern pond turtle (*Actinemys marmorata*; FPT, SSC) • Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchellii*; FE, CRPR 1B.1) • Steelhead – Central California Coast DPS (*Oncorhynchus mykiss irideus pop. 9*; FT, SSC) • Western ~~pond turtle~~bumble bee (*Bombus occidentalis*; SCE)

Source: (CDFW 2024)

~~As stated in the SMP, bank stabilization activities often necessitate the operation of heavy equipment within the stream bed (after dewatering).~~

Status:
FE: Federal Endangered
FT: Federal Threatened
FPT: Federal Proposed Threatened
SE: California State Endangered
SCE: State Candidate Endangered
SSC: California Department of Fish and Wildlife Species of Special Concern

California Rare Plant Rank (CRPR):
1B: Plants rare, threatened, or endangered in California or elsewhere
0.1: Seriously threatened in California
0.2: Moderately threatened in California

Based on site conditions and previous development as flood control areas, the Project sites provide limited habitat for these species listed in Table 3.4-2. Additional discussion for each species is provided below.

- **Yellow rail** (*Coturnicops noveboracensis*) is a California Species of Special Concern (SSC). The closest known occurrence of this species in the region dates to 1895. The Project sites lack wet meadow or marsh habitat necessary to support yellow rail, and the potential for this species to occur is therefore low.
- **Chaparral ragwort** (*Senecio aphanactis*) is ranked CRPR 1B.2. Suitable habitat types (chaparral, cismontane woodland, coastal scrub) needed for chaparral ragwort are lacking in the Project area; therefore, the potential for this species to occur on or directly adjacent to the Project sites is low.
- **Burrowing owl** (*Athene cunicularia*) is an SSC, designated as a state candidate for listing as endangered. Burrowing owl is unlikely to be present because the Project sites are within a disturbed riparian corridor in an urbanized area of San José, and the adjacent uplands are disturbed and previously modified for flood control, and open grassland habitat is absent. Therefore, their potential to occur at the Project sites is low.
- **Crotch's bumble bee** and **western bumble bee** are both listed as state candidate endangered species. The Project sites lack the diverse floral resources and suitable undisturbed or structurally complex habitats needed to support nesting or overwintering by Crotch's bumble bee or western bumble bee; while transient individuals could occasionally forage within the area, the potential for breeding or long-term occupancy is limited. The closest known occurrence of western bumble bee dates to 1979, with no recent documented extant occurrences in the immediate Project vicinity. Conversely, a recent occurrence of Crotch's bumble bee was documented in 2024, approximately 0.8 miles north of the Blossom Hill Road Project site. Given the historic nature of the closest known western bumble bee record and absence of recent occurrences in the region, the proximity of the recent Crotch's bumble bee observation, and the limited habitat suitability at the Project sites, western bumble bee is presumed absent, and the potential for Crotch's bumble bee to occur is considered low.
- **Northwestern pond turtle** (*Actinemys marmorata*) is a federally proposed threatened species and a SSC. The creek channel provides aquatic and dispersal habitat for northwestern pond turtle, which has been recently documented in the Guadalupe River; however, suitable upland nesting and basking areas are limited; therefore, the Project sites are unlikely to support a resident population, but the species has moderate potential to occur within the creek channel.
- **Santa Clara Valley dudleya** (*Dudleya setchellii*) is listed as federally threatened, ranked California Rare Plant Rank (CRPR) 1B.1. Serpentine bunchgrass grassland occurs near the Malone Road Project site; however, due to the Project sites having been extensively previously disturbed during installation of the existing flood protection infrastructure, the absence of relatively undisturbed serpentine soils within the Project sites, and the lack of known occurrences of Santa Clara Valley dudleya on or directly adjacent to the Project sites, suitable habitat is presumed to be absent. Therefore, the potential for this species to occur on or directly adjacent to the Project sites is low.

- **Central California Coast steelhead distinct population segment** (*Oncorhynchus mykiss irideus pop. 9*) is listed as federally threatened and considered an SSC Central California Coast steelhead may occasionally use the creek channel as a migratory corridor; however, the creek and adjacent areas are highly urbanized and modified. The Project sites do not provide suitable spawning habitat and provide low quality rearing habitat.

Although these special-status species are anticipated to have a limited, if any, presence within the Project sites, the potential remains for the Project to result in direct or indirect impacts to these species if any individuals were to occur within the Project sites. As discussed in Section 2.7, Valley Water would implement applicable standard BMPs, SMP BMPs, and AMMs into the Project's work plan. Several of these measures are designed to avoid or minimize any potential impacts on sensitive and biological resources, including species identified as candidate, sensitive, or special, should they be encountered during construction. Specifically, Valley Water would implement the following standard BMPs as part of Project implementation: BMP BI-2 (Minimize Impacts to Steelhead),~~Movement of heavy equipment may compact the substrate, potentially killing benthic invertebrates, embedding gravel within finer sediments, and otherwise altering habitat conditions.~~ ~~California tiger salamander, Santa Clara Valley dudleya, burrowing owl, and western pond turtle are listed as threatened under the federal ESA as well as being covered species under the VHP. Of those four species, California tiger salamander was determined to be unlikely or highly unlikely to occur in or near the Project sites. The Project sites were previously developed as flood control areas and would not be expected to provide the high-quality habitat necessary for the Santa Clara Valley dudleya, burrowing owl, or western pond turtle to complete their life cycle.~~

~~Valley Water would implement~~ BMP BI-3 (Remove Temporary Fill), BMP BI-5 (Avoid Impacts to Nesting Migratory Birds), BMP BI-6 (Avoid Impacts to Nesting Migratory Birds Pending Construction), BMP BI-7 (Minimize Impacts to Vegetation from Survey Work), BMP BI-8 (Choose Local Ecotypes of Native Plants and Appropriate Erosion-control Seed Mixes), BMP BI-10 (Avoid Animal Entry and Entrapment), ~~and~~ BMP BI-11 (Minimize Predator Attraction~~), through which any potential~~).

Valley Water would also implement the following SMP BMPs as part of Project implementation to reduce impacts ~~on biological resources, including species identified as a candidate, sensitive, or~~ to special~~-species would be avoided or minimized should they be encountered during construction.~~-status species: BMP ~~BI-5 requires that nesting bird surveys be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of active nests.~~GEN-1 (In-Channel Work Window), BMP ~~BI-8 requires consultation with a qualified biologist or vegetation specialist.~~GEN-4 (Minimize the Area of Disturbance), BMP ~~BI-10 requires secure animal entry to prevent entrapment of animals.~~GEN-7 (Protection of Burrowing Owls), BMP ~~BI-11 requires removal of trash~~GEN-9 (Avoid Impacts to Special-Status Plant Species and Sensitive Natural Vegetation Communities), BMP GEN-12 (Protection of Special-Status Amphibian and Reptile Species), BMP GEN-15 (Salvage Native Aquatic

Vertebrates from ~~worksites to avoid predator attraction.~~ Dewatered Channels), BMP GEN-17 (Employee/Contractor Training), and BMP GEN-20 (Erosion and Sediment Control Measures).

Additionally, Valley Water would implement AMM BIO -1~~, which requires that all tools, equipment, and clothing and shoes be sanitized before entering sensitive natural areas. Prior to the commencement of any work, a sanitizing agent would be obtained from a Valley Water botanist. 1~~ (Phytophthoras in Native Habitats) and AMM BIO-2 (Crotch's Bumble Bee Avoidance Plan). With implementation of ~~these~~the Valley Water's standard BMPs, SMP BMPs, and project-specific AMMs as part of the Project design, impacts to species identified by the CDFW or USFWS as candidate, sensitive, or special-status species in any local or regional plans, policies, or regulations would be less than significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated. VHP land cover zones (including Serpentine Fee Zones, Wetland Fee zones, Plant Survey Areas, and known occurrences of covered plants) that occur within or nearby the Malone Road Project site include ~~serpentine bunchgrass grassland,~~ open water aquatic, and mixed riparian forest and woodland, willow riparian forest and scrub, Bay checkerspot butterfly wildlife survey area, tricolored blackbird wildlife survey area, urban lands, ranchlands and natural lands, agricultural and valley floor lands, and vacant land (CDFW 2024). Of these, mixed riparian forest and woodland, is considered sensitive by the CDFW, as mentioned above. Additionally, the Malone Road Project site has known occurrences of Santa Clara Valley dudleya nearby but outside of the study area~~, which is covered under the VHP.~~. Valley Water would implement SMP BMP GEN-4 (Minimize Area of Disturbance) and SMP BMP GEN-9 (Avoid Impacts to Special-Status Plant Species and Sensitive Natural Vegetation Communities) to reduce impacts to both sensitive habitats and plant species. Additionally, AMM-~~BIO1~~BIO-1 (Phytophthoras in Native Habitats), which would be employed to avoid introduction of plant pathogens into these habitats/land cover types, would require all equipment, tools, vehicles, and personal protective equipment to be cleaned and disinfected prior to commencement of work. Nonetheless, the potential loss of ~~serpentine bunchgrass grassland,~~ open water aquatic, and mixed riparian forest and woodland, willow riparian forest and scrub, Bay checkerspot butterfly wildlife survey area, tricolored blackbird wildlife survey area, urban lands, ranchlands and natural lands, agricultural and valley floor lands, and vacant lands as well as Santa Clara Valley dudleya could occur as a result of the Project's proposed excavation of the existing earth embankment for repair work (CDFW 2024). Given the natural rarity and loss of native/natural serpentine habitats across the county in recent decades, even a small amount of loss of these habitats from the Project activities would be considered significant.

The work areas are within the VHP, and Section 2.3.4 (In-Stream Operations and Maintenance) of the VHP identifies maintenance activities as a covered activity. The VHP was adopted to address cumulative impacts on biological resources of foreseeable development until 2063

through implementation of conservation measures to adequately offset the impacts of covered activities. Projects covered under the VHP can compensate for permanent or temporary impacts to covered species and their habitats through payment of land cover fees to help fund the VHP's Conservation Program, which ensures the conservation of certain species and habitats in the region. ~~Mitigation Measure BIO-4 (Payment of VHP Fees) requires Valley Water to pay applicable VHP land cover fees as compensation to mitigate for Project impacts on covered species and their habitats, including serpentine bunchgrass grassland, open water aquatic, mixed riparian forest and woodland, and covered species Santa Clara Valley dudleya.~~

~~Accordingly, implementation of Mitigation Measure BIO-4 (Payment of VHP Fees) would reduce impacts to VHP covered land cover zones and species. These fees would be used to implement the conservation strategy resulting in the protection, restoration, and enhancement of land cover zones and species, which promotes recovery for listed species and prevention of listing for non-listed species.~~ Mitigation Measure BIO-1 (Riparian Tree and Sensitive Habitat Compensation/Restoration) would reduce impacts associated with tree removal and habitat loss by requiring in-lieu fee compensatory payment under the VHP-covered land cover zones.[10] Alternatively, in the event there is insufficient in-lieu Santa Clara VHP land cover fees, Valley Water would revegetate or replant trees on Valley Water fee title properties. Therefore, impacts on riparian habitat or other any other sensitive natural communities identified in local or regional plans, policies, regulations or by the CDFW or USFWS would be less than significant with mitigation incorporated.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The Blossom Hill Project site is located in the vicinity of several bodies of water; however, none of these water bodies are considered a state or federally protected wetland. Potential impacts to the ponds, which are covered under the VHP, are discussed above, in Impact b. Thus, the Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, and coastal wetlands) through direct removal, filling, hydrological interruption, or other means. No impact would occur.

[10] The VHP was adopted to address cumulative impacts on biological resources of foreseeable development until 2063 through implementation of conservation measures and/or payment of in-lieu fees to adequately offset the impacts of covered activities. Project sponsors can compensate for permanent or temporary impacts to covered species and sensitive habitats through payment of land cover fees to help fund the VHP's Conservation Program, which ensures the conservation of certain species and habitats in the region. These fees would be used to implement the conservation strategy resulting in the protection, restoration, and enhancement of land cover zones and species, which promotes recovery for listed species and prevention of listing for non-listed species.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. ~~Valley Water would implement BMP BI-5 (Avoid Impacts to Nesting Migratory Birds), BMP BI-6 (Avoid Impacts to Nesting Migratory Birds Pending Construction), BMP BI-10 (Avoid Animal Entry and Entrapment), and BMP BI-11 (Minimize Predator Attraction) to avoid and minimize any potential Project impacts on biological resources should any of the species be encountered during construction. BMP BI-5 requires that nesting bird surveys be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of active nests. BMP BI-10 requires secure animal entry to prevent entrapment of animals. BMP BI-11 requires removal of trash from worksites to avoid predator attraction. The proposed Project would consist of erosion repair activities at the Malone Road and Blossom Hill Road Project sites, including the installation of an active dewatering system, debris removal and tree removal, and replacing the failed gabion basket structure through rock slope protection, with two grade control features along the channel bed. Proposed construction activities are anticipated to occur between June 15, 2026, and October 15, 2026, for 4 months. Project activities may temporarily displace some wildlife around the Project site. However, interference would be minor and temporary and would not substantially interfere with the movement of or impede the use of nursery sites for native wildlife. Therefore~~The Project would include installation of an active dewatering system, removal of debris, LWD, and trees, installation of a concrete slope paving with compacted earth backfill utilizing concrete slope protection and footing with embedded rock riprap in the eroded cavity and along the concrete footing, and replacement of the failed gabion basket structure with rock slope protection, including two grade control features along the channel bed. Given that the Project would temporarily involve in-stream work and impacts along a riparian corridor, the Project has the potential to temporarily interfere with the movement of native resident and migratory fish and wildlife and use of wildlife corridors or nursery sites, should these species be encountered during construction. Construction is anticipated to occur between June 15 and October 15 and would be completed in approximately 4 months, after which both the affected riparian corridor and in-stream areas would no longer interfere with species migration or movement. As such, impacts would be temporary and short term. Furthermore, Valley Water would implement several standard BMPs to reduce potential impacts to species movement and migration, including BMP BI-2 (Minimize Impacts to Steelhead), BMP BI-3 (Remove Temporary Fill), BMP BI-5 (Avoid Impacts to Nesting Migratory Birds), BMP BI-6 (Avoid Impacts to Nesting Migratory Birds from Pending Construction), BMP BI-10 (Avoid Animal Entry and Entrapment), and BMP BI-11 (Minimize Predator Attraction). Various SMP BMPs would also be implemented, including BMP GEN-1 (In-Channel Work Window), BMP GEN-7 (Protection of Burrowing Owls), and BMP GEN-15 (Salvage Native Aquatic Vertebrates from Dewatered Channels), as well as project-specific AMM BIO-1 (Phytophthoras in Native Habitats). Given the temporary nature of potential migratory and movement impacts and because implementation of these BMPs and AMMs would minimize interference with the movement of fish and wildlife and the use of nursery sites, impacts would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact with Mitigation Incorporated. The Project would be consistent with City of San José General Plan policies governing landscaping and tree protection (City of San José 2011). The Project would not impact heritage trees (City of San José 2014).

The Malone Road Project site would require the removal of up to 15 trees (black walnut, Oregon ash, almond, Fremont cottonwood, weeping willow, California buckeye, and black locust) that range between 4 to 32 inches DBH for construction of the access ramp and the concrete embankment.

~~Projects covered under the VHP can compensate for permanent or temporary impacts to covered species and their habitats through payment of land cover fees that help fund the VHP's Conservation Program, which ensures the conservation of certain species and habitats in the region. Mitigation Measure BIO-4 (Payment of VHP Fees) requires Valley Water to pay applicable VHP land cover fees as compensation to mitigate for Project impacts on covered species and their habitats~~

~~Implementation of MM BIO-4 (Payment of VHP Fees), which requires payment of impact fees in accordance with the VHP, would mitigate impacts on land cover zones and covered species identified as representing important ecosystems in the VHP area . These fees would be used to implement the conservation strategy resulting in the protection, restoration, and enhancement of land cover zones and covered species, which promotes recovery for listed species and prevention of listing for non-listed species.~~ Because tree removal would occur within areas subject to CDFW jurisdiction, the Project would require a LSAA pursuant to Fish and Game Code section 1600 et seq. For VHP compliance, implementation of MM BIO-1 (Riparian Tree and Sensitive Habitat Compensation and Restoration) would mitigate impacts on riparian trees and land cover zones. These measures would ensure consistency with local and state policies protecting biological resources. Therefore, impacts related to conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, would be less than significant with mitigation incorporated.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than Significant with Mitigation Incorporated. The Project sites are located within the boundaries of the Santa Clara Valley Habitat Conservation Plan (HCP)/Natural Community Conservation Planning. ~~The~~Although the Project is considered a covered activity under the VHP (Santa Clara Valley Habitat Agency, n.d.). Accordingly, Valley Water would comply with all applicable VHP conditions during Project implementation as described in Section 2, Project Description. ~~Additionally, implementation of MM BIO-4 (Payment of VHP Fees), which requires payment of impact fees in accordance with the VHP, would mitigate impacts on natural communities identified as representing important ecosystems in the VHP area. The~~ To mitigate for impacts due to removal of trees and sensitive habitats, under MM-BIO-1 (Riparian

Tree and Sensitive Habitat Compensation and Restoration), Valley Water will opt to pay in-lieu fees under the VHP's in-lieu fee program or coordinate with the applicable agencies to develop a mitigation plan that would provide for habitat restoration. Therefore, the Project would not conflict with any provisions of an adopted HCP/NCCP or other approved local, regional, or state HCP. Therefore, impacts would be mitigated to less than significant with mitigation incorporated.

Mitigation Measures

~~**MM BIO-4 Payment of VHP Fees**~~

~~**Valley Water would pay applicable VHP land cover fees as compensation to**~ **MM BIO-1: Riparian Tree and Habitat Compensation and Restoration**

To mitigate for ~~Project~~ impacts related to riparian tree removal and habitat disturbance, Valley Water shall implement one of the following options:

1. Valley Water shall coordinate with the Valley Habitat Agency to compensate for riparian tree removal and habitat impacts through the VHP's in-lieu fee program.
2. In the event there is insufficient in-lieu fees under the Santa Clara VHP, Valley Water, in coordination with the CDFW and the RWQCB shall develop a detailed mitigation and monitoring plan with revegetation or replanting of trees on ~~covered species and their habitats.~~ Valley Water fee title properties to offset riparian and sensitive vegetation impacts. This plan shall be prepared in consultation with the agencies through the LSAA and Section 401 Water Quality Certification processes and shall be implemented as part of those permit requirements. The final plan shall be subject to agency approval. The specific mitigation ratios, methods, and monitoring protocols will be established through negotiation with the permitting agencies to ensure compliance with permit conditions and achieve successful habitat restoration outcomes.

3.4.5 Cultural Resources

Environmental Impacts	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	

Environmental Impacts	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Environmental Setting

~~The two proposed Project sites are located on undeveloped land along Guadalupe River: one site at Malone Road and a separate site at Blossom Hill Road, both within the City of San José. As discussed in Section 3.4.7, soils at the Malone Road Project site are categorized as Urban land – Still complex, 0 to 2 percent slopes, and Urban land – Elpaloalto complex, 0 to 2 percent slopes (NRCS n.d.). Soils at the Blossom Hill work area are categorized as Urban land – Landelspark complex, 0 to 2 percent slopes. None of the soils are classified as expansive, and County geohazards mapping shows both Project site fall outside defined zones of compressible soil hazard (County of Santa Clara 2021).~~

According to the CEQA Guidelines section 15064.5, historical resources include properties listed in or eligible for listing in the California Register of Historical Resources as well as those listed in or eligible for listing in the National Register of Historic Places. Additionally, properties designated under a local preservation ordinance or identified in a local historical resources inventory are presumed significant unless substantial evidence suggests otherwise. Furthermore, any resource that has not been previously identified but is evaluated and determined to meet the California Register criteria is also considered a historical resource.

Panorama Environmental conducted a Cultural Resource Investigation, which identified no historic properties within either of the Project sites. Three historic properties were identified within approximately 0.5 mile of the Malone Road Project site. One historic property is a McDonalds Drive-in Restaurant with original tile and golden arches, located at 2434 Almaden Expressway. The second historic property is a Spanish Colonial Revival property located at 660 Willow Glen Way. The third historic property is the Dr. Ernesto Galarza House, located at 1031 Franquette Avenue. There are no historic properties within 0.5 mile of the Blossom Hill Road Project site (City of San José 2020b). Four heritage trees (cedar and a Fremont poplar) are located within 0.5 mile of the Malone Road Project site and one heritage tree (evergreen maple) is located within 0.5 mile of the Blossom Hill Road Project site (City of San José 2020a).

Discussion

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

No Impact. The City of San José maintains a database of historic properties linked to the City's GIS system, which provides a listing and mapping of historic resources that have been documented and evaluated. A search using San José's publicly available Historic Resources

Inventory data layer showed no historic properties, as identified by the City of San José, within either of the Project sites (City of San José 2020b). As stated above, three historic properties were identified within 0.5 mile of the Malone Road Project site; however, there would be no impacts to these properties due to the limited scope of Project activities and the distance of the Project site from these properties. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource, and no impact would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less than Significant Impact. Erosion repair activities at the Project sites would include the installation of an active dewatering system, debris removal and tree removal, replacement of the failed gabion basket structure through rock slope protection, with two grade control features along the channel bed, and excavation work. The Project sites were previously disturbed by the flood protection work involved in the creation of the existing facilities, including previous ground disturbance. Accordingly, the potential for the discovery of unanticipated prehistoric resources at either the surface level or below ground is low.

Valley Water would implement BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) and AMM-CR-1 (Pre-construction Worker Awareness Training) to avoid or minimize any potential Project impacts on archeological resources if unknown resources are encountered during construction. BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) would require Valley Water to immediately stop any work should any historical or either unique archaeological artifacts or tribal cultural resources be discovered during construction until proper protocols are met. These protocols would include establishing a "no work" zone of 100 feet around the find and consulting with a qualified archeologist to determine if the artifact is significant. If the artifact is determined to be significant, the archeologist would determine whether the artifact can be avoided and, if so, would detail the avoidance procedures. If the artifacts cannot be avoided, the archeologist would develop an action plan that would minimize impacts and, if required, include a data recovery plan for recovery of artifacts.

AMM CR-1 (Pre-construction Worker Awareness Training) would minimize potentially significant impacts from the accidental discovery of undocumented archaeological resources by training construction personnel to identify the types of artifacts that could be encountered along with the proper procedures should tribal cultural resources be encountered.

With implementation of BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) and AMM-CR-1 (Pre-construction Worker Awareness Training), impacts on archaeological resources would be less than significant.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact. Due to the Project sites having been extensively previously disturbed during installation of the existing flood protection infrastructure, there is a very low

likelihood of encountering human remains during construction. While unlikely, discovery of human remains during construction activities is possible.

Valley Water would implement standard precautionary measures for the accidental discovery of unknown finds consistent with BMP CU-1 (Accidental Discovery of Archeological Artifacts, Tribal Cultural Resources, or Burial Remains). In the event human remains or burial sites are discovered, Valley Water would stop any work and immediately notify the County Coroner. No further excavation or disturbance of the Project site would be allowed within 100 feet of the remains unless otherwise authorized by the County Coroner, California NAHC, and/or the County Coordinator of Indian Affairs. Incorporation of BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) would minimize potentially significant impacts from the accidental discovery of undocumented burial remains.

To further avoid impacts from the disturbance of previously undiscovered human remains, Valley Water would implement AMM CR-1 (Pre-construction Worker Awareness Training). All earthmoving construction personnel would receive cultural sensitivity awareness training that includes information on the possibility of encountering tribal cultural resources during construction, the types of artifacts likely to be seen based on previous finds in the Project site, and the proper procedures in the event tribal cultural resources are encountered. Worker training would be prepared and presented by a qualified archaeologist with appropriate experience and expertise in teaching non-specialists. The awareness training would be conducted on site at the start of construction and thereafter as required for new construction personnel.

With implementation of BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) and AMM CR-1 (Pre-construction Worker Awareness Training), impacts associated with the disturbance of human remains would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.6 Energy

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?				X

Environmental Setting

There were more than 35 million registered vehicles in California in 2023 (DMV n.d.) and 23.6 billion gallons of gasoline and 3.6 billion gallons of diesel (including offroad diesel) sold in 2022, the latest years for which there are data (CEC n.d.-b; CEC n.d.-a). Gasoline accounts for most of California's transportation energy sources, and most equipment on site would be powered by petroleum and diesel. These fuels are commercially provided and would be available to the Project via commercial outlets and wholesalers.

Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact. During construction, the Project would require the use of construction vehicles to deliver personnel and materials to the Project site, for work site preparation and excavation, to remove existing debris and bank materials, to remove existing failed gabions baskets, and to install new rock rip-rap. Construction would be temporary, lasting 4 months. Once construction is complete, no new regular consumption of energy resources would be required. Although no mitigation measures are necessary to reduce this impact to a less-than-significant level, implementation of BMP AQ-2 (Avoid Stockpiling Odorous Materials) would reduce the Project's impacts by requiring minimization of idling times and requiring all equipment be maintained and tuned properly. As a result, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy, and impacts would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project would include bank stabilization activities at two locations within the City of San José and does not include any energy-consuming features. Therefore, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.7 Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X
ii) Strong seismic ground shaking?		X	
iii) Seismic-related ground failure, including liquefaction?		X	
iv) Landslides?			X
b) Result in substantial soil erosion or the loss of topsoil?		X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and, potentially, result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?		X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?		X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X		

Environmental Setting

The Project sites are located on the floor of the Santa Clara Valley, a major structural depression bounded to the east by the Hayward fault, Calaveras fault, and allied structures and to the west by a complex fault system east of the San Andreas trend. This includes the Sargent and Berrocal faults and is sometimes referred to as the *foothills fault system* or the *range-front faults* ~~(Stanley et al. 2002; Langenheim, Schmidt, and Jachens 1997)~~(Stanley et al. 2002; Langenheim et al. 1997).

Regional geologic mapping published by the U.S. Geological Survey (USGS) shows the Malone Road Project site as situated on natural levee deposits of Holocene age. These range from sandy and clayey silt to sandy and silty clay and represent sediment deposited by spreading floodwaters adjacent to active streams (Wentworth et al. 1999). The Blossom Hill Road Project site is mapped as situated on bedrock identified as mélange of the Upper Cretaceous – Lower Tertiary Franciscan complex Central belt. This comprises a matrix of sheared argillite and

metasandstone containing blocks of blueschist, amphibolite, chert, and/or mafic igneous rocks (Wentworth et al. 1999).

Geohazards mapping issued by the County of Santa Clara pursuant to the state's Alquist-Priolo Earthquake Fault Zoning Act and Seismic Hazards Mapping Act shows both work areas well outside the County's identified earthquake fault zones and landslide hazard areas. However, both Project sites are located within County-defined zones of liquefaction hazard (County of Santa Clara 2021). Moreover, like the rest of the Bay Area, the Project site vicinity and greater Santa Clara County are subject to some degree of risk from strong seismic ground shaking. Recent USGS studies suggest that there is an aggregate 72-percent probability of one or more earthquake events with a magnitude of 6.7 or greater occurring in the Bay Area over the next two decades. The probability of at least one magnitude 6.7 or greater earthquake occurring on the major faults closest to the Project site vicinity is as follows (USGS 2016):

- Hayward fault: 33 percent
- Calaveras fault system: 26 percent
- San Andreas fault: 22 percent

Soils at the Malone Road Project site are classified as Urban land— Still complex, 0 to 2 percent slopes, and Urban land — Elpaloalto complex, 0 to 2 percent slopes. Soils at the Blossom Hill Project site are categorized as Urban land — Landelspark complex, 0 to 2 percent slopes (NRCS n.d.). None of the soils are classified as expansive, and County geohazards mapping shows both Project sites as outside defined zones of compressible soil hazard (County of Santa Clara 2021). Table 3.4-3~~Table 3.4-3~~ summarizes the characteristics of soil units mapped at the two work areas.

Table 3.4-3 Soils in Work Areas

Soil unit	Characteristics
Urban land-Landelspark complex, 0 to 2 percent slopes	Consists of 70% Urban land, 20% Landelspark and similar soils, and 10% minor components Urban land Disturbed and human-transported material on alluvial fan surfaces Landelspark Well-drained soils of alluvial fans, formed in alluvium derived from sedimentary and/or metavolcanic rock; ~~nonsaline~~non-saline to very slightly saline; calcium carbonate content 2% maximum; not identified as expansive 0 – 1 inch: slightly decomposed plant material 1 – 4 inches: sandy loam 4 – 10 inches: sandy clay loam 10 – 19 inches: sandy clay loam 19 – 23 inches: very gravelly sand 23 – 35 inches: silty clay loam 35 – 55 inches: clay loam 55 – 79 inches: sandy clay loam
Urban land-Still complex, 0 to 2 percent slopes	Consists of 70% Urban land, 25% Still and similar soils, and 5% minor components Urban land Disturbed and human-transported material on floodplains and alluvial fan surfaces Still Well-drained soils of floodplains and alluvial fans, formed in alluvium derived from metamorphic and sedimentary rocks and/or alluvium derived from metavolcanic rock; non-saline to very slightly saline; not identified as expansive 0 – 2 inches: sandy loam 2 – 12 inches: very fine sandy loam 12 – 20 inches: silt loam 20 – 33 inches: silt loam 33 – 37 inches: loam 37 – 51 inches: loam 51 – 62 inches: loam 62 – 72 inches: loam

Soil unit	Characteristics
Urban land-Elpaloalto complex, 0 to 2 percent slopes	Consists of 70% Urban land, 23% Elpaloalto and similar soils, and 7% minor components Urban land Disturbed and human-transported material on alluvial fan surfaces Elpaloalto Well-drained soils of alluvial fans, formed in alluvium derived from metamorphic and sedimentary rock and/or alluvium derived from metavolcanic rock; non-saline to slightly saline; not identified as expansive 0 – 8 inches: slightly decomposed plant material 8 – 17 inches: clay loam 17 – 26 inches: silty clay loam 26 – 35 inches: silty clay loam 35 – 47 inches: silty clay loam 47 – 71 inches: silty clay loam 71 – 94 inches: silty clay loam

Source: (NRCS n.d.)

Discussion

a) Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

No Impact. Both Project sites are located well outside identified earthquake fault zones and are therefore not considered to be at risk of surface fault rupture. Therefore, no impact related to surface fault rupture is anticipated.

ii. Strong seismic ground shaking?

Less than Significant Impact. As discussed above, the improvements constructed by the Project are likely to be exposed to strong seismic ground shaking during their anticipated 20-year lifespan. However, the Project would replace existing areas of degraded and structurally compromised bank stabilization with new facilities constructed in accordance with the recommendations of site-specific geotechnical investigations. Accordingly, the Project is expected to increase the seismic resistance of bank stabilization along the Guadalupe River. Moreover, because the Project focuses exclusively on bank stabilization to protect areas of existing development, it would have no potential to directly or indirectly increase populations in the site vicinities (see Section 3.4.14) and no potential to lead to other new construction in the vicinity of the Project sites. As a result, the Project would have no potential to expose additional people or other new (non-Project) structures to seismic ground shaking hazards. Rather, the Project would be expected to increase the seismic resistance of bank stabilization along the Guadalupe River. Although seismic ground

shaking has the potential to affect the Project sites, the Project activities would not increase the potential for substantial adverse effects, including the risk of loss, injury, or death from seismic ground shaking. Impacts would be less than significant, and overall, the Project would be beneficial relative to strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact. As noted above, both Project sites are located in County-defined zones of identified liquefaction hazard. Thus, given the likelihood of the South Bay region experiencing at least one large earthquake over the next two decades, it is reasonably foreseeable that Project improvements could be subject to risks associated with substrate liquefaction. There may also be some existing potential for lateral spreading, which refers to slope or ground failure caused by liquefaction. However, as discussed in a(ii) above, the Project would replace existing degraded and compromised bank stabilization with repaired facilities constructed in accordance with the recommendations of site-specific geotechnical investigations. The repaired Project facilities would thus be expected to more effectively withstand the effects of liquefaction than the existing facilities, increasing the seismic resistance of bank stabilization along the Guadalupe River to both liquefaction and lateral spreading hazard. Additionally, as noted above, the Project would have no potential to increase populations or lead to new construction in the site vicinities and, thus, would not result in exposure of additional people or new (non-Project) structures to seismic ground shaking hazards. Rather, as noted above, the Project would be expected to increase the seismic resistance of bank stabilization along the Guadalupe River. Although liquefaction, and possibly also lateral spreading, has the potential affect the Project sites, the Project activities would not directly or indirectly increase the risk of substantial adverse effects related to these hazards, including the risk of loss, injury, or death from related to liquefaction or lateral spreading. Impacts would be less than significant, and overall, the Project would be beneficial relative to strong seismic ground shaking.

iv. Landslides

No Impact. The Project sites are located on nearly flat topography at some distance from the range fronts bounding the Santa Clara Valley. The sites are also outside the landslide hazard zones identified by the County of Santa Clara (County of Santa Clara 2021). Accordingly, Project facilities are not considered to be at risk from landslides in general or from seismically induced landslides. Additionally, as discussed above, the Project would have no potential to increase populations or add new structures in the vicinity of the Project sites. In view of these factors, no impact related to landslides is anticipated.

b) Result in substantial soil erosion or the loss of topsoil?

Soil Erosion: Less than Significant Impact. The Project would require ground disturbance for demolition/removal of the existing bank protection and installation of the replacement features and, thus, would have some potential to result in accelerated soil erosion. Materials laydown and equipment movement could also result in ground disturbance which could potentially accelerate soil erosion. However, the total area of disturbance would be limited (the Guadalupe

River crossing upstream of the Malone Road Project site is approximately 0.25 acre; and the Guadalupe River crossing at Blossom Hill Road Project site is approximately 0.1 acre). Moreover, the Project would incorporate ~~BMPs per~~ Valley Water's ~~Best Management Practices Handbook (~~standard BMPs, including standard BMP BI-8 (Choose Local Ecotypes of Native Plants and Appropriate Erosion-Control Seed Mixes), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), and BMP WQ-9 (Use Seeding for ~~all~~Erosion Control, Weed Suppression, and Site Improvement). Valley Water ~~projects) as well as project specific AMMs, consistent with standard requirements of Valley Water's SMP. These~~ would ~~include~~also implement SMP BMPs to reduce the ~~following:~~

- ~~AMM GEN-4.~~ potential for erosion and loss of topsoil, including SMP BMP GEN-4 (Minimize the Area of Disturbance
- ~~BMP WQ-17. Prevent Stormwater Pollution/AMM~~) and BMP GEN-20~~.~~ (Erosion and Sediment Control Measures

~~AMM GEN-4~~). In combination, these standard BMPs and SMP BMPs would ~~help to~~ ensure that unnecessary ground disturbance is avoided, and ~~BMP WQ-17/AMM GEN-20 would~~ require precautions to reduce the potential for erosion and control sediment mobility where disturbance is necessary for construction. Given the limited area of disturbance and implementation of these ~~protective~~ measures, impacts related to the potential for Project activities to result in soil erosion are expected to be less than significant.

Loss of Topsoil: Less than Significant Impact. The majority of the disturbance required for Project construction would occur in areas that have already been significantly altered for previous channelization and bank protection of the Guadalupe River as well as for roadway construction and, thus, are not expected to preserve an intact topsoil profile. As a result, ~~no~~the impact related to loss of topsoil ~~is anticipated~~would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Potential issues related to liquefaction and slope stability (landslide hazards) are discussed in previous items above. Lateral spreading is also discussed above since it is a liquefaction-related phenomenon. The following discussion focuses on compressible soils and the potential for excavation cuts to become unstable. It also addresses the potential for the Project to induce on- or off-site subsidence and collapse.

Compressible Soils: No Impact. Compressible soils are clay and/or organic material–rich soils that are prone to compaction or subsidence when a load is applied. Compressible soils can be problematic since they may necessitate remedial measures or specialized designs. As noted above, neither of the Project sites are within the hazard zone for compressible soils defined by the County of Santa Clara (County of Santa Clara 2021). Therefore, no impact with regard to compressible soils is anticipated.

Unstable Excavation Cuts: Less than Significant Impact. Minor excavation would likely be necessary for removal of the existing bank protection infrastructure and installation of the Project improvements. Any excavation carries some risk of instability, and removal of trees from the banks could also result in localized instability. These risks would be effectively minimized by adherence to the recommendations of site-specific geotechnical investigations conducted for the Project and the design criteria laid out in Attachment A of Valley Water's SMP, which reflect prevailing best practices. With these strictures in place, the potential for the Project to create unstable conditions related to excavation would be less than significant.

Subsidence: No Impact. The term *subsidence* refers to a sinking or decrease in elevation of the ground surface, most commonly in response to excessive groundwater withdrawals. While subsidence has been widely recognized as a concern in Santa Clara County for decades, it has largely been arrested within the county as a result of improved groundwater management practices and reliance on an increased proportion of surface water supply (Valley Water n.d.-c; Valley Water 2019). The Project would not increase the use of groundwater and would not alter groundwater management practices in any way. Therefore, the Project would not impact on- or offsite subsidence.

Collapse: No Impact. In the geotechnical context, *collapse* usually refers to a sudden decrease in volume resulting from wetting or loading of metastable soils with an open texture (collapsible soils), which can result in structural damage. No potential for collapsible soils has been identified at the Project sites, and the Project improvements would be constructed in accordance with the recommendations of site-specific geotechnical investigations that take site-specific soil constraints into account. No impact associated with collapse is anticipated on or off the Project sites.

d) Be located on expansive soil, creating substantial direct or indirect risks to life or property?

Less than Significant Impact. Table 3.4-3~~Table 3.4-3~~, above provides an overview of soils mapped by the Natural Resources Conservation Service (NRCS) at each of the Project sites. None of these soils are explicitly identified as expansive by NRCS's online Web Soil Survey tool, but where clay-rich soils are involved, some may in fact be expansive, particularly since available mapping is regional rather than site-specific in scale. However, the Project would be limited to replacement and improvement of existing bank protection infrastructure and, thus, would not increase the extent of infrastructure exposed to expansive soil hazards; rather, it would increase the integrity of bank protection in the Project areas. Additionally, as discussed in other items above, the Project would adhere to recommendations of site-specific geotechnical investigations conducted for the Project. Finally, the Project would have no potential to increase area populations or result in additional new construction off-site and, thus, would not increase overall regional exposure to hazards related to expansive soils. Impacts related to the potential for presence of expansive soils are evaluated as less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project would focus exclusively on replacement of failing bank stabilization components along two reaches of the Guadalupe River and would not involve septic tanks or other alternative wastewater systems. Therefore, no impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Unique paleontological resources: Less than Significant Impact with Mitigation Incorporated. Paleontological (fossil) resources include preserved remains of past plants and animals as well as animal burrows, traces, tracks, and trackways. They are protected under federal and state regulations, including CEQA, because of their potential to provide scientifically important information and are generally considered important because of both their value as heritage resources and their informational potential. With that in mind, the Society of Vertebrate Paleontology (SVP) defines *significant paleontological resources* as including "fossils and fossiliferous deposits… consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information." The SVP limits the definition of *paleontological resources* to materials more than about 5,000 years old (SVP 2010).

This analysis generally follows the SVP's methods, which were specifically developed to assist lead agencies in complying with CEQA protections for paleontological resources. The term *unique paleontological resource or site*, which is not defined in the CEQA Guidelines, can be construed to refer to *significant paleontological resources* as defined by the SVP. Because fossil materials may be buried in sediment or rock units below the ground surface, their presence or absence cannot be determined with certainty in advance of the Project activities. Evaluating the potential for impacts on paleontological resources therefore becomes a risk analysis that addresses two questions:

- What is the likelihood that scientifically important (significant) paleontological resources are present in the Project area?
- If present, would such resources be disturbed, damaged, or destroyed as a result of Project activities?

The likelihood that significant fossil resources are present is evaluated based on the documented track record of the geologic units in the Project area with regard to fossil finds. Units that have produced important fossil finds in the past are considered likely to contain additional materials and are accordingly considered sensitive for paleontological resources. The potential for loss of paleontological resources is directly related to the paleontological sensitivity of the affected geologic units and the extent of project-related ground disturbance, particularly disturbance involving previously undisturbed substrate materials. In this context, mitigation approaches for paleontological resources impacts—for example, SVP's standard protocol (SVP 2010)—also focus on risk reduction and on reducing loss of information in the event fossil resources are discovered activities.

As discussed above, the Malone Road Project site is situated on natural levee deposits of Holocene age (less than about 11,000 years old). The Blossom Hill Road Project site is mapped as situated on bedrock assigned to the Upper Cretaceous – Lower Tertiary Franciscan (Wentworth et al. 1999).

In general, Holocene age materials are not considered highly sensitive for paleontological resources, in large part because the upper portion of the Holocene record is too young to contain materials that qualify as fossils per the SVP's definition. The University of California Museum of Paleontology online collections database does, however, contain several records for fossil localities in the Holocene of Santa Clara County. These include invertebrate finds from Mayfield and Charlston Sloughs in the Palo Alto area and a site in Sunnyvale as well as pollen from Triangle Marsh on Coyote Slough. Unspecified finds have also been made at sites along the Guadalupe River and Alum Creek (UCMP n.d.).

Additionally, the 2005 discovery of Columbian mammoth (*Mammuthus columbi*) remains in Holocene-mapped strata along Valley Water's Guadalupe River right-of-way near Mineta International Airport (UCMP 2005) indicates that Holocene-mapped materials in the Santa Clara Valley area may have previously unrecognized potential to contain significant fossil materials; added caution is therefore warranted for projects involving Holocene-mapped materials. In addition, surface-exposed Holocene strata are presumed based on well-documented regional geologic relationships to be underlain at depth by older units of Pleistocene age. Pleistocene strata throughout California are treated as paleontologically sensitive because they have historically produced a wealth of significant fossil finds.

The paleontological sensitivity of the Franciscan complex mélange mapped at the Blossom Hill Road Project is uncertain. The unit's high-grade metamorphic rock components are unlikely to contain significant fossil materials, but there is potential for fossil remains in chert blocks and possibly also in the sheared argillite and metasandstones of the mélange matrix. If any such materials are present, their significance remains undetermined.

At both Project sites, excavation and other ground disturbance could result in loss of scientifically important paleontological resources, with the potential for significant impacts. To address the potential for significant impacts to paleontological resources concern, Valley Water would implement MM GEO-1 (Worker Awareness Training for Paleontological Resources) and MM GEO-2~~. These MMs require~~ (Stop Work, Evaluation, and Treatment in the ~~implementation~~Event of a Paleontological Find). Implementation of these mitigation measures ~~to~~would ensure that, should any fossil finds be made, they would be recovered and curated in a manner consistent with discipline-standard procedures, thereby avoiding or minimizing the loss of heritage resources and associated scientific information (SVP 1996; SVP 2010). ~~With implementation of these measures~~Therefore, impacts related to the potential for destruction of a unique paleontological resource or site would be ~~reduced to a~~ less than significant ~~level~~with mitigation incorporated.

Unique geologic features: No Impact. The Project sites are located in a densely developed urbanized setting, and no unique geologic features are recognized at or in close proximity to either site. There would be no impact on unique geologic features.

Mitigation Measures

MM GEO-1 Worker Awareness Training for Paleontological Resources

Prior to groundbreaking, Valley Water shall retain qualified staff to develop and present in-person worker awareness training for paleontological resources. As used here, *qualified staff* refers to an individual who satisfies one or both of the following criteria:

- A qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP 2010), who is experienced in delivering training to non-specialists
- A California-licensed professional geologist (PG) who has expertise in South San Francisco Bay Area stratigraphy and paleontology and is experienced in delivering training to nonspecialists

Training shall be concise and substantive. It shall include information on the possibility of encountering fossils during construction; the types of fossils that may be seen and how to recognize them; and proper procedures in the event fossils are encountered. All field management and supervisory personnel and construction workers involved with ground-disturbing activities shall be required to take this training prior to beginning work on the Project. Upon completion of the training, workers shall be required to sign a form stating that they attended the training and that they understand and will comply with the information presented. Training shall be presented bilingually in English and Spanish as well as other languages, as needed, when indicated as appropriate by the contractor.

MM GEO-2 Stop Work, Evaluation, and Treatment in the Event of a Paleontological Find

Should vertebrate remains or other potentially significant fossil resources, as defined by SVP, be discovered during Project activities, all work in the immediate vicinity of the discovery shall cease, the find shall be protected in place, and the contractor shall be required to notify their pre-designated Valley Water contact before the end of the work day. Valley Water shall detail qualified staff—i.e., staff meeting the criteria for a qualified professional paleontologist as defined by SVP (SVP 2010)—to evaluate the find and recommend appropriate follow-up treatment consistent with current prevailing discipline practice and current SVP guidelines (SVP 2010). Work may continue in other parts of the Project sites while evaluation (and, if needed, treatment) takes place so long as, in the judgment of the qualified staff, the find can be adequately protected. Valley Water would be responsible for ensuring that the recommendations of the qualified staff regarding treatment and reporting are implemented.

3.4.8 Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Environmental Setting

CEQA allows lead agencies to identify thresholds of significance applicable to a project that are supported by substantial evidence. *Substantial evidence* is defined in the CEQA statute to mean "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts" (14 CCR § 15384(b)). Substantial evidence can be in the forms of technical studies, agency staff reports or opinions, expert opinions supported by facts, and prior CEQA assessments and planning documents. ~~BAAQMD~~BAAD does not have an adopted threshold of significance for construction GHG emissions. Therefore, to establish additional context in which to consider the order of magnitude of the Project's GHG emissions, this analysis accounts for the following considerations by other government agencies and associations about what levels of GHG emissions constitute a cumulatively considerable incremental contribution to climate change:

- Sacramento Metropolitan Air Quality Management District (SMAQMD) established thresholds, including 1,100 metric tons of carbon dioxide (CO_2e) per year for construction and 10,000 direct metric tons of CO_2e per year from operations (SMAQMD 2018).
- A threshold of 1,100 metric tons of CO_2e per year for construction activities is used by several air districts in the State (e.g., SMAQMD, PCAPCD, SCAQMD) for determining the significance of project-level GHG emissions.

The Project's GHG emissions were compared to the 1,100 metric tons of CO_2e per year threshold for construction activities (i.e., offroad equipment and haul trucks). The Project is not a typical land residential or commercial land use project as it is considered a temporary construction project. Thus, the land use project design elements significance threshold does not apply.

~~BAAQMD's~~BAAD's *CEQA Air Quality Guidelines* states that "because construction emissions are temporary and variable, the Air District has not developed a quantitative threshold of significance for construction-related GHG emissions. However, the Lead Agency should quantify and disclose GHG emissions that would occur during construction." Furthermore, ~~BAAQMD~~BAAD does recommend that a lead agency make a determination on the significance of these construction generated GHG emission impacts in relation to meeting AB 32 GHG

reduction goals, as required by Public Resources Code section 21082.2. ~~BAAQMD~~BAAD also recommends that projects incorporate BMPs in order to minimize GHG emissions for projects using construction equipment (based on ~~BAAQMD's~~BAAD's CEQA Air Quality Guidelines, Table 6-1). Consistent with ~~BAAQMD~~BAAD guidance, Valley Water has incorporated BMP GHG-1 to reduce construction related GHG emissions as components of the Project.

In conclusion, this analysis uses the 1,100 metric tons of CO_2e per year significance threshold to assess potential GHG construction emissions impacts from the Project. Project emissions of less than 1,100 metric tons of CO_2e per year would indicate that the Project's contribution to global climate change would be less than cumulatively considerable.

Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. Construction of the Project would generate GHG emissions from the combustion of fossil fuels associated with construction equipment, material hauling, and worker trips. Construction-related emissions were estimated using CalEEMod (California Emissions Estimator Model Version 2022.1) (CAPCOA n.d.). As shown in Table 3.4-4, the estimated total construction GHG emissions is 597 metric tons of CO_2e. As indicated, 30-year amortized annual construction-related GHG emissions would be approximately 20 metric tons of CO_2e, which is below the significance threshold of 1,100 metric tons of CO_2e per year (RCH Group 2024a). Construction emissions were amortized over 30 years, consistent with SCAQMD's Interim CEQA GHG Significance Threshold for Stationary Sources (SCAQMD 2008). Therefore, the Project's impacts related to direct or indirect GHG emissions would be less than significant.

Table 3.4-4 Estimated Construction Greenhouse Gas Emissions (metric tons)

Category	Greenhouse gas emissions (metric tons of CO_2e)
Malone Road	289
Blossom Hill Road	308
Project total	**597**
30-Year amortized	**19.9**
Significance threshold	1,100
Significant? (Yes or No)	No

Source Air Quality Technical Report Valley Water Guadalupe River Bank Stabilization Project: (RCH Group 2024a)

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. In 2021, Santa Clara Valley Water published its *Climate Change Action Plan* (CCAP) (Valley Water 2021). The CCAP is a District-wide plan to reduce GHG emissions

that are not applicable to individual projects. State plans for reducing GHG emissions include CARB's 2017 Scoping Plan for achieving the 2030 GHG emissions reduction target outlined in SB 32 (40 percent below 1990 levels by 2030) and CARB's 2022 Scoping Plan for achieving carbon neutrality by 2045 and 85 percent below 1990 levels (CARB 2022). CARB's scoping plans rely on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies, such as SB 100, which requires electricity providers to increase procurement from eligible renewable energy resources to 60 percent by 2030 and 100 percent by 2045 (CARB 2022).

Valley Water's CCAP provides goals, strategies, and possible actions to reduce its GHG emissions and address the ways that Valley Water is vulnerable to climate change impacts in each of Valley Water's mission areas, including water supply, flood protection, and ecosystem stewardship. The CCAP sets seven goals to guide Valley Water's response to climate change (Valley Water 2021). Project construction consistency with the CCAP is demonstrated, based on the following items:

- Construction equipment and fleets would reduce emissions through the use of engine electrification (including hybrid equipment), the use of renewable fuels where possible, and reduced idling time/equipment operation time. These actions would reduce GHG emissions from Project construction equipment fleet.
- Project construction would utilize haul routes that are optimized to minimize GHG emissions.

The 2022 Scoping Plan is implemented at the state level, and compliance at a specific plan or project level is not addressed therein. The Project would use vehicles and equipment that would meet current standards at the time of construction and operation and would not conflict with the statewide programs designed to address GHG emissions reduction goals. The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions and, therefore impacts from GHG emissions would be less than significant.

The Project would be consistent with the applicable strategies in the 2022 Scoping Plan, adopted for the purposes of reducing GHG emissions by addressing incremental contributions to climate change. Thus, the Project's incremental contribution to climate change from GHG emissions would not be cumulatively considerable.

Further, the Project would ensure that GHG emissions are minimized through implementation of ~~BMPs. With implementation of BMP~~ project-specific AMM-GHG-1 (Reduce Construction GHG Emissions), ~~Project~~which would ensure that construction activities would utilize fuel efficient equipment and trucks consistent with state regulations and would be consistent with state regulations intended to reduce the inefficient, wasteful, or unnecessary consumption of energy, such as anti-idling and emissions regulations. With implementation of ~~BMP~~ AMM-GHG-1, Project construction activities would be consistent with SB 32, AB 1279, the 2022 Scoping Plan, the Valley Water CCAP, and Climate Smart San José and would not conflict with these GHG-reduction policies and plans. Therefore, the Project would not conflict with an

applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and impacts would be less than significant.

~~Best Management Practices~~

~~Consistent with BAAQMD guidance, Valley Water has incorporated the following best management practices to reduce construction related GHG emissions into the Project design:~~

~~BMP GHG-1 GHG Reduction~~

- ~~Require all diesel-fueled off-road construction equipment be equipped with USEPA Tier 4 Final compliant engines or better as a condition of contract. Where specific equipment is required and an USEPA-rated Tier 4 version is not available, other lower tiered equipment may be used, so long as it can be demonstrated that acquiring the Tier 4 equipment would not be feasible (defined as not being available in the market or resulting in schedule delays that could be detrimental to completion of the project). Alternatively, use CARB – approved renewable diesel fuel in off-road construction equipment and on road trucks.~~
- ~~Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes (A five-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the project site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.~~
- ~~Require all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.~~
- ~~Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction activity workers and offer meal options onsite or shuttles to nearby meal destinations for construction activity workers.~~
- ~~Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more by weight than the diversion requirement in Title 24.~~
- ~~Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water.~~
- ~~Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.~~

Mitigation Measures

No mitigation measures would be required.

3.4.9 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the Project site?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☑	☐

Environmental Setting

According to the provisions in Government Code section 65962.5, commonly referred to as the Cortese List, the California Environmental Protection Agency (Cal/EPA) makes available resources for information on the location of hazardous materials release sites. A Project site's location within or near a Cortese List site has implications for compliance with CEQA. The following resources were reviewed to identify any Cortese List sites relevant to the Project:

- List of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) EnviroStor database

- List of Leaking Underground Storage Tank (LUST) Sites from the State Water Resources Control Board (SWRCB) GeoTracker database
- List of solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit
- List of "active" Cease and Desist Orders and Cleanup and Abatement Orders from SWRCB
- List of hazardous waste facilities subject to corrective action identified by DTSC

According to reports retrieved from the EnviroStor database, there are four hazardous waste sites within 0.5 mile of the Malone Road Project site. These sites include a certified school cleanup site (1610 Bird Avenue), two inactive tiered permit inactive sites (1982 Angela Street and 335 Turtle Creek Court), and one inactive school investigation site (2222 Unified Way) (DTSC n.d.). According to the GeoTracker database, there are eight closed LUST cleanup sites and no groundwater contaminant plumes within 0.5 mile of the Malone Road Project site (SWRCB n.d.-a). There are no "active" Cease and Desist Orders and Cleanup and Abatement Orders from SWRCB within 1 mile of the Malone Road Project site (SWRCB n.d.-b). There are no solid waste disposal sites in the vicinity of the Malone Road Project site with waste constituents exceeding hazardous waste levels, as identified by the SWRCB (EPA n.d.).

According to the EnviroStor database, no active hazardous waste sites are located within 0.5 mile of the Blossom Hill Road Project site (DTSC n.d.). According to the GeoTracker database, there are 11 closed case LUST Cleanup Sites, one closed cased Cleanup Program Site, one open but inactive Cleanup Program Site, and two open cleanup program sites (5775 Winfield Boulevard and 5305 Almaden Expressway). No groundwater contaminant plumes are located within 0.5 mile of the Blossom Hill Road Project site (SWRCB n.d.-a). There is one gasoline service station located at 1099 Blossom Hill Road, approximately 0.25 mile west of the Blossom Hill Project site, that has an "active" Cease and Desist Order and Cleanup and Abatement Orders from SWRCB (SWRCB n.d.-b). There are no solid waste disposal sites in the vicinity of the Blossom Hill Road Project site with waste constituents above hazardous waste levels as identified by the SWRCB (EPA n.d.).

Sensitive Receptors

Sensitive receptors located in the vicinity of the Project sites include residential properties. The nearest residences to the Malone Road Project site surround the site along Malone Road and Almaden Road at a distance of approximately 50 feet. The nearest residences to the Blossom Hill Road Project site are approximately 450 feet northeast of the Project site along Blossom River Drive.

Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. The Project sites are on vacant, undeveloped land that are adjacent to residential and urban development. Because the Project site is vacant and undeveloped under

existing conditions, no substantial hazards or hazardous materials are expected to be present; regardless, Valley Water consulted the SWRCB's Geotracker database. No groundwater contaminant plumes were identified within 0.5 mile of the Project sites.

The Project site would not require long-term use, storage, treatment, disposal, or transport of hazardous materials. During construction, diesel fuel and oil may be used. Additionally, the handling of hazardous materials such as fuels, lubricating fluids, and solvents for use with construction equipment on site may occur. Accidental spills or improper use, storage, transport, or disposal of these hazardous materials could result in a public hazard or the transport of hazardous materials to underlying soils and groundwater. Although these hazardous materials could pose a hazard, as described above, the Project would be required to comply with extensive state and federal regulations so that substantial risks would not occur. All storage, handling, and disposal of these materials would be done in accordance with regulations established by DTSC, EPA, Occupational Safety and Health Administration (OSHA), California Governor's Office of Emergency Services (Cal OES), Certified United Program Agencies (CUPA), and Cal/OSHA.

The Project would include implementation of ~~the following~~ Valley ~~Water~~Water's standard BMPs to reduce the risk and hazards posed by their usage~~:~~, including standard BMP HM-7 (Restrict Vehicle and Equipment Cleaning to Appropriate Locations), BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), ~~and~~BMP HM-10 (Utilize Spill Prevention Measures), and BMP HM-13 (Avoid Impacts from Naturally Occurring Asbestos). Implementation of these BMPs and compliance with applicable regulations would avoid and minimize a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. Project construction vehicles may require emergency maintenance that could result in the release of oil, diesel, transmission fluid, or other materials. However, these materials would not be used in quantities or be stored in a manner that would pose a significant hazard to the public or environment. Although there are several sites with documented hazardous substance releases within 0.5 mile of the Project sites, none of these releases would be an environmental concern for the Project. As previously discussed, Valley Water would implement standard BMPs, including BMP HM-8~~,~~ (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9~~, and~~ (Ensure Proper Hazardous Materials Management), BMP HM-10~~, listed above, would be incorporated for~~ (Utilize Spill Prevention Measures), as part of the Project. These measures dictate the storage requirements and handling procedures for hazardous materials as well as fueling and spill cleanup procedures. Implementation of these BMPs would avoid and minimize a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the

release of hazardous materials into the environment. Therefore, impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The Project sites are not located within one-quarter mile of an existing or proposed school. The closest school to the Malone Road Project site is approximately 0.36 mile northwest. The closest schools to the Blossom Hill Road Project site are approximately 0.70 mile west and approximately 0.70 mile southeast. Therefore, the Project would not create hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1-quarter mile of an existing or proposed school. No impact would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. Neither of the Project sites is located within a site included on a list of hazardous materials sites provided by Cal/EPA per Government Code section 65962.5. Therefore, the Project would not create a significant hazard to the public or the environment as a result of being located on a hazardous materials site, and no impact would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the Project site?

No Impact. There are two public airports in the City of San José: Reid Hillview Airport and the San José International Airport. The nearest airport is the San José International Airport, located approximately 4.5 miles northwest of the Malone Road Project site and approximately 7.4 miles northwest of the Blossom Hill Road Project site (Windus 2007; City of San José Planning Division 2013). Reid Hillview Airport is approximately 4 miles northeast of the Malone Road Project site and 6 miles northeast of the Blossom Hill Road Project site. Neither of the Project sites are located within an airport land use plan area and, therefore, the Project would not result in a safety hazard or excessive noise for people residing or working near the Project sites. No impact would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project would consist of bank stabilization activities, with most Project activities occurring on Valley Water fee title or easement property and off public roadways. As discussed in Section 3.4.9, due to the limited number of vehicles required for the Project and the temporary nature of construction activities, the Project would not impair or physically interfere with an adopted emergency response or evacuation plan. Therefore, impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than Significant Impact. The Project sites are located in open space areas surrounded by residential uses and urban development. The Project would not expose people or structures to a significant risk of loss, injury, or death due to wildland fires. As a standard safety practice, Valley Water would have fire prevention equipment on site, including fire extinguishers and shovels. Valley Water's standard BMP HM-12 (Incorporate Fire Prevention Measures) would be incorporated to reduce fire risk associated with Project construction. Additionally, a water truck would be present during all dust-generating activities and could also be used for fire suppression activities, if necessary. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.10 Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;			X	
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				X
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv. impede or redirect flood flows?			X	

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	X

Environmental Setting

The Project sites are in the Guadalupe River Watershed, which spans 170 square miles and encompasses the Guadalupe River (Valley Water, n.d.-a). The headwaters of the 170-square-mile Guadalupe River Watershed originate in the Santa Cruz Mountains, with major tributaries including Los Gatos Creek, Guadalupe Creek, and Alamitos Creek (of which Calero Creek is a tributary). Valley Water owns the following reservoirs in this watershed: Lexington Reservoir and Vasona Lake on Los Gatos Creek, Guadalupe Reservoir on Guadalupe Creek, Almaden Reservoir on Alamitos Creek, and Calero Reservoir on Calero Creek. Valley Water operates the Almaden-Calero Canal, which enables the transfer of water from Almaden Reservoir to Calero Reservoir. The San José Water Company owns and operates the Lake Elsman reservoir, located on Los Gatos Creek above Lexington Reservoir (Valley Water, n.d.-b).

Project work would occur along the Guadalupe River. The Blossom Hill Road Project site is approximately 0.06 mile from Sánchez Ponds, 0.10 mile from the Los Alamitos Percolation Ponds, and 0.50 mile from the Almaden Lake Park. There are no waterbodies apart from the Guadalupe River near the Malone Road Project site. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) identifies of the following beneficial uses supported by the Gudalupe River: groundwater recharge (GWR), preservation of rare and endangered species (RARE), fish spawning (SPWN), warm freshwater habitat (WARM), cold freshwater habitat (COLD), migration of aquatic organisms (MIGR), water contact recreation (REC-1), non-contact recreation (REC-2), and wildlife habitat (WILD).

According to Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) Viewer, the Malone Road Project site is located in FIRM 06085C0242H, and the Blossom Hill Road Project site is located between two Flood Insurance Rate Maps (FIRMs): 06085C0263H and 06085C0401H. According to the California Department of Water Resources, both Project sites contain 100-year floodplains, with no base flood elevation determined (FEMA 2020). A 100-year floodplain is an area determined by FEMA to have a 1 percent probability of flooding in any given year.

Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The Project would fall under the jurisdiction of the San Francisco Bay RWQCB. The Basin Plan, adopted in accordance with the statewide water quality policy,

designates water quality standards for most inland surface waters, including surface drainages such as creeks, swales, streams, and rivers.

Project activities would include the creation of an access ramp, installing a sump pump to divert any nuisance flows, creation of an active dewatering system, removing damaged concrete slope paving and failed gabion baskets, grading and excavation, and installation of riprap. LWD and any trash caught by the LWD would be removed as part of tree removal. Construction activities have the potential to cause erosion of surface soils and sedimentation of water bodies, including the Guadalupe River. Additionally, fluids such as fuel or oils from equipment could impair water quality of nearby water bodies if an accidental release were to occur. Project activities would occur during the dry season; however, isolated rain events may occur. If a dry season rain event is forecasted, Valley Water would temporarily stop work to ensure any stormwater could pass through the system and would reinitiate work once the sites have adequately dried.

To minimize potential impacts to water quality standards and waste discharge requirements, and to reduce the risk and hazards from construction equipment and activities to water bodies and nearby waterways, Valley Water would implement ~~the following~~standard BMPs~~:~~, including BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), BMP HM-10 (Utilize Spill Prevention Measures), BMP WQ-3 (Limit Impact of Pump and Generator Operation and Maintenance), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-11 (Maintain Clean Conditions at Work Sites), BMP WQ-15 (Prevent Water Pollution), ~~WQ-16 (Prevent Stormwater Pollution), and~~and BMP WQ-17 (Manage Sanitary and Septic Waste). Valley Water would also implement various SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), BMP GEN-4 (Minimize Area of Disturbance), and BMP GEN-20 (Erosion and Sediment Control Measures). Furthermore, because the Project would be implemented in accordance with SMP procedures, Valley Water would implement water quality monitoring consistent with the methods described in Attachment G (Water Quality Monitoring Plan) of the SMP Manual. Specifically, Valley Water staff would collect and analyze surface water and sediment samples upstream and downstream of the Project sites for total mercury and methyl mercury during in-channel construction activities. Monitoring results would be evaluated against Basin Plan mercury water quality objectives. In the event that exceedances are detected, Valley Water would implement adaptive management measures such as modifying dewatering methods, turbidity controls, or work sequencing to reduce mobilization of mercury-laden sediments. Adaptive management under the SMP involves evaluating monitoring data, identifying the likely cause of exceedances or performance issues, and adjusting construction or dewatering practices in coordination with regulatory agencies to ensure compliance with water quality objectives.

Additionally, the Project would be required to adhere to the RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Number R2-2015-0049. Prior to beginning work, crews would install and implement construction site controls to prevent discharges of pollutants from the construction sites.

In addition, implementation of standard BMPs WQ-4 (Limit Impacts from Staging and Stockpiling Materials), WQ-5 (Stabilize Construction Entrances and Exits), WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement), and WQ-11 (Maintain Clean Conditions at Work Sites), and ~~WQ-16 (Prevent Stormwater Pollution~~SMP BMP GEN-20 (Erosion and Sediment Control Measures) would reduce or prevent erosion caused by construction activities. Standard waste collection and good housekeeping practices would also be observed. Following Project implementation, all work areas would be restored to match pre-construction conditions. All construction material and debris would be removed and disposed of at approved facilities. Hydroseeding of all disturbed areas would be applied after construction and before seasonal rain events, with reapplication when necessary for winterization.

With incorporation of the BMPs discussed above, restoration of work areas, and adherence to the RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Number R2-2022-0049, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. ~~Therefore, impacts would be less than significant.~~The Project, as such, would not impact currently supported beneficial uses of the Guadalupe River. Therefore, impacts would be less than significant. In addition, as identified in Section 3.1, Valley Water would pursue applicable regulatory permits with the RWQCB, including water quality certification in compliance with Section 401 of the Clean Water Act, to ensure compliance with the Basin Plan requirements.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. The Project consists of repairs to address the damaged concrete-lined channel and failed gabion baskets as well as the removal of overgrown vegetation that is exacerbating erosion. The Project would involve the creation of an active dewatering system, which would divert and return water to the river just downstream of the Blossom Hill Road Project site. Any groundwater encountered during drilling and excavation activities would be pumped into a Baker Tank, or similar equipment, located along the top of bank for containment prior to disposal. The Project would not draw from a groundwater aquifer and would not deplete groundwater supplies or interfere with groundwater recharge, and there would be no impact.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in a substantial erosion or siltation on- or off-site?

Less than Significant Impact. The Project would include erosion repair activities at the Malone Road Project site and the Blossom Hill Road Project site, including the installation of an active

dewatering system, debris removal and tree removals, and replacing the failed gabion basket structures through rock slope protection, with two grade control features along the channel bed.

Flows at the Malone Road Project site are mainly controlled by upstream dam summer operations and have experienced continuous flows during the summer months in recent history, as discussed in Chapter 2: Project Description. Flows would be diverted by a sump pump fitted with pipes, hoses, and an erosion dissipater and turbidity filter downstream of the Project sites. For the entirety of the Project duration, the sump pump would divert any nuisance flows around the Project site as needed. The Blossom Hill Road Project site may experience running flows during summer months. The diversion system at this Project site would consist of an earthen berm along with a portable dam structure installed within 50 feet upstream and 50 feet downstream of the Project site. This would effectively accomplish an active bypass along the center cell of Blossom Hill Road bridge. The active bypass setup would divert and return water to the river just downstream of the Blossom Hill Road Project site. To ensure that the temporary creek diversion system is adequately designed, Valley Water would size sump pumps and diversion infrastructure using representative summer flow data based on the past 25 years of hydrologic records. This approach would ensure that the system's diversion capacity would accommodate typical and higher-than-average summer flow conditions, thereby maintaining a dry work area and minimizing potential downstream impacts such as turbidity or sedimentation.

Although Project activities may increase erosion, as detailed above~~; therefore~~, the ~~following~~implementation of Valley Water standard BMPs would be ~~implemented~~ incorporated into the Project to reduce or prevent erosion caused by Project construction~~:~~, including standard BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement), and BMP WQ-11 (Maintain Clean Conditions at Work Sites~~), and WQ-16 (Prevent Stormwater Pollution~~). Valley Water would also implement SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), BMP GEN-4 (Minimize Area of Disturbance), and BMP GEN-20 (Erosion and Sediment Control Measures). Additionally, standard waste collection and good housekeeping practices would be observed. If a dry season rain event is forecasted, Valley Water would temporarily stop work to ensure any stormwater can pass through the system and would reinitiate work once the sites have adequately dried.

Following Project implementation, all work areas would be restored to match pre-construction conditions. All construction material and debris would be removed and disposed of at approved facilities. Hydroseeding of all disturbed areas would be applied after construction and before seasonal rain events, with reapplication when necessary for winterization.

Given the incorporation of the BMPs discussed above and planned restoration of work areas, along with the temporary nature of the Project, the Project is not expected to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would

result in a substantial erosion or siltation on or off site. Therefore, impacts would be less than significant.

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No Impact. The Project's erosion repair activities involve bank stabilization at two sites where in-stream structures along the Guadalupe River have experienced erosion and subsequent damage to the embankment and potential neighboring properties. The Project would not alter the drainage pattern of the river; it would, however, stabilize and reinforce the river's concrete embankment that provides needed flood protection for properties located along the Guadalupe River. Therefore, implementation of the Project would not increase the rate or amount of surface water runoff, and no impact would occur.

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. As discussed above, the Project would require the use of equipment that uses fuels and lubricants. ~~For this reason,~~ Valley Water standard BMPs would be incorporated to reduce the risk and hazards to water bodies from construction equipment and activities in and near waterways. These ~~BMPs~~ include standard BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), BMP HM-10 (Utilize Spill Prevention Measures), BMP WQ-3 (Limit Impact of Pump and Generator Operation and Maintenance), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-11 (Maintain Clean Conditions at Work Sites), and BMP WQ-15 (Prevent Water Pollution~~), and WQ-16 (Prevent Stormwater Pollution).~~). Additionally, SMP BMP GEN-20 (Erosion and Sediment Control Measures) would be implemented to further reduce the potential for runoff.

Additionally, to minimize and reduce erosion potential associated with construction-related activities that would disturb soils, such as excavation, vegetation removal, and grading, Valley Water would implement ~~the following~~standard BMPs~~: BMPs~~, including BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement), and BMP WQ-11 (Maintain Clean Conditions at Work Sites), ~~and WQ-16 (Prevent Stormwater Pollution~~as well as various SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), BMP GEN-4 (Minimize Area of Disturbance), and BMP GEN-20 (Erosion and Sediment Control Measures).

The Project would also be required to adhere to the RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Number R2-2022-0049. Prior to beginning work, crews would install and implement construction site controls to prevent discharges of pollutants from the construction sites. Further, Project work would be avoided during dry

season rain events and reinitiated once the Project sites have dried. Therefore, implementation of the Project would not create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and impacts would be less than significant.

iv. impede or redirect flood flows?

Less than Significant Impact. As discussed above in Impact c(i), the Project would not impede or redirect flood flows as Project activities would address the existing damaged concrete-lined channel and failed gabion baskets as well as remove vegetation and trees. The Malone Road Project site is expected to have minimal flows during summer; however, any flows would be diverted using a sump pump with pipes, hoses, an erosion dissipater, and a turbidity filter. This setup would operate throughout the Project duration. The Blossom Hill Road Project site may experience running flows during summer months. The Blossom Hill Road diversion system would include an earthen berm along with a portable dam structure installed 50 feet upstream and 50 feet downstream of the Project site, creating an active bypass along the center cell of Blossom Hill Road bridge. The active bypass would divert and return water to the river just downstream of the Blossom Hill Road Project site. Once repair activities are completed, the Project sites would continue to function as they were originally designed, providing erosion control, flood protection, and infrastructure protection. Therefore, the Project would not impede or redirect flood flows, and impacts would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. As discussed in the SMP, portions of the Guadalupe River (extending approximately 0.5 mile inland from the river mouths) could be impacted by tsunamis; however, as described in Section 3.4.7, Hydrology and Geomorphology, of the Valley Water SMP EIR, bank stabilization activities would not exacerbate tsunami conditions in areas that would be susceptible to tsunamis. In addition, no large bodies of water are present at either Project site that could create seiche hazards. Further, bank stabilization activities would reduce the potential for impacts of mudflow. As stated above, the Project would be constructed outside the boundary of the 100-year floodplain at both Project sites, as indicated by the FEMA FIRMs. A 100-year floodplain is a geographic area having a 1 percent chance of being flooded in any given year (FEMA 2020). Project activities would be temporary and occur during the dry season (June 15 and October 15), when chances of rainfall and flooding are relatively low.

Project activities would repair the damaged concrete slope paving and failed gabion baskets as well as remove overgrown vegetation and trees, all conditions that, if left un-remediated, could exacerbate impacts from a significant flooding event. Once completed, bank stabilization and repair activities would reduce the potential for flow impacts from flood or tsunami hazards. Therefore, impacts associated with the release of pollutants in flood hazard, tsunami, or seiche zones from implementation of the Project would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project is located within the Santa Clara Valley groundwater basin, which is subject to Valley Water's 2021 Groundwater Management Plan, designed to sustainably maintain and manage groundwater (Valley Water 2021). Implementation of an erosion control plan and Valley Water's BMPs, both of which have been developed to be consistent with the Basin Plan, have been incorporated into the Project. The Project would reduce flooding and erosion and would therefore not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.11 Land Use and Planning

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

Environmental Setting

The Project sites are categorized as OSPH under the City of San José 2040 General Plan and are bounded by residences and urban development (City of San José 2011). The area surrounding the Malone Road Project site is zoned Single-family Residential (up to five dwelling units per acre) and Single-family Residential (up to eight dwelling units per acre). The area surrounding the Blossom Hill Road Project site is zoned High Industrial and Planned Development (City of San José 2011).

Discussion

a) Physically divide an established community.

No Impact. The Project consists of bank repair and stabilization activities along an existing river bank area. Project activities would also include minimal vegetation and tree removal along with restoration of the work areas once construction is complete. Therefore, construction of the Project would not physically divide an established community, and no impact would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. As discussed above, the Project is located in an area categorized as OSPH by the City of San José 2040 General Plan. The Project would not introduce new land uses or result in land use changes. As a result, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact, and no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.12 Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Environmental Setting

The Malone Road Project site does not contain soils types known to hold key mineral resources. The Malone Road Project site is located in an area classified as flood plains and alluvial plain landform, with a typical soil profile comprised of the following types (Survey Staff, NRCS n.d.-a):

Map Unit 130:

- A1: 0 to 2 inches: sandy loam
- A2: 2 to 12 inches: very fine sandy loam
- Bw1: 12 to 20 inches: silt loam
- Bw2: 20 to 33 inches: silt loam
- 2Ab1: 33 to 37 inches: loam
- 2Ab2: 37 to 51 inches: loam
- 2Bwb1: 51 to 62 inches: loam
- 2Bwb2: 62 to 72 inches: loam

Map Unit 131:

- Oi: 0 to 8 inches: slightly decomposed plant material
- A: 8 to 17 inches: clay loam

- Bw1: 17 to 26 inches: silty clay loam
- Bw2 - 26 to 35 inches: silty clay loam
- Bw3: 35 to 47 inches: silty clay loam
- Bw4: 47 to 71 inches: silty clay loam
- C: 71 to 94 inches: silty clay loam

The Blossom Hill Road Project site does not contain soil types known to hold key mineral resources. The Blossom Hill Road Project site is located on an alluvial fan landform with a typical soil profile comprised of the following types (Survey Staff, NRCS n.d.-b):

Map Unit 170:

- Oi: 0 to 1 inch: slightly decomposed plant material
- A1: 1 to 4 inches: sandy loam
- A2: 4 to 10 inches: sandy clay loam
- A3: 10 to 19 inches: sandy clay loam
- C: 19 to 23 inches: very gravelly sand
- Ab1: 23 to 35 inches: silty clay loam
- Ab2: 35 to 55 inches: clay loam
- AB: 55 to 79 inches: sandy clay loam

Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The Project sites are within areas that are not known to have mineral resources associated with their respective soil types. Mineral resources that are of local or state importance would not be impacted by activities at either the Malone Road or Blossom Hill Road Project sites as the soils at both sites mainly contain loam, silt, and clay combinations. Therefore, the Project would not cause a loss of a known mineral resource, and no impact would occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project sites are not within a mineral resource area, and the Project would not therefore result in loss of a locally important mineral resource recovery site. Implementation of the Project would not conflict with applicable Resource Conservation Elements of the Santa Clara County General Plan. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.13 Noise

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Environmental Setting

Noise-sensitive receptors as defined in the Envision San José 2040 General Plan include residences, hotels, motels, hospitals, and residential care facilities (City of San José 2011). The nearest noise-sensitive receptors to the Malone Road Project site are residences surrounding the site to the west (as close as approximately 50 feet away). The nearest noise-sensitive receptors to the Blossom Hill Road Project site are residences (approximately 450 feet northeast of the site).

To quantify existing ambient noise levels, the Valley Water Guadalupe River Bank Stabilization Noise Technical Report included seven short-term (10-minute) noise measurements in and around the Project sites. Noise levels ranged from 49 to 66 dB L_{eq} (5-minute L_{eq}) at the noise-sensitive receptor areas proximate to the Malone Road Project site and 55 to 63 dB L_{eq} (5-minute L_{eq}) at noise-sensitive receptor and commercial areas near the Blossom Hill Road Project site. The major source of ambient noise at both sites was existing traffic noise (RCH Group 2024b).

Because heavy equipment noise is unavoidable, particularly for infrastructure projects such as the Project, jurisdictions typically provide noise ordinance and regulatory exemptions for specific, short-term, and temporary construction activities. The Project sites are located within the City of San José; the General Plan provides the following standards for noise:

- Chapter 20.100.450 (Hours of construction within 500 feet of a residential unit): A) Unless otherwise expressly allowed in a development permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.

- Sections 10.16.010 and 10.16.020 prohibit disturbing the peace and define disturbing noises (e.g., vehicle exhaust systems and revving engines), respectively.
- Without limiting the scope of section 20.100.310, no applicant or agent of an applicant shall suffer or allow any construction activity on a site subject to a development permit or other planning approval located within 500 feet of a residential unit at any time when that activity is not allowed under the development permit or planning approval. This section is applicable whenever a development permit or other planning approval is required for construction activity.

Discussion

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact with Mitigation Incorporated. Construction activities are anticipated to occur in 2026 or 2027 between June 15 and October 15 for 4 months. Construction is expected to occur between 7 a.m. and 7 p.m., Monday through Friday, and typically would include 8-hour workdays (consistent with section 20.100.450 of the San José Municipal Code).

Construction activities would require the use of numerous pieces of noise-generating equipment, such as excavating machinery (e.g., excavators, loaders) and other construction equipment (e.g., tractors, backhoes, compactors, dump trucks). The noise levels generated by construction equipment would vary greatly depending upon factors such as the type and specific model of the equipment, the operation being performed, the condition of the equipment, and the prevailing wind direction.

As discussed above, the nearest noise-sensitive receptors to Project construction activities would be the residences adjacent to the Malone Road Project site (as close as approximately 50 feet). The nearest noise-sensitive receptors to Project construction activities would be residences approximately 450 feet northeast of the Blossom Hill Road Project site. Construction noise levels would range from 77 to 84 dB, L_{max} at 50 feet and 48 to 55 dB L_{max} at 450 feet (RCH Group 2024b).

Construction would result in a temporary increase in ambient noise levels in the vicinity of both Project sites. As discussed above, noise generally attenuates at a rate of 6 to 7.5 dB per doubling of distance. Based on the terrain at the Malone Road Project site (a "soft site"), an attenuation of 7.5 dB was used in the noise attenuation calculations. However, there would be a significant amount of noise attenuation occurring at the Malone Road Project site because work occurring on the river bank would be well below street level, meaning the line of site between construction equipment and the nearest residences would be obscured. Therefore, the noise analysis conservatively assumed the depth of work occurring at the Malone Road Project site would provide an additional 12 dB noise reduction at the nearest residence. After accounting for shielding from the depth of the river bank, the noise levels from construction at the Malone

Road Project site at the nearest residence were predicted to be 46 to 72 dB L_{max} when construction equipment is used in the in-stream structure. (RCH Group 2024b).

For the Blossom Hill Road Project site, work would also occur below street level although not at the same depth as the river bank at the Malone Road Project site. The noise analysis conservatively assumed the depth of work occurring at the Blossom Hill Road Project site would provide an additional 5 dB noise reduction at the nearest apartment complex building. After accounting for shielding from the terrain, the noise levels from construction activities at the nearest residences were predicted to be 29 to 55 dB, L_{max}, when construction equipment is used in the in-stream structure. These noise levels would be masked by existing traffic noise from Blossom Hill Drive and Blossom Hill Road and would likely not be noticeable to residents since existing traffic noise levels from Blossom Hill Drive and Blossom Hill Road ranged from 55 to 78 dB L_{max} nearby the residences (RCH Group 2024b).

As discussed above, construction is required to comply with the San José Noise Ordinance and would only occur between 7 a.m. and 7 p.m., Monday through Friday. However, a minimum of two generators would be used at each site where active dewatering would be required. These generators could potentially be used for 24 hours per day, which would generate noise outside the allowable hours of construction noise per the San José Noise Ordinance. Note that no other construction equipment would be used for active dewatering activities outside of the permitted construction hours of 7 a.m. to 7 p.m.

This analysis conservatively assumes two generators would be operating simultaneously side by side on a trailer at bank level elevation, thus no attenuation from topographic shielding between nearby residents and the generators was assumed. The use of generators during nighttime hours (7 p.m. to 7 a.m.) could result in potential annoyance to noise-sensitive receptors proximate to the Malone Road Project site. This analysis uses a significance threshold of 55 dB, L_{max}, the maximum noise level in allowed decibels at the property line according to the San Jose Municipal Code, Part 7, Chapter 20.30.700, at the nearest residential property line during nighttime hours (7 p.m. to 7 a.m.) to determine if nighttime use of the generators would be a potentially significant impact. Noise levels from the generators exceeding 55 dB, L_{max}, at the nearest property line could potentially cause sleep disruption. For the Blossom Hill Road Project site, the noise produced by the generators is predicted to be 37 dB, L_{max}, at 450 feet[11] (RCH Group 2024b). This would be well below the 55 dB, L_{max}, significance threshold and this would not result in any significant impacts from nighttime noise. For the Malone Road Project site, the noise produced by the generators is predicted to be 61 dB, L_{max}, at 50 feet (RCH Group 2024b). It should be noted that these are estimates based on current equipment specifications. This noise level would exceed the 55 dB, L_{max}, significance threshold. Thus, the use of the

[11] This analysis assumes the two generators would be operating simultaneously side by side. Thus, the noise level from two generators operating simultaneously would result in a 3 dB increase from the noise of a single generator.

generators during nighttime hours would result in a significant impact at the Malone Road Project site. Implementation of Mitigation Measure NOI-1 would attenuate noise from the generators by approximately 20 dB, to 41 dB, L_{max}, through the use of four-sided noise barriers or sound blankets around the generators; Thus, noise levels would fall below the 55 dB, L_{max}, threshold (RCH Group 2024b). Therefore, impacts from an increase in ambient noise levels would be less than significant with mitigation incorporated. Once bank stabilization work is completed, there would be no change to conditions at either Project site that would result in an increase in ambient noise levels in the vicinity of either Project site. Therefore, impacts from a substantial temporary or permanent increase in ambient noise levels in the Project site vicinity in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, would be less than significant with mitigation incorporated.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Construction activities have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and operations involved. In most cases, groundborne vibration generated by typical construction equipment does not result in adverse effects on people or structures. At the highest levels of vibration, damage to structures is primarily architectural (e.g., loosening and cracking of plaster or stucco coatings) and rarely results in structural damage. For vibration, a *peak particle velocity* (PPV) threshold of 0.5 inch per second (in./sec) or greater can cause architectural damage and minor structural damage. The Federal Transit Administration (FTA) therefore recommends a significance threshold of 0.5 inches/second PPV for evaluating potential impacts to residential and commercial structures from groundborne vibration (FTA 2006)

Depending on the construction activity location, several pieces of heavy equipment could be operated as close as 50 feet from the nearest residence at the Malone Road Project site. Other work at both Project sites would occur at distances much greater than 50 feet from off-site structures. Groundborne vibration from proposed heavy equipment operation was estimated to be between approximately 0.01 and 0.06 inches/second PPV, which falls below the FTA's significance threshold of 0.5 inches/second at 50 feet (RCH Group 2024b). The Project would not generate excessive groundborne vibration or groundborne noise levels, and the impact would thus be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not within the vicinity of a public airport or private airstrip or within an airport land use plan. The nearest airport is the San José International Airport, located approximately 4.5 miles northwest of the Malone Road Project site and approximately 7.4 miles northwest of the Blossom Hill Road Project site. At this distance, the Project would not expose

people residing or working in the Project area to excessive noise levels. Therefore, no impact would occur.

Mitigation Measures

MM-NOI-1 Generator Noise Attenuation

If generators are used during nighttime hours (7 p.m. to 7 a.m.) at the Malone Road Project site, Valley Water shall install four-sided noise barriers/sound blankets around the generators.

3.4.14 Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Environmental Setting

The Project is on Valley Water fee title or easement property. Adjacent residential neighborhoods and urban development surround both Project sites.

Discussion

a) Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project would consist of erosion repair at the Malone Road Project site and the Blossom Hill Road Project site. ~~Work at neither Project site would require the extension of roads~~No road extensions or other infrastructure improvements would be required at either location. As a result, the Project would not induce direct or indirect population growth within the area. Because the Project would not involve new infrastructure such as extension of roads or new homes, businesses, or other buildings, the Project would not induce any population growth. Therefore, no impact would occur.

b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project would consist of erosion damage repair, with work contained within the Malone Road Project site and Blossom Hill Road Project site. Workers on the Project would be local to the region and commute to the Project sites daily, and housing accommodations would not be required. Therefore, the Project would not displace any people and would not necessitate the construction of replacement housing, and no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.15 Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Environmental Setting

The Project sites are within the City of San José.

Fire Protection

The San Jose Fire Department (SJFD) serves 1.2 million residents over 200 square miles and responds to roughly 109,000 service calls annually (City of San José, n.d.-a). SJFD currently operates 34 fire stations in the city (City of San José, n.d.-c). The closest fire station to the Malone Road Project site is Fire Station 37, located approximately 0.65 mile southwest of the Project site at 2191 Lincoln Avenue in San José. The closest fire station to the Blossom Hill Road Project site

is Fire Station 17, located approximately 0.85 mile southwest of the Project site at 5170 Coniston Way in San José.

Police Protection
The San José Police Department (SJPD) employs approximately 1,700 employees and consists of four bureaus comprised of 11 divisions (San José Police Department, n.d.). The SJPD has over 70 specialized units and assignments throughout San José (San José Police Department, n.d.). SJPD headquarters is located at 201 West Mission Street.

Schools
San José has 22 school districts with a total of 682 schools (GreatSchools.org, n.d.-a). The Malone Road Project site and Blossom Hill Road Project site are located within the San José Unified School District (GreatSchools.org, n.d.-b; n.d.-b). The closest school to the Malone Road Project site is Galarza Elementary School, approximately 0.36-mile northwest of the Project site. The closest schools to the Blossom Hill Road Project site are Almaden Elementary School, approximately 0.70 mile west of the Project site and Allen at Steinbeck Elementary School, approximately 0.70 mile southeast of the Project site.

Parks
The City of San José Parks, Recreation, and Neighborhood Services Department consists of nine regional parks, 207 neighborhood parks, and 290 park playgrounds (City of San José, n.d.-b). Parks within 1 mile of the Malone Road Project site include Robert Antonio Balermino Park, River Glen Park, and Roy Avenue Park. Parks within 1 mile of the Blossom Hill Road Project site include Chris Hotts Park, Leif Erikson Park, and Almaden Lake Park.

Other Public Facilities
The library closest to the Malone Road Project site is the Willow Glen Branch Library, approximately 1.10 miles northwest of the Project site. The closest library to the Blossom Hill Road Project site is Pearl Avenue Branch Library, approximately 1.14 miles north of the Project site.

Discussion

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire Protection, Police Protection, Schools, Parks, Other Public Facilities?

No Impact. Construction and operation of the Project would not result in the need for expanded police protection services or fire protection services. Construction of the Project would be short term and temporary, lasting 4 months. Therefore, the Project would not require new or additional police and fire protection. No impact would occur.

As discussed in Section 3.4.14, the Project would not include population-inducing components. Therefore, the Project would not result in an increased demand for school services, parks, or other public facilities, and no public facilities would need to expand in order to accommodate the Project. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.16 Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Baseline Site conditions

The Project sites are closed to the public and serve only flood control and maintenance functions. No recreational amenities, trails, or public access points occur within or adjacent to either site, and existing recreational use is limited to nearby city parks outside the Project boundaries.

Environmental Setting

Public access to the Malone Road Project site and Blossom Hill Road Project site is prohibited, and there are no recreational trails or other facilities within the immediate vicinity of either Project site. As noted in Section 3.4.16, there are recreational parks within the vicinity of both Project sites. However, neither Project site is located within a recreational area, and no trails or other recreational facilities are located near the Project sites or their access routes.

Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. As discussed in Section 3.4.15, Public Services, there are city parks located within 1 mile of both the Malone Road Project site and the Blossom Hill Road Project site. However, no neighborhood or regional parks are located in the immediate vicinity of either Project site. The

Project would include activities related to bank stabilization at two locations and would not result in the increased use of parks or other recreational facilities. As discussed in Section 3.4.14, Population and Housing, the Project does not include components that would induce population growth near the Project sites. Therefore, no impact would occur.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project does not require the construction or expansion of recreational facilities, nor does it include recreational facilities as part of the Project components. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.17 Transportation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?				X

Environmental Setting

Both Project sites are located within the City of San José, on Valley Water fee title or easement property.

The Malone Road Project site is near the intersection of Malone Road and Almaden Road and would be accessed through the available adjacent vacant district parcel along the west bank, upstream of Malone Road. The Project would also utilize the creek for access by constructing a temporary ramp into the channel from the adjacent vacant lot.

The Blossom Hill Road Project site is near Blossom Hill Road. Construction vehicles and equipment would access the Blossom Hill Road Project site along the western maintenance access road along the top of the bank and north of the Blossom Hill Road bridge. The Blossom

Hill Road Project site can also be accessed from the depressed maintenance road south of the Blossom Hill Road bridge. Staging at the Malone Road Project site would be confined to Valley Water fee title properties along the top of the west bank (APN 439-26-062) upstream of Malone Road. Staging at the Blossom Hill Road Project site would be confined to a Valley Water fee title property along the top of the west bank (APN 458-14-034) downstream of Blossom Hill Road.

The Project would involve bank stabilization at the Malone Road Project site and Blossom Hill Road Project site, where instream structures along the Guadalupe River have experienced erosion and subsequent damage to the embankment and potential risk is posed to neighboring properties. Construction equipment would access the Project sites using routes described above. Local roads would be minimally affected by transportation of crews and equipment and would not need to be closed during construction activities.

Discussion

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact. Existing roadways would be utilized to transport personnel, equipment, and materials to and from the Project sites and would add a maximum of four additional truck trips per day between both Project sites. Valley Water would implement standard BMP TR-1 (Incorporate Public Safety Measures) to avoid and minimize any potential transportation impacts when working in roadways. ~~Fences~~This standard BMP requires the installation of fences, barriers, lights, flagging, guards, and signs ~~would be installed~~ to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof ~~(BMP TR-1)~~. Large deliveries (e.g., excavators, concrete trucks, rock riprap) could require oversized load permits from the City of San Jose. Oversized loads are not expected to result in lane closures or traffic delays on local jurisdiction roads nor the State Transportation Network (STN) under Caltrans jurisdiction. If lane closures or delays were to occur on STN roads, Valley Water would coordinate with Caltrans to develop and submit a Transportation Management Plan. The increase in vehicle trips as result of the Project would not be large enough to conflict with an applicable plan, ordinance, or policy or impact the performance of the local circulation system. Therefore, no impact would occur.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less than Significant Impact. Vehicle miles traveled (VMTs) would not substantially increase as a result of the Project. Approximately four truck trips per day are anticipated during the 4-month period. The Project would generate approximately 3,440 VMTs throughout the 4-month construction period. While there would be a temporary increase in the number of trucks accessing and traveling to the two Project sites, the increase would not represent a substantial impact to the area's vehicle traffic. Projects that generate or attract fewer than 110 trips per day generally may be assumed to result in a less-than-significant transportation impact (OPR 2018). Based on this analysis, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Therefore, impacts would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. There would be no sharp curves, dangerous intersections, or farm equipment used during transport of materials or equipment to the Project sites, nor would there be any design features or uses that would significantly increase hazards. The Project would involve bank stabilization activities within two Project sites, both of which are located on Valley Water fee title or easement property and not on any local roadways. Therefore, no impact would occur.

d) Result in inadequate emergency access?

No Impact. For the Project, workers would use local streets and access roads to access the Project sites, and a maximum of eight workers would be staffed at each Project site. During the 4-month construction period, up to 300 truck trips would be required for the Malone Road Project site and up to 150 trips would be required at the Blossom Hill Road Project site. Given the small number of construction-related trips and the short duration of the Project, obstruction or impediment of emergency access to the surrounding area is not expected during Project construction. Additionally, construction and staging equipment would be located adjacent to the Project sites on Valley Water fee title or easement property, eliminating the need to use the local roadways for regular access. ~~Fences, barriers, lights, flagging, guards, and signs would be installed to provide adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof (BMP TR-1).~~ Therefore, the Project would not prevent emergency response vehicle access that would result in inadequate emergency access, and no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.18 Tribal Cultural Resources

Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	X

Environmental Setting

The Project sites are located in two locations in the City of San José. The Malone Road Project site and the Blossom Hill Road Project site are both located along the Guadalupe River, near urbanized areas of San José. Both Project sites would be located within previously disturbed areas.

Discussion

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- **i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
- **ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. The proposed Project would involve ground disturbance in previously disturbed areas. As these areas have been previously disturbed, the likelihood of unearthing new cultural resources would be unlikely. However, the proposed Project would implement BMPs to ensure the protection of potentially present culturally significant resources.**

Less than Significant Impact. The Project would consist of erosion repair activities at the Malone Road and Blossom Hill Road Project sites, including the installation of an active dewatering system, debris removal and tree removal, replacing the failed gabion basket structure through rock slope protection, with two grade control features along the channel bed, and excavation work. Project activities would involve excavation in ground previously disturbed for the flood protection work involved in the creation of the existing facilities. While it is unlikely that unknown tribal cultural resources would be discovered on either Project site, the Project would implement BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) as well as AMM CR-1 (Pre-construction Worker Awareness Training).

BMP CU-1 provides guidance for the accidental discovery of historical or unique artifacts during construction. Should artifacts be found, work would halt at the site, and a "no work" zone (100-foot buffer) would be established until a qualified archaeologist assesses the significance of the artifact. If a find is deemed significant, the archaeologist would implement measures to protect the artifact. If avoidance is not possible, the archaeologist would develop an Action Plan, including a Data Recovery Plan, if necessary, to minimize impacts. AMM CR-1 requires construction personnel to undergo cultural sensitivity training that includes guidance on encountering tribal cultural resources during construction. The training would also inform construction personnel on the types of tribal cultural resources that may be present at the Project sites as well as the proper procedures in the case of accidental discovery of tribal cultural resources. With implementation of BMP CU-1 and AMM CR-1, impacts on tribal cultural resources would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.19 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Baseline Site Conditions

Neither Project site contains active utility infrastructure or service connections. Existing underground and overhead utilities in the surrounding area serve adjacent residential and commercial development but do not extend into the channel or maintenance corridors. Routine coordination with utility providers occurs as part of Valley Water's maintenance activities, and no existing service demands originate from the Project sites.

Environmental Setting

The two Project sites are located in separate areas within the City of San José and would involve bank stabilization work at the Malone Road Project site and Blossom Hill Road Project site. Pacific Gas and Electric (PG&E) provides electrical power services within the City of San José. PG&E also operates natural gas systems, electric systems, a hydroelectric network, and an end-to end hydrogen gas transmission facility (PG&E n.d.-c; n.d.-b); however, most of these systems are not in close proximity to the Project sites. At the Malone Road Project site, PG&E operates assets that comprise of guy wires and anchors embedded into the west slope of the bank. Valley Water is actively working with PG&E to have these guy wires and anchors removed or relocated from the ~~project site by early 2025~~Project site ahead and separate from the Project.

There is a PG&E operated natural gas pipeline that traverses under Blossom Hill Road near the Blossom Hill Road Project site (PG&E n.d.-a). Both the Malone Road Project site and Blossom Hill Road Project site are located within the PG&E service territory; however, neither Project site has existing utility infrastructure within the Project areas.

Discussion

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. The Project would consist of erosion repair activities at the Malone Road Project site and the Blossom Hill Road Project site, including the installation of an active dewatering system, debris removal and tree removal, and replacing the failed gabion basket structure through rock slope protection, with two grade control features along the channel bed. Once completed, the stabilized bank in these areas would continue to operate as previously designed to prevent future erosion and flooding. The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities such that significant environmental effects could result. Therefore, no impact would occur.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. It is anticipated that Project activities would require one water truck per week (approximately 2,000 gallons of water per truck load) for each Project site to support dust control. This would total approximately 22,900 gallons of water per site over the course of

the 4-month period. Water required for construction activities would be obtained by connecting to existing permitted hydrants near the Project sites. The Project sites are within the San Jose Water Company (SJWC) service area and would require coordination with the SJWC for temporary construction water use. SJWC's Montevina Filter Plant is capable of producing approximately 30 million gallons of water per day. Accordingly, the SJWC would have sufficient water supplies to adequately serve the water needs for the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, impacts would be less than significant.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. The Project may require temporary sanitary facilities for construction staff during the 4-month period. The amount of water that would be generated by any temporary sanitary facilities would be minimal and would not result in an increased demand for wastewater treatment services. ~~The~~In accordance with standard BMP WQ-17 (Manage Sanitary and Septic Waste), temporary sanitary facilities would be provided through a third party responsible for regular cleaning and emptying of the facilities. The provider would be contracted with an appropriate discharge facility. The Project would not require determination of capacity by any wastewater treatment provider. Therefore, impacts would be less than significant.

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. Solid waste generated from Project activities such as excavation spoils, vegetation removal, and general refuse would be disposed of at a local landfill. To the extent feasible, recycling of materials and mulching of removed vegetation would be implemented. An estimated 400 CY of excavated material, vegetation, and other construction refuse is estimated to be hauled off site over the life of the Project. This would average out to approximately 4.17 CY per day over the 86-day construction period. The nearest landfill to both Project sites is the Guadalupe Sanitary Landfill. This landfill is approximately 5.9 miles southwest of the Malone Road Project site and 3.1 miles southwest of the Blossom Hill Road Project site.

The Guadalupe Sanitary Landfill has a maximum daily throughput of 3,650 tons per day and has a remaining capacity of approximately 7,518,220 tons through 2043 (CalRecycle, n.d.). Considering the minimal amount of solid waste anticipated to be generated by construction of the Project in comparison to the landfill's capacity, Project construction waste disposal needs would not exceed the remaining capacity of the landfill. The Project would not generate solid waste post construction. Therefore, the Project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals, and impacts would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. The Project's overall potential to increase waste generation would be limited to the 4-month duration. Project-related wastes, including concrete, dirt, and trees and vegetation generated by the Project would be handled and disposed of in accordance with all applicable federal, state, and local regulations and policies. Much of this material is recyclable by the receiving landfill and would be processed for reuse to the extent feasible, which would further divert waste materials away from otherwise permanent disposal. Therefore, the Project would comply with applicable federal, state, and local statutes and regulations regarding solid waste, including local recycling programs, and impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.20 Wildfire

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Environmental Setting

The City of San José is served by the San Jose´ Fire Department and the California Department of Forestry and Fire Protection (CAL FIRE). Both Project sites are located within the City of San José and in a heavily urbanized area. Neither Project site is located within the wildland–urban interface (WUI) zone as designated by Santa Clara County (County of Santa Clara Department of Planning and Development, n.d.). Additionally, neither the Malone Road Project site nor the Blossom Hill Road Project site are located within an area designated as a State Responsibility

Area (SRA) or Local Responsibility Area (LRA) Fire Hazard Severity Zone (FHSZ) (CAL FIRE, n.d.). While fire risk is identified as low for the Project sites, it is never zero. Valley Water recognizes that in dry years, vegetation surrounding the Project site may be susceptible to ignition.

Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project sites are not within a designated WUI or an SRA or LRA FHSZ. As discussed in Section 3.4.17, Transportation, transportation of materials, personnel, and equipment would result in only four truck trips per day. Therefore, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and no impacts would occur.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than Significant Impact. Neither Project site is within a designated WUI or an SRA or LRA FHSZ. The Project would implement standard BMP HM-12~~,~~ (Incorporate Fire Prevention Measure), which incorporates fire prevention measures such as outfitting equipment with spark arrestors. The Project would involve embankment stabilization activities lasting 4 months. The related Project activities would not exacerbate wildfire risks so as to expose Project occupants or residents to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, impacts would be less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than Significant Impact. The Project sites are not within a designated WUI or a FHSZ. Project activities would require river bank stabilization work at two locations. The Project would not require installation of associated infrastructure such as roads, emergency water sources, power lines, or other utilities that may exacerbate fire risk or create temporary or ongoing impacts to the environment. Therefore, impacts would be less than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than Significant Impact. The Project sites are not within a WUI or any designated SRA or LRA FHSZ. As discussed in Section 3.4.19, Utilities and Service Systems, the Project would not alter the existing drainage or significantly impact drainage systems at either Project site. The Project would stabilize the river banks near Malone Road and Blossom Hill Road and would not significantly increase water flow through the river system. Consequently, these areas would become less susceptible to landslides and flooding. The Project would not expose people or structures to significant risks from runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.21 Mandatory Findings of Significance

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant with Mitigation. While the Project would result in potentially significant impacts related to air quality, biological resources, noise, and geology and soils, Valley Water's implementation of applicable standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures as proposed in this MND would avoid or minimize these potentially significant impacts such that the Project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California

history or prehistory. Therefore, with implementation of standard BMPs, VHP Conditions, SMP BMPs, AMMs and mitigation measures, Project impacts would be less than significant.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than Significant Impact. Section 15064(h)(1) of CEQA Guidelines states that a lead agency shall consider whether the cumulative impact is significant and the incremental effects of the Project are cumulatively considerable. A lead agency may determine that a Project's incremental contribution would be less than cumulatively considerable when one or more of the following occur: 1) The contribution would be rendered less than cumulatively considerable through implementation of mitigation measures; 2) The Project would comply with the requirements of a previously approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the Project's cumulative effects; and/or 3) The Project's incremental effects would be so small that the environmental conditions would be essentially the same regardless of whether the Project is implemented.

Cumulative Projects identified that are ongoing at present or anticipated in the reasonably foreseeable future include annual and on-going in-stream structure maintenance activities. Given the minor nature and infrequency of the maintenance activities as well as the short duration of the Project activities, when considered together, impacts from the Project and ongoing maintenance activities would not be significant. In addition, implementation of standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures as described in the above analyses would ensure that the Project's incremental impacts on the environment would not be cumulatively considerable. Therefore, impacts would be less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. The above analyses demonstrate that the Project would not result in significant impacts with the incorporation of ~~BMPs and~~standard BMPs, VHP Conditions, SMP BMPs, project-specific AMMs, ~~as outlined in Valley Water's SMP,~~ and mitigation measures. While the analyses find that the Project could result in some adverse impacts related to air quality and geology and soils, implementation of standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures would either avoid such impacts or reduce them to a less than significant level. The Project would not result in changes to existing land use, and all potential effects that could impact human beings would be temporary. The long-term effects of the Project would be beneficial as the Project would increase the seismic resistance of bank stabilization along the Guadalupe River and prevent ongoing erosion and subsequent damage to the embankment and, potentially, to neighboring properties. With implementation of standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures, the Project would not cause substantial adverse effects on human beings either directly or indirectly. The impact would be less than significant.

4 List of Contributors

4.1 List of Contributors

Table 4.1-1 Valley Water Contributors

Contributor	Role
Ryan Heacock	Senior Water Resources Specialist
Brian Mendenhall	Senior Water Resources Specialist
Chris Van Amburg	Associate Biologist
Lawrence Truong	Associate Environmental Planner

Table 4.1-2 Third Party Consultant Preparers

Contributor	Affiliation	Role
Angie Alexander	Panorama Environmental	Director
Keri Hill	Panorama Environmental	Project Manager
Dennis Kearney	Panorama Environmental	Senior Reviewer
Kate Thompson	Panorama Environmental	Planner: Aesthetics, Agricultura and Forestry, Biological Resources, Cultural Resources, Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use
Cassidy Cunningham	Panorama Environmental	Planner: Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Tribal and Cultural Resources, Utilities, Wildfire
Anna Buising	Panorama Environmental	Planner: Geology and Soils
Mike Ratte	The RCH Group	Subcontractor: Air Quality, GHG, Noise
Luis Rosas	The RCH Group	Subcontractor: Air Quality, GHG, Noise

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APPENDIX A

Air Quality Technical Report

Available for download on the Valley Water Project Website

APPENDIX B

Noise Technical Report

Available for download on the Valley Water Project Website

Appendix C

Comment Response Matrix

Comment ID	Date	Last Name, First Name	Affiliation	Comment Topic	Comment (Verbatim – misspellings in quotes were not corrected unless it was not clear to the reader what word was intended)	Response
01-C01	7/29/2025	Caltrans	District 4	Water Quality	Since it is important to maintain a dry construction work area, it is recommended to propose to have summer flow calculated (based on 25-year historical data) for both project locations, specifically the Guadalupe River location. This will allow the correct sizing of sump pump or consideration of alternative construction method for the Temporary Creek Diversion System (TCDS).	The revised Final IS/MND has been revised to address summer flow considerations and cofferdam design. Section 2.4.3 (Active Dewatering System) specifies that pump sizing for the Temporary Creek Diversion System will be based on representative summer flows based on representative summer flows derived from historical hydrologic data, consistent with Caltrans' recommendation. Section 3.4.10 (Hydrology and Water Quality) also references summer flows in the impact analysis. Regarding Figure 2.2-3, the graphic has been reviewed and confirmed not to depict sheet piling. Section 2.4.3 has been revised to state explicitly that sheet piling is not proposed, ensuring consistency across figures and text.
01-C02	7/29/2025	Caltrans	District 4	Transportation	Construction-Related Impacts Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (link). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).	As discussed in Section 3.4.17 (Transportation), construction would use existing roadways with a maximum of about four truck trips per day. Some large deliveries may require oversized load permits from Caltrans. Text has been added to Section 3.4.17 clarifying that a Transportation Management Plan (TMP) would only be required if oversized or excessive load vehicles cause lane closures or traffic delays on the State Transportation Network.
02-C01	8/8/2025	Battaglia, Mic	CDFW	Biological Resources	Impacts to streambed/ bank/ channel are not quantified or mitigated	Quantification of impacts to the streambed, bank, and channel in linear feet and square footage/acreage has be incorporated as a new 2.4-1. Mitigation for these permanent impacts is described in Section 3.4.4 (Biological Resources). Valley Water will implement Standard BMPs, Stream Maintenance Program BMPs, and project-specific Avoidance and Minimization Measures to minimize disturbance during construction. In addition, Mitigation Measure BIO-1 (Riparian Tree and Habitat Compensation and Restoration) commits Valley Water to compensatory habitat restoration and/or in-lieu fee payment, as finalized through coordination with CDFW and the Regional Water Quality Control Board during the permitting process.
02-C02	8/8/2025	Battaglia, Mic	CDFW	Biological Resources	15 trees up to 34" DBH are being removed but no mitigation proposed for tree removals	Tree removal is disclosed in Section 2.4.4 (Vegetation and Debris Removal), which identifies up to 15 trees (black walnut, Oregon ash, almond, Fremont cottonwood, weeping willow, California buckeye, and black locust) ranging from 4 to 32 inches DBH to be removed for access ramp construction and bank repair at the Malone Road site. Mitigation for these impacts is included in Section 3.4.4 (Biological Resources). Specifically, Mitigation Measure BIO-1 (Riparian Tree and Habitat Compensation and Restoration) requires Valley Water to either (1) coordinate with the Santa Clara Valley Habitat Agency to provide in-lieu fee compensation under the Santa Clara Valley Habitat Plan, or (2) implement tree replacement and/or habitat restoration at ratios of at least 2:1, or as otherwise approved by CDFW and/or the Regional Water Quality Control Board through permitting with higher ratios required for sensitive native species (e.g., oaks, walnuts), as directed by CDFW and/or the Regional Water Quality Control Board.

Comment ID	Date	Last Name, F	Affiliation	Comment Topic	Comment (Verbatim – misspellings in quotes were not corrected unless it was not clear to the reader what word was intended)	Response
02-C03	8/8/2025	Battaglia, Mic	CDFW	Biological Resources	Burrowing owl incorrectly designated as a species of concern (SSC) when it is a state candidate for listing as endangered under CESA (SCE). No surveys or BMPs proposed. Surveys and a nodisturbance buffer will be necessary if owls are found present at either site. If take cannot be fully avoided, the project will need an ITP.	The revised Final IS/MND has been updated to clarify the regulatory status of the burrowing owl. As noted, the species is both a California Species of Special Concern (SSC) and a state candidate for listing as endangered under CESA (SCE). The biological resources section (Section 3.4.4) now correctly identifies burrowing owl as an SCE species and discusses applicable avoidance and minimization requirements consistent with the Santa Clara Valley Habitat Plan and other regulatory frameworks. To address potential presence at the project sites, the document incorporates Santa Clara Valley Habitat Plan Condition 15 (Burrowing Owl), which requires pre-construction surveys, avoidance where feasible, establishment of no-disturbance buffers around occupied burrows, and passive relocation if necessary. In addition, Valley Water's Stream Maintenance Program BMP GEN-7 (Protection of Burrowing Owls) will be implemented, which requires a 250-foot no-work buffer around occupied burrows with monitoring and adaptive management to prevent disturbance. If burrowing owls are detected during required surveys and complete avoidance is not feasible, Valley Water will coordinate with the California Department of Fish and Wildlife (CDFW) regarding the need for an Incidental Take Permit (ITP) under CESA prior to construction.
02-C04	8/8/2025	Battaglia, Mic	CDFW	Biological Resources	Crotch's bumble bee and western bumble bee are mentioned but not discussed. They are both SCE and not covered by the Valley Habitat Plan. Surveys and AMMs would be required and if take cannot be fully avoided the project would need an ITP. There is an occurrence of Crotch's bumble bee in the CNDDB within the 1-mile radius of the Blossom Hill Road site.	The revised Final IS/MND has been updated to clarify the regulatory status of Crotch's bumble bee (Bombus crotchii) and western bumble bee (Bombus occidentalis). Both species are identified as state candidates for listing as endangered under CESA (SCE) and are not curently covered under the Santa Clara Valley Habitat Plan (VHP). Section 3.4.4 (Biological Resources) now includes a discussion of these species and acknowledges the CNDDB-recorded occurrence of Crotch's bumble bee within one mile of the Blossom Hill Road project site. Given the historic nature of the closest known western bumble bee record and absence of recent occurrences in the region, and considering the proximity of the recent Crotch's bumble bee observation, and the limited habitat suitability at the Project sites, the potential for western bumble bee occurrence is considered low, and the potential for Crotch's bumble bee to occur is considered low. While potentially suitable foraging habitat is present, though limited, project-related disturbance is temporary, and no direct impacts to nesting colonies are anticipated given the highly urbanized and previously disturbed character of the project sites. The revised Final IS/MND incorporates implementation of AMM BIO-2 (Crotch's Bumble Bee Avoidance Plan), which includes measures to evaluate the potential of Crotch's bumble bee and their nests prior to construction, avoid active nests and individuals, and minimize impacts to the species' floral resources. In the event that Crotch's bumble bee becomes a covered species under the VHP, Valley Water would comply with applicable VHP requirements. In addition, the revised Final IS/MND incorporates Valley Water's environmental protection measures (SMP BMPs and project-specific AMMs) that reduce potential impacts on pollinators and other invertebrates by limiting disturbance, controlling erosion, restoring disturbed areas with native vegetation, and avoiding use of harmful herbicides or pesticides. These measures substantially reduce the likelihood of affecting nesting or foraging bumblebees. If Crotch's bumble bee or western bumble bee colonies are identified within the work area and avoidance is not feasible, Valley Water will coordinate with CDFW regarding the need for an Incidental Take Permit (ITP) under CESA.

Comment ID	Date	Last Name, F	Affiliation	Comment Topic	Comment (Verbatim – misspellings in quotes were not corrected unless it was not clear to the reader what word was intended)	Response
03-C01	7/25/2025	Morrison, Eliz	San Francisco Bay Regional Water Quality Control Board - Watershed Management Division	Water Resources/Quality	San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the Draft Mitigated Negative Declaration for Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road (Project) (SCH No. 2025061423), prepared by Valley Water for compliance with California Environmental Quality Act (CEQA) environmental review requirements. As summarized in our comments below, the draft mitigated negative declaration (MND) lacks details to characterize the Project's potential impacts to water quality or Guadalupe River's beneficial uses, and we are unable to determine whether appropriate compensatory mitigation is provided. Additional information is needed for Valley Water to complete the draft MND. Also, we recognize that the Water Board will need to consider issuance of a Clean Water Act water quality certification (Certification) for the proposed project. As such, there is an opportunity to provide information in the draft MND, and to frame proposed CEQA mitigation measures, in a way that supports a future Certification application. In its present form the draft MND lacks discussion of impacts and proposed mitigation measures at a level of detail sufficient to support the Water Board's consideration of a Certification.	The revised Final IS/MND has been revised to provide additional discussion of the Guadalupe River's beneficial uses and the Project's relationship to those uses. Section 3.4.10 (Hydrology and Water Quality) now explicitly references the beneficial uses designated for the Guadalupe River in the San Francisco Bay Basin Plan, including municipal and domestic supply (MUN), cold freshwater habitat (COLD), warm freshwater habitat (WARM), fish migration (MIGR), water contact recreation (REC-1), non-contact recreation (REC-2), and wildlife habitat (WILD). The analysis clarifies that while construction activities such as excavation and dewatering have the potential to cause localized increases in turbidity or sedimentation, these effects would be minimized through implementation of Valley Water's best management practices (BMPs), adherence to the Construction General Permit and SWPPP requirements. With these measures, the Project would not adversely affect the beneficial uses of the Guadalupe River, and impacts remain less than significant under CEQA. In addition, the revised Final IS/MND incorporates text to describe Valley Water will coordinate with the San Francisco Bay Regional Water Quality Control Board during the Clean Water Act Section 401 Certification process to ensure compliance with Basin Plan requirements (See Section 3.1 and 3.4.10(a)). Mitigation is outlined in the revised MM BIO-1 which includes coordination with the Water Board. Accordingly, the revised Final IS/MND now contains additional detail on beneficial uses and relies on BIO-1 (Riparian Tree and Habitat Compensation and Restoration) to address biological impacts under CEQA. These revisions provide the context the Water Board requested, while preserving the permitting agency's authority to impose additional measures as part of the Certification process.
03-C02	7/25/2025	Morrison, Eliz	San Francisco Bay Regional Water Quality Control Board - Watershed Management Division	Water Resources/Quality	1. The Draft MND lacks details about site conditions to fully characterize the Project's impacts to waters of the State CEQA Guidelines section 15125 states that the MND must include a description of the physical environmental conditions in the vicinity of the project, from both a local and regional perspective. The draft MND should define the baseline hydrologic, geomorphic, and biotic conditions at the two bank repair sites and how they relate to the Gudalupe River's (River's) designated beneficial uses (see Table 2.1 of the San Francisco Basin Water Quality Control Plan (Basin Plan) for beneficial uses). To address this, the draft MND should be revised to describe the existing conditions and benefits of these conditions to Guadalupe River's ecosystem functions and values.Page 2 of 3 For example, the draft MND indicates the two bank stabilization sites as generally in-kind replacement of existing hardscape. While we concur this is the case for the Blossom Hill Road site, we disagree that the bank repair at the Malone Road site would be in-kind replacement. Based on our observations during a site visit and numerous discussions with Valley Water and resource agency staff when Valley Water originally proposed repair of the Malone Road site under the Stream Maintenance Program (SMP) in 2023 (SMP project 23-SB-019), habitat complexity is present at this site, including an inset floodplain, vegetation on the bank, overhanging banks, and mature trees on the banks. Such variable habitat conditions provide a host of benefits such as niches for refugia for fish from high flow velocity and predators; shade; and foraging and nesting habitat. These conditions can support a variety of aquatic biota, insects, birds, and other wildlife, and contribute to the beneficial uses in Guadalupe River pursuant to the Basin Plan, including cold freshwater habitat (COLD), warm freshwater habitat (WARM), fish migration (MIGR), wildlife habitat (WILD), and noncontact water recreation (REC-2). The proposed Project would replace these conditions with a homogenous, concrete bank with no vegetation (except hydroseed on the upper bank), but the MND did not describe any such changes to the bank except noted that up to 14 mature trees would be removed. Thus, the draft MND should be revised to include details about the River's aquatic habitat conditions and the biota that are likely present, such as steelhead (Oncorhynchus mykiss), Chinook salmon (Oncorhynchus mykiss), and other species in the River's ecosystem including snowy egret (Egretta thula), great egret (Ardea alba), black-crowned night heron (Nycticorax nycticorax), and many other native species. (Note: the Latin names listed here are assumed because they were not listed in the draft MND. The draft MND should include Latin names.) Evaluations of whether the proposed bank stabilization methods would affect the River's hydrology and hydraulics should be included to provide context for the bank stabilization methods. Specifically, a shear stress analysis should be conducted to justify the choice of bank stabilization treatments, and this should be further evaluated for effects on the River's beneficial uses. The draft MND has no photographs of the two sites (except aerial imagery to show footprints of various Project elements). The draft MND should be revised to include photographs of the damaged banks and other site conditions.	The revised Final IS/MND has been updated to clarify the existing conditions at both project sites consistent with CEQA Guidelines section 15125. Section 2.4 (Project Activities) describes the baseline physical conditions of the bank, channel, and riparian vegetation at Malone Road and Blossom Hill Road. Section 3.4.4 (Biological Resources) identifies representative special-status species that may occur in the project reach, with Latin names provided. The revised Final IS/MND also explains that the Malone Road site currently supports riparian trees and vegetated banks that contribute localized habitat functions, while the Blossom Hill Road site is dominated by eroded gabion baskets and lacks similar habitat complexity. Section 3.4.10 (Hydrology and Water Quality) has been revised to reference the Basin Plan beneficial uses supported by the Guadalupe River and to provide context for the selected repair design. The engineering analysis determined that bioengineering alternatives would increase hydraulic roughness and potential flood risk; therefore, in-kind hardscape repair was selected to maintain flood conveyance and public safety. To further illustrate baseline conditions, photographs of both project sites have been added to Appendix C of the Final IS/MND. These clarifications provide additional description of local environmental setting and beneficial uses, but they do not alter the impact conclusions, which remain less than significant with mitigation.

Comment ID	Date	Last Name, F	Affiliation	Comment Topic	Comment (Verbatim – misspellings in quotes were not corrected unless it was not clear to the reader what word was intended)	Response
03-C03	7/25/2025	Morrison, Eliz	San Francisco Bay Regional Water Quality Control Board - Watershed Management Division	Water Resources/Quality	2. Compensatory mitigation proposed is inadequate The proposed compensatory mitigation approach for unavoidable impacts of the Project is payment of Valley Habitat Plan (VHP) Fees (Mitigation Measure BIO-4). This would require Valley Water to pay applicable VHP land cover fees as compensation to mitigate for Project impacts on covered species and their habitats, including serpentine bunchgrass grassland, open water aquatic, mixed riparian forest and woodland, and covered species Santa Clara Valley dudleya. This would be inadequate to meet the Water Board's requirements for no net loss in acreage, functions, and values of waters of the State so would not comply with the Wetland Conservation Policy, also known as the No Net Loss Policy pursuant to the Basin Plan (see Basin Plan, section 4.23). The VHP does not cover impacts to waters or fish, so payment of VHP fees would be inadequateto address the likely adverse effects of the proposed Project. Therefore, other approaches for compensatory mitigation for the Project's unavoidable impacts to waters of the State would be required for us to issue a Certification. Furthermore, the draft MND is silent on the potential impacts to riparian waters and the aquatic biota such as steelhead and Chinook salmon in Guadalupe River. As a result, we would be unable to issue a Certification for the Project. If Valley Water opts to compensate for the Project's adverse impacts via payment of VHP In-Lieu Fee Program fees, the Water Board may consider this approach, pending our evaluation of a Certification application. The application would need to first show impact avoidance and minimization methods and procedures before proposing compensatory mitigation.	The revised Final IS/MND identifies Mitigation Measure BIO-1 (Riparian Tree and Habitat Compensation and Restoration) as the CEQA mitigation for impacts to biological resources. Under BIO-1, Valley Water will either: (1) coordinate with the Santa Clara Valley Habitat Agency to provide in-lieu fee compensation under the Santa Clara Valley Habitat Plan (VHP), or (2) implement tree replacement and/or habitat restoration at specified ratios for affected riparian species, with higher replacement ratios required for sensitive native trees (e.g., oaks, walnuts), as determined through coordination with applicable resource agencies during the permitting process. These measures mitigate tree and riparian habitat impacts to less than significant levels under CEQA. The revised Final IS/MND has also been updated to clarify that aquatic species and riparian functions are integral components of the Guadalupe River ecosystem. Section 3.4.4 (Biological Resources) references representative aquatic and riparian species (including steelhead and Chinook salmon), and Section 3.4.10 (Hydrology and Water Quality) describes how project activities will be managed to minimize sedimentation, protect riparian habitat, and maintain the designated beneficial uses of the Guadalupe River. Valley Water recognizes that the San Francisco Bay Regional Water Quality Control Board may require additional compensatory mitigation beyond CEQA requirements to comply with the Basin Plan's "no net loss" policy as part of the Clean Water Act Section 401 Certification process. Accordingly, the revised Final IS/MND clarifies that Valley Water will coordinate with the Water Board during the Section 401 Certification process, and any additional compensatory mitigation required to meet Basin Plan requirements would be implemented as part of permitting rather than as CEQA mitigation.
03-C04	7/25/2025	Morrison, Eliz	San Francisco Bay Regional Water Quality Control Board - Watershed Management Division	Water Resources/Quality	3. Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL) The Project is within waters covered by the Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL) plan (Water Board, 2008) (Mercury TMDL). Disturbance of riverbed and bank surfaces can cause mercury-laden sediment to be mobilized in the water column and accelerate methylation of mercury, making the mercury more bioavailable and subject to bioaccumulation in the River's biota. For Project construction, we would require Valley Water to collect and analyze water and sediment samples for mercury and methyl mercury, consistent with the methods in the Valley Water's Stream Maintenance Program (SMP) (see SMP Manual, Attachment G-Water Quality Monitoring Plan) to help ensure the Project meets the Mercury TMDL requirements. The draft MND should be revised to address the Mercury TMDL.	Section 3.4.10 (Hydrology and Water Quality) of the revised Final IS/MND has been updated to address the Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL) (Water Board, 2008). Valley Water will implement water quality monitoring consistent with the methods described in the Stream Maintenance Program (SMP) Manual, Attachment G (Water Quality Monitoring Plan). Specifically, Valley Water staff will collect and analyze surface water and sediment samples upstream and downstream of the project sites for total mercury and methyl mercury during in-channel construction activities. Monitoring results will be evaluated against Basin Plan mercury water quality objectives. If exceedances are detected, Valley Water will implement adaptive management measures (e.g., modifying dewatering methods, turbidity controls, or work sequencing) to reduce mobilization of mercury-laden sediments. With these measures, the Project will avoid contributing to mercury impairment in the Guadalupe River and impacts relative to the Mercury TMDL remain less than significant under CEQA.

Appendix D

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

MMRP Requirements and Use

Santa Clara Valley Water District (Valley Water) prepared an IS/MND to identify and evaluate potential environmental impacts associated with the Guadalupe River Bank Stabilization Project (Project). Mitigation measures were defined in the IS/MND to reduce potentially significant impacts of project construction and operation.

Approval of the project will require implementation and monitoring of all the mitigation measures identified in the IS/MND in compliance with the California Environmental Quality Act (CEQA). The CEQA Guidelines Section 15097(a) requires that:

> "… in order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program."

CEQA Guidelines Section 15097(c) defines monitoring and reporting responsibilities of the lead agency.

> "(c) The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:
>
> (1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.
>
> (2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise

> of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.
>
> (3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the approving agency is informed of compliance with mitigation requirements."

This Mitigation Monitoring and Reporting Program (MMRP) is intended to facilitate implementation and monitoring of the mitigation measures to ensure that measures are executed. This process protects against the risk of non-compliance.

The purpose of the MMRP is to:

- Summarize the mitigation required the Guadalupe River Bank Stabilization Project
- Comply with requirements of CEQA and the CEQA Guidelines
- Clearly define parties responsible for implementing and monitoring the mitigation measures
- Provide a plan for how to organize the measures into a format that can be readily implemented and monitored

MMRP Components

The MMRP provides a summary of all mitigation measures that will be implemented for the Project. The mitigation measures are provided in Table 1. Each impact and mitigation measure is accompanied with identification of:

- Implementation and Timing – the party or parties that will undertake the mitigation measure and timing of implementation, including prior to construction, during construction, post construction, or a combination of construction phases
- Monitoring Responsibility – the monitoring and/or reporting actions to be undertaken to ensure the measure is implemented.

The responsible and involved parties will utilize the MMRP to identify actions that must take place to implement mitigation measures, the time of those actions and the parties responsible for implementing and monitoring the actions.

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
Impact AQ-B: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	**MM- AQ-1 Additional BAAD Dust Control Measures** The following additional BAAD Dust Control Measures shall be implemented (per BAAD CEQA Air Quality Guidelines, Table 5-2): • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.	**Implementation:** Valley Water and its contractor(s) **Timing:** prior to construction and during construction	Valley Water
Impact AQ-C: Expose sensitive receptors to substantial pollutant concentrations?	**MM- AQ-2 Construction Exhaust Emissions Reduction Measures** The applicant shall implement the following measures during construction to further reduce construction exhaust emissions: • All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall utilize diesel engines that are EPA certified "Tier 4 Final" emission standards for particulate matter and be equipped with California Air Resources Board (CARB)-certified Level 3	**Implementation:** Valley Water and its contractor **Timing:** During construction	Valley Water

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
	Diesel Particulate Filters. Prior to the issuance of any demolition/construction permits, the construction contractor shall submit specifications of the equipment to be used during construction and Valley Water shall confirm this requirement is met.[1] • Equipment such as air compressors, concrete/industrial saws, forklifts, light stands, manlifts, pumps, and welders shall be electric or alternative-fueled (i.e., non-diesel), where feasible. Pole power shall be utilized at the earliest feasible point in time and shall be used to the maximum extent feasible in lieu of generators. If stationary construction equipment, such as diesel-powered generators, must be operated continuously, such equipment must be Tier 4 Final construction equipment or better and located at least 100 feet from air quality sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses) whenever possible.		

[1] EPA and CARB have implemented regulations and a tiering system to reduce emissions from off-road equipment with increasing combustion efficiency (i.e., decreasing emissions) where Tier 1 is the least efficient (greatest emissions) and Tier 4 is the most efficient (least emissions). The regulations have been implemented over time such that Tier 1 was phased out in the 1990s and Tier 2 was required, followed by implementation of Tier 3 and Tier 4 by 2015 with a phase out of Tier 2.

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
	• At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export with a gross vehicle weight rating of at least 14,001 pounds) that meet CARB's 2010 engine emissions standards or newer, cleaner trucks.		
Impact BIO-B: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? **Impact BIO-E:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **Impact BIO-F:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural	**MM BIO-1: Riparian Tree and Habitat Compensation and Restoration** To mitigate for impacts related to riparian tree removal and habitat disturbance, Valley Water shall implement one of the following options: 1. Valley Water shall coordinate with the Valley Habitat Agency to compensate for riparian tree removal and habitat impacts through the VHP's in-lieu fee program. 2. In the event there is insufficient in-lieu fees under the Santa Clara VHP, Valley Water, in coordination with the CDFW and the RWQCB shall develop a detailed mitigation and monitoring plan with revegetation or replanting of trees on Valley Water fee title properties to offset riparian and sensitive vegetation impacts. This plan shall be prepared in	**Implementation:** Valley Water **Timing:** Prior to construction and post construction	Valley Water

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	consultation with the agencies through the LSAA and Section 401 Water Quality Certification processes and shall be implemented as part of those permit requirements. The final plan shall be subject to agency approval. The specific mitigation ratios, methods, and monitoring protocols will be established through negotiation with the permitting agencies to ensure compliance with permit conditions and achieve successful habitat restoration outcomes.		
Impact GEO-F: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO-1 Worker Awareness Training for Paleontological Resources** Prior to groundbreaking, Valley Water shall retain qualified staff to develop and present in-person worker awareness training for paleontological resources. As used here, *qualified staff* refers to an individual who satisfies one or both of the following criteria: • A qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP 2010), who is experienced in delivering training to non-specialists • A California-licensed professional geologist (PG) who has expertise in South San Francisco	**Implementation:** Valley Water will provide training prior to construction. Valley Water and/or its contractor(s) shall implement measure MM-GEO-2 in the event any paleontological resources are discovered	Valley Water. If paleontological resources are uncovered, a report shall be prepared by the qualified paleontologist or licensed professional geologist describing the find and its deposition.

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
	Bay Area stratigraphy and paleontology and is experienced in delivering training to nonspecialists Training shall be concise and substantive. It shall include information on the possibility of encountering fossils during construction; the types of fossils that may be seen and how to recognize them; and proper procedures in the event fossils are encountered. All field management and supervisory personnel and construction workers involved with ground-disturbing activities shall be required to take this training prior to beginning work on the project. Upon completion of the training, workers shall be required to sign a form stating that they attended the training and that they understand and will comply with the information presented. Training shall be presented bilingually in English and Spanish as well as other languages, as needed, when indicated as appropriate by the contractor. **MM GEO-2 Stop Work, Evaluation, and Treatment in the Event of a Paleontological Find** Should vertebrate remains or other potentially significant fossil resources, as defined by SVP, be discovered during Project activities, all work in the immediate vicinity of the discovery shall cease, the find shall be protected in place, and the contractor shall be required to notify their pre-designated Valley	**Timing:** Training would occur prior to construction. Work would stop during all earth disturbing phases of construction if paleontological resources are found to be present.	

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
	Water contact before the end of the work day. Valley Water shall detail qualified staff—i.e., staff meeting the criteria for a qualified professional paleontologist as defined by SVP (SVP 2010)—to evaluate the find and recommend appropriate follow-up treatment consistent with current prevailing discipline practice and current SVP guidelines (SVP 2010) . Work may continue in other parts of the Project sites while evaluation (and, if needed, treatment) takes place so long as, in the judgment of the qualified staff, the find can be adequately protected. Valley Water would be responsible for ensuring that the recommendations of the qualified staff regarding treatment and reporting are implemented.		
Impact NOI-a: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**MM- NOI-1 Generator Noise Attenuation** If generators are used during nighttime hours (7 p.m. to 7 a.m.) at the Malone Road Project site, Valley Water shall install four-sided noise barriers/sound blankets around the generators.	**Implementation:** Valley Water and its contractor(s) **Timing:** During construction	Valley Water

BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT
RESOLUTION NO. 2026-

ADOPTING THE FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GUADALUPE RIVERBANK STABILIZATION PROJECT: MALONE ROAD AND BLOSSOM HILL ROAD

WHEREAS, the Santa Clara Valley Water District (Valley Water), acting as the lead agency under the California Environmental Quality Act (CEQA), has prepared a Final Initial Study (IS) and Mitigated Negative Declaration (MND) for the Guadalupe Riverbank Stabilization Project: Malone Road and Blossom Hill Road (Project) to evaluate the potential environmental impacts of the adoption and implementation of the proposed Project, as required by CEQA and its implementing regulations, the CEQA Guidelines (Code of Regs., Title 14 §15000 *et seq.*); and

WHEREAS, the MND was published and circulated for public review and comment between June 30, 2025 and August 11, 2025; and The MND was filed with the State Clearinghouse, a division of the Governor's Office of Land Use and Climate Innovation, Number 2025061423, on June 30, 2025.

WHEREAS, Valley Water received public comments on the Draft IS/MND during the public review and comment period, has considered these comments, and provided written responses to these comments in the Final IS/MND;

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of Valley Water as follows:

A. ADOPT THE FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

1. The Board of Directors has reviewed and considered the information contained in the Final IS/MND and the record and other matters deemed material and relevant prior to making a decision on the Project.

2. The Final IS/MND has been completed in compliance with CEQA and the CEQA Guidelines.

3. Changes have been incorporated into the Project which avoid and/or substantially lessen the potentially significant environmental effects identified in the Final IS/MND.

4. The analysis and conclusions in the Final IS/MND are supported by substantial evidence in the record and reflect the independent judgement and analysis of Valley Water.

5. Consistent with Public Resources Code Section 21081.6(a)(2), the documents which constitute the record of proceedings for approving this Project are located with the Clerk of the Board at 5700 Almaden Expressway, San Jose, California.

B. ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM
A Mitigation Monitoring and Reporting Program (MMRP) for the Project, Appendix D of the Final IS/MND, is hereby adopted in accordance with CEQA Guidelines Section

15074 and pursuant to Public Resources Code Section 21081.6. Implementation of the MMRP, to avoid or substantially lessen significant environmental effects, is hereby required as a condition of approval of the Project.

BE IT FURTHER RESOLVED that the Chief Executive Officer is hereby authorized and directed to, on behalf of Valley Water's Board of Directors, to execute any such documents and to perform any such acts as may be deemed necessary or appropriate to accomplish the intention of this Resolution.

PASSED AND ADOPTED by the Board of Directors of Valley Water by the following vote on February 24, 2026:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: _____
TONY ESTREMERA
Chair, Board of Directors

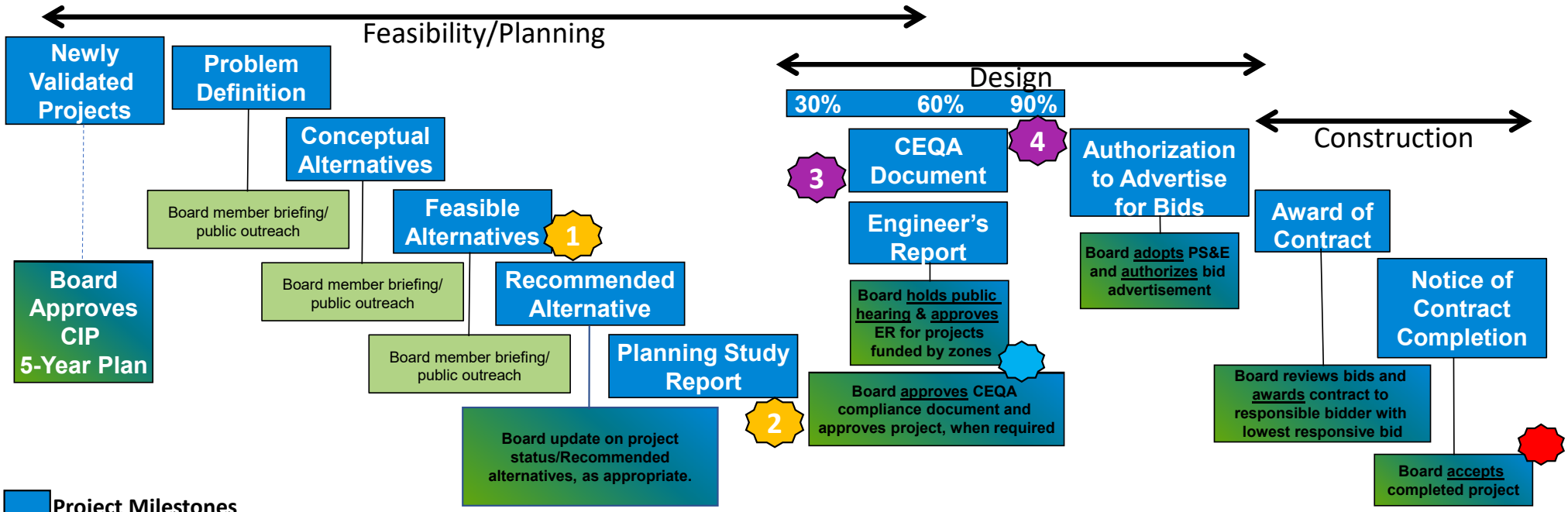
ATTEST:

_____
CANDICE KWOK-SMITH
Clerk, Board of Directors

CIP Processes Overview

BOARD ACTION & ENGAGEMENT: CAPITAL PROJECT DELIVERY PROCESS*

* This is an example of the Project Delivery Process that may be followed and may not apply to all capital projects.



Project Milestones

Board Member Engagement

Board Engagement/Action

Additional Board Engagement Points for Complex Projects

Additional Board Engagement Points for Operations & Maintenance Impacts

Board Action: Approval/Adoption of Environmental = Approval of Project

Staff: Reassess Risk for Remaining Contingency

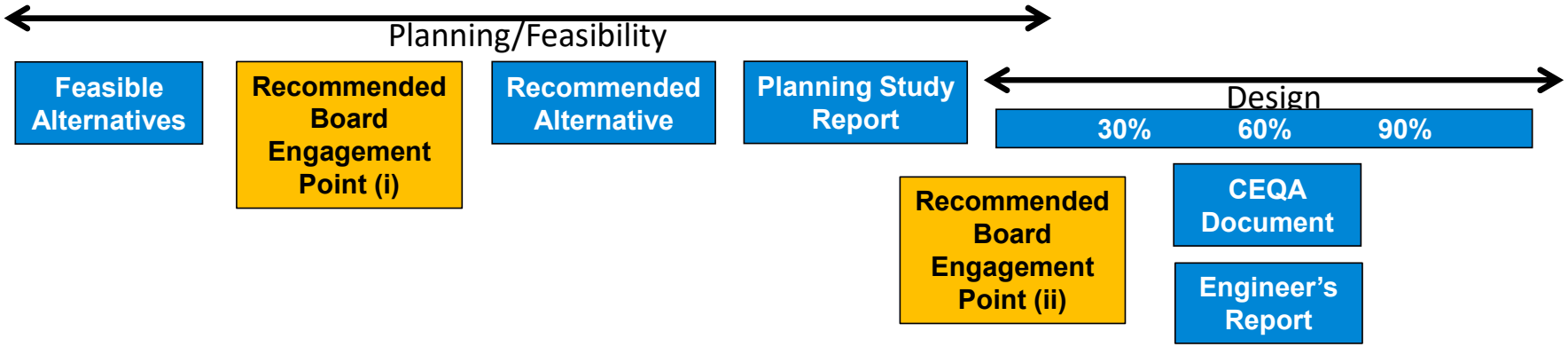
Valley Water

Capital Improvement Program (CIP)

Project Delivery Process*

Board Engagement/Actions

Additional Recommended Points for Board Engagement



For capital projects with unusually complex fiscal, jurisdictional, environmental, or community considerations:

i. During the Planning/Feasibility Phase, after identifying the Feasible Alternatives but before selecting the Recommended Alternative, present the Feasible Alternatives and staff's initially proposed Recommended Alternative to the Capital Improvement Program (CIP) Committee. If recommended by the CIP Committee, present them to the Board for feedback to inform the selection of the Recommended Alternative; and

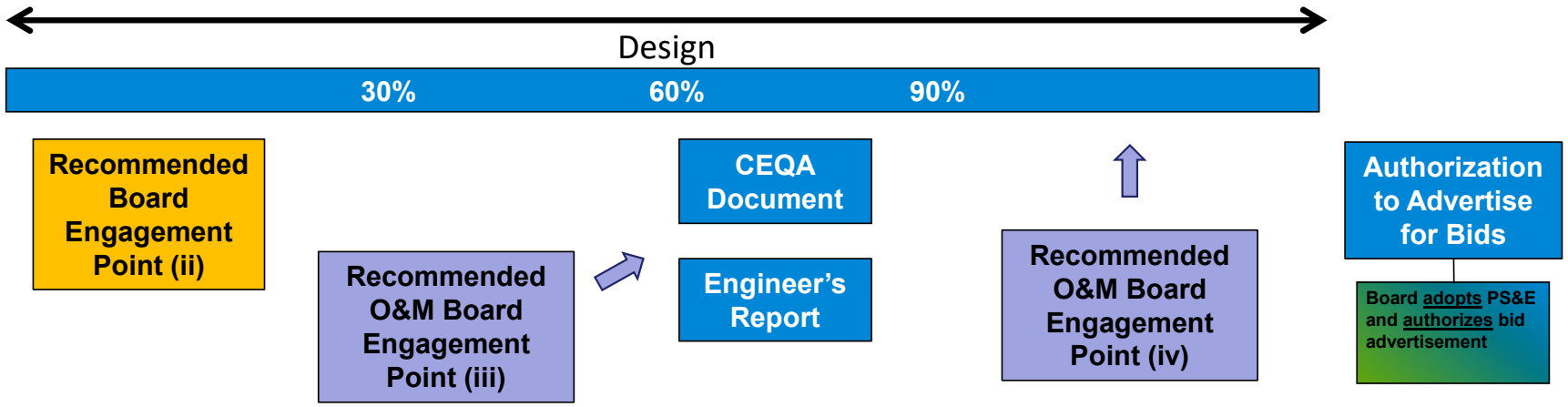
ii. For the projects for which the Board provided feedback regarding the Recommended Alternative, should changes to the project occur during the Planning and initial Design Phases that result in a significant deviation from the Recommended Alternative, staff will return to both the CIP Committee and the Board to provide information and receive feedback, as necessary, prior to the public review of the California Environmental Quality Act (CEQA) document.

Valley Water * For discussion purposes only. This is an example of the Project Delivery Process that may be followed and may not apply to all capital projects.

Capital Improvement Program (CIP)

Project Delivery Process*

Additional Recommended Points for O&M Engagement



For all capital projects:

iii. As part of the Board memo on either the Engineer's Report or CEQA document, include an O&M cost and impact assessment

iv. If significant changes occur after the Engineer's Report or CEQA document is approved by the Board, present an updated O&M cost and impact assessment to the Capital Improvement Program (CIP) Committee

Valley Water

* This is an example of the Project Delivery Process that may be followed and may not apply to all capital projects.

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Santa Clara Valley Water District

File No.: 25-1052

Agenda Date: 2/24/2026
Item No.: 4.2.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Adopt Recommended Positions on Federal Legislation: S. 3693 (Cortez Masto) - Large-Scale Water Recycling Program Reauthorization Act; H.R. 4593 (Fry) - Saving Homeowners from Overregulation With Exceptional Rinsing (SHOWER) Act; H.R. 6641 (Gray) - Central Valley Water Solution Act; H.R. 6984 (Menendez) - Data Center Transparency Act; H.R. 5566 (Carbajal) / S. 3590 (Blunt Rochester) - Water Infrastructure Resilience and Sustainability Act; And Other Legislation That May Require Consideration by the Board.

RECOMMENDATION:
A. Adopt a Position of "Support" on S. 3693 (Cortez Masto) - Large-Scale Water Recycling Program Reauthorization Act;
B. Adopt a Position of "Oppose" on H.R. 4593 (Fry) - Saving Homeowners from Overregulation With Exceptional Rinsing (SHOWER) Act;
C. Adopt a Position of "Support" on H.R. 6641 (Gray) - Central Valley Water Solution Act;
D. Adopt a Position of "Support" on H.R. 6984 (Menendez) - Data Center Transparency Act; and
E. Adopt a Position of "Support" on H.R. 5566 (Carbajal) / S. 3590 (Blunt Rochester) - Water Infrastructure Resilience and Sustainability Act.

SUMMARY:
A. S. 3693 (Cortez Masto) - Large Scale Water Recycling Reauthorization Act
Recommendation: Support
Priority Recommendation: 2
This bipartisan bill would reauthorize the Large-Scale Water Recycling and Reuse Program at the Bureau of Reclamation, which expires in November 2026. Originally authorized under the Bipartisan Infrastructure Law (Public Law 117-58), the Large-Scale Water Recycling and Reuse Program provides grants to water recycling and reuse projects that have a total cost of at least $500 million, with no cap on the award amount. This bill would extend the program through 2031 and reauthorize its funding ($450 million).

The Board voted to support the House version of this bill, which is identical, in December 2025.

Status:

The bill was introduced in the Senate on January 27, 2026, and it was referred to the Committee on Energy and Natural Resources.

Importance to Santa Clara Valley Water District (Valley Water):
Valley Water's Recycled and Purified Water Program is an ambitious, large-scale effort to produce a locally sourced, drought-resilient supply of water. As a changing climate produces even more extreme and unpredictable weather throughout the West, having a more stable, sustainable, and locally controlled water supply is essential. The Large-Scale Water Recycling Program is the single largest source of federal funding available for water recycling projects of the size Valley Water is pursuing; the other existing sources provide much smaller awards, such as the Title XVI Water Reclamation and Reuse Program that limits federal investment to $40M per project.

This bill would ensure that this important funding program remains past its expiration. Replenishing these funds is critical, as the program does not have an award cap and the projects that need this support are very costly. Having this program available past 2026 will be critical for supporting the Pure Water Silicon Valley project and others that Valley Water pursues in the future. These projects will be essential to reducing our reliance on imported water and local groundwater supplies.

Pros:
- Reauthorizes a critical source of funding for large water recycling projects, which the other available funding programs (e.g., Title XVI) are simply not designed to do. This would help ensure there is continued funding available (assuming the funds are appropriated) for Valley Water's Recycled and Purified Water Program in the future.

Cons:
- The bill only authorizes funding for the program. Congress would still need to appropriate funding during the annual appropriations process.

B. H.R. 4593 (Fry) - Saving Homeowners from Overregulation With Exceptional Rinsing (SHOWER) Act
Recommendation: Oppose
Priority Recommendation: 2
This bill would allow the sale of multi-nozzle showerheads, which are currently prohibited under federal showerhead efficiency standards. Those standards require that each nozzle meets a flow of 2.5 gallons per minute; multiple nozzles on one showerhead could double or triple that flow, wasting water and driving up utility bills. According to the Environmental Protection Agency (EPA), showering uses almost 20 percent of all water used in residential buildings. Limiting flow from showerheads is one of the easiest ways to conserve water inside the home.

In May 2025, the Department of Energy adopted a rule intended to allow for multi-nozzle showerheads. However, legislation is needed to change the efficiency standards, which is codified in statute.

Status:
The bill passed the House on January 13, 2026, and it has now been referred to the Senate

Committee on Energy and Natural Resources.

Importance to Valley Water:
Water conservation is a central tenet of Valley Water policy, as established by the Board and enumerated in several Ends Policies. This bill would relax the federal standards on showerheads that have helped save critical water resources. This change could impact Valley Water's ability to meet its long-term water conservation savings goals.

Pros:
- None identified at this time.

Cons:
- The bill could facilitate greater use of multi-nozzle showerheads, which would impact Valley Water's ability to meet its long-term water conservation savings goals and drive up customers' water bills.

C. H.R. 6641 (Gray) - Central Valley Water Solution Act
Recommendation: Support
Priority Recommendation: 2
This bill would authorize non-reimbursable funding for a list of specific water infrastructure projects across California, addressing supply issues like groundwater banking and storage, recharge, pipeline construction, in-lieu recharge, and subsidence correction. Among the projects listed are several of importance to Valley Water, including the Delta-Mendota Canal Subsidence Correction Project and the San Luis Canal/California Aqueduct Subsidence Correction Project. The projects listed in the bill were all included in a joint letter to the Biden administration in 2022 from the San Luis and Delta-Mendota Water Authority, San Joaquin River Exchange Contractors Water Authority, and the Friant Authority about how to spend the $4 billion in drought funding from the Inflation Reduction Act.

Status:
The bill was introduced in the House on December 11, 2025, and it was referred to the Committee on Natural Resources.

Importance to Valley Water:
The bill would authorize non-reimbursable funding for projects that would improve water supply reliability for Valley Water and other south-of-Delta contractors. Funding for the Delta-Mendota Canal and the San Luis Canal/California Aqueduct would help improve the carrying capacity for these two canals, which Valley Water relies upon for delivery of imported water. Correcting the subsidence on these canals will require a significant financial investment from the federal government, as well as the State and water users, and this bill would authorize that funding.

Pros:
- The bill would authorize investment in several infrastructure projects of interest to Valley Water, including subsidence correction for the Delta-Mendota Canal and the San Luis Canal/California Aqueduct.

Cons:

- The bill only authorizes funds for these important projects. Congress would still need to appropriate the funds during each annual appropriations process.

D. H.R. 6984 (Menendez) - Data Center Transparency Act
Recommendation: Support
Priority Recommendation: 3
This bill requires the EPA and the Energy Information Administration (EIA) to collect and share information on the effects of data centers on air quality, water quality, and electricity consumption. In particular, it would require the agencies to track water consumption, water reuse, and electricity usage to increase transparency regarding how AI-focused data centers affect local water systems, air quality, and power grid strain.

The EPA would be required to report to Congress every three months on the following:

- The total amount of water consumed by data centers in the U.S.
- How data centers reuse water and the quantity of reused water.
- The impact of data centers on local water systems, focusing on:
    - Availability of drinking water.
    - Increased demand on local water utilities.
    - Service disruptions for other customers of local utilities.
    - Changes in residential water service rates.
    - The types and amounts of pollutants discharged into water by data centers.

The EIA would be required to report to Congress every six months on the following:

- The total amount of energy consumption by data centers.
- Changes in energy consumption during the preceding six-month period.
- The number of data centers that began operating during that six-month period.
- How household energy bills have changed during that period.
- The average household energy cost.

Both the EPA and EIA would also need to make their findings publicly available, ensuring transparency and accessibility of the data collected.

Status:
The bill was introduced in the House on January 8, 2026, and it was referred to the Committee on Energy and Commerce.

Importance to Valley Water:

The rapid expansion of data centers throughout California and across the nation raises serious concerns over the centers' water and energy usage. Availability of data on this usage, however, remains elusive. Estimates of water consumption vary widely, and developers often decline to disclose usage, citing proprietary concerns. With the growing number of data centers in Silicon Valley and throughout our region, it is imperative that these centers document their usage to ensure Valley Water is able to plan for long-term water supply reliability and infrastructure capacity.

Pros:

- This bill would help ensure that data centers remain transparent in their impacts on water usage, water reuse, air and water quality, and energy consumption. The public and local elected officials could use this data to inform local decision-making on these issues.

Cons:

- None identified at this time.

E. H.R. 5566 (Carbajal) / S. 3590 (Blunt Rochester) - Water Infrastructure Resilience and Sustainability Act
Recommendation: Support
Priority Recommendation: 2
This bipartisan bill would reauthorize three EPA grant programs for water infrastructure upgrades: the Clean Water Infrastructure Resiliency and Sustainability Program, the Drinking Water System Infrastructure Resilience and Sustainability Program, and the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program. These programs have helped communities upgrade their drinking water, wastewater, and stormwater systems to safeguard against the impacts of more severe weather amid a changing climate.

Status:
H.R. 5566 was introduced in the House on September 26, 2025, and it was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure. S.3590 was read twice and referred to the Committee on Environment and Public Works.

The bill is supported by several water coalitions, including the Association of California Water Agencies.

Importance to Valley Water:
Reauthorizing these EPA grant programs would ensure continued federal investment in our nation's aging infrastructure, and Valley Water could take advantage of these programs for qualifying projects. EPA estimates that over $1.2 trillion will be needed to upgrade our country's aging water infrastructure and help it withstand climate disasters and cyber threats. These dangers could potentially disrupt water services, compromise critical data, and risk public safety. With shrinking local and state funding available for these costly upgrades, continued federal investment is important.

Pros:

- Reauthorizes funding programs to modernize aging water systems across the nation.
- Addresses the growing need for infrastructure investment to prevent service interruptions, such as those caused by an estimated 240,000 water main breaks occurring annually in the U.S.
- Valley Water could take advantage of these funds for qualifying infrastructure upgrades in the future.

Cons:

- The bill only authorizes funds for these grant programs. Congress would still need to appropriate the funds during the annual appropriations process.

ENVIRONMENTAL JUSTICE IMPACT:
There are no direct Environmental Justice impacts associated with this item, as the Board's position does not enact the legislation discussed above.

FINANCIAL IMPACT:
There is no financial impact associated with this item.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Marta Lugo, 408-630-2237

Santa Clara Valley Water District

File No.: 26-0189

Agenda Date: 2/24/2026
Item No.: 4.3.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Authorize the Chief Executive Officer to Execute the Exclusive Negotiations Agreement Among Santa Clara Valley Water District, the City of San Jose, and the City of Santa Clara, for Real Property to Develop the Proposed Pure Water Silicon Valley Project.

RECOMMENDATION:
Authorize the Chief Executive Officer to execute the Exclusive Negotiations Agreement among Santa Clara Valley Water District, the City of San Jose, and the City of Santa Clara, for Real Property to develop the proposed Pure Water Silicon Valley Project.

SUMMARY:
The City of San Jose, City of Santa Clara (Cities) and Santa Clara Valley Water District (Valley Water) are partnering on the Pure Water Silicon Valley (PWSV) project to develop a direct potable reuse (DPR) project adjacent to the Silicon Valley Advanced Water Purification Center (SVAWPC) with a goal of producing 24,000 Acre-feet per Year (AFY) of purified water to ensure a sustainable future water supply for our communities.

At the August 19, 2025, joint San Jose City Council and Valley Water Board of Directors (Board) meeting, staff presented progress on the PWSV, including the plan to develop an Exclusive Negotiation Agreement (ENA) for the proposed site of the PWSV. Valley Water is seeking the Cities' assurance that the land proposed for the PWSV will be available for a minimum of 3 years before making significant upfront planning and study investments. The ENA will reserve the land while the parties negotiate the agreements required for the PWSV. Staff completed the ENA (Attachment 1) for approval by the City councils and Valley Water Board and execution by the Chief Executive Officer (CEO).

The Recycled Water Committee (RWC) has received monthly updates on the PWSV, including development of the ENA. The City of San José plans to update its Treatment Plant Advisory Committee (TPAC), which includes elected officials from Santa Clara and tributary agencies. The Joint Recycled Water Policy Advisory Committee (JRWPAC) meeting is scheduled for April and will receive an update, however given that the agreement was completed by staff, the Cities and Valley Water are proceeding with execution of the agreement.

ENVIRONMENTAL JUSTICE IMPACT:
There are no environmental justice impacts associated with this item. This action is unlikely to or will not result in adverse impacts.

FINANCIAL IMPACT:
There is no financial impact.

CEQA:
Section 15378 of the CEQA Guidelines defines a “project” as the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The negotiation and execution of the Agreement are administrative in nature and do not constitute a project under CEQA because they do not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment. Any other proposed actions under this agreement will be subject to further CEQA review if required before implementation.

ATTACHMENTS:
Attachment 1: Agreement

UNCLASSIFIED MANAGER:
Kirsten Struve, 408-630-3138

EXCLUSIVE NEGOTIATIONS AGREEMENT

APN 01531063

This Exclusive Negotiations Agreement ("Agreement") is effective the date fully executed (“Effective Date”) by and between the CITY OF SAN JOSE, a municipal corporation of the State of California ("City"), the CITY OF SANTA CLARA, a municipal corporation of the State of California (“Santa Clara”), and SANTA CLARA VALLEY WATER DISTRICT, a California special district (“Valley Water”). City, Santa Clara, and Valley Water are sometimes referred to herein as a "Party" or collectively as the "Parties."

RECITALS

A. WHEREAS, City is the owner of certain real property located at the east side of Zanker Road, north of State Route 237 (APN 01531063) in the City of San José, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (“Property”);

B. WHEREAS, City and Santa Clara are the owners of the San Jose/Santa Clara Water Pollution Control Plant (collectively “Owners”);

C. WHEREAS, City is the administering agency for the management of the San Jose/Santa Clara Water Pollution Control Plant lands, including for the Property;

D. WHEREAS, Valley Water proposes to construct and operate a full-scale direct potable reuse (“DPR”) facility project known as “Pure Water Silicon Valley” (“Project”) on a portion of the Property as shown on Exhibit A; and

E. WHEREAS, Owners desire to offer Valley Water the opportunity to exclusively negotiate with the Owners to construct and operate the Project on the Property.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, the Parties hereby agree as follows:

1. Good Faith Negotiations. Subject to the terms and conditions of this Agreement, Owners and Valley Water shall work diligently and in good faith to negotiate and jointly prepare the agreements required to construct and operate the proposed Project on the Property (collectively, the “Project Agreements”), including, but not limited to, (a) an option agreement for ground lease and property use agreement, (b) a ground lease and property use agreement, and (c) one or more agreements that address source water, reverse osmosis concentrate, and operations and maintenance of the Project. During the Term of this Agreement, Owners agree not to solicit offers or proposals or negotiate with any other person or entity regarding the development of the Property. It is expressly understood and agreed by the Parties that this Agreement does not convey any

interest in the Property or constitute any approval whatsoever of any project, including the proposed Project. By its execution of this Agreement, the Owners are not committing to or agreeing to undertake (a) any disposition of land to Valley Water; or (b) any other acts requiring the subsequent independent exercise of discretion by the City, or its departments. It is further agreed and understood that this Agreement does not imply any obligation on the part of Owners nor Valley Water to enter into the Project Agreements or any agreement that may result from the negotiations contemplated herein.

2. Term of Agreement.

A. The term of this Agreement shall be for a period of three (3) years commencing on the Effective Date of this Agreement and terminating thirty-six (36) months after the Effective Date ("Initial Term") unless earlier terminated or extended as provided in this Section.

B. The City Manager of the City of San Jose, or the City Manager's designee, acting on behalf of the Owners, shall have the right to extend the Initial Term of this Agreement in one-year increments up to a maximum of three (3) one-year periods ("Option Period(s)"). The decision to extend the Initial Term or any of the Option Period(s) shall be at the sole and absolute discretion of the City Manager. If City elects to extend the Initial Term or any of the Option Period(s), the City shall notify Valley Water in writing not less than thirty (30) days prior to expiration of the Initial Term or the expiration of the Option Period(s) ("Notice of Extension") in the form set forth in Exhibit C. The Initial Term and the Option Period(s) of this Agreement shall be collectively referred to as "The Term".

C. If Valley Water does not comply in a timely and diligent manner with any material obligation of Valley Water under this Agreement, City, at its option, may terminate this Agreement on behalf of the Owners at any time following written notice to Valley Water and failure of Valley Water to cure the breach within a reasonable period of time following receipt of such notice. The City Manager, or the City Manager's designee, may terminate this Agreement on behalf of the Owners. The termination shall be effective upon Valley Water's receipt of City's written notice. If, during the Term, Valley Water determines that it is not feasible for Valley Water to develop the Project, Valley Water shall have the right to terminate this Agreement upon providing written notice to City. Valley Water's Chief Executive Officer ("CEO"), or the CEO's designee, may terminate this Agreement on behalf of Valley Water.

3. City Use of Property. Prior to the Parties executing a ground lease and property use agreement for the Project, City is entitled to use the lands designated on Exhibit A for temporary or interim purposes related to the San Jose/Santa Clara Water Pollution Control Plant.

4. Project Milestones. Within the time periods set forth in the Schedule of Performance attached hereto as Exhibit B ("Schedule of Performance"), the Parties shall

have completed the milestones set forth therein. The City Manager is authorized to extend, on behalf of the Owners, the date for the performance of any task listed on Exhibit B.

5. Disclosure of Confidential Information. The Parties are subject to the California Public Records Act ("Act"). The Act generally provides that written documents retained by either Party are subject to disclosure upon the request of any third party except for specific limited exceptions provided for in the Act. Each Party shall designate as "Confidential" any information which they provide to the other Party which they desire to keep confidential. If a request for disclosure of any information designated as "Confidential" by either Party is made under the Act, they shall notify the other Party in writing and the other Party shall have the opportunity to object to the release of such information.

6. Valley Water Responsibilities.

A. Development Costs. Valley Water expressly acknowledges that all expenses and costs it may incur during the Term of this Agreement or as a result of this Agreement are its sole obligation and responsibility and done at its sole risk, including, but not limited to, any costs associated with the proposed Project and any costs incurred to prepare the necessary studies and analysis required for any proposed project.

B. California Environmental Quality Act. The California Environmental Quality Act ("CEQA") is applicable to any Project contemplated by this Agreement. Environmental clearance must be obtained prior to obtaining City Council approval of any Project Agreements related to the proposed Project.

7. Owners' Responsibilities.

A. Owners' Assistance and Cooperation. Owners shall cooperate with Valley Water by providing information regarding the Property.

B. Distinction from Regulatory Authority of the Owners. Valley Water understands and agrees that this Agreement does not and shall not be construed to indicate or imply that the Owners, acting as regulatory or permitting authorities, have hereby granted or are obligated to grant any approval or permit required by law for the development of the Project on the Property as contemplated by this Agreement.

C. Public Hearing. If the negotiations contemplated herein culminate in the Project Agreements, the agreements will be brought forward for consideration by the Owners' respective City Councils and Valley Water Board, provided, however, such agreements shall become effective only after having been considered and approved by the Owners' respective City Councils in their sole and absolute discretion following any public hearings or other actions required by law.

8. Notices. All notices and other communications required or permitted to be given under this Agreement shall be in writing and may be delivered by hand, by facsimile transmission with verification of receipt, or by United States mail, postage prepaid and return receipt requested, addressed to the respective Parties as follows:

To City:

Jeff Provenzano
Director of Environmental Services
City of San José
200 East Santa Clara Street, 10th floor tower
San Jose, CA 95113

To Valley Water:

Aaron Baker
Chief Operating Officer
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

To Santa Clara:

John Ramirez
Director of Water & Sewer Utilities
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

or to such other address as any party may designate by notice in accordance with this Section.

A copy of any notice of a legal nature, including, but not limited to, any claims against City, its officers or employees shall also be served in the manner specified above to the following address:

City of San José
City Attorney's Office
200 East Santa Clara Street, 16th Floor
San Jose, CA 95113

A copy of any notice of a legal nature, including, but not limited to, any claims against Valley Water, its officers or employees shall also be served in the manner specified above to the following address:

Santa Clara Valley Water District
Office of District Counsel
5750 Almaden Expressway
San Jose, CA 95118

A copy of any notice of a legal nature, including, but not limited to, any claims against Santa Clara, its officers or employees shall also be served in the manner specified above to the following address:

City of Santa Clara
City Attorney's Office
1500 Warburton Avenue
Santa Clara, CA 95050

9. Waiver of Lis Pendens. It is expressly understood and agreed by the Parties that no lis pendens shall be filed with respect to this Agreement or any dispute or act arising from it.

10. Time of Essence. It is understood and agreed by the Parties that time is of the essence in the performance of the obligations of this Agreement.

11. Assignment. Valley Water may not transfer or assign any or all of its rights or obligations hereunder except with the prior written consent of City which may be granted or withheld in City's sole and absolute discretion, and any such attempted assignment without the prior written consent of City shall be wholly void and of no effect.

12. No Third Party Beneficiaries. This Agreement is made and entered into solely for the benefit of the City and Valley Water and no other person shall have any right of action under this Agreement.

13. Governing Law. The law governing this Agreement shall be that of the State of California.

14. Venue. In the event that suit shall be brought by either party hereunder, the Parties agree that trial of such action shall be exclusively vested in a state court in the County of Santa Clara, or where appropriate, in the United States District Court for the Northern District of California, San Jose, California.

15. Prior Agreements and Amendments. This Agreement, including all Exhibits listed below and attached hereto, represents the entire understanding of the Parties as to those matters contained herein. No prior oral or written understanding between the Parties shall be of any force or effect with respect to those matters covered hereunder.

This Agreement may only be modified by a written amendment duly executed by the Parties.

Exhibit A	Description of Property
Exhibit B	Schedule of Performance
Exhibit C	Notice of Exercise of Option to Extend Agreement

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the Effective Date.

APPROVED AS TO FORM:

By: _____
Wesley Klimczak
Sr. Deputy City Attorney

CITY OF SAN JOSE

By: _____
Toni Taber, MMC
City Clerk

APPROVED AS TO FORM:

By: _____
Glen R. Googins
City Attorney

CITY OF SANTA CLARA

By: _____
Jōvan D. Grogan
City Manager

APPROVED AS TO FORM:

By: _____
E. Ray Ruiz
Assistant District Counsel

SANTA CLARA VALLEY WATER DISTRICT

By: _____
Melanie Richardson, PE
Interim Chief Executive Officer

EXHIBIT A

DESCRIPTION OF PROPERTY

Real property in the City of San Jose, County of Santa Clara, State of CALIFORNIA, described as follows:

APN: 01531063

Exhibit A

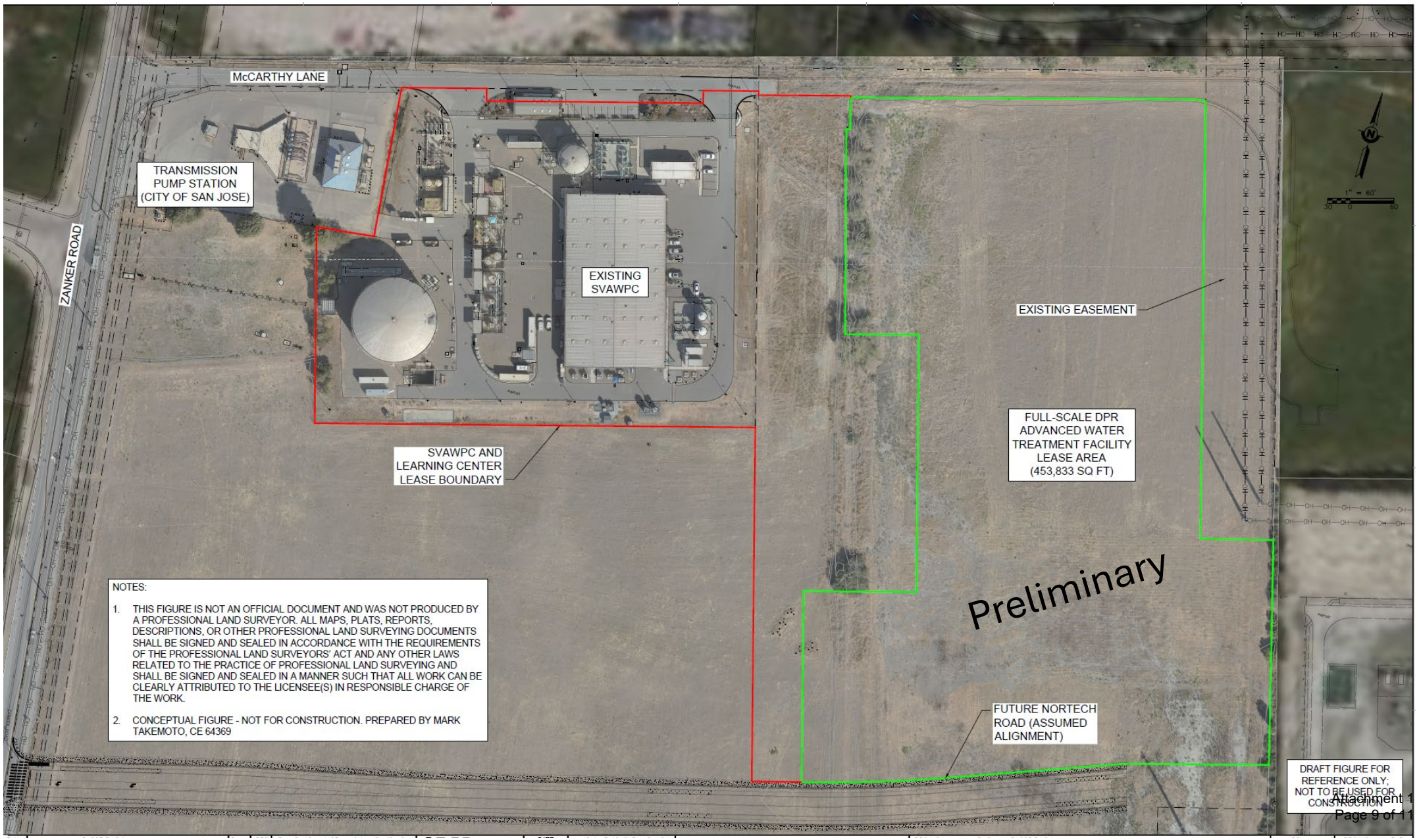

McCARTHY LANE
TRANSMISSION PUMP STATION (CITY OF SAN JOSE)
ZANKER ROAD
EXISTING SVAWPC
EXISTING EASEMENT
FULL-SCALE DPR ADVANCED WATER TREATMENT FACILITY LEASE AREA (453,833 SQ FT)
SVAWPC AND LEARNING CENTER LEASE BOUNDARY
Preliminary
FUTURE NORTECH ROAD (ASSUMED ALIGNMENT)
NOTES:
1. THIS FIGURE IS NOT AN OFFICIAL DOCUMENT AND WAS NOT PRODUCED BY A PROFESSIONAL LAND SURVEYOR. ALL MAPS, PLATS, REPORTS, DESCRIPTIONS, OR OTHER PROFESSIONAL LAND SURVEYING DOCUMENTS SHALL BE SIGNED AND SEALED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AND ANY OTHER LAWS RELATED TO THE PRACTICE OF PROFESSIONAL LAND SURVEYING AND SHALL BE SIGNED AND SEALED IN A MANNER SUCH THAT ALL WORK CAN BE CLEARLY ATTRIBUTED TO THE LICENSEE(S) IN RESPONSIBLE CHARGE OF THE WORK.
2. CONCEPTUAL FIGURE - NOT FOR CONSTRUCTION. PREPARED BY MARK TAKEMOTO, CE 64369
DRAFT FIGURE FOR REFERENCE ONLY; NOT TO BE USED FOR CONSTRUCTION

EXHIBIT B

SCHEDULE OF PERFORMANCE

Note:
Whenever this Schedule of Performance requires the submission of plans or other documents at a specified time, such plans or other documents as submitted shall be complete and adequate for review by the City within the time set forth herein. Prior to the time set for each particular submission, Valley Water shall consult with City staff informally as necessary concerning such submission in order to assure that such submission will be complete and in a proper form within the time for submission set forth herein.

Milestone	Deadline From Effective Date
Valley Water to take necessary actions to include the Project in its capital improvement program.	6 months
Valley Water to Request Private Letter Ruling from Internal Revenue Service that DPR Program, will not, in and of itself, adversely affect the exclusion from gross income of interest on proposed tax-exempt bonds for Federal income tax purposes under the Internal Revenue Code of 1986, as amended.	2 years
City and Valley Water to extend Right of Entry Agreement, dated August 21, 2024, prior to termination of the Right of Entry Agreement on August 21, 2027.	Prior to termination of Right of Entry.
Completion of Option agreement for full scale facility area.	3 years

EXHIBIT C

NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT BETWEEN THE CITY OF SAN JOSE AND SANTA CLARA VALLEY WATER DISTRICT

WHEREAS, on_____ , 2026, the CITY OF SAN JOSE ("City"), the City of Santa Clara ("Santa Clara"), and SANTA CLARA VALLEY WATER DISTRICT ("Valley Water") entered into an Exclusive Negotiations Agreement ("Agreement") which contains an option to extend the Agreement for three (3) additional one-year periods (each an "Option Period"); and

WHEREAS, City has made the determination to extend the Agreement for the first/second/third one-year Option Period;

NOW, THEREFORE,

City hereby exercises on behalf of itself and Santa Clara, pursuant to Section 2(B) of the Agreement, the first/second/third one-year option to extend the term of the Agreement for the period of _____ through _____. All the terms and conditions of the Agreement shall remain in full force and effect during the Option Period.

APPROVED AS TO FORM:

By:_____
Wesley Klimczak
Sr. Deputy City Attorney

CITY OF SAN JOSE

By: _____
Toni Taber
City Clerk

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Santa Clara Valley Water District

File No.: 26-0180

Agenda Date: 2/24/2026
Item No.: 4.4.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending September 30, 2025.

RECOMMENDATION:
A. Review the Board of Directors' Quarterly Expense Report for the quarter ending September 30, 2025; and
B. Approve the Report if the reimbursements comply with Board Policy.

SUMMARY:
The Board of Directors' Expense Report is submitted on a quarterly basis to the Board for review and public disclosure. According to the Governance Policies of the Board GP-10.4, a quarterly report of the per diem and expense reimbursements of each Board member shall be placed on an open session Board meeting agenda for review and a determination by the Board whether the reimbursements comply with the Board's reimbursement policies adopted pursuant to Section 53232.3 of the Government Code. Only expenses in compliance with those policies may be reimbursed by the district.

ENVIRONMENTAL JUSTICE IMPACT:
There are no Environmental Justice Impacts associated with this item.

FINANCIAL IMPACT:
The reimbursements sought are within the fiscal year 2025-26 Directors' budget.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
Attachment 1: Quarterly Expense Report

UNCLASSIFIED MANAGER:
Darin Taylor, 408-630-3068

Docusign Envelope ID: 918564ED-3CC2-4A81-9C68-92A2D6DB54AD

SANTA CLARA VALLEY WATER DISTRICT

BOARD OF DIRECTORS'

QUARTERLY EXPENSE REPORT

FOR THE QUARTER ENDED 09/30/25

Valley Water

Clean Water • Healthy Environment • Flood Protection

Attachment 1

Docusign Envelope ID: 918564ED-3CC2-4A81-9C68-92A2D6DB54AD

Santa Clara Valley Water District
Board of Directors' Expenses
For the Quarter Ending 09/30/25
Summary
(Unaudited ~ for Board of Directors' review)

	Gross Fee[1]	Mileage[2]	Board[3] Approved	Board[4] Allocated	Communication[5] Charges	Total Current Expenses	Total Expenses Fiscal Year 2026
Shiloh Ballard	$ 16,941.54	$ 147.18	$ 999.00	$ -	$ -	$18,087.72	$18,087.72
Jim Beall	15,731.43	376.54	-	-	-	16,107.97	16,107.97
Rebecca Eisenberg	3,630.33	270.98	999.00	-	-	4,900.31	4,900.31
Tony Estremera	18,151.65	121.96	999.00	-	-	19,272.61	19,272.61
Nai Hsueh	12,101.10	-	-	-	-	12,101.10	12,101.10
Richard Santos	18,151.65	868.10	9.00	-	451.85	19,480.60	19,480.60
John Varela	15,328.06	353.90	629.50	-	-	16,311.46	16,311.46
Total	$ 100,035.76	$ 2,138.66	$ 3,635.50	$ -	$ 451.85	$ 106,261.77	$ 106,261.77

Signed by: Nicole Truong AA8C761181534E8...

Prepared by Nicole Truong, Accountant II — 2/3/2026 Date

Signed by: 9A3D9B75D0EE47A...

Reviewed by Debbie Brown, Senior Accountant — 2/3/2026 Date

DocuSigned by: Oliva Manaloto 7A5D2A3F1E2A43E...

Approved by Oliva Manaloto, Accounting Manager — 2/3/2026 Date

1-Compensation up to 15 days/MTh; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

Docusign Envelope ID: 918564ED-3CC2-4A81-9C68-92A2D6DB54AD

SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: SHILOH BALLARD

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
7/1/2025	1. Meeting with Jeff Provenzano, SJ City Hall	403.37					403.37
7/3/2025	1. Meeting with CEO, Virtual	403.37					403.37
	2. Meeting with CEO and Director Eisenberg, Virtual						-
7/8/2025	1. Valley Water Board Meeting, VWHQ	403.37	12.05				415.42
7/9/2025	1. Tour of SCC EOC, 55 West Younger, Ste, 450	403.37					403.37
	2. Meeting with Legal, Virtual						-
	3. Meeting with CFO Darin Taylor on Rates and Policies, Virtual						-
7/10/2025	1. Stormwater and WSMP, Virtual	403.37					403.37
7/14/2025	1. Meeting with Director Hsueh	403.37					403.37
7/21/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	12.05				415.42
	2. Meeting with CM Mulcahy, Floodcraft Brewing Co.						-
	3. Environmental Water Resources Committee, VWHQ						-
7/23/2025	1. Meeting with Rita Chan, Virtual	403.37					403.37
7/24/2025	1. Meeting with Legal, VWHQ	403.37	12.05				415.42
	2. Water Ambassador Event, Virtual						-
7/28/2025	1. Water Supply & Demand Management Committee, VWHQ	403.37					403.37
	2. Meeting with Director Hsueh						-
	3. Meeting with Chris Hakes to Prep for CIP Meeting						-
	4. Cory Neighborhood Association General Meeting,						-
7/29/2025	1. Annual Check-in with City Manager and Mayor of City of Santa Clara	403.37					403.37
7/30/2025	1. Meeting with AJ Kamisky, County of Santa Clara, on County Plan to End Homelessness	403.37					403.37
7/31/2025	1. Meeting with Directors Hsueh and Beall, VWHQ	403.37	12.05				415.42
8/4/2025	1. Valley Water D2 Ripple, Crema Coffee	403.37					403.37
8/5/2025	1. Landscape Committee, Virtual	403.37					403.37
8/6/2025	1. Upper Guad Tour with USACE LTC Brickner, Virtual	403.37					403.37
8/7/2025	1. Meeting with CEO, Virtual	403.37					403.37
	2. Meeting with CEO and Director Eisenberg, Virtual						-
	3. Microgrids for Water Utilities, Virtual						-
8/8/2025	1. DCA BOD Prep Call with Director Estremera & G.Martin, Virtual	403.37					403.37
8/11/2025	1. Meeting with Suds Jain on MWENDO adoption and coordination with other cities, Virtual	403.37					403.37
8/12/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	12.05				415.42
8/13/2025	1. Environmentally Focused Stakeholders Meeting, Virtual	403.37					403.37
8/14/2025	1. Valley Water Townhall, Virtual	403.37					403.37
8/19/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	2.58				405.95
8/20/2025	1. Board Audit Committee Meeting, VWHQ	403.37	12.05				415.42
	2. Youth Commission, VWHQ						-
8/21/2025	1. Meeting with CEO, Virtual	403.37					403.37
	2. MWENDO & Outreach Briefing, Virtual						-
	3. Meeting with CEO and Director Eisenberg, Virtual						-
8/25/2025	1. Water Supply & Demand Management Committee, VWHQ	403.37	12.05				415.42

1-Compensation up to 15 days/MTh; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: SHILOH BALLARD

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
	2. Meeting with Director Hsueh, VWHQ						-
8/26/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	12.05				415.42
8/27/2025	1. Recycling and Waste Reduction Commission, Virtual	403.37					403.37
8/29/2025	1. Valley Water Special Board Meeting, VWHQ		12.05				12.05
8/31/2025	1. Pride Parade						-
9/2/2025	1. Meeting with former plant operator Eric Rosenblum	403.37					403.37
	2. SCC Farm Bureau Board Meeting, 605 Tennant Ave, Suite H, San Jose						-
9/3/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	12.05				415.42
9/4/2025	1. Quarterly Meeting with David Bini, Barefoot Coffee						-
	2. Meeting with CEO, Virtual	403.37					403.37
	3. Meeting with CEO and Director Eisenberg, Virtual						-
9/5/2025	1. Meeting with Dorsey Moore SJCCC on Valley Water Work Along Guadalupe	403.37					403.37
9/8/2025	1. Connecting on Stormwater Initiatives, Virtual	403.37					403.37
	2. Guadalupe River Trail Underpasses, Virtual						-
9/9/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	12.05				415.42
9/10/2025	1. Briefing with Councilmember Tordillos, City Hall	403.37					403.37
	2. Recycled Water Meeting, Virtual						-
9/11/2025	1. All Valley Water Town Hall Meetings, VWHQ	403.37					403.37
9/12/2025	1. DCA BOD Prep Call T. Estremera and G. Martin, Virtual	403.37					403.37
9/15/2025	1. Santa Clara County Special Districts Association Meeting, VWHQ	403.37					403.37
	2. Valley Water D2 Ripple, Crema Coffee						-
9/16/2025	1. Meeting with CEO, Virtual	403.37					403.37
	2. Meeting with CEO and Director Eisenberg, Virtual						-
9/17/2025	1. Board Audit Committee Meeting, VWHQ	403.37	12.05				415.42
	2. Meeting with Director Estremera, VWHQ						-
9/18/2025	1. SCV Habitat Agency Joint Governing & Implementation Board Meeting, 1755 Peak Ave, Morgan Hill	403.37					403.37
	2. ACWA 2025 Fall - Conference Registration			999.00			999.00
9/19/2025	1. Santa Clara & San Benito Counties BBQ, 2125 Canoas Garden	403.37					403.37
	TOTALS	**16,941.54**	**147.18**	**999.00**	**-**	**-**	**18,087.72**

1-Compensation up to 15 days/MTh; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: JIM BEALL

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
7/2/2025	1. Meeting with Melanie, VWHQ	403.37	6.01				409.38
7/7/2025	1. Agricultural Water Advisory Committee Meeting, VWHQ	403.37	6.01				409.38
7/8/2025	1. Valley Water Board Meeting, VWHQ	403.37	6.01				409.38
	2. Briefing for SLDMWA Board Meeting, Virtual						-
7/10/2025	1. Meeting with Rep Huffman, IHOP - San Rafael	403.37	96.66				500.03
7/16/2025	1. Meeting with Legal, VWHQ	403.37	6.01				409.38
7/17/2025	1. CALAFCO U Webinar, Commissioner Best Practices, Virtual	403.37					403.37
7/21/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	6.01				409.38
7/22/2025	1. Dignity Moves Cherry Ave Interim Housing Tour, 5200 Cherry Ave San Jose	403.37	5.12				408.49
7/30/2025	1. Special Monthly Recycled Water Committee, VWHQ	403.37	6.01				409.38
7/31/2025	1. Special CIP Committee Meeting, VWHQ	403.37	6.01				409.38
	2. Directors Meeting, VWHQ						-
8/1/2025	1. OGR 2025 Legislative Policies and Proposals Interview, Virtual	403.37					403.37
8/2/2025	1. AACI's Back-to-School Summer Health Fair, 2400 Moorpark	403.37	5.87				409.24
8/5/2025	1. SLDMWA Briefing, Virtual	403.37					403.37
8/6/2025	1. LAFCO Commissioners Meeting, 70 W.Hedding St		8.83				8.83
8/7/2025	1. SLDMWA Board of Directors Meeting, 842 6th St, Los Banos, CA	403.37	6.01				409.38
8/8/2025	1. August BAC Prep Meeting, VWHQ	403.37	6.01				409.38
8/11/2025	1. Meeting on Closed Session Item, VWHQ	403.37	6.01				409.38
	2. Meeting with Melanie, VWHQ						-
	3. Meeting with Constituents on Encroachments						-
8/12/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	6.01				409.38
8/18/2025	1. Briefing on Governor's Water Policy Deal, VWHQ	403.37	6.01				409.38
	2. CIP Committee Meeting, VWHQ						-
8/19/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	8.65				412.02
8/20/2025	1. Board Audit Committee Meeting, VWHQ	403.37	6.01				409.38
8/21/2025	1. San Jose Chamber Annual Chamber Barbecue, History Park	403.37	6.66				410.03
8/22/2025	1. Meeting on VW Permits, Virtual	403.37					403.37
8/25/2025	1. Meeting with Melanie, VWHQ	403.37	6.01				409.38
8/26/2025	1. Valley Water Board Meeting, VWHQ	403.37	6.01				409.38
8/27/2025	1. Erikson Neighborhood Association Meeting, Pearl Ave Library		4.78				4.78
8/28/2025	1. August 2025 Emergency Operational Area Council, 55 West Younger, San Jose		11.10				11.10
8/29/2025	1. Valley Water Special Board Meeting, VWHQ		6.01				6.01
9/2/2025	1. Quarterly Meeting with David Bini, 3151 Meridian Ave, San Jose	403.37	1.18				404.55
9/3/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	6.01				409.38
9/8/2025	1. Meeting with Melanie, VWHQ	403.37	6.01				409.38
9/9/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	6.01				409.38
	2. Briefing for Monthly SLDMWA Board Meeting, Virtual						-

1-Compensation up to 15 days/mth; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: JIM BEALL

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
9/10/2025	1. Environmental Creek Cleanup Committee, VWHQ	403.37	6.01				409.38
	2. September BAC Prep, VWHQ						-
	3. Meeting with Carlos O., VWHQ						-
9/12/2025	1. Meeting with Constituent, VWHQ	403.37	6.01				409.38
9/15/2025	1. Santa Clara County Special Districts Association Meeting, VWHQ	403.37	6.01				409.38
9/17/2025	1. Board Audit Committee Meeting, VWHQ	403.37	6.01				409.38
9/18/2025	1. Cherry Ave EIH Site Tour, VWHQ		6.01				6.01
	2. SCV Habitat Agency Joint Governing & Implementation Board Meeting, 1755 Peak Ave, Morgan Hil	403.37	29.60				432.97
9/19/2025	1. Santa Clara & San Benito Counties BBQ, 2125 Canoas Garden		3.59				3.59
9/22/2025	1. Meeting with Melanie, VWHQ	403.37	6.01				409.38
	2. October BAC Prep, VWHQ						-
	3. Meeting with Board Auditors						-
9/23/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	6.01				409.38
9/24/2025	1. Monthly Recycled Water Committee, VWHQ	403.37	6.01				409.38
	2. Meeting with Carlos O., VWHQ						-
9/26/2025	1. Meeting with EWRC applicant, Matthew F, VWHQ	403.37	6.01				409.38
	2. Prop 218's Ongoing Impacts on California Water, VWHQ						-
	3. Assembly Member Ahrens Inaugural Event, Santa Clara Central Park		11.68				11.68
9/27/2025	1. Vovinam Viet Vo Dao 34th Annual Moon Festival, Andrew Hill High School	403.37	8.53				411.90
9/29/2025	1. Special CIP Committee Meeting, VWHQ	403.37	6.01				409.38
	2. 2026 Board Audit Plan, VWHQ						-
	TOTALS	**15,731.43**	**376.54**	**-**	**-**	**-**	**16,107.97**

1-Compensation up to 15 days/mth; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

Docusign Envelope ID: 918564ED-3CC2-4A81-9C68-92A2D6DB54AD

SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: REBECCA EISENBERG

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
7/8/2025	1. Valley Water Board Meeting, VWHQ	403.37	30.80				434.17
7/21/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	30.80				434.17
8/12/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	30.80				434.17
8/19/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	24.58				427.95
8/20/2025	1. ACWA Conference Registration			999.00			999.00
8/26/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	30.80				434.17
8/29/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	30.80				434.17
9/3/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	30.80				434.17
9/9/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	30.80				434.17
9/23/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	30.80				434.17
	TOTALS	**3,630.33**	**270.98**	**999.00**	**-**	**-**	**4,900.31**

1-Compensation up to 15 days/mth; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

Docusign Envelope ID: 918564ED-3CC2-4A81-9C68-92A2D6DB54AD

SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: TONY ESTREMERA

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
7/2/2025	1. Meeting with Directors, Darin Taylor CFO, and CEO for Finance Briefing, VWHQ	403.37	5.48				408.85
	2. Meeting with CEO, VWHQ						-
7/3/2025	1. Meeting with Constituent on Homeless and Flood Control, Virtual	403.37					403.37
7/8/2025	1. Valley Water Board Meeting, VWHQ	403.37	5.48				408.85
7/9/2025	1. Meeting with Legal Counsel, Virtual	403.37					403.37
7/10/2025	1. Meeting with CEO, Virtual	403.37					403.37
7/11/2025	1. DCA BOD Prep Call, Virtual	403.37					403.37
7/14/2025	1. Agenda Review, Virtual	403.37					403.37
7/16/2025	1. Meeting with CEO, Virtual	403.37					403.37
7/17/2025	1. Meeting with Staff, VWHQ	403.37	5.48				408.85
7/18/2025	1. Meeting with Director Hsueh, Virtual	403.37					403.37
7/21/2025	1. Valley Water Special Board Meeting, VWHQ	403.37					403.37
7/22/2025	1. Union Leadership Meeting, Virtual	403.37					403.37
7/23/2025	1. Meeting with General Counsel, Virtual	403.37					403.37
7/24/2025	1. Meeting with Constituents, Virtual	403.37					403.37
7/28/2025	1. Agenda Review, Virtual	403.37					403.37
7/30/2025	1. Special Monthly Recycled Water Committee, VWHQ		5.48				5.48
7/31/2025	1. Special CIP Committee Meeting, VWHQ		5.48				5.48
8/4/2025	1. Agenda Review, Virtual	403.37					403.37
8/6/2025	1. Meeting with CEO, Virtual	403.37					403.37
8/8/2025	1. DCA BOD Prep Call with G. Martin, Virtual	403.37					403.37
	2 Valley Water Night with SJ Giants, Excite Ballpark		9.14				9.14
8/11/2025	1. Agenda Review, Virtual	403.37					403.37
8/12/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	5.48				408.85
8/13/2025	1. Meeting with DCA CEO, Virtual	403.37					403.37
	2 Environmentally Focused Stakeholders Meeting, Virtual						-
8/14/2025	1. Meeting with General Counsel, Virtual	403.37					403.37
8/18/2025	1. CIP Committee Meeting, VWHQ	403.37	5.48				408.85
	2 Agenda Review, Virtual						-
8/19/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	8.70				412.07
8/20/2025	1. Board Audit Committee Meeting, VWHQ	403.37	5.48				408.85
	2 Meeting with CEO, Virtual						-
8/21/2025	1. DCDA Board Meeting, VWHQ	403.37	5.48				408.85
8/25/2025	1. Agenda Review, Virtual	403.37					403.37
8/26/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	5.48				408.85
8/27/2025	1. Meeting with General Counsel, Virtual	403.37					403.37
8/29/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	5.48				408.85

1-Compensation up to 15 days/mth; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: TONY ESTREMERA

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
	2 ACWA Conference Registration			999.00			999.00
9/2/2025	1. Agenda Review, Virtual	403.37					403.37
9/3/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	5.48				408.85
9/4/2025	1. Meeting with DCA CEO, Virtual	403.37					403.37
9/5/2025	1. Pre-Interview with Epoch Times, Virtual	403.37					403.37
9/8/2025	1. Agenda Review, Virtual	403.37					403.37
9/9/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	5.48				408.85
9/10/2025	1. Meeting with Staff, VWHQ	403.37	5.48				408.85
	2 Meeting with General Counsel, Virtual						-
9/12/2025	1. NWRI IAP Panel, VWHQ	403.37	5.48				408.85
	2 DCA BOD Prep Call, Virtual						-
9/15/2025	1. Agenda Review, Virtual	403.37					403.37
9/16/2025	1. Meeting with Doug Peterson, Virtual	403.37					403.37
	2 Meeting with Jean Cohen, Virtual						-
9/17/2025	1. Board Audit Committee Meeting, VWHQ	403.37	5.48				408.85
	2 Meeting with General Counsel, Virtual						-
9/22/2025	1. Agenda Review, Virtual	403.37					403.37
	2 Meeting with Supervisor Abe-Koga, Virtual						-
9/23/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	5.48				408.85
9/24/2025	1. Monthly Recycled Water Committee, VWHQ	403.37	5.48				408.85
	2 Meeting with General Counsel, Virtual						-
9/26/2025	1. Redevelopment Oversight Board Meeting	403.37					403.37
9/29/2025	1. Special CIP Committee Meeting, VWHQ		5.48				5.48
	2. Agenda Review, Virtual						-
	TOTALS	**18,151.65**	**121.96**	**999.00**	**-**	**-**	**19,272.61**

1-Compensation up to 15 days/mth; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: NAI HSUEH

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
7/1/2025	1. Meeting on BAO Complaint Process, VWHQ	403.37					403.37
7/3/2025	1. Meeting with CEO, Virtual	403.37					403.37
7/8/2025	1. Valley Water Board Meeting, VWHQ	403.37					403.37
7/15/2025	1. Meeting with ACEO and CIP Prep, VWHQ	403.37					403.37
7/17/2025	1. Meeting with Legal, Legal Offices	403.37					403.37
7/18/2025	1. Meeting with Directors	403.37					403.37
7/21/2025	1. Valley Water Special Board Meeting, VWHQ	403.37					403.37
7/23/2025	1. Meeting with CIP Prep, Rita's Office	403.37					403.37
7/24/2025	1. Water Ambassador Event, VWHQ	403.37					403.37
7/28/2025	1. Meeting with Directors, VWHQ	403.37					403.37
7/31/2025	1. Special CIP Committee Meeting, VWHQ	403.37					403.37
8/5/2025	1. Landscape Committee, VWHQ	403.37					403.37
8/7/2025	1. Meeting with CEO, Virtual	403.37					403.37
8/12/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37					403.37
8/14/2025	1. Update on Sunnyvale East-West Project, Virtual	403.37					403.37
8/18/2025	1. CIP Committee Meeting, VWHQ	403.37					403.37
8/19/2025	1. Valley Water Special Board Meeting, VWHQ	403.37					403.37
8/20/2025	1. Youth Commission, VWHQ	403.37					403.37
8/21/2025	1. Palo Alto Flood Basin Public Meeting, 3700 Middlefield Rd	403.37					403.37
8/25/2025	1. Water Supply & Demand Management Committee, VWHQ	403.37					403.37
8/26/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37					403.37
8/27/2025	1. Stream Maintenance Program Draft EIR Public Meeting, Virtual	403.37					403.37
8/28/2025	1. SFC JPA Board Meeting, Menlo Park	403.37					403.37
8/29/2025	1. Valley Water Special Board Meeting, VWHQ	403.37					403.37
9/3/2025	1. Valley Water Special Board Meeting, VWHQ	403.37					403.37
9/4/2025	1. Meeting with CEO, Virtual	403.37					403.37
9/9/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37					403.37
9/10/2025	1. Environmental Creek Cleanup Committee, VWHQ	403.37					403.37
9/29/2025	1. Special CIP Committee Meeting, VWHQ	403.37					403.37
9/30/2025	1. Special Youth Commission Meeting, VWHQ	403.37					403.37
	TOTALS	**12,101.10**	**-**	**-**	**-**	**-**	**12,101.10**

1-Compensation up to 15 days/mth; increases to $403.37 effective 04/14/25.
2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: RICHARD SANTOS

MEETING DATE		PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
7/2/2025	1.	Directors Finance Briefing, VWHQ	403.37	22.54				425.91
7/3/2025	1.	B.F. Sisk Dam Raise Site Visit - Senator Adam Schiff, Romero Visitor Center	403.37	22.54				425.91
7/4/2025	1.	Spring Valley BBQ, Levin Park	403.37	7.53				410.90
7/7/2025	1.	Agricultural Water Advisory Committee Meeting, VWHQ	403.37	22.54				425.91
7/8/2025	1.	Valley Water Board Meeting, VWHQ	403.37	22.54				425.91
	2.	Briefing for SLDMWA Board Meeting, Virtual						-
7/9/2025	1.	Tour of SCC EOC, 55 West Younger, 55 West Younger, San Jose	403.37	7.85				411.22
7/10/2025	1.	SLDMWA Joint Special Workshop of the Board of Directors DMC Subsidence Correction Project, Santa	403.37	22.54				425.91
7/11/2025	1.	AT&T Internet					78.66	78.66
7/15/2025	1.	Meeting with Legal, Legal Conference Area	403.37	22.54				425.91
7/16/2025	1.	Water Retailer Tour-SCRWA, VWHQ	403.37	22.54				425.91
	2.	Meeting with Acting CEO, Virtual						-
	3.	Stevens Creek Evelyn Ave Fish Passage Public Meeting, Mountain View						-
7/21/2025	1.	Valley Water Special Board Meeting, VWHQ	403.37	22.54				425.91
7/22/2025	1.	OGR 2025 Legislative Policies and Proposals Interview, VWHQ	403.37	22.54				425.91
	2.	Union Leadership Meeting, VWHQ						-
7/24/2025	1.	Water Ambassador Event, VWHQ	403.37	22.54				425.91
7/26/2025	1.	Fax AT&T					72.34	72.34
7/28/2025	1.	Briefing for SC Mayor/City Manager Meeting, Virtual	403.37					403.37
	2.	Agenda Review with CEO, Virtual						-
7/29/2025	1.	Santa Clara Mayor/ City Manager, Virtual	403.37					403.37
7/30/2025	1.	Special Monthly Recycled Water Committee, VWHQ	403.37	22.54				425.91
8/1/2025	1.	Sunnyvale Unhoused Collaborative Meeting, Virtual	403.37					403.37
8/4/2025	1.	Milpitas Rotary Meeting, Milpitas Chamber	403.37	7.70				411.07
	2.	Agenda Review, Virtual						-
8/5/2025	1.	Landscape Committee, VWHQ	403.37	22.54				425.91
	2.	Briefing for Monthly SLDMWA Board Meeting, Virtual						-
	3.	NTL Night out, 2994 Crystal Creek Drive, San Jose		2.91				2.91
	4.	Per diem Meal			9.00			9.00
8/6/2025	1.	Shoreline Tour with USACE LTC Brickner, 1751 Grand Blvd, San Jose	403.37	15.22				418.59
	2.	Meeting with CEO, Virtual						-
8/7/2025	1.	Brian Hopper Retirement Party, 5926 Almaden Exp, San Jose	403.37	22.77				426.14
	2.	AT&T Internet					78.66	78.66
8/8/2025	1.	Tour of Komodo Fire System, Morgan Hill	403.37	34.23				437.60
	2.	Valley Water Night with SJ Giants, Excite Ballpark		12.01				12.01
8/11/2025	1.	Meeting with CEO, Virtual	403.37					403.37
8/12/2025	1.	Valley Water Regular Board Meeting, VWHQ	403.37	22.54				425.91

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2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: RICHARD SANTOS

MEETING DATE		PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
8/13/2025	1.	SVAWPC Tour with Councilmember Pamela Campos, 4190 Zanker Rd, San Jose		11.74				11.74
	2.	Alviso Neighborhood Group, Virtual						-
8/15/2025	1.	Assembly member Patrick Ahrens Meeting, 3895 Steven Creek, San Jose	403.37	20.10				423.47
8/16/2025	1.	Milpitas Historic Society, BBQ Event, 2087 Alviso Address Court Milpitas	403.37	5.27				408.64
8/18/2025	1.	Weekly Agenda Review, Virtual						-
8/19/2025	1.	Valley Water Special Board Meeting, VWHQ	403.37	12.49				415.86
8/20/2025	1.	Meeting with CEO, Virtual	403.37					403.37
8/25/2025	1.	Water Supply & Demand Management Committee, VWHQ	403.37	22.54				425.91
	2.	Prep for ECCC with Mark Bilski, Virtual						-
8/26/2025	1.	Valley Water Regular Board Meeting, VWHQ	403.37	22.54				425.91
	2.	Fax AT&T					71.51	71.51
8/27/2025	1.	Meeting on SFC JPA Topics, Virtual						-
	2.	Water Commission Anderson Tour, VWHQ	403.37	22.54				425.91
8/28/2025	1.	August 2025 Emergency Operational Area Council, 55 West Younger, San Jose		7.85				7.85
	2.	SFC JPA Board Meeting, Menlo Park		32.79				32.79
8/29/2025	1.	Valley Water Special Board Meeting, VWHQ		22.54				22.54
	2.	La Raza Roundtable, 749 Story Road, San Jose		11.94				11.94
9/2/2025	1.	Agenda Review, Virtual	403.37					403.37
9/3/2025	1.	Valley Water Special Board Meeting, VWHQ	403.37	22.54				425.91
9/5/2025	1.	Pajaro River Watershed Flood Prevention Authority, Virtual						-
	2.	Sunnyvale Unhoused Collaborative Meeting, Virtual	403.37					403.37
9/8/2025	1.	Weekly Agenda Review, Virtual						-
	2.	Berryessa Citizens Advisory Council, Berryessa Community Center	403.37	2.11				405.48
	3.	AT&T Internet					78.66	78.66
9/9/2025	1.	Valley Water Regular Board Meeting, VWHQ	403.37	22.54				425.91
	2.	Briefing for Monthly SLDMWA Board Meeting, Virtual						-
	3.	Watershed Master Plan Public Workshop, Los Altos Community Center						-
9/10/2025	1.	Environmental Creek Cleanup Committee, VWHQ	403.37	22.54				425.91
	2.	Meeting with Staff, VWHQ						-
	3.	Meeting with Legal, VWHQ						-
	4.	Alviso Neighborhood Group Meeting, Virtual						-
9/11/2025	1.	SLDMWA Board of Directors Meeting, VWHQ	403.37	22.54				425.91
9/15/2025	1.	Milpitas Rotary Club Meeting, Milpitas Chamber	403.37	7.71				411.08
	2.	Weekly Agenda Review, Virtual						-
9/16/2025	1.	SJ Council Adjournment for Bob Gross, SJ City Hall		12.50				12.50
9/17/2025	1.	ERG Event: OLA- Poesi by the Pond, VWHQ		22.54				22.54

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: RICHARD SANTOS

MEETING DATE		PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
	2.	Milpitas Historical Society Meeting, Milpitas Library	403.37	7.71				411.08
	3.	Meeting with CEO, Virtual						-
9/18/2025	1.	Cherry Ave EIH Site Tour, VWHQ	403.37	22.54				425.91
	2.	K-Water MOA Signing & Lunch, VWHQ						-
9/19/2025	1.	Santa Clara & San Benito Counties BBQ, 2125 Canoas Garden		15.57				15.57
9/20/2025	1.	Penitencia Neighborhood Meeting, Virtual	403.37					403.37
	2.	Coastal Cleanup Day, Alviso Slough, Coyote Creek, Upper Paritencia Creek, Home		31.38				31.38
9/22/2025	1.	Board Support Candidate, Virtual						-
9/23/2025	1.	Valley Water Regular Board Meeting, VWHQ	403.37	22.54				425.91
9/24/2025	1.	Monthly Recycled Water Committee, VWHQ	403.37	22.54				425.91
9/25/2025	1.	Interview for Shoreline Event, 1751 Grand Blvd, San Jose	403.37	15.22				418.59
9/26/2025	1.	Fax AT&T					72.02	72.02
	2.	Milpitas Chamber 66th Awards Gala Dinner, Romano's Macaroni Grill						
9/29/2025	1.	2026 Board Audit Plan, Virtual	403.37					403.37
	2.	Weekly Agenda Review, Virtual						
9/30/2025	1.	Briefing for SCRWA Meeting, Virtual						-
		TOTALS	**18,151.65**	**868.10**	**9.00**	**-**	**451.85**	**19,480.60**

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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: JOHN VARELA

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
7/1/2025	1. ACWA Election Committee: Board Officer Candidate Interviews, Virtual	403.37					403.37
7/2/2025	1. ACWA Foundation Ex Committee Meeting, Virtual	403.37					403.37
7/7/2025	1. Agricultural Water Advisory Committee meeting, VWHQ	403.37	29.59				432.96
7/8/2025	1. Valley Water Board Meeting, VWHQ	403.37	29.59				432.96
	2 Briefing for SLDMWA Board Meeting, Virtual						-
7/10/2025	1. SLDMWA Board Meeting, Virtual	403.37					403.37
	2 MH Chamber Board Meeting, Virtual						-
7/17/2025	1. ACWA Board Meeting, Virtual	403.37					403.37
7/19/2025	1. Monthly Meeting with VW Directors with ACWA Exec Director Marwan, Virtual	403.37					403.37
7/21/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	29.59				432.96
	2 Meeting with Legal, VWHQ						
	3 Meeting with ACEO, Virtual						
7/22/2025	1. Union Leadership Meeting, Virtual	403.37					403.37
7/23/2025	1. Morgan Hill Chamber, Virtual	403.37					403.37
8/1/2025	1. August 2025 - ACWA Board Meeting, Virtual	403.37					403.37
8/5/2025	1. Lisa Mealoy Review, Sacramento ACWA Office, Virtual	403.37					403.37
	2. ACWA Executive Director Draft Evaluation, Virtual						-
8/6/2025	1. ACWA 101, Virtual	403.37					403.37
8/7/2025	1. SLDMWA Board of Directors Meeting, 842 6th St, Los Banos, CA						-
	2. Meeting with Asm. Gail Pellerin, VWHQ	403.37	29.59				432.96
8/8/2025	1. Tour of Komodo Fire System, 700 Jarvis Drive, Morgan Hill	403.37	6.41				409.78
8/18/2025	1. Meeting with Director Ballard, Spectra Coffee San Jose	403.37	28.53				431.90
8/20/2025	1. WELL Legislative Briefing Water Governance Inequities, Virtual	403.37					403.37
	2. Youth Commission, VWHQ						-
	3. ACWA Conference Registration			999.00			999.00
	4. ACWA Conference Registration			(499.50)			(499.50)
8/22/2025	1. Monthly Meeting with ACWA Exec Director Marwan, via phone	403.37					403.37
8/25/2025	1. Special ACWA Board of Directors Meeting, Virtual	403.37					403.37
8/26/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	29.59				432.96
8/27/2025	1. Morgan Hill Chamber, Virtual	403.37					403.37
8/28/2025	1. San Jose Spotlight Interview, Peets Coffee Morgan Hill	403.37	7.78				411.15
8/29/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	29.59				432.96
9/2/2025	1. SCC Farm Bureau Board Meeting, 605 Tennant Ave, Suite H	403.37	3.29				406.66
9/3/2025	1. Valley Water Special Board Meeting, VWHQ	403.37	29.59				432.96
9/4/2025	1. Morgan Hill Chamber Breakfast, 17000 Monterey Rd, Morgan Hill, CA 95037	403.37	2.57				405.94
	2. ACWA Region Program Tour			80.00			80.00
	3. ACWA Region Program Tour			(80.00)			(80.00)
9/5/2025	1. Pajaro River Watershed Floor Prevention Authority, Virtual	403.37					403.37
9/8/2025	1. ACWA Foundation Meeting, Virtual	403.37					403.37

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2-Mileage Reimbursement @ $0.70/mile.
3-Per GP-10.6.3
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SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTOR'S COMPENSATION
For the Quarter Ending 09/30/25
(Unaudited ~ for Board of Directors review)

DIRECTOR: JOHN VARELA

MEETING DATE	PURPOSE / LOCATION OF MEETING	GROSS FEE[1]	MILEAGE[2]	BOARD APPROVED[3]	BOARD ALLOCATED[4]	COMMUNICATION CHARGES[5]	TOTALS
	2. Meeting with CEO, Virtual						-
9/9/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	29.59				432.96
9/11/2025	1. SLDMWA Board of Directors Meeting, Virtual	403.37					403.37
9/15/2025	1. Meeting with ACWA Executive Director, Virtual	403.37					403.37
9/16/2025	1. Meeting with Linda M., VWHQ	403.37	29.59				432.96
9/17/2025	1. ACWA Foundation Meeting, Virtual	403.37					403.37
9/18/2025	1. ACWA Board Meeting, Virtual	403.37					403.37
	2. Anderson Dam Update Public Meeting, Morgan Hill Community Center		2.57				2.57
9/19/2025	1. ACWA Board Meeting, Virtual	403.37					403.37
9/21/2025	1. SCC Farm Bureau BBQ, Kirigin Cellars	403.37	6.85				410.22
	2. Meal - Celebrating 30 years Leadership Morgan Hill			130.00			130.00
9/22/2025	1. Meeting with CEO, Virtual	403.37					403.37
9/23/2025	1. Valley Water Regular Board Meeting, VWHQ	403.37	29.59				432.96
9/24/2025	1. Morgan Hill Chamber, Virtual						-
TOTALS		**$15,328.06**	**$353.90**	**$629.50**	**$0.00**	**$0.00**	**$16,311.46**

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4-Annual fiscal year limit of $250 per Director per Board Resolution
5-Per GP-10.7

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File No.: 26-0077

Agenda Date: 2/24/2026
Item No.: 4.5.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the South Babb Creek Flood Mitigation Project, Under the Watersheds Asset Rehabilitation Program, Granite Rock Company, Contractor, Project No. 62084001, Contract No. C0716 (San Jose, District 6).

RECOMMENDATION:

A. Accept the work as complete on the South Babb Creek Flood Mitigation Project, under the Watersheds Asset Rehabilitation Program, Project No. 62084001, Contract No. C0716 as complete; and
B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

SUMMARY:
The construction contractor, Granite Rock Company (Contractor), has completed the South Babb Creek Flood Mitigation Project (Project), under the Watersheds Asset Rehabilitation Program.

Project Background

South Babb Creek is a tributary to Lower Silver Creek, which is a 43.6 square mile drainage area within the larger Coyote Creek watershed. The entire section of South Babb Creek is located within the city of San Jose and drains into Lower Silver Creek downstream of the Farringdon Drive bridge.

In 2018, Santa Clara Valley Water District (Valley Water) completed civil construction of floodwalls as part of the Lower Silver Creek Project at the confluence with South Babb Creek. Following construction, Valley Water completed a 100-year flood event study that included a hydrologic and hydraulic model of the Lower Silver Creek watershed in support of the Federal Emergency Management Agency's (FEMA) Cooperating Technical Partnership program. The results of the hydraulic modeling indicated that, in this event, flood water would spill along South Babb Creek onto the street surface at several bridge crossings. Flood waters would then flow north easterly and pond behind the floodwalls constructed for the Lower Silver Creek Project (Reach 5C), preventing overland drainage back into the creek. The water would eventually flow north and flood an apartment complex

adjacent to the Project area. FEMA initiated a Physical Map Revision based on the recent hydraulic modeling, which will add the apartment complex to the regulatory floodplain if no additional measures are taken.

The long-term South Babb Creek Flood Protection Project is currently on the Capital Improvement Program (CIP) unfunded project list. Each year, unfunded CIP projects are re-evaluated for the Board's consideration for inclusion into next year's CIP Five-Year Plan. Staff will continue to explore grants and other funding opportunities to fund this long-term project and other watershed projects.

To mitigate the short-term impacts to the apartment complex, staff developed several alternatives. In January 2023, the South Babb Creek Flood Mitigation Project (Project) was identified as one of the high-priority projects to be implemented under the Watersheds Asset Rehabilitation Program (WARP). This Project, the selected design alternative, scope consisted of the construction of underground storm water troughs behind sections of the existing floodwall and modifying the floodwalls with openings and the installation of a total of 45 flap gates along the length of the floodwall, allowing ponding water to drain back to Lower Silver Creek, therefore, reducing the flooding conditions primarily at the apartment complex. The Project began on July 21, 2025, and was completed on December 30, 2025, with the final Project Completion Letter issued on January 9, 2026.

Relevant Previous Board Actions

On November 28, 2017, the Board accepted the Construction Phase (Milestone 1) for the Lower Silver Creek Flood Protection and Creek Restoration Project, Reaches 5C-6A, Contract No. C0580.

On January 12, 2021, the Board accepted the Landscape and Revegetation Establishment Maintenance Phase (Milestone 2) for the Lower Silver Creek Flood Protection and Creek Restoration Project, Reaches 5C-6A, Contract No. C0580.

On April 22, 2025, the Board adopted the plans and specifications and authorized advertisement for bids for the South Babb Creek Flood Mitigation Project.

On June 24, 2025, the Board awarded the Construction Contract to Granite Rock Company, in the sum of $1,225,742.00 and approved a contingency of 10% in the amount of $122,574.00 and authorized the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Contract Change Orders

A total of four (4) contract change orders totaling a net decrease of $1,065.36 were executed for this contract to address various issues, including unforeseen site conditions, unforeseen utility conflicts, post-design clarifications, Valley Water requested changes, and credits back to the contract for deleted items of work.

These changes included:

A. $56,431.34 for additional work required to address unforeseen site conditions. This includes

work such as accommodating design clarifications to address existing PG&E utility poles in conflict with the originally proposed trough locations, cutting and capping an existing irrigation line in conflict with the proposed trough locations, relocation of a flap gate in conflict with an existing floodwall expansion joint, epoxy coating of exposed soldier piles in the troughs, and additional excavation required to reach the proposed trough depths. This work was carried out under Change Order Nos. 1 and 2.

B. $52,653.30 for additional Valley Water-requested changes and post-design clarifications. This includes work such as restoring a damaged silt fence in the creek bed, grading a portion of District Valley Water Maintenance Road with an Aggregate Base for ease of maintenance, and additional paving to restore the project site to better condition. This work was executed under Change Order No. 3.

C. <$110,150.00> for credits associated with the deletion of unused supplemental bid items, including Site Security (Supplemental Bid Item 1) and the Groundwater Storage and Disposal Allowance (Supplemental Bid Item 2), which was executed under Change Order No. 4.

The final total contract amount is $1,224,676.64. Table 1 presents a summary of the construction contract and contingency amounts.

TABLE 1

SUMMARY OF CONSTRUCTION CONTRACT

AND CONTINGENCY AMOUNTS

	Contract Amount	Contingency Amount
Original Contract	$1,225,742.00	$122,574.00
Change Order No. 1(Staff Approved)	$37,058.27	$85,515.73
Change Order No. 2(Staff Approved)	$19,373.07	$66,142.66
Change Order No. 3(Staff Approved)	$52,653.30	$13,489.36
Contingency Amount Spent on COs 1-3 and Remaining	**$109,084.64**	**$13,489.36**
Change Order No. 4(Staff Approved)	<$110,150.00>	
Reduced Original Contract Amount with Credit	$1,115,592.00	
Final Contract Amount and Remaining Contingency Amount	$1,224,676.64	$13,489.36

Acceptance of the Work and Recording Notice of Completion of Contract

The California Civil Code allows an owner or agent to execute a Notice of Completion of Contract after acceptance of the work by the Board. The Notice of Completion of Contract and Acceptance of Work is included in Attachment 1. The Designated Engineer has determined that the work has been completed, to the best of his knowledge, in accordance with the plans and specifications, and recommends acceptance. The Designated Engineer's recommendation of construction acceptance is included in Attachment 2. The Project Completion Letter is included as Attachment 3. Photos of the completed Project are included in Attachment 4. The Project Delivery Process Chart is included in Attachment 5.

Construction Contract Retention

California law requires Valley Water to release contract retention in accordance with certain time frames, which will commence once the Notice of Completion is recorded with the Santa Clara County Clerk-Recorder. Interest payment on retention due to the contractor may be avoided by meeting the requisite deadlines.

Valley Water is currently withholding retention funds totaling five percent (5%) of the contract items

($61,233.83) in accordance with the Public Contract Code. Per the construction Contract Documents, Valley Water is required to release retention funds associated with the contract 35 days after recording the Notice of Completion of Contract and Acceptance of Work, subject to any withholds required by law or the contract.

Recording a Notice of Completion is recommended. Retention withheld will be released pending the Board's acceptance and recording of the Notice of Completion.

Total Project Expenditures

As indicated in the Summary of Construction Contract and Contingency Amounts (Table 1), after Change Orders 1-4 were processed, the original contract amount of $1,225,742.00 decreased by $1,065.36 to $1,224,676.64, which is a decrease of approximately 0.1 percent.

ENVIRONMENTAL JUSTICE IMPACT:
There is no environmental justice impact associated with South Babb Creek Flood Mitigation Project. This action is unlikely to or will not result in disproportionate impacts on any specific community relative to the general population from the implementation of this project.

FINANCIAL IMPACT:
The South Babb Creek Flood Mitigation Project is included under the Watersheds Asset Rehabilitation Program (WARP), Project No. 62084001, and is included in the Capital Improvement Program (CIP) Fiscal Years (FY) 2026-30 Five-Year Plan and in the FY 2025-26 Adopted budget. The Project is funded by the Watersheds Stream Stewardship Fund (Fund 12).

Transfer of Remaining Balances

The original contract amount of $1,225,742, combined with the Board-approved contingency in the amount of $122,574, totals $1,348,316 for construction of the Project. The total final expended amount for the construction of the Project is $1,224,676.64. This results in the remaining balance of $14,554.72. Upon completion of the construction contract (C0716 South Babb Creek Flood Mitigation Project) the remaining amount will be released to project reserves for the Watersheds Asset Rehabilitation Program (WARP), Project No. 62084001.

CEQA:
Valley Water is the lead agency under the California Environmental Quality Act for implementation of the Project. This Project is exempt under CEQA Guidelines Section 15301, which exempts minor alterations of existing public facilities, and CEQA Guidelines Section 15304, which exempts minor alterations in the condition of the land. A Notice of Exemption was prepared and filed with the Santa Clara County Office of the Clerk-Recorder on April 24, 2025.

ATTACHMENTS:

Attachment 1: Notice of Completion and Acceptance of Work
Attachment 2: Construction Contract Acceptance
Attachment 3: Project Completion Letter
Attachment 4: Construction Photos
Attachment 5: Project Delivery Process Chart

UNCLASSIFIED MANAGER:
Bhavani Yerrapotu, 408-630-2735

Valley Water

RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN EXPRESSWAY, SAN JOSE, CA 95118

Recording Requested by: Candice Kwok-Smith, Clerk, Board of Directors

When Recorded, Mail to:

Candice Kwok-Smith, Clerk, Board of Directors
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

NOTICE OF COMPLETION OF CONTRACT AND ACCEPTANCE OF WORK

NOTICE IS HEREBY GIVEN by order of the Board of Directors of Santa Clara Valley Water District, State of California, pursuant to law, that work to be performed under the contract heretofore made and executed by and between Santa Clara Valley Water District, as Owner therein, and **Granite Rock Company, 5225 Hellyer Avenue, Suite 220, San Jose, CA 95138**, as Contractor therein (Contractor), bearing the date **June 18, 2025** for construction of the South Babb Creek Flood Mitigation Project, Contract No. C0716, Project No. 62084001 and appurtenant facilities upon lands of said District known as Lower Silver Creek situated in the County of Santa Clara, State of California, was completed as called for and in the manner designated by the plans and specifications, by the Contractor, and the work was accepted by the District's Board of Directors on behalf of the District on February 24, 2026.

That upon said contract, **The Continental Insurance Company (Bond No. 30249218)** was surety on the bond given by **Granite Rock Company** the Contractor, as required by law;

That the title of said District to the real property upon which said work and contract was performed is that of **Fee and pursuant to a License Agreement** and;

That the District's address is 5750 Almaden Expressway, San Jose, California 95118.

IN WITNESS WHEREOF, pursuant to the order of the Board of Directors made and given on February 24, 2026 authorizing and directing the execution of this instrument, the District has caused these presents to be executed in its name, authenticated by the signature of the Clerk of the Board of Directors on February 24, 2026.

_____
Candice Kwok-Smith
Clerk, Board of Directors
Santa Clara Valley Water District

I, the undersigned, say that I am Clerk of the Board of Directors of the Santa Clara Valley Water District; that I make this declaration on its behalf; that District is the owner of the real property interest described in the foregoing Notice; that declarant has read the foregoing Notice and knows the contents thereof, and the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2026, at San Jose, California.

_____
Candice Kwok-Smith
Clerk, Board of Directors
Santa Clara Valley Water District

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SANTA CLARA VALLEY WATER DISTRICT

RECOMMENDATION OF CONSTRUCTION CONTRACT ACCEPTANCE

In accordance with **Article 22.01.03, Acceptance of Work**, of the Contract Specifications, a final inspection was conducted on December 22, 2025, for the South Babb Creek Flood Mitigation Project, Contract No. C0716, Project No. 62084001. The Project Completion Letter dated January 9, 2026, indicates that the work was completed in accordance with the requirements of the contract.

It is recommended that the work under this contract be accepted by Valley Water.

Recommended By:

Signed by:
Alfredo Cuellar
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1/14/2026

Alfredo Cuellar, Date
Designated Engineer's Representative

Concurrence:

DocuSigned by:
Bhavani Yerrapotu
468D6D59FDEC458...

1/14/2026

Bhavani Yerrapotu, P.E. Date
Deputy Operating Officer
Watersheds Design and Construction Division

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January 09, 2026

Mr. Mark De Vera
Project Engineer
Granite Rock Company
5225 Hellyer Ave, Suite 220
San Jose, California 95138

Subject: South Babb Creek Flood Mitigation Project
Contract No. C0716, Project No. 62084001
Project Completion Letter

Dear Mr. De Vera:

The Santa Clara Valley Water District (Valley Water) is in receipt of the Project Completion Certification, dated January 02, 2026, from Granite Rock Company. All work has been completed as attested to by Valley Water and all required closeout documents have been received.

In accordance with **Article 11.01.05 Project Completion,** this serves as the Project Completion Letter for the completion of the Project.

Therefore, in accordance with **Article 11.01.06 Acceptance of Work, I** will recommend that the Valley Water Board of Directors formally accept this contract.

If you have any questions, contact me at (408) 630-3786 or email at acuellar@valleywater.org.

Sincerely,

Alfredo Cuellar

Alfredo Cuellar
Designated Engineer's Representative

cc: B. Yerrapotu, J. Valencia, A. Perdomo, K. Neuman, L. Gregory, S. De La O, G. Ohea, I. Thakur, J. Luna, M. Rivera, P. De Haro, Contract File

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Valley Water

Clean Water • Healthy Environment • Flood Protection

South Babb Creek Flood Mitigation Project

Notice of Completion of Construction Contract

February 24, 2026

Construction Photos







PRE-CONSTRUCTION

Construction Photos



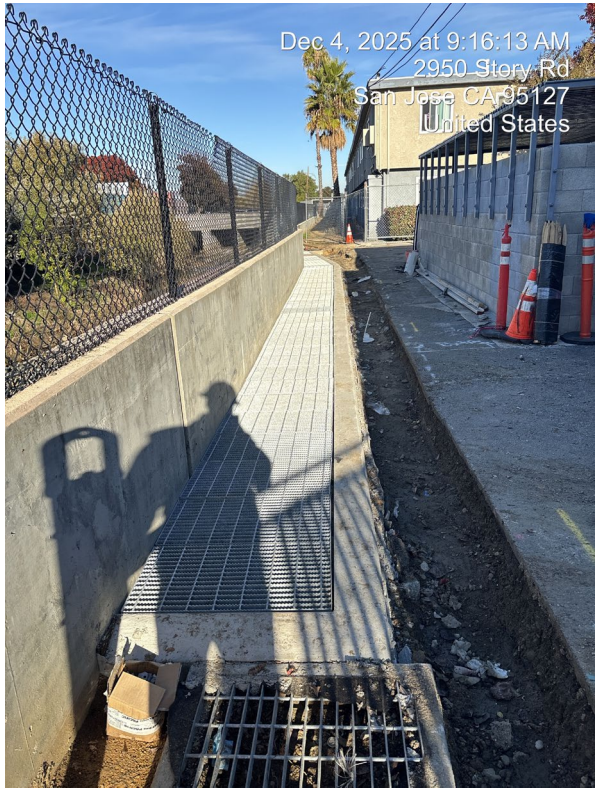




CONSTRUCTION PHASE

Construction Photos





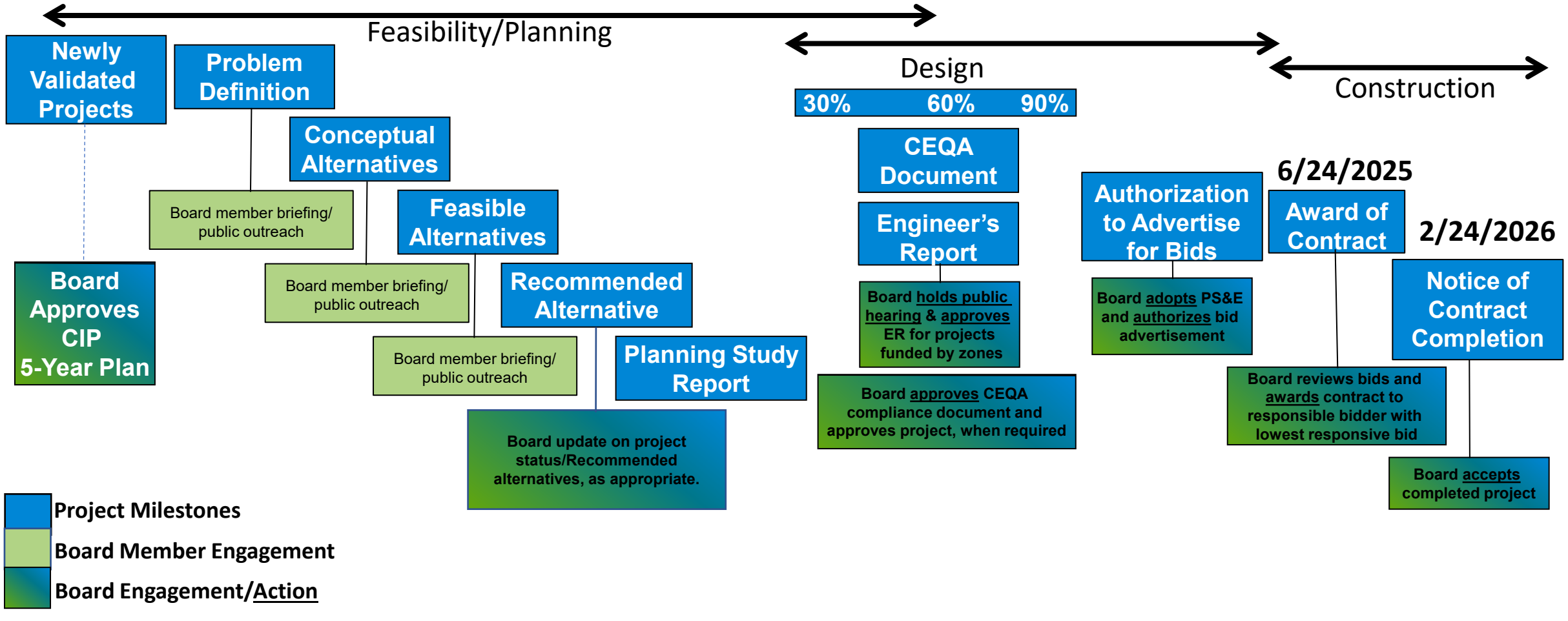


POST-CONSTRUCTION

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Project Delivery Process

BOARD ACTION & ENGAGEMENT



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Santa Clara Valley Water District

File No.: 26-0211

Agenda Date: 2/24/2026
Item No.: *4.6.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Accept the CEO Bulletin for the Weeks of February 6 - 19, 2026.

RECOMMENDATION:
Accept the CEO Bulletin.

SUMMARY:
The CEO Bulletin is a weekly communication to the Board of Directors for the CEO, assuring compliance with Executive Limitations Policy EL-7: The BAOs inform and support the Board in its work. Further, a BAO shall inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established, and report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

CEO Bulletins are produced and distributed to the Board weekly as informational items, and then placed on the bimonthly, regular Board meeting agendas to allow opportunity for Board discussion on any of the matters contained therein.

ENVIRONMENTAL JUSTICE IMPACT:
The CEO Bulletin is not subject to environmental justice analysis.

FINANCIAL IMPACT:
There is no financial impact associated with this item.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
*Attachment 1: 02192026 CEO Bulletin

UNCLASSIFIED MANAGER:
Melanie Richardson, 408-630-2017

CEO BULLETIN

To: **Board of Directors**
From: **Melanie Richardson, Interim CEO**

Weeks of February 6, 2026 – February 19, 2026

Board Executive Limitation Policy EL-7:
The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Item	IN THIS ISSUE
1	Leak Detection and Repair Certificate Training Phase 3
2	Water Management Agreements Executed in January

1. Leak Detection and Repair Certificate Training Phase 3

On November 4, 2025, Valley Water hosted one of California's first in-person Leak Repair Elite trainings for plumbing professionals, marking the completion of Phase 3 of a multi-phase effort developed in collaboration with the Bay Area Water Supply and Conservation Agency (BAWSCA), the California Water Efficiency Partnership (CalWEP), and the International Association of Plumbing and Mechanical Officials (IAPMO). The training consisted of a single 8.5-hour session delivered by IAPMO and attended by 21 local plumbers.

Participants who completed the course received a certificate and were offered the opportunity to take an exam qualifying them for inclusion in the Leak Repair Elite Directory hosted by IAPMO at https://iapmo.org/training-education/calwep-contractors-directory. Water retailers can use this directory to refer customers to trained professionals when leaks are identified, helping expedite repairs and reduce water loss. Fourteen participants elected to take the exam, and all passed, expanding the pool of certified leak repair professionals available for customers. This effort supports the Water Supply Master Plan 2040 “No Regrets” package, which identified a suite of water conservation and stormwater projects, including a proposed customer leak repair incentive program. Such a program would require a trained workforce—an identified gap that this pilot sought to address.

Thanks to Valley Water's leadership in water conservation, the Leak Repair Elite pilot is part of a broader regional collaboration to expand the customer-side leak detection and repair workforce. Participating partners include BAWSCA, East Bay Municipal Utility District, Moulton Niguel Water District, and Irvine Ranch Water District. BAWSCA will host their Leak Repair Elite training in early 2026, further expanding the regional directory of certified leak repair professionals.

For further information, please contact Kirsten Struve at (408) 630-3138.

2. Water Management Agreements Executed in January

Pursuant to EL-5.5.5, the CEO is required to inform the Board on a timely basis when imported water management agreements are executed. One imported water management agreement was executed in January 2026:

- January 27, 2026 - Water Transfer Agreement (#A5564W) for Valley Water to participate in San Luis & Delta-Mendota Water Authority's pooled Exchange Contractor 2026-2038 Transfers Activity Agreement.

For further information, please contact Vincent Gin at (408) 630-2633.

Santa Clara Valley Water District

File No.: 26-0079

Agenda Date: 2/24/2026
Item No.: *4.7.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Approval of Minutes from January 27 and January 29, 2026.

RECOMMENDATION:
Approve the minutes from January 27 and January 29, 2026.

SUMMARY:
Pursuant to the Ralph M. Brown Act, a summary of discussions and a record of all actions taken during open and public meetings of the Santa Clara Valley Water District (Valley Water) Board of Directors are transcribed and submitted to the Board for review and formal approval.

Upon approval by the Board, the meeting minutes are finalized and incorporated into Valley Water's official archival records, serving as the authoritative historical record of the Board of Directors' proceedings.

ENVIRONMENTAL JUSTICE IMPACT:
The approval of minutes is not subject to environmental justice analysis.

FINANCIAL IMPACT:
There is no financial impact associated with this item.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
*Attachment 1: 01272026 Meeting Minutes
*Attachment 2: 01292026 Special Meeting Minutes

UNCLASSIFIED MANAGER:
Candice Kwok-Smith, 408-630-3193

BOARD OF DIRECTORS MEETING

MINUTES

CLOSED SESSION AND REGULAR MEETING
TUESDAY, JANUARY 27, 2026
11:00 AM

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER/ROLL CALL:

A Closed Session and Regular Meeting of the Santa Clara Valley Water District (Valley Water) Board of Directors was called to order at 11:00 a.m. in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, and by Zoom teleconference.

1.1. Roll Call.

Board members in attendance were Shiloh Ballard, Jim Beall, Nai Hsueh, Richard P. Santos, John L. Varela, and Tony Estremera, Chairperson presiding, constituting a quorum of the Board.

Director Rebecca Eisenberg arrived as noted below.

Staff members in attendance were Melanie Richardson, Interim Chief Executive Officer; Carlos Orellana, District Counsel; Candice Kwok-Smith, Clerk, Board of Directors; E. Aryee, A. Baker, L. Bankosh, M. Bilski, J. Bourgeois, R. Chan, J. Codianne, A Garcia, C. Hakes, A. Lee, R. McCarter, P. McElroy, T. Ndah, L. Penilla, R. Ruiz, K. Struve, D. Taylor, B. Yerrapotu, and T. Yoke. Communications Manager Linh Hoang represented Chief of External Affairs Rachael Gibson.

2. 11:00 AM - CLOSED SESSION:

Chairperson Estremera confirmed that the Board would adjourn to Closed Session to consider Items 2.1, 2.2 and 2.3.

Carlos Orellana, District Counsel, reported that with respect to Item 2.3, the facts and circumstances giving rise to the Item are various alleged allegations of harassment, discrimination, retaliation, and abusive conduct.

Director Eisenberg arrived.

2.1. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL, INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
15 potential cases

2.2. CLOSED SESSION
PUBLIC EMPLOYEE DISCIPLINE
Pursuant to Government Code Section 54957(b)(1)

2.3. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(d)(2)
Number of cases: multiple

2.4. District Counsel Report on Closed Session.

Upon return from Closed Session, the same Board members, including Director Eisenberg and staff, were present.

Carlos Orellana, District Counsel, reported that in regard to Items 2.1, 2.2 and 2.3, the Board met in Closed Session with all members participating, including Director Eisenberg, and took no reportable action.

3. 1:00 PM - TIME CERTAIN:

3.1. Pledge of Allegiance/National Anthem.

Director Ballard led all present in reciting the Pledge of Allegiance.

3.2. Orders of the Day.

Chairperson Estremera confirmed that there were no changes to the Orders of the Day.

Chairperson Estremera read the Board Meeting Decorum statement into the record, outlining the expectations for respectful and professional conduct during the proceedings.

Move to Approve:	Nai Hsueh
Second:	Shiloh Ballard
Yeas:	Naih Hsueh, Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Richard Santos, John L. Varela, Tony Estremera
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent

The Yeas have it, and the motion passed.

3.3. Time Open for Public Comment on any Item not on the Agenda.

Chairperson Estremera declared time open for public comment on any subject not on the agenda.

Lakeisha Bryant, Santa Clara Valley Water's Association of Black Employees (ABE) leader, thanked the Board for celebrating Black History Month.

Public comments were received by the Board from Deborah Goldeen, Palo Alto resident, and Peter Van Dyke, Loma Prieta Resource Conservation District.

3.4. Receive an Update on the Pure Water Silicon Valley Project and Adopt a Resolution Authorizing the Execution and Delivery of Agreement Relating to the Proposed San Jose Purified Water Project and Certain Acts in Connection Therewith.

Recommendation: Receive an update on the Pure Water Silicon Valley Project and Adopt the Resolution AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENT RELATING TO THE PROPOSED SAN JOSE PURIFIED WATER PROJECT AND CERTAIN ACTS IN CONNECTION THEREWITH.

Interim Chief Executive Officer Melanie Richardson read the following two requests into the record, received from Tanya Moniz-Witten, President of San Jose Water Company.

1. That the Board's meeting notes/minutes explicitly state that the restrictions apply only to the portion of the SJPWP financed with the Bonds; and

2. That staff prepare and circulate a written addendum or memorandum reflecting this clarification, for concurrence by both parties' counsel, to accompany the item file.

Kirsten Struve, Assistant Officer, reviewed the information on this item per the attached Board Agenda Memo.

Motion: Adopt Resolution No. 2026-03 AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENT RELATING TO THE PROPOSED SAN JOSE PURIFIED WATER PROJECT AND CERTAIN ACTS IN CONNECTION THEREWITH, by roll call vote.

Move to Adopt:	Richard Santos
Second:	John L. Varela
Yeas:	Jim Beall, John L. Varela, Nai Hsueh, Richard Santos, Shiloh Ballard, Tony Estremera
Nays:	Rebecca Eisenberg
Abstains:	None
Recuses:	None
Absent:	None
Summary:	6 Yeas; 1 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

Director Eisenberg explained that they voted in opposition to the item because they lacked information.

3.5. Receive and Discuss the Overview of the Santa Clara Valley Water District's Fiscal Year 2026-27 First Pass Biennial Budget.

Recommendation: Receive and discuss the overview of the Santa Clara Valley Water District's Fiscal Year 2026-27 First Pass Biennial Budget.

Enrique De Anda, Budget Manager, reviewed the information on this item, per the attached Board Agenda Memo and per the information contained in Attachment 1.

The Board noted the information without formal action.

3.6. Conduct a Public Hearing to Consider Adopting a Resolution of Necessity Relating to the Acquisition of Real Property Interests from San Jose Unified School District, Necessary to Complete the Coyote Creek Flood Protection Project, Project No. 26174043, APNs 472-33-007 and 472-33-010, Real Estate File Nos. 4021-354 and 4021-467 (San Jose, District 2).

Recommendation:
A. Open and conduct a Public Hearing to consider adoption of a Resolution of Necessity relating to the acquisition of real property interests from San Jose Unified School District, necessary to complete the Coyote Creek Flood Protection Project, Project No. 26174043;
B. Close the Public Hearing; and
C. Adopt the Resolution DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE COYOTE CREEK FLOOD PROTECTION PROJECT (PROJECT NO. 26174043) (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, et seq.), by a two-thirds vote.

Chairperson Estremera acknowledged receipt of the attached Letter from San Jose Unified School District (SJUSD), identified as Handout 3.6-A, herein. Copies of the Handout were distributed to the Board and made available to the public.

Chairperson Estremera opened the Public Hearing.

Madhu Thummaluru, Capital Engineering Manager, reviewed the information on this item per the attached Board Agenda Memo and per the information contained in Attachment 3.

Chairperson Estremera declared time open for public comments.

The Board received public comments from Seth Reddy, SJUSD Chief Business Officer, and Phil Henderson, SJUSD Counsel.

Chairperson Estremera requested a motion to close the Public Hearing.

Motion:	Close the Public Hearing.
Move to Approve:	Richard Santos
Second:	Nai Hsueh
Yeas:	Jim Beall, John L. Varela, Nai Hsueh, Rebecca Eisenberg, Richard Santos, Shiloh Ballard, Tony Estremera
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

Motion:	Adopt Resolution No. 2026-04 DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE COYOTE CREEK FLOOD PROTECTION PROJECT (PROJECT NO. 26174043) (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, et seq.), by roll call vote.
Move to Adopt:	Shiloh Ballard
Second:	Nai Hsueh
Yeas:	John L. Varela, Nai Hsueh, Richard Santos, Shiloh Ballard, Tony Estremera
Nays:	Jim Beall, Rebecca Eisenberg
Abstains:	None
Recuses:	None
Absent:	None
Summary:	5 Yeas; 2 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - 4.4)

The Board considered Consent Calendar Items 4.1 through 4.4 under one motion.

4.1. Adopt a Resolution Setting Time and Date of Public Hearing on the Final Mitigated Negative Declaration and Engineer's Report for the Vasona Pump Station Upgrade Project, Project No. 92264001 (Los Gatos, District 7).

Recommendation:	Adopt the Resolution SETTING TIME AND DATE OF PUBLIC HEARING ON THE FINAL MITIGATED NEGATIVE DECLARATION AND ENGINEER'S REPORT FOR THE VASONA PUMP STATION UPGRADE PROJECT, to occur on February 10, 2026, at 1:00 p.m., at the Boardroom at Santa Clara Valley Water District, Headquarters Building, 5700 Almaden Expressway, San Jose, CA.

4.2. Adopt Recommended Positions on Federal Legislation: H.R. 6422 (Stauber) - American Water Stewardship Act; And Other Legislation That May Require Consideration by the Board.

Recommendation: Adopt a Position of "Support" on H.R. 6422 (Stauber) - American Water Stewardship Act.

4.3. Approve a Sole Source Designation, Adopt Plans and Specifications, and Authorize Advertisement for Bids for the East Pipeline Inspection and Rehabilitation Project, Project No. 95084004, Contract No. C0718, (San Jose, Districts 1, 3, and 6).

Recommendation:
A. Find that the East Pipeline Inspection and Rehabilitation Project is substantially complex and, therefore, requires construction contract retention of ten percent (10%);
B. Find that certain Supervisory Control and Data Acquisition (SCADA) instrumentation components, as specified in the Plans and Specifications, should be designated as specific brand or trade name products. Public Contract Code Section 3400(c)(2);
C. Adopt the Plans and Specifications and Authorize Advertisement for Bids for Construction of the East Pipeline Inspection and Rehabilitation Project, per the Notice to Bidders; and
D. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

4.4. Accept the CEO Bulletin for the Weeks of January 9 - 22, 2026.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 4.1 through 4.4, under one motion, as follows: adopt Resolution No. 2026-05, SETTING TIME AND DATE OF PUBLIC HEARING ON THE FINAL MITIGATED NEGATIVE DECLARATION AND ENGINEER'S REPORT FOR THE VASONA PUMP STATION UPGRADE PROJECT, to occur on February 10, 2026, at 1:00 p.m., at the Boardroom at Santa Clara Valley Water District, Headquarters Building, 5700 Almaden Expressway, San Jose, CA, by roll call vote, as contained in Item 4.1; adopt a position of "Support" on H.R. 6422 (Stauber) - American Water Stewardship Act, as contained in Item 4.2; find that the East Pipeline Inspection and Rehabilitation Project is substantially complex and, therefore, requires construction contract retention of ten percent (10%); find that certain Supervisory Control and Data Acquisition (SCADA) instrumentation components, as specified in the Plans and Specifications, should be designated as specific brand or trade name products. Public Contract Code Section 3400(c)(2); adopt the Plans and Specifications and authorize Advertisement for Bids for construction of the East Pipeline Inspection and Rehabilitation Project, per the Notice to Bidders; and authorize the designated engineer

to issue addenda, as necessary, during the bidding process, as contained in Item 4.3; accept the CEO Bulletin, as contained in Item 4.4.

Move to Approve:	Richard Santos
Second:	Nai Hsueh
Yeas:	Jim Beall, John L. Varela, Nai Hsueh, Rebecca Eisenberg, Richard Santos, Shiloh Ballard, Tony Estremera
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

5. BOARD OF DIRECTORS:

5.1. Authorize the Chief Executive Officer to Execute the Grant Agreement for Funding Acquisition of Real Property (Sargent Ranch) with Peninsula Open Space Trust; Approve a Budget Adjustment in the Amount of $3,950,000 to the Fiscal Year 2026 Budget of the Safe, Clean Water and Natural Flood Protection Program's Project D7 Conservation of Habitat Lands, Project No. 26072008; and Authorize Transfer of $3,950,000 of Project No. 26072008 Funds to the Peninsula Open Space Trust for Acquisition of Sargent Ranch.

Recommendation:

A. Authorize the Chief Executive Officer to execute the Grant Agreement for Funding Acquisition of Real Property (Sargent Ranch) with the Peninsula Open Space Trust for the Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Program's Project D7: Partnerships for the Conservation of Habitat Lands, Project No. 26072008, in the amount of $3,950,000;
B. Approve the budget adjustment in the amount of $3,950,000 from Fund 26 Operating and Capital Reserves to the Fiscal Year 2026 Budget of the Safe, Clean Water Project D7 Partnerships for the Conservation of Habitat Lands, Project No. 26072008, to fully fund the Grant Agreement for Funding Acquisition of Real Property (Sargent Ranch) with the Peninsula Open Space Trust; and
C. Authorize the transfer of funds in the amount of $3,950,000 to the Peninsula Open Space Trust to support the acquisition of Sargent Ranch, consistent with the Safe, Clean Water Project D7 Funding Criteria.

The Board considered Item 5.1 without a staff presentation.

Public comment was received by the Board on this Item from Peter Van Dyke, Loma Prieta Resource Conservation District.

Move to Authorize:	John L. Varela
Second:	Richard Santos
Yeas:	Jim Beall, John L. Varela, Nai Hsueh, Rebecca Eisenberg, Richard Santos, Shiloh Ballard, Tony Estremera
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

5.2. Board Committee Reports.

The Board reviewed the information on the December 19, 2025, Board Audit Committee (BAC); January 28, 2026, Santa Clara Valley Water District Water Commission (SCVWD WC); January 28, 2026, Youth Commission; and January 29, 2026, Safe Clean Water Independent Monitoring Committee (SCWIMC), meeting summaries and agendas contained in Handouts 5.2-A through 5.2-D, respectively herein, and noted the information without formal action. Copies of the Handouts were distributed to the Board and made available to the public.

Director Beall informed the Board that the Board Audit Committee reviewed the audit of the Water Conservation Plan, which resulted in recommendations with potential budget implications, and requested that the analysis of the staffing issue be referred to the budget process.

6. WATER UTILITY ENTERPRISE:

None.

7. WATERSHEDS:

None.

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

None.

9. EXTERNAL AFFAIRS:

None.

10. CHIEF EXECUTIVE OFFICER:

10.1. CEO and Chiefs' Reports.

Tina Yoke, Chief Operating Officer, reported that the Santa Clara Valley Water District's Human Resources recruiting team has recently participated in the 2026 National Veterans Virtual Career Fair, in an effort to continue to support veterans and recruit new talent. Linh Hoang, Acting Chief of External Affairs, reviewed the attached Office of Communications Activities, identified as Handout 10.1-A herein. Copies of the Handout were distributed to the Board and made available to the public.

11. ADMINISTRATION:

None.

12. DISTRICT COUNSEL:

None.

13. BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:

13.1. Review the Fiscal Year 2026 Board Policy Planning Calendar.

Recommendation: Review the Fiscal Year 2026 Board Policy Planning Calendar.

The Board noted the information without formal action.

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

Director Ballard reported attending Environmental and Water Resources Committee (EWRC), and BAC meetings; a Special Recycling and Waste Reduction Commission, Santa Clara Valley Habitat Agency Implementation Board Meeting; a Tour of Coyote Valley with the Open Space Authority; and various meetings with staff.

Director Beall reported attending the funeral of Community Leader Barry Del Buono.

Director Eisenberg reported attending the swearing-in of the newly elected Santa Clara County Assessor, Neyesa Fligor.

Director Hsueh reported attending the aforementioned EWRC, Environmental Creek Cleanup Committee (ECCC), and Capital Improvement Program (CIP) Committee meetings; a San Francisquito Creek Joint Powers Authority (SFCJPA) meeting; a Water Retailer meeting; and various meetings with staff.

Vice Chair Santos reported attending the aforementioned ECCC, and SFCJPA meetings; the Tour of Coyote Valley with the Open Space Authority; and various meetings with staff.

Director Varela reported attending the aforementioned ECCC meeting; a Santa Clara County Farm Bureau Board meeting; an Association of California Water Agencies (ACWA) Foundation Board Meeting, ACWA Foundation Executive Committee meeting, and ACWA Regular Board meeting.

Chairperson Estremera reported attending the aforementioned CIP meeting; a Santa Clara Valley Water District Town Hall meeting; and various meetings with staff.

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

Candice Kwok-Smith, Clerk, Board of Directors, confirmed that there were no new Board Member Requests.

16. ADJOURN:

Chairperson Estremera adjourned the meeting in memory of Barry Del Buono, Community Leader, at 3:13 p.m. The Board will convene for the next Special Closed Session meeting at 6:00 p.m. on Thursday, January 29, 2026, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Candice Kwok-Smith
Clerk, Board of Directors

Approved:

Date: February 24, 2026

BOARD OF DIRECTORS MEETING

MINUTES

SPECIAL CLOSED SESSION BOARD MEETING
THURSDAY, JANUARY 29, 2026
6:00 PM

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER/ROLL CALL:

A Special Closed Session Meeting of the Santa Clara Valley Water District (Valley Water) Board of Directors was called to order at 6:00 p.m. in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, and by Zoom teleconference.

1.1. Roll Call.

Board members in attendance were Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Nai Hsueh, Richard P. Santos, John L. Varela, and Tony Estremera, with Tony Estremera, Chairperson, presiding, constituting a quorum of the Board.

Staff members in attendance were Carlos Orellana, District Counsel, and Candice Kwok-Smith, Clerk, Board of Directors.

2. 6:00 PM - CLOSED SESSION:

Chairperson Estremera confirmed that the Board would adjourn to Closed Session to consider Items 2.1 and 2.2.

Carlos Orellana, District Counsel, reported that in regard to Item 2.2, the facts and circumstances giving rise to the Closed Session Item include various allegations of harassment, discrimination, abusive conduct, and retaliation.

2.1. CLOSED SESSION
PUBLIC EMPLOYEE DISCIPLINE
Pursuant to Government Code Section 54957(b)(1)

2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant Exposure to Litigation
Government Code Section 54956.9(d)(2)
Number of cases: multiple

2.3. District Counsel Report on Closed Session.

Upon return from Closed Session, the same Board members and staff were present.

District Counsel Carlos Orellana reported that the Board met in Closed Session on Items 2.1 and 2.2 with all members initially present. Pursuant to Ordinance 22-03, the Chairperson directed the removal of Director Eisenberg from the Closed Session. The Board took no reportable action.

3. ADJOURN:

Upon return from Closed Session, all members and staff were present, including Director Eisenberg.

Chairperson Estremera adjourned the meeting at 8:00 p.m. The Board will convene for the next Regular meeting at 1:00 p.m. on Tuesday, February 10, 2026, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Candice Kwok-Smith
Clerk, Board of Directors

Approved:

Date: February 24, 2026

Santa Clara Valley Water District

File No.: 26-0214

Agenda Date: 2/24/2026
Item No.: *5.1.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Adopt a Resolution Appointing an Interim CEO and Authorizing the Associated Compensation.

RECOMMENDATION:
*Adopt the Resolution APPOINTING THE INTERIM CHIEF EXECUTIVE OFFICER, AN UNCLASSIFIED EMPLOYEE, APPOINTED BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND APPROVING THE COMPENSATION AMOUNT.

SUMMARY:
The Board of Directors (Board) has the authority to appoint the Chief Executive Officer (CEO), a Board Appointed Officer, and an Unclassified employee of the Santa Clara Valley Water District (Valley Water).

The CEO is on extended leave. To ensure continuity of operations and associated business needs, the Board may appoint an interim CEO. At this time, the Board is appointing an interim CEO to commence work on March 12, 2026, for a period of one year from the date of the appointment.

*Melanie Richardson will serve as the interim CEO effective March 12, 2026, for one year from the date of the appointment.

*The Interim CEO, Melanie Richardson, will report to the Board of Directors. The Chair of the Board will be the delegated authority to release the interim CEO at the conclusion of the appointment.

ENVIRONMENTAL JUSTICE IMPACT:
There are no environmental justice impacts associated with the agenda item.

FINANCIAL IMPACT:
Compensation associated with appointing an Interim CEO is budgeted through the Chief Executive Officer budget, Project 60131007.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
*Original Board Agenda Memorandum
*Supplemental Board Agenda Memorandum
*Supplemental Attachment 1: Resolution

UNCLASSIFIED MANAGER:
Patrice McElroy, 408-630-3159

Santa Clara Valley Water District

File No.: 26-0202

Agenda Date: 2/24/2026
Item No.: 5.1.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Adopt a Resolution Appointing an Interim CEO and Authorizing the Associated Compensation and Employment Agreement.

RECOMMENDATION:
Adopt the Resolution APPOINTING THE INTERIM CEO AND AUTHORIZING THE ASSOCIATED COMPENSATION AND EMPLOYMENT AGREEMENT COMMENCING MARCH 12, 2026, FOR A PERIOD OF ONE YEAR.

SUMMARY:
The Board of Directors (Board) has the authority to appoint the Chief Executive Officer (CEO), a Board Appointed Officer, and an Unclassified employee of the Santa Clara Valley Water District (Valley Water).

The CEO is on extended leave. To ensure continuity of operations and associated business needs, the Board may appoint an interim CEO. At this time, the Board is appointing an interim CEO to commence work on March 12, 2026, for a period of one year from the date of the appointment.

The Interim CEO will report to the Board of Directors. The Chair of the Board will be the delegated authority to release the interim CEO at the conclusion of the appointment.

The Resolution associated with this item and the appointment of the interim CEO will be provided in a supplemental memorandum on Friday, February 20, 2026.

ENVIRONMENTAL JUSTICE IMPACT:
There is no environmental justice impact associated with the agenda item.

FINANCIAL IMPACT:
Compensation associated with appointing an interim CEO is budgeted through the Chief Executive Officer budget, Project 60131007.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Patrice McElroy, 408-630-3159

Santa Clara Valley Water District

File No.: 26-0183

Agenda Date: 2/24/2026
Item No.: *5.1.

SUPPLEMENTAL BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Adopt a Resolution Appointing an Interim CEO and Authorizing the Associated Compensation.

REASON FOR SUPPLEMENTAL MEMORANDUM:
This memorandum provides additional information including the Resolution and employment agreement, with the corresponding attachments that weren't available at the time of publication on February 13, 2026.

RECOMMENDATION:
*Adopt the Resolution APPOINTING THE INTERIM CHIEF EXECUTIVE OFFICER, AN UNCLASSIFIED EMPLOYEE, APPOINTED BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND APPROVING THE COMPENSATION AMOUNT.

SUMMARY:
The Board of Directors (Board) has the authority to appoint the Chief Executive Officer (CEO), a Board Appointed Officer, and an Unclassified employee of the Santa Clara Valley Water District (Valley Water).

The CEO is on extended leave. In order to ensure continuity of operations and associated business needs, the Board may appoint an interim CEO. At this time, the Board is appointing an interim CEO to commence work on March 12, 2026, for one year from the date of the appointment.

*Melanie Richardson will serve as the interim CEO effective March 12, 2026, for one year from the date of the appointment.

*The Interim CEO, Melanie Richardson, will report to the Board of Directors. The Chair of the Board will be the delegated authority to release the interim CEO at the conclusion of the appointment.

ENVIRONMENTAL JUSTICE IMPACT:
There are no environmental justice and equity impacts associated with the agenda item.

FINANCIAL IMPACT:
Compensation associated with appointing an Interim CEO is budgeted through the Chief Executive Officer budget, Project 60131007.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
*Supplemental Attachment 1: Resolution

UNCLASSIFIED MANAGER:
Patrice McElroy 408-630-3159

BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT

RESOLUTION NO. 2026-

APPOINTING THE INTERIM CHIEF EXECUTIVE OFFICER, AN UNCLASSIFIED EMPLOYEE, APPOINTED BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND APPROVING THE COMPENSATION AMOUNT

WHEREAS, on (Fill in Date) the Board of Directors appointed Melanie Richardson to serve as the Santa Clara Valley Water District's (Valley Water) Interim Chief Executive Officer (Interim CEO); and

WHEREAS, the Board establishes the salary and benefits of Board Appointed Officers, and desires to establish the compensation for the Interim CEO while she serves in that capacity.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

1. Melanie Richardson is hereby appointed to the position of Interim CEO for a term not to exceed one (1) year commencing on March 12, 2026;

2. During the period of her services as Interim CEO of the Valley Water District, Melanie Richardson will earn a salary in the amount of $511,680;

3. In addition to the annual salary set forth in paragraph 1, Ms. Richardson will receive each of the employee benefits applicable to members of the unclassified service, as set forth in Exhibit A to this resolution.

4. The salary, wages, compensation, and expenses provided for herein shall be in full or all official services performed.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on February 24, 2026.

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

_____
TONY ESTREMERA
Chair, Board of Directors

ATTEST

_____
CANDICE KWOK-SMITH
Clerk, Board of Directors

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EXHIBIT A
COVERSHEET

EMPLOYMENT AGREEMENT BETWEEN SANTA CLARA VALLEY WATER DISTRICT AND MELANIE RICHARDSON

No. of Pages: 16

Exhibit Attachments: Attachment A: ICMA Code Of Ethics With Guidelines
Attachment B: Valley Water Unclassified Employee Benefits

EMPLOYMENT AGREEMENT BETWEEN
SANTA CLARA VALLEY WATER DISTRICT AND MELANIE RICHARDSON

This Employment Agreement (Agreement) is between the Santa Clara Valley Water District, a California special district (Valley Water), and Melanie Richardson, an individual (Employee), effective March 12, 2026 (Effective Date).

This Agreement is entered into on the basis of the following facts, among others:

A. Valley Water, acting by and through its Board of Directors (Board), desires to employ Employee as Valley Water's Interim Chief Executive Officer (Interim CEO) subject to the terms and conditions set forth in this Agreement.

B. Employee desires to be employed by Valley Water as its Interim CEO subject to the terms and conditions set forth in this Agreement.

C. Valley Water and Employee desire to establish and maintain a constructive business relationship by ensuring clarity about specific terms and conditions relating to that relationship, including Employee's duties, compensation and benefits, performance evaluations, and related matters.

BASED UPON THE FOREGOING, VALLEY WATER AND EMPLOYEE AGREE AS FOLLOWS:

1. Term.

   This Agreement is in effect beginning on the Effective Date and shall remain in effect for one (1) year concluding on March 11, 2027 or, if earlier, in accordance with section 8 of this Agreement.

2. At Will Employment.

   Employee understands that she has no constitutionally protected property or other interest in her employment as Interim CEO. She understands and agrees that she works at the will and pleasure of the Board and that she may be terminated or asked to resign at any time, with or without cause, subject only to the provisions of this Agreement. There is no express or implied promise made to Employee for any form or term of continued employment. This Agreement is the sole and exclusive basis for an employment relationship between Valley Water and Employee.

3. Duties.

   Employee will perform the duties of Valley Water's Interim CEO as set forth in: (a) the job description approved by the Board; (b) the Board's Governance Policies; (c) direction of the Board approved by a majority of the Board at a lawfully held meeting; and (d) as otherwise provided by law, ordinances, resolution, or regulation. Employee will perform her duties and exercise her powers consistent with due diligence, according to the highest professional standards and in compliance with all federal, state, and local laws, ordinances, and regulations which are applicable to or associated with the performance of such duties. Further, in carrying out these duties Employee will adhere to Valley Water Values, as set forth in the Board's Governance Policies and to the Code of Ethics of the International City/County Management Association (Code of Ethics). A copy of the Code of Ethics is attached hereto as **Attachment A**.

3.1 Employee will devote her full energy, skill and ability to the performance of Employee's duties.

3.2 Employee will not engage in any activity, whether or not for compensation, which is actually or potentially in conflict with, inimical to, or which interferes with the performance of Employee's duties. Employee will not engage in any new business duties or pursuits or render any services of a business, commercial, or professional nature without the prior consent of the Board.

3.3 Employee will inform the Board in advance of absences from District work of more than one day during normal Valley Water workdays.

4. Compensation.

Valley Water agrees to pay Employee an annual base salary of Five Hundred Eleven Thousand, Six Hundred and Eighty Dollars ($511,680) per annum payable in installments in accordance with Valley Water's usual payroll schedule.

5. Benefits and Allowances.

Employee will be eligible for, and will receive, all regular benefits and leave allowances as generally provided to employees in Valley Water's unclassified service and as set forth in **Attachment B,** Unclassified Employee Benefits (effective January 1, 2026).

6. Expenses of Employment/Membership in Organizations.

6.1 Valley Water agrees to reimburse Employee for all actual and reasonable business expenses incurred in the course and scope of her employment as Interim CEO, subject to reasonable budgetary amounts. This includes membership in professional organizations associated with her profession and duties and attendance at meetings of such organizations. Employee understands and agrees that when she joins community or professional organizations in her role as Interim CEO, she is viewed as representing Valley Water. Accordingly, Employee agrees to inform the Board about organizations she joins in her capacity as Interim CEO.

6.2 The Board and Employee agree that it is necessary and desirable for Employee to maintain current knowledge and skills appropriate to the leadership position of Interim CEO, for the benefit of Valley Water. The Board therefore encourages Employee's participation in development opportunities for executive managers and agrees, to the extent Valley Water is financially able, to budget for and pay for travel and subsistence expenses of Employee for professional meetings, executive degrees, institutes and seminars that are necessary for her continued professional development and for the good of Valley Water. The parties anticipate that these professional development opportunities would involve up to 40 hours of Employee's work time each year, or as otherwise determined in Employee's work plan established by the Board.

7. Evaluation of Employee Performance.

The Board and Employee agree that regular communication about their mutual expectations and about Employee's performance is essential to a strong working relationship. Accordingly, the parties agree that a closed session evaluation of Employee's performance will be completed by September 30, 2026.

8. Termination/Severance.

8.1 Employee may terminate this Agreement at any time upon 60 days' written notice to the Board.

8.2 Valley Water may terminate this Agreement at any time. Should Valley Water desire to terminate Employee's services, it may do so only by an affirmative majority vote of the Board made during a lawfully conducted closed session meeting and confirmed thereafter in a public meeting.

8.3 If Employee is involuntarily terminated by Valley Water without cause before March 11, 2027, while still willing and able to perform the duties of Interim CEO, Valley Water agrees to pay Employee in accordance with the Valley Water pay schedule in an amount equal to her remaining salary that she would have earned through March 11, 2027. This severance payment is expressly conditioned upon the signing of a Settlement and Release Agreement.

8.4 In recognition of Employee's professional status, Employee and the Board will prepare a joint public statement to be made at the public meeting should termination of the employment relationship be confirmed.

8.5 Employee may choose to resign her office instead of being terminated if a decision by the Board to terminate has been made in closed session. In such an event, the public announcement as provided for in paragraph 8.4 will state that Employee has resigned.

8.6 If Employee resigns her employment with Valley Water or retires from service to Valley Water, she will not be entitled to any severance pay.

9. ARBITRATION OF DISPUTES

9.1 Agreement to arbitrate. As a condition of Employee's employment with Valley Water, Valley Water and Employee agree, to the fullest extent permitted by law, to submit to mandatory binding arbitration any dispute, claim or controversy arising out of or relating to Employee's employment with Valley Water.

9.2 Arbitrable Claims: The parties understand and agree that to the fullest extent permitted by law, this Agreement applies to all claims (the "Arbitrable Claims") arising out of, related to or connected with Employee's employment with Valley Water, whether in contract, tort, law, equity or otherwise, and including, but by no means limited to, claims of discrimination, harassment, breach of contract (express or implied), breach of implied covenant of good faith and fair dealing, wrongful termination, misrepresentation, as well as claims based upon any federal, state or local ordinance, statute, regulation or constitutional provision, including, but not limited to, the Age Discrimination in Employment Act, 29 U.S.C.A. § 621 et seq., the Employee Retirement Income Security Act (ERISA), 29 U.S.C.A. § 1001 et seq., Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e et seq., 42 U.S.C.A. § 1981; the California Fair Employment and Housing Act, and the California Labor Code. Arbitration shall be final and binding upon the parties. Arbitration shall be the exclusive method by which to resolve all Arbitrable Claims. As an exception, this Agreement does not preclude the filing of workers' compensation claims, unemployment benefits claims, or any claims that may not be compelled to arbitration under California or federal law. **THE PARTIES WAIVE ANY RIGHTS THEY MAY HAVE TO A COURT OR JURY TRIAL IN REGARD TO ARBITRABLE CLAIMS.**

9.3 Administration of arbitration: The parties agree that the arbitration shall be conducted in Santa Clara County, California by a neutral arbitrator from JAMS Mediation, Arbitration and ADR Services, who will administer any such arbitration(s) in accordance with the JAMS Employment Arbitration Rules & Procedures. The arbitrator shall: (a) have the authority to compel adequate discovery for the resolution of the dispute, and to award such relief as would otherwise be permitted by law; and (b) issue a written decision including a statement of the award and the arbitrator's essential findings and conclusions on which the decision is based. The arbitrator shall have the power to award damages, remedies or relief that would be available in a court otherwise having jurisdiction of the matter, but no other damages, remedies or relief. Each party shall pay its own attorneys' fees and expenses, except that Valley Water shall pay the fees and expenses related to the arbitration that Employee would not generally be required to bear if Employee brought the same action in a court otherwise having jurisdiction. Nothing in this Agreement is intended to prevent either Employee or Valley Water from obtaining injunctive relief in court to prevent irreparable harm pending the conclusion of any such arbitration.

9.4 Arbitration Rules. The JAMS Employment Arbitration Rules & Procedures, as amended from time to time, shall apply to any arbitration conducted in this Agreement. The Rules may be found here, https://www.jamsadr.com/rules-employment-arbitration, and are incorporated by reference as if fully set forth herein.

9.5 Entire Agreement. Entire Agreement Regarding Arbitration; Modification: This Agreement reflects the parties' full and final agreement regarding the manner in which they will resolve Arbitrable Claims. There are no other agreements between the parties regarding this subject. This Agreement supersedes any prior agreements, written or oral, regarding this subject.

9.6 Review of Arbitration Award. Court review of any arbitration award shall be limited in accordance with the California Arbitration Act. Arbitration under this Agreement is governed by the California Arbitration Act (Code of Civil Procedure Sections 1280 et seq.). In the event of any conflict between the California Arbitration Act and the JAMS Employment Arbitration Rules & Procedures, the provisions of the California Arbitration Act shall govern.

9.7 Acknowledgment and Agreement. Employee acknowledges her prior receipt of the Rules and has had sufficient time to review the same prior to execution of this Agreement. Employee understands and agrees to the provisions of this Section 9 (ARBITRATION OF DISPUTES)

_____

Melanie Richardson
Employee

10. General/Miscellaneous Provisions

10.1 Indemnification and defense. Valley Water shall defend, hold harmless, and indemnify Employee against any tort, professional liability claim, or demand, or civil rights or other action, arising out of any act, event, or omission occurring in the scope of Employee's duties as Interim CEO, except to the extent that Employee's actions are the result of actual fraud, corruption, or actual malice. Valley Water will defend, compromise, or settle any such claim or suit, as appropriate, and pay the amount of any settlement or judgment rendered thereon. This indemnification will extend beyond termination of employment or other expiration of this Agreement with respect to acts undertaken by Employe both during her employment and in the scope of her employment as Interim CEO. The extent of defense or indemnification may be limited by the provisions of California law.

To Valley Water:	To Employee:
Chair of the Board of Directors Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118	Melanie Richardson Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118

AND to Employee's home address on file with Valley Water

10.2 Notices. Notices given under this Agreement will be in writing and will be: (a) served personally; (b) Delivered by first-class United States mail, certified, with postage prepaid and a return receipt requested; or (c) Sent by Federal Express, or an equivalent private mail delivery service. Notices will be deemed received at the earlier of actual receipt or 3 days following deposit with the U.S. Mail or private mail delivery service. Notices will be directed to the addresses shown below, provided that a party may change such party's address for notice by giving written notice to the other party in accordance with this paragraph 10.2:

10.3 Entire Agreement/Amendments. This Agreement reflects the complete understanding and agreement between the parties as to those matters contained in it, and supersedes any and all prior or contemporaneous agreements, representations, and understandings of the parties. It may be amended at any time by mutual written agreement of the parties.

10.4 Severability. Should any provision, section, or subsection of this Agreement be declared invalid or unenforceable by any court of competent jurisdiction, such ruling will not affect any other provision of the Agreement, and the unaffected provisions will remain in full force and effect.

10.5 Effect of Waiver. The failure of either party to enforce against another a provision of this Agreement will not constitute a waiver of that party's right to enforce such provision at a later time and will not serve to vary the terms of this Agreement.

10.6 Employee's Independent Review. Employee acknowledges that she has had the opportunity and has conducted an independent review of the financial and other effects of this Agreement; that she has had the opportunity to obtain legal or other review of the Agreement; and that in determining to enter into this Agreement she has not relied upon any representation of Valley Water, its officer, agents, or employees other than those expressly set forth in this Agreement.

10.7 Governing Law and Venue. The laws of the State of California will govern the interpretation, application, and enforcement of this Agreement.

10.8 Survivability. This Agreement shall be in full force and effect during the entire period of Employee's employment with Valley Water. This Agreement does not, however, extend or waive any statutes of limitations or other provisions of law that specify the time within which any claim must be brought. The provisions of sections 9 and 10.1 shall survive the termination of this agreement.

The signatures of the parties below indicate that each has read and understood the Agreement and will abide by the terms stated herein.

EMPLOYEE

Melanie Richardson | Date

SANTA CLARA VALLEY WATER DISTRICT

Tony Estremera
Chair, Board of Directors | Date

ATTEST

Candice Kwok-Smith
Clerk, Board of Directors

ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 2025. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2025.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. We believe professional management is essential to effective, efficient, equitable, and democratic local government.

Tenet 2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities in order to uphold local government professionalism.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

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Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members should demonstrate professional respect for colleagues, including predecessors, successors, and others who might be candidates for the same position. Professional respect does not preclude sharing honest differences of opinion privately between colleagues; it does preclude attacking a person's motives or integrity, undermining them, or actively interfering with their work.

Showing professional respect involves acknowledging power dynamics between different career points and tenures. Undue influence, abuse of power, and intimidation are inappropriate and must be avoided.

A member no longer working in service to a local government should be mindful of professional respect before running for elected office in a jurisdiction where they recently served.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

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This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Conflicting Roles. Members who serve multiple roles – either within the local government organization or externally – should avoid participating in matters that create either a conflict of interest or the perception of one. They should disclose any potential conflict to the governing body so that it can be managed appropriately.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment, unwelcome contact, advances, or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, sexual orientation, or veteran status. Members should foster respectful, inclusive environments in all professional and social settings.

Tenet 4. Serve the best interests of all community members.

GUIDELINES

Effects of Decisions. Members should inform the appropriate elected or appointed official(s) of a decision's anticipated effects on community members.

Promote Equity. Members should ensure fairness and impartiality in accessing programs and services and in the enforcement of laws and regulations. Members should assess and propose solutions to strive to eliminate disparities.

Tenet 5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

Tenet 6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and

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impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Continually improve professional capabilities and those of others while fostering growth and development through ethical leadership and effective management practices.

GUIDELINES

Self-Assessment. Members should evaluate and enhance their professional skills and competencies annually through self-reflection and by proactively soliciting feedback.

Professional Development. Members should stay informed about emerging issues, practices, and challenges, actively engage in development activities year-round, and support others in enhancing their professional and ethical competencies.

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Tenet 9. Keep the community informed on local government affairs. Encourage and facilitate active engagement and constructive communication between community members and all local government officials.

GUIDELINE

Engagement. Members should ensure community members can actively engage with their local government as well as eliminate barriers and support involvement of the community in the governance process.

Tenet 10. Oppose efforts to interfere with professional responsibilities by consistently executing official duties, policies, and processes with an unwavering commitment to unbiased public service.

GUIDELINES

Information Sharing and Feedback. The member should collaborate with the governing body to establish clear communication protocols for effective, equitable, and transparent information sharing and reciprocal feedback.

Personnel and Operational Matters. The member shall lead personnel and operating decisions consistent with responsibilities established in the charter or enabling legislation without interference from the governing body.

Tenet 11. Manage all personnel matters with fairness and impartiality.

GUIDELINE

Diversity and Inclusion. It is the member's responsibility to recruit, hire, promote, retain, train, and support a diverse workforce at all levels of the organization.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve

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a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private

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business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.
Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

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BENEFIT	SUMMARY
Vacation	• Newly hired employees receive **224 hours (28 days/year)** of prorated vacation based on the date of hire. The prorated amount is vested immediately for the remainder of the fiscal year and is available for use upon approval of the employee's Appointing Authority. Starting the following fiscal year, vacation shall accrue as set forth below for current employees. • Beginning each fiscal year, current employees receive 224 hours (28 days/year) of vacation, which is vested immediately for the entire fiscal year, and may be accumulated up to 4 times entitlement. • Employees may elect either a cash pay-off for up to 28 days (224 hours) or have all or a portion of the cash value transferred to the Deferred Compensation Plan once each year. Elections to cash out vacation must be made in the calendar year prior to the cash out.
Sick Leave	Sick leave is accrued at the rate of 1 day per month (96 hours per year) with unlimited accumulation. • Upon resignation, with 10 or more years of service with Valley Water, up to 480 hours of accrued sick leave shall be paid at 25% of the equivalent cash value. • Upon retirement (filed for CalPERS retirement), regardless of years of service with Valley Water, sick leave may be paid out as follows: ○ Sick leave balance *up to* 480 hours is paid out at 50% of the equivalent cash value. Any remaining balance above 480 hours may be converted into additional CalPERS service credit. Sick leave hours above 480 will not be paid out. ○ Entire accrued sick leave balance may be converted into additional CalPERS service credit. No sick leave hours will be paid out. ○ Combination of any portion (*up to 480 hours*) of the sick leave balance is paid out at 50% and any remaining balance may be converted into additional CalPERS service credit. Sick leave hours above 480 will not be paid out. • Upon death, all accrued, unused sick leave will be paid at 100% of the cash value. Any other payout of accrued sick leave upon separation of employment must be approved by the Chief Executive Officer. Any such approved payout shall not exceed 480 hours of accrued sick leave and shall be at the rate of 25% of the equivalent cash value.
Sick Leave Conservation	Sick Leave Conservation Program - Employees with a minimum of one (1) year of service who have used no more than twenty-seven (27) sick leave hours during the preceding twelve (12) month period may convert up to twenty-four (24) hours to cash. Elections to cash out sick leave must be made in the calendar year prior to the cash-out.
Executive Leave & Personal Leave	**24 hours of executive leave** and **32 hours of prorated personal leave** provided upon hire. Leave may be converted to cash or credited to the deferred compensation plan at any time during the fiscal year. Automatically paid out if no election is made.
Bereavement Leave	5 days of bereavement leave for obligations arising from the death of a family member as defined in the At-Will Policy for Employees in the Unclassified Service. Additional time may be charged to sick leave for a total leave (3 days of bereavement leave plus sick leave) not to exceed 10 consecutive working days.
Parental Leave	Employees may use sick leave (in addition to current vacation, comp time, and/or personal leave) for all qualifying parental leave. Employees can use this sick leave for bonding (or for the placement of a child with an employee for adoption or foster care). The duration of such parental or bonding leave shall be subject to Valley Water policy.
Holidays	14 designated days per calendar year.
CalPERS Retirement for Classic Members ***Hired Prior to 3/19/2012*** **(Tier 1)**	California Public Employees Retirement System (CalPERS) **2.5% at 55** retirement plan with final compensation of highest 12 consecutive months. The current required employee contribution is **8%**. Contributions are pre-tax payroll deductions.
CalPERS Retirement for Classic Members ***Hired On or After 3/19/2012*** **(Tier 2)**	California Public Employees Retirement System (CalPERS) **2.0% at 60** retirement plan with final compensation of highest 36 consecutive months. The current required employee contribution is **0%**. Valley Water pays the employee contribution (Employer Paid Member Contributions – EPMC) of 7%.
CalPERS Retirement for New Members ***Hired On or After 1/1/2013*** **(Tier 3/PEPRA)**	California Public Employees Retirement System (CalPERS) **2.0% at 62** retirement plan with final compensation of highest 36 consecutive months. Employees are required to pay 50% of the total normal cost as determined by the annual CalPERS valuation which is subject to change each fiscal year. The current required employee contribution is **7.25%.** Contributions are pre-tax payroll deductions.

Retirement Health Benefits for Employees *Hired Prior to 12/30/2006*	Medical coverage is provided for retired employees with 10 years of continuous service with Valley Water or a combination of prior public agency service (meaning the State of California or any political subdivision thereof, including any city, county, or special district) with a minimum of 5 consecutive years of Valley Water Service. Medical, Dental, and Vision coverage is provided for retired employees and one eligible dependent with 15 or more years of continuous service with Valley Water or a combination of prior public agency service with a minimum of 5 consecutive years of Valley Water Service. Medical, Dental, and Vision coverage is provided for retired employees plus two (2) or more eligible dependents with 25 or more years of continuous service with Valley Water or a combination of prior public agency service with a minimum of 5 consecutive years of Valley Water Service.
Retirement Health Benefits for Employees *Hired on or after 12/30/2006 and Prior to 3/1/2007*	Medical coverage is provided for retired employees with 10 years of continuous service with Valley Water or a combination of prior public agency service (meaning the State of California or any political subdivision thereof, including any city, county, or special district) with a minimum of 5 consecutive years of Valley Water Service. Medical, Dental, and Vision coverage is provided for retired employees and one eligible dependent with 15 or more years of continuous service with Valley Water or a combination of prior public agency service with a minimum of 5 consecutive years of Valley Water Service. Medical, Dental, and Vision coverage is provided for retired employees plus two (2) or more eligible dependents with 25 or more years of continuous service with Valley Water or a combination of prior public agency service with a minimum of 5 consecutive years of Valley Water Service. Medical premium cost sharing is required with the same contribution percentage as active employees and based on the medical premium amount applicable to active employees or retirees, whichever is less. Effective April 1, 2024, retirees will pay 0% of the cost of the premium. Valley Water will pay 100% of the cost of the premium.
Retirement Health Benefits for Employees *Hired On or After 3/1/2007*	Medical coverage is provided for retired employees with 15 years of continuous service with Valley Water or a combination of prior public agency service (meaning the State of California or any political subdivision thereof, including any city, county, or special district) with a minimum of 5 consecutive years of Valley Water Service. Medical coverage is provided for retired employees and one eligible dependent with 20 or more years of continuous service with Valley Water or a combination of prior public agency service with a minimum of 5 consecutive years of Valley Water Service. Medical premium cost sharing is required with the same contribution percentage as active employees and based on the medical premium amount applicable to active employees or retirees, whichever is less. Effective April 1, 2024, retirees will pay 0% of the cost of the premium. Valley Water will pay 100% of the cost of the premium.
Health Insurance	Medical, Dental, Vision Care, and EAP benefits are provided by Valley Water with no monthly premium cost to the employee. Medical, Dental, Vision Care, and EAP benefits are provided to all regular employees and their eligible dependents including domestic partners. Domestic partner coverage is taxable income for federal income tax purposes. Valley Water employees may only receive coverage under one plan; either as single coverage or family coverage and either as the primary subscriber or as a dependent under the plan of a spouse or domestic partner who is a regular Valley Water employee. Eligible dependents will only be covered under one employee's medical plan.
Disability Insurance	Valley Water provides Short Term Disability (STD) equal to 66 2/3% of salary to a maximum weekly benefit of $3,462 with a 14-day waiting period. STD may transition into Long Term Disability (LTD) after 180 days of disability and then provide 66 2/3% of salary to a maximum monthly benefit of $15,000.
Life Insurance **Life Insurance**	Valley Water provides life insurance benefits equal to employee's annual salary up to a maximum benefit of $100,000 with a five-year phase out in declining increments of $10,000 per year starting with $50,000 coverage upon retirement. The premium attributable to life insurance benefit exceeding $50,000 is considered "imputed income" and must be reported as taxable earnings on the W-2 statement each year, as required by the IRS. Optional supplemental life insurance available in amounts equal to 1, 2, 3, or 4 times annual salary to a maximum benefit of $750,000 is available at employee cost. Guaranteed issue amount is $200,000.
Deferred Compensation	Deferred compensation plans are available at the employee's option, with up **to $8,000 in annual matching contributions each calendar** year from Valley Water. The match will be deposited into the 401(a) plan.

Flexible Spending Account (FSA)	Health Care Spending Account – Maximum contribution up to $3,400 for eligible medical, dental, vision and prescription expenses for 2026. The rollover amount from 2026 into 2027 is $680. Dependent Adult or Child Daycare – Maximum contribution of $7,500 per family or $3,750 if you file taxes "Married Filing Separately" per calendar year. Commuter Spending Account – Pre-tax deductions are allowed up to the IRS maximum for any public transportation or to pay for qualified vanpools to commute to work.
Legal Insurance	Valley Water offers comprehensive legal benefits through Legal Shield which include (but are not limited to): Bullying Protection, Post-Nuptial/DP Agreements, Gender Identifier Change, Elder Law Matter, Civil/Social Discrimination, and Consumer Credit Services.
Employee Assistance Program (EAP)	Valley Water provides an EAP to employees and their eligible dependents that are staffed by licensed credentialed counselors and provides information, referral, and short-term counseling for personal issues affecting work or personal life.
Pet Insurance	Valley Water offers pet insurance through MetLife.
Wellness	**ValleyWaterWell –** Valley Water Wellness program. We offer company-wide challenges, lunchtime seminars, health cooking demos, health stations, and more!
	Origin Financial Wellness – Valley Water provided financial Wellness tool. Free 1:1 meetings with certified financial planners, free app access with visibility to financial transactions, free basic will preparation, discounted will preparation and more!
	ClassPass – Fitness & wellness at your fingertips. 13 Valley Water provided credits per month, up to 13 credit rollover. Discounted credit purchases.
	Personify Health – Valley Water Wellness Platform. Participate in wellness challenges, competitions, and more. Earn up to $200/annually!
	LifeBalance – Discounts at thousands of businesses nationwide, including health clubs, fitness studios, online retailers, movie theaters, hotels, and more!
Other	**Car Allowance** – Board Appointed Officers (BAO) are eligible for a monthly car allowance as follows: CEO & General Counsel = $600 / Clerk of the Board =$450. Mileage is paid for out-of-county Valley Water business in addition to a monthly car allowance.
	Electronic Devices – Valley Water-owned communication devices are provided, including cell phones, pagers, two-way radios, tablets, and computers. A monthly stipend for smartphones is provided.
	Tuition Assistance Program – Unclassified employees with six (6) or more months of continuous service, up to 100% reimbursement of tuition costs upon satisfactory completion of an approved course to a maximum of $3,500 per fiscal year.
This is a summary of benefits only. Official plan documents/agreements govern how a benefit is determined or administered.	

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Santa Clara Valley Water District

File No.: 26-0159

Agenda Date: 2/24/2026
Item No.: 5.2.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Receive the Semi-Annual Lobbyist Report and Annual Registration of Individuals Engaged in Compensated Lobbying Activities for the period July 1, 2025, through December 31, 2025.

RECOMMENDATION:
Receive the Semi-Annual Lobbyist Report and Annual Registration of Individuals Engaged in Compensated Lobbying Activities for the period July 1, 2025, through December 31, 2025.

SUMMARY:
In accordance with reporting requirements of the Lobbyist Ordinance, Ordinance No. 10-01, adopted by the Board on June 5, 2010, the attached Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities (Attachment 1) for the period of July 1, 2025, through December 31, 2025, is provided for Board information.

The Lobbyist Ordinance was adopted by the Board to ensure that the public is aware of the identities of interests that attempt to influence district decisions.

A Lobbyist webpage (<https://www.valleywater.org/how-we-operate/lobbyist-ordinance>) has been created on the Santa Clara Valley Water District's (Valley Water) website. It provides public access to Valley Water's Lobbyist Ordinance, Lobbyist Report, filing forms, and frequently asked questions.

Along with providing a semi-annual report, the Lobbyist Ordinance also requires that the Clerk of the Board recommend a fee schedule to the Board for adoption, based on the estimated cost of the services provided pursuant to the ordinance. With only four registered individuals at present, there has not been a significant amount of staff time spent performing duties relevant to lobbyist registration. Therefore, no fee schedule is recommended at this time. The Clerk will continue to monitor staff time required to process lobbyist reports and return to the Board at a future date, if necessary, to recommend a fee schedule.

ENVIRONMENTAL JUSTICE IMPACT:

There is no environmental justice impact associated with the Semi-Annual Lobbyist Report. This action is unlikely to or will not result in human health or environmental effects.

FINANCIAL IMPACT:
There is no financial impact associated with this item.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
Attachment 1: Lobbyist Report

UNCLASSIFIED MANAGER:
Candice Kwok-Smith, 408-630-3193

Santa Clara Valley Water District Registered Lobbyists - Semi-Annual Report July 1 to December 31, 2025

Lobbyist Entity / Firm	Clients	Individuals Lobbying under Entity	District Decisions
Pacific Gas and Electric Company		Sergio Jimenez	Working with District officials to ensure that necessary work on gas and electric infrastructure can be completed in a timely and cost effective fashion in order to provide safe, reliable, and affordable service to our customers. PG&E's lobbying may occasionally include advocating for District policy that ensures our customers continue to receive safe, reliable, and affordable gas and electric service.
Google LLC and its Affiliates		Erin Lama	No action this reporting period.
Pete Carillo, Silicon Valley Advisors	Kiewit Infrastructure West Co.	Pete Carillo, Silicon Valley Advisors (Silicon Valley Advisors is a Government Relations, Lobbying and Land Use Consulting Firm)	No action this reporting period.
Cunneen Company	Verizon	Jim Cunneen, Leslie Rodriguez	Facilitiate approval of permit for cell tower placement.
California Strategies Advocacy	Horizon West Transmission	Leslie Rodriguez	Gain support for CAISO RFP

Updated: 2/02/2025 / Time: 10:53 AM

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Santa Clara Valley Water District

File No.: 26-0210

Agenda Date: 2/24/2026
Item No.: *5.3.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Board Committee Reports.

ATTACHMENTS:
*Handout 5.3-A: 12162025 RWC, Summary
*Handout 5.3-B: 01212026 BAC, Summary
*Handout 5.3-C: 02252026 RWC, Agenda

MEMORANDUM

FC 14

TO: Board of Directors **FROM**: Recycled Water Committee

SUBJECT: Recycled Water Committee (RWC) December 16, 2025, Special Meeting Summary. **DATE:** February 24, 2026

This memorandum summarizes agenda items from the meeting of the Recycled Water Committee (RWC) held on Tuesday, December 16, 2025.

Receive Purified Water Program Update Including Partnership with the Cities of San Jose and Santa Clara.
The Committee received the information, took no formal action, and confirmed that installation of a traffic signal at McCarthy Lane and Zanker Road along with bike lanes, and road widening is part of Microsoft's plan near the Silicon Valley Advanced Water Purification Center for safety purposes.

Receive Update on the 8th Independent Advisory Panel Meeting.
The Committee received the information, took no formal action, and without further discussion, noted the 8th Independent Advisory Panel meeting update.

Receive South Santa Clara County Water Reuse Collaboration Update and Provide Feedback.
The Committee received the information, took no formal action, and expressed support for meeting with the Mayors of Morgan Hill and Gilroy should progress not occur as expected. The Committee expressed interest in additional details regarding cost allocation for rate payers, developers, and cities. The Committee noted the challenges associated with the changes in the city staff and Valley Water staff are continuing to push forward to collaborate on the agreements with the cities to address the governance issues. The Committee noted support for continued efforts to ensure the entire county including the northern part of South County is included in the master plan.

Receive Desalination Engineering Feasibility Study Update.
The Committee received the information, took no formal action, and discussed the challenges associated with using Moffett field and nearby areas as a potential site and expressed support for further details at the next RWC meeting and looking into a formal letter of interest. The Committee confirmed that staff will include a cost analysis as part of the study. The Committee noted the comments from Doug Peterson regarding the Baylands Master Plan and the Baylands Comprehensive Conservation Plan and expressed support for staff receiving a copy. The Committee discussed the complexities associated with the deferred Palo Alto Water Advanced Purification Center Project. The Committee noted the Water Supply Master Plan is focusing on potable reuse and desalination may not be needed in the near term. The Committee noted the

Tony Estremera
Director, District 6
RWC Chairperson

next update will be provided in the first quarter of 2026 upon following engagement with interest groups and the completion of the Alternative Analysis Report.

Receive Purified Water Public Outreach Update and Provide Feedback.
The Committee received the information, took no formal action, and expressed support for developing a commercial and for sharing the Testimonial Video during tours to further outreach efforts. The Committee expressed appreciation for staff's work and Chair Estremera's assistance in engaging the medical community. The Committee asked about staff's coordination with the County Health Officer.

Receive and Discuss the 2025 RWC Work Plan and Provide Feedback on Upcoming Discussion Items, and the Next Meeting Date.
The Committee received the information, took no formal action, and expressed support for canceling the regular 12:00 p.m. meeting on January 28, 2026, and to have the next regular meeting in February 2026.

The next regular RWC meeting is scheduled to occur at 12:00 p.m. on February 25, 2026.

Board member comments and suggestions can be forwarded to Nicole Merritt, Deputy Clerk (Committee Meetings) at (408) 630-3262 or by email to nmerritt@valleywater.org.

Tony Estremera
Director, District 6
RWC Chairperson

MEMORANDUM

FC 14

TO: Board of Directors **FROM**: Board Audit Committee

SUBJECT: Board Audit Committee (BAC) January 21, 2026, Regular Meeting Summary **DATE:** February 24, 2026

This memorandum summarizes agenda items from the meeting of the Board Audit Committee (BAC) held on Wednesday, January 21, 2026.

Election of 2026 Board Audit Committee (BAC) Chairperson and Vice Chairperson.
It was moved by Director Estremera and seconded by Vice Chairperson Ballard and unanimously carried that Chairperson Beall remain Chairperson and Vice Chairperson Ballard would remain Vice Chairperson.

Receive and Discuss 2025 Water Conservation Program Performance Audit Report with Management Response; Refer the Final 2025 Water Conservation Program Performance Audit Report to the Board.
The Committee received and discussed the information and confirmed that the recommendations presented were limited to the 2030 water conservation goals, noted that additional staffing would assist with achieving future 2050 conservation goals, and expressed support for long-term planning. The Committee noted the development of an engagement strategy to support water conservation efforts for hard-to-reach populations. The Committee noted the Consultant's recommendations for additional resources were timely for the upcoming Board budget process. The Committee confirmed the identified best practices were based on guidelines from state and federal agencies and other water wholesalers, and expressed support for understanding which agencies are considered best practice leaders. Vice Chairperson Ballard expressed concern regarding limitations of the water conservation audit and noted support for following up on further information regarding the breakdown of the various sectors in the community related to achieving the Board's water conservation's goals for 2030, 2040, 2050 and how those compare to other agencies. The Committee noted Valley Water is currently following the majority of best practices and expressed support for this item to be brought to a future Board Budget Work Study session.

It was moved by Director Estremera and seconded by Vice Chairperson Ballard and the following Recommendation was unanimously approved:

B. Refer the final 2025 Water Conservation Program Performance Audit Report to the Board.

Jim Beall
Director, District 4
Board Audit Committee Chairperson

Receive and Discuss Audit Follow-up Conducted by Chief Audit Executive (CAE); and Provide Feedback As Needed.

The Committee received and discussed the information, and expressed support for the audit to remain open until all recommendations have been implemented to the Board's satisfaction.

Request Chief Audit Executive (CAE) Activity Report from Sjoberg Evashenk Consulting, Inc. to Evaluate CAE Performance, and Direct CAE to Return to Present Report at a Later Date.

The Committee received the information, took no formal action, and expressed support for staff's recommendations to request the CAE activity report and to direct the CAE to present the report at a future BAC meeting.

Discuss Board Audit Committee's (BAC) Annual Self-Evaluation Process of Calendar Year 2025 Activities; Provide Guidance Regarding Preferred Method to Conduct Process; and Direct Chief Audit Executive (CAE) to Conduct Self-Evaluation Process and Return to Provide Summary of Discussions.

The Committee received and discussed the information, took no formal action, and expressed support for continuing with the current Committee member interview process and periodically conducting an in-depth evaluation of the Committee's audit function and role in relation to the Board. The Committee expressed support for staff's recommendations to direct the CAE to conduct the self-evaluation process and return to provide a summary of discussions at a future BAC meeting.

Discuss the Options to Extend Terms, Allow to Expire, or Terminate the On-Call Services Agreement with Board Auditor, Plante Moran, Which is Set to Expire Effective July 5, 2026.

The Committee received and discussed the information, and noted Plante Moran is assigned to the Asset Management Audit and expressed support for extending the agreement to allow completion of the audit.

It was moved by Vice Chairperson Ballard and seconded by Chairperson Beall and the following Recommendation was approved by majority vote:

B. Approve recommendation to:
   - **i.** Exercise option to extend the On-Call Services Agreement with Board Auditor, Plante Moran for one year.

Discuss the Status of the On-call Management Services Agreement for the Chief Audit Executive (CAE) and Recommend the Board of Directors Initiate a Request for Proposal (RFP).

The Committee received and discussed the information, took no formal action, and expressed support for further discussion regarding best practices in auditing public

agencies to potentially inform the scope of services prior to issuing an RFP. The Committee confirmed the past selection process of the CAE, expressed support for Board member involvement in the process, and continued this item to the February 18, 2026, BAC meeting for further discussion.

Discuss 2026 Annual Audit Plan (Risk Assessment, Asset Management, Pacheco Reservoir Project, and Investigations Process), and Provide Feedback as Needed.
The Committee received and discussed the information, took no formal action, confirmed the sequencing of the 2026 audits, and noted the update on the 2026 Annual Audit Plan.

Review and Discuss 2026 Board Audit Committee (BAC) Work Plan.
The Committee received the information, took no formal action, and without further discussion, noted the update on the 2026 BAC Work Plan.

The next regular meeting was scheduled to occur at 1:00 pm on February 18, 2026.

Board members' comments and suggestions can be forwarded to Nicole Merritt, Deputy Clerk (Committee Meetings) at (408) 630-3262 or by email: nmerritt@valleywater.org

Jim Beall
Director, District 4
Board Audit Committee Chairperson

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Santa Clara Valley Water District
Recycled Water Committee Meeting

HQ. Bldg. Boardroom, 5700 Almaden Expressway, San Jose, California
Join Zoom Meeting: https://valleywater.zoom.us/j/99518153521

REGULAR MEETING
AGENDA

Wednesday, February 25, 2026
12:00 PM

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

RECYCLED WATER COMMITTEE

Tony Estremera - District 6, Chair
Richard P. Santos - District 3, Vice Chair
Jim Beall - District 4, Member

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 630-2277.

KIRSTEN STRUVE
Committee Liaison

Stephanie Simunic
Assistant Deputy Clerk II
Office/Clerk of the Board
(408) 630-2408
ssimunic@valleywater.org

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
Recycled Water Committee

REGULAR MEETING
AGENDA

Wednesday, February 25, 2026 **12:00 PM** **HQ. Bldg. Boardroom**
5700 Almaden Expressway, San Jose, California
Join Zoom Meeting:
https://valleywater.zoom.us/j/99518153521

IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a "hybrid" meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board.

- Members of the Public may test their connection to Zoom Meetings at: https://zoom.us/test
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: https://www.youtube.com/watch?v=TojJpYCxXm0

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This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has

not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at https://emma.msrb.org/ and https://www.valleywater.org/how-we-operate/financebudget/investor-relations, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:
https://valleywater.zoom.us/j/99518153521
Meeting ID: 995 1815 3521
Join by Phone:
1 (669) 900-9128, 99518153521#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the public: Members of the public who wish to address the Board/Committee on matters not listed on the agenda may do so by completing a Speaker Card and submitting it to the Clerk, or by using the "Raise Hand" feature within the Zoom meeting application to request recognition. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and, when recognized, will be granted speaking access to address the Board/Committee.

Public comments shall be limited to three (3) minutes per speaker, or such other time as determined by the Chair. State law does not permit the Board/Committee to take action on, or engage in extended discussion of, any item not appearing on the posted agenda, except as otherwise authorized under applicable law. If Board/Committee action is requested, the matter may be scheduled for consideration at a future meeting.

All public comments requiring a response will be referred to staff for a written reply. The Board/Committee may take action on any item of business appearing on the posted agenda.

3. ELECTION OF OFFICERS:

3.1. Election of 2026 Recycled Water Committee Chairperson and Vice Chairperson. 26-0193

Recommendation: Nominate and elect the 2026 Recycled Water Committee Chairperson and Vice Chairperson.

Manager: Wendy Ho, 408-630-3874

Est. Staff Time: 5 Minutes

4. APPROVAL OF MINUTES:

4.1. Approval of December 16, 2025, 2025 Recycled Water Committee Minutes. 26-0191

Recommendation: Approve the minutes.

Manager: Wendy Ho, 408-630-3874

Attachments: Attachment 1: 12162025 RWC Minutes

Est. Staff Time: 5 Minutes

5. REGULAR AGENDA:

5.1. Receive Pure Water Silicon Valley Update. 26-0147

Recommendation: Receive an update on the following topics:
A. Demonstration Facility and Full-Scale Direct Potable Reuse Facility at the Silicon Valley Advanced Water Purification Center; and
B. Ongoing Outreach

Manager: Kirsten Struve, 408-630-3138

Est. Staff Time: 10 Minutes

5.2. Receive Update on Partnership with Cities of Palo Alto and Mountain View. 26-0148

Recommendation: Receive an update on the Partnership with Cities of Palo Alto and Mountain View.

Manager: Kirsten Struve, 408-630-3138

Attachments: Attachment 1: PowerPoint

Est. Staff Time: 20 Minutes

5.3. Receive Update on South Santa Clara County Water Reuse Collaboration. 26-0150

Recommendation: Receive an update and provide feedback on South Santa Clara County water reuse collaboration supporting Valley Water's recycled and purified water programs.

Manager: Kirsten Struve, 408-630-3138

Attachments: Attachment 1: PowerPoint

Est. Staff Time: 20 Minutes

5.4. Receive and Accept the 2026 Proposed Recycled Water Committee (RWC) Work Plan, and Provide Feedback on Upcoming Discussion Items, and the 2026 RWC Meeting Schedule. 26-0192

Recommendation: Receive and accept the 2026 Proposed RWC Work Plan, and provide feedback on upcoming discussion items and the 2026 RWC meeting schedule.

Manager: Wendy Ho, 408-630-3874

Attachments: Attachment 1: 2025 RWC Work Plan
Attachment 2: 2026 Proposed RWC Work Plan
Attachment 3: 2026 RWC Meeting Schedule

Est. Staff Time: 5 Minutes

6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

7. ADJOURN:

7.1. Adjourn. The Next Regular Meeting is Scheduled at 12:00 p.m. on Wednesday, March 25, 2026.

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Santa Clara Valley Water District

File No.: 26-0190

Agenda Date: 2/24/2026
Item No.: *5.4.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Consider the February 18, 2026, Board Audit Committee Recommendation to Initiate a Request-For-Proposal for a New Chief Audit Executive Agreement to Replace the Current Agreement Which Expires on November 22, 2026.

RECOMMENDATION:
Consider recommendations resulting from the February 18, 2026, Board Audit Committee meeting to:

A. Initiate a Request-For-Proposal for a new Chief Audit Executive agreement to replace the current agreement, which expires on November 22, 2026; and
B. Provide feedback and recommendations to staff as necessary.

SUMMARY:
The current Chief Audit Executive (CAE) agreement with Sjoberg Evashenk Consulting, Inc. (A4570A/CAS5183) is set to expire on November 22, 2026, after the completion of the five-year agreement including the initial three-year term and two one-year time extensions. To ensure continuity of audit operations and allow sufficient time for the incoming CAE to complete the tri-annual risk assessment and develop the recommended 2027 audit plan by November 30, 2026, as required by the Audit Charter, the Board Audit Committee (BAC) recommends that the Board approve the initiation of a Request-For-Proposal to solicit a new Chief Audit Executive agreement.

ENVIRONMENTAL JUSTICE IMPACT:
There are no environmental justice impacts associated with this item.

FINANCIAL IMPACT:
The Agreement with the selected firm will have a not-to-exceed amount of $1,500,000. The duration of this agreement spans multiple budget cycles. Funding for this item will be requested by staff in future budget cycles for Fiscal Years 2026-27, 2027-28, 2028-29, 2029-30, and 2030-31 under project 60131014 (Continual Improvement).

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Darin Taylor, 408-630-3068

Santa Clara Valley Water District

File No.: 26-0203

Agenda Date: 2/24/2026
Item No.: *5.5.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Consider the January 21, 2026, Board Audit Committee Recommendation to Accept the Water Conservation Program Performance Audit Final Report with Management Responses.

RECOMMENDATION:
Consider recommendations resulting from the January 21, 2026, Board Audit Committee meeting to:

A. Accept the 2025 Water Conservation Program Performance Audit Report with Management Response; and
B. Provide feedback and recommendations to staff as necessary.

SUMMARY:
On December 12, 2023, the Board accepted the Risk Assessment conducted by the Chief Audit Executive (CAE). At its meeting on January 15, 2025, the Board Audit Committee (BAC) identified four (4) topics from the Risk Assessment to audit in Fiscal Year 2025 (FY25) and was approved by the full Board at its meeting on January 28, 2025, the Water Conservation Strategies audit being one of them.

The requested audit of Water Conservation Program focused on reviewing the Santa Clara Valley Water District's (Valley Water) conservation strategies and evaluating Valley Water's overall approach to conservation and to identify best practices, opportunities to further enhance its strategic approach to promoting or incentivizing conservation, and lessons learned from past practices within Valley Water and other water agencies.

On December 16th, 2025, Baker Tilly Advisory Group (the auditor) submitted their audit report (Attachment 1) with the draft management responses (see Appendix D in the report) for BAC review and comment. The auditor will also provide a presentation regarding the audit (Attachment 2).

The Board is requested to accept the 2025 Water Conservation Program Performance Audit Report with Management Response.

ENVIRONMENTAL JUSTICE IMPACT:

There are no environmental justice impacts associated with this item.

FINANCIAL IMPACT:
There is no financial impact associated with this item.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
Attachment 1: Audit Report, with Management Responses
Attachment 2: PowerPoint

UNCLASSIFIED MANAGER:
Darin Taylor, 408-630-3068



As of June 3, 2025, Moss Adams LLP has merged with Baker Tilly.

Proprietary & Confidential

FINAL REPORT

Santa Clara Valley Water District

WATER CONSERVATION PERFORMANCE AUDIT

November 15, 2025

Baker Tilly Advisory Group, LP
999 Third Avenue, Suite 2800
Seattle, WA 98104
(206) 302-6500

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Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, operate under an alternative practice structure and are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm that provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms.

I. Executive Summary

A. Introduction

Santa Clara Valley Water District (the District, Valley Water) engaged Baker Tilly Advisory Group, LP (Baker Tilly), formerly Moss Adams LLP, to conduct a performance audit to assess and further enhance its approach to water conservation strategies and incentives. The objectives of this performance audit were to:

- Evaluate the extent to which the strategies and approaches taken by Valley Water to promote or incentivize water conservation align with peer and best practices.
- Identify opportunities for improvement through lessons learned at Valley Water and other water districts.
- Review use of funds dedicated to conservation activities and corresponding performance measures.

B. Conclusions

We evaluated Valley Water's water conservation strategies and approaches against best practices and found that the District meets the best practices we reviewed. Valley Water demonstrates strong practices across key operational areas, including conducting water audits to understand system performance, minimizing water loss through the use of advanced metering infrastructure (AMI), and analyzing end-user demand to target efficiency programs and promote water conservation. Section IV includes more detail on these results.

We also evaluated Valley Water's strategies in comparison to peers and found that the District is generally aligned with peers in many areas. Like its peers, Valley Water sets measurable water conservation goals, achieves strong support for conservation efforts, and prioritizes outdoor water conservation and long-term demand management strategies in its water conservation efforts. We have incorporated information and lessons learned from peers throughout the report. Appendix A includes detailed peer benchmarking results.

We also found that Valley Water is meeting both of its established performance targets, which are related to achieving annual water use savings and increasing outdoor conservation program participation. Section V includes more detail on relevant performance measures and uses of funds. Appendix B also includes a detailed breakdown of Valley Water's uses of funds relevant to water conservation.

We identified three findings and recommendations to support Valley Water in continuing to improve its water conservation efforts. Our recommendations are intended to help the District improve water conservation strategies and activities. Summarized findings and recommendations are provided below. Detailed findings and recommendations are provided in Section VI. Two findings are rated as medium-risk and one finding is rated as a low-risk. We did not identify any high-risk findings. Definitions of findings ratings are included in Appendix C.

FINDINGS AND RECOMMENDATIONS		
MEDIUM-RISK FINDINGS		
1.	**Finding**	Valley Water's Water Conservation team is understaffed compared to peer agencies, which may limit capacity to manage workloads and poses risk to achieving the District's long-term conservation goals.
	Recommendation	To ensure the Water Conservation team can meet the District's long-term conservation goals, Valley Water should consider adding at least five additional staff to the Water Conservation team who are dedicated to stakeholder engagement and administrative and program support.
2.	**Finding**	Valley Water employs a multiple channel outreach approach similar to its peers but does not currently have a formal integrated communications strategy. Along with limited staffing capacity, this may constrain its ability to effectively engage diverse and underserved populations and fully realize the potential of its water conservation programs.
	Recommendation	To build on the District's existing outreach activities, the Water Conservation team should work with other District departments, including the Office of Communications, to develop and implement a formalized, comprehensive, data-driven strategic engagement strategy that clearly defines target audiences, messaging priorities, and outreach methods.
LOW-RISK FINDINGS		
3.	**Finding**	The effectiveness of Valley Water's water conservation programs is constrained by capacity challenges and opportunities to improve alignment with the following key support departments: Procurement, Communications, and IT.
	Recommendation	To address the capacity and coordination needs impacting water conservation activities, the District should: A. Evaluate workload and staffing needs in the Procurement, Communications, and IT departments to ensure support for water conservation and other District priorities. B. Continue the current procurement audit to review and streamline procurement processes. To facilitate better coordination, the Water Conservation team should: C. Formalize collaboration efforts with the Communications department by establishing a clear framework that defines roles, responsibilities, and decision-making authority for the annual water conservation campaign.

II. Background, Scope, and Methodology

Valley Water engaged Baker Tilly to conduct a performance audit to assess and further enhance the District's approach to water conservation strategies and incentives. The objectives of this performance audit were to:

- Evaluate the extent to which the strategies and approaches taken by Valley Water to promote or incentivize water conservation align with peer and best practices.
- Identify opportunities for improvement through lessons learned at Valley Water and other water districts.
- Review the use of funds dedicated to conservation activities and corresponding performance measures.

A. Background

The District is the primary water resources agency providing safe, clean water, flood protection, and stewardship of streams in Santa Clara County, California for 1.9 million residents—primarily through 13 water retailers. The District's water conservation programs promote and incentivize short- and long-term reduction in water use through rebates, sub-programs and services, outreach and education, and cost share agreements with retailers.

The Water Supply Planning and Conservation Unit is one of three teams within the District's Water Supply Division. While the other teams in this Division focus on recycled, purified, and imported water, the Water Supply Planning and Conservation Unit (Water Conservation team) supports Valley Water's mission by developing long-term water supply plans to ensure there is a reliable water supply. This team develops state and federally required plans, participates in various regional water supply planning efforts, and designs, implements, and evaluates demand management programs across five sectors to meet Valley Water's long-term water conservation goals.[1]

Valley Water's conservation programs aim to reduce water use across residential, commercial, and institutional sectors by providing financial incentives, free resources, and technical support to promote long-term efficiency and drought resilience. The District offers a range of programs and resources aimed at conserving water, including landscape rebates, landscape surveys, commercial and facility rebates, irrigation equipment upgrades, rainwater capture rebates, graywater rebates, fixture replacement programs like the submeter rebate program, and tools to report water waste.[2]

Valley Water's long-term goals for meeting the County's future water needs are outlined in the Water Supply Master Plan 2040, which aims to outline the actions necessary to maintain a reliable and sustainable future water supply and ensure new water supply investments are effective and efficient.[3]

[1] 5. Division Summaries_0.pdf

[2] https://www.valleywater.org/watersavingsorg

[3] https://www.valleywater.org/sites/default/files/Water%20Supply%20Master%20Plan%202040_11.01.2019_v2.pdf

The four main goals of the Water Supply Master Plan 2040 are to:

1. Manage a reliable water supply
2. Ensure adequate supplies for future droughts
3. Follow a water supply strategy that ensures sustainability
4. Keep a monitoring and assessment plan on track

This performance audit was initiated due to interest from the District's Board of Directors (the Board) in gaining additional insight into Valley Water's water conservation strategies and activities.

B. Scope and Methodology

This report's findings and recommendations were developed based on interviews, document review, and best practices research, including peer comparisons. The study was conducted primarily between April and August 2025 and consisted of four major phases, described below.

PROJECT METHODOLOGY		
	Project Phase	**Description**
1.	**Startup and Management**	Phase 1 involved collaborative project planning with District management, including identifying interviewees, selecting documents for review, identifying peer water agencies and best practices sources for comparison, establishing timing and methods for sharing results, and defining reporting protocols. We held a kickoff meeting with designated District contacts to confirm expectations and discuss the overall project scope, logistics, deliverables, schedule, and progress reporting requirements. Roles and responsibilities of the audit team and District personnel were clarified, along with communication protocols and the format of deliverables. Throughout the engagement, we maintained rigorous project management, including regular status updates and quality assurance reviews to ensure all deliverables met client standards before submission.
2.	**Fact-Finding**	The second phase focused on executing planned activities such as interviews, document review, best practices research, and peer comparisons. We gathered current information and insights from District leadership and staff involved in water conservation and water supply planning. **Documentation Review:** We requested relevant documentation for review. We reviewed documents, including but not limited to organizational charts, performance reports, District strategic goals and workplans, budget presentations, and educational materials. **Interviews:** We conducted interviews with 12 members of District leadership and staff from the Water Supply Planning and Conservation, Communications, and IT departments to identify strengths, challenges, and opportunities for improvement in water conservation strategies and activities. **Peer Benchmarking:** In peer interviews, we compared Valley Water's water conservation strategies and activities, along with outreach and communication methods and challenges. In peer research, we compared organization-wide goals to better understand how organizations support conservation.

PROJECT METHODOLOGY		
	Project Phase	Description
		The following peers were included in this analysis: ● Alameda County Water District (ACWD) ● Contra Costa Water District (CCWD) ● Solano County Water Agency (SCWA) ● Marin Municipal Water District (MMWD) ● East Bay Municipal Utility District (EBMUD) ● San Francisco Public Utilities Commission (SFPUC) For full results, see Appendix A: Peer Benchmarking. **Industry Best Practices:** We researched industry best practices related to water conservation operations, including water tracking, demand analysis, planning, performance, equity, and related topics.
3.	**Analysis**	Based on the information collected during fact-finding, we developed preliminary observations assessing Valley Water's conservation-related activities. These observations identified strengths, weaknesses, and opportunities for improvement, providing a foundation for further analysis and recommendations.
4.	**Reporting**	We communicated the results of our analysis, with findings and recommendations presented first in a draft report that was reviewed with management to confirm the practicality and relevance of recommendations before finalizing the report.

C. Statement of Compliance with GAGAS

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

III. Commendations

It is important to note the areas of strength and existing good practices that can be leveraged for further improvement within the District. The Baker Tilly team would like to note the following commendations:

- **Teamwork:** The Water Conservation team has fostered collaborative teamwork internally and with other divisions across Valley Water. Open communication and positive working relationships help ensure that staff remain aligned and can respond quickly to new challenges.
- **Strategic Planning:** Valley Water's Water Conservation team demonstrates thoughtful and strategic planning approaches. The unit's plans consistently include clear, well-defined goals to guide conservation efforts effectively. Among peer organizations, Valley Water distinguishes itself through the longevity of its plans, depth and detail of its strategies, and specificity of its goals.
- **Reporting and Transparency:** Valley Water provides relevant, publicly accessible information, including budget and annual comprehensive reports, and performance updates. The District makes a strong effort to ensure that this information is not only publicly available but also easy for stakeholders to access and understand. This commitment to openness helps build trust with the community and supports greater awareness and engagement around water conservation efforts.
- **Annual Reporting:** Valley Water meets best practices for financial reporting, including timely independent audits and oversight by an appointed audit committee. Additionally, the District ensures water quality compliance with methods approved by the U.S. Environmental Protection Agency (EPA) and provides publicly accessible annual program and water quality reports that align with best practices.
- **Performance Measurement:** The Water Conservation team has consistently met its performance targets within the last three fiscal years (FY), achieving an average annual water savings of 3,202 acre-feet and increasing total water savings from 80,073 to 85,204 acre-feet between FY 2022 and FY 2024. Additionally, program participation increased for commercial, industrial, and institutional (CII) customers overall in the last three fiscal years (see Performance Measurement). The team tracks and reports updates to the Water Supply and Demand Management Committee annually. The data-driven approach in these reports supports effective program management and ongoing efforts to meet conservation goals.

IV. Best Practices Review

We evaluated Valley Water's water conservation strategies against industry standards and found that it meets identified best practices. Using governmental and public sources, including California guidelines and statewide and nationwide frameworks[4, 5, 6, 7, 8, 9], we confirmed that the District consistently aligns with recommended practices in operations, strategic goals, reporting, and performance measurement.

Valley Water, as a wholesaler, operates water conservation programs directly with the community and collaborates with local retailers to promote advanced metering and leakage reduction. The District demonstrates strong practices across key operational areas such as conducting water audits, using AMI, analyzing end-user demand, setting measurable goals, tracking performance, and supporting continuous improvement. Valley Water also uses best practices in outreach and program accessibility to promote equity and access within conservation programs. Its alignment with these best practices is summarized in the following table.

WATER CONSERVATION OPERATION BEST PRACTICES			
Topic	**Best Practice**	**Valley Water Practice**	**Valley Water Status**
Conduct Water Audits to Understand System Performance	Establish accountable, transparent, and recurring water audits focused on key loss volumes, accurate data, and organizational commitment.	Valley Water conducts rigorous, transparent water audits using state guidance and industry-standard tools, demonstrating a strong commitment to continuous improvement and stakeholder engagement.	Meets
Monitor, Meter, and Minimize Water Loss Using AMI	Use AMI data, utility partnerships, operational monitoring, and staff training to detect leaks and optimize water use, while leveraging rebates and integrating sustainability practices.	Valley Water meets best practices in monitoring, metering, and minimizing water loss by supporting retailers' installation of AMI through partnerships and funding. AMI uptake is ahead of the planned schedule to implement AMI by 2040[10] Valley Water's monitoring and network system provides timely leak detection and integrates with existing operations, effectively supporting best	Meets

[4] California Department of Water Resources: Water Audit Manual

[5] California Department of Water Resources: Urban Water Use Efficiency Resource Management Strategy

[6] EPA: Improving Water Management Using Advanced Metering Infrastructure Data: A Guide for Facility Managers

[7] California Water Library: Plan writing as a policy tool: instrumental, conceptual, and tactical uses of water management plans in California

[8] A Conservation Professionals' Guide to Diverse, Equitable, and Inclusive Conservation Delivery with Historically Underserved Producers and Communities

[9] WSP: Improving Water Conservation Through an Equity Lens

[10] Valley Water Water Supply Master Plan 2040

WATER CONSERVATION OPERATION BEST PRACTICES			
		practices for monitoring and assessing water consumption.	
Analyze End-User Demand to Target Efficiency Programs	Implement a comprehensive suite of demand management measures—including audits, metering, rebates, education, conservation pricing, and drought risk assessments—to reduce water use across all customer sectors.	Valley Water uses advanced demand forecasting, community engagement, and a comprehensive suite of conservation programs—ranging from rebates to enforcement—to guide proactive data-driven water management and promote long-term sustainability.	Meets
Develop Written Plans with Clear, Measurable Goals	Develop a conservation plan with clear goals, community input, system profiling, demand forecasting, cost-effectiveness analysis, and a defined implementation and evaluation strategy.	Valley Water meets the EPA's guidance for strategic planning. The District defines current services and explores future services across decades in strategic plans. It has an action plan that satisfies EPA best practices and follows guiding principles.	Meets
Track Performance and Support Continuous Improvement	Conduct annual financial, performance, and water quality reporting in line with Government Finance Officers Association (GFOA) and EPA standards to ensure transparency, accountability, and public accessibility.	Valley Water meets best practices in financial, water quality, and program reporting through Generally Accepted Accounting Principles (GAAP)-compliant audits, EPA-approved water quality monitoring, and publicly available annual reports with performance measures aligned to industry standards.	Meets
Promote Equity and Access in Conservation Programs	Perform effective and equitable water conservation outreach with culturally tailored, accessible programs that build trust, reduce barriers, and engage underserved communities through practical support and ongoing partnerships.	Valley Water demonstrates a strong intentional focus on equity by tailoring outreach and services specifically to underserved communities, simplifying application processes, and addressing barriers such as language access. It provides relevant messaging to increase participation and conservation outcomes.	Meets

V. Performance Measurement and Use of Funds

PERFORMANCE MEASUREMENT

The District's Water Supply Master Plan includes a Board goal of achieving water use savings of 99,000 acre-feet per year (AFY) by 2030. The Water Conservation team reports to the Water Supply and Demand Management Committee (WSDMC) on the following two performance targets, in support of this goal:

1. Valley Water must sustain drought-year-level participation in non-drought years to generate at least 2,400 AFY in additional savings annually.
2. Outdoor conservation and program participation by commercial, industrial, and institutional (CII), including multifamily residential (MF) sites, must increase.

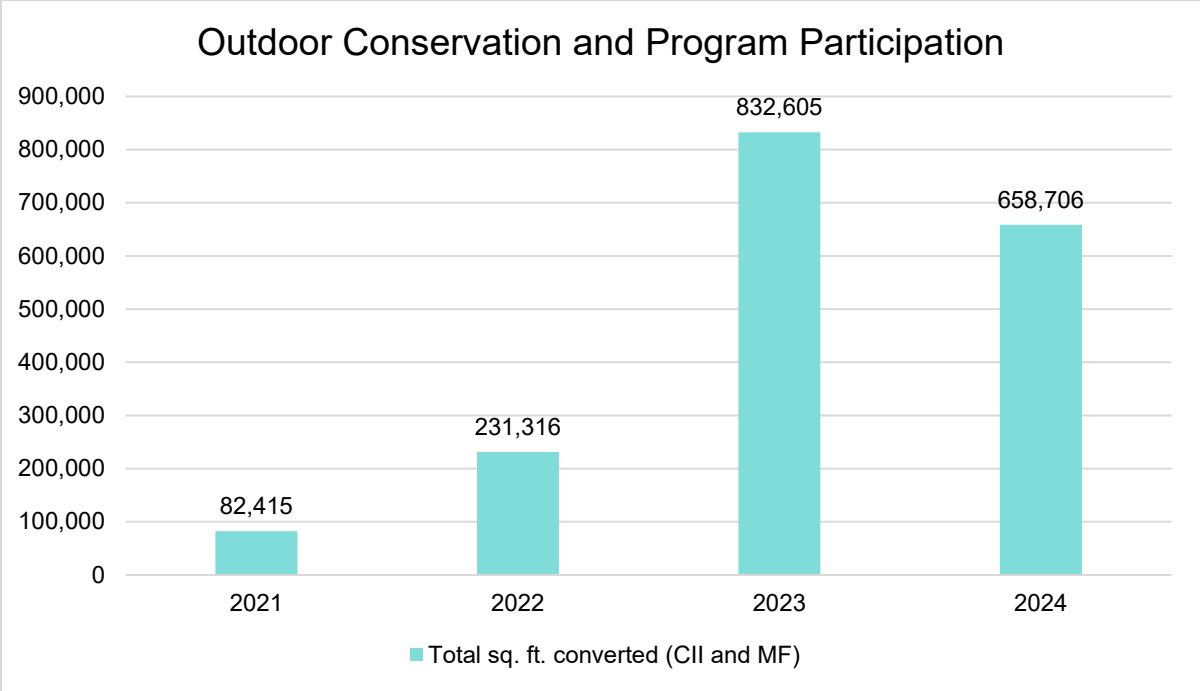
According to reporting to WSDMC, Valley Water is meeting both established performance targets.

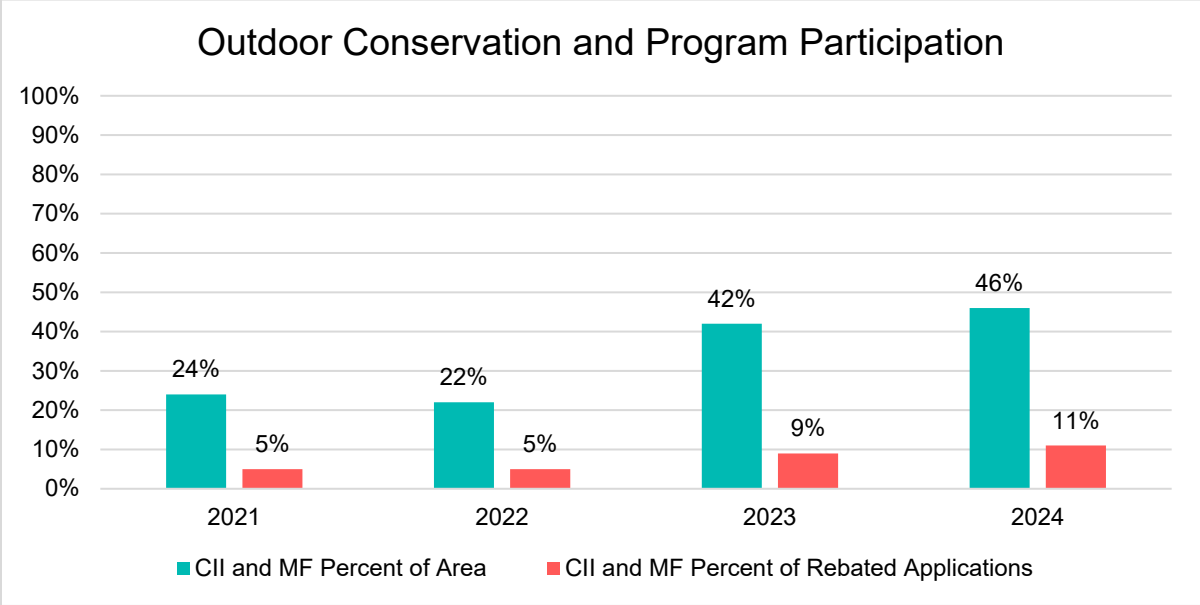
Valley Water is exceeding its goal to sustain drought-year level participation in non-drought years. Participation is measured in AFY. Within the last three fiscal years, additional savings averaged 3,202 AFY and total AFY increased from 80,073 to 85,204. It is important that Valley Water meets this annual performance target, as it ensures the District remains on track to meet the Board's 2030 goal described above.

Goal 1: Valley Water must sustain drought-year level participation in non-drought years to generate at least 2,400 AFY in additional savings annually		
Fiscal Year	**AFY Increase in Annual Savings**	**Total AFY**
2022	3,489	80,073
2023	3,096	83,174
2024	3,022	85,204
Average	3,202	82,817

Valley Water's second performance measure is to increase outdoor conservation and program participation in CII and MF sites. To achieve this, the District offers turf removal and irrigation equipment rebates through its Landscape Rebate Program. Program participation by CII and MF sites is measured in square feet of converted site. Between FY 2021 and FY 2024, participation increased from 82,415 to 658,706 square feet. Program participation trends in single-family, CII, and MF decreased by 173,899 square feet between FY 2023 and FY 2024 but remained elevated from FY 2021 levels. Staff reported this is common because participation is typically elevated after a drought and then declines. Overall, participation has increased, suggesting progress toward the performance target.

Goal 2: Outdoor conservation and program participation by commercial, industrial, and institutional (CII), including multifamily residential (MF) sites, must increase					
Fiscal Year	Total Sq. Ft. Converted (Single-Family)	Total Sq. Ft. Converted (CII and MF)	Total	CII and MF Percent of Area	CII and MF Percent of Rebated Applications
2021	258,644	82,415	341,059	24%	5%
2022	804,226	231,316	1,035,542	22%	5%
2023	1,153,764	832,605	1,986,369	42%	9%
2024	759,722	658,706	1,418,428	46%	11%





USE OF FUNDS

Valley Water's water conservation programs fall under the Board's E-2 Water Supply Services Ends policy and within that, the Water Supply (WS) 2.4 goal to increase regional self-reliance through water conservation and reuse. This Board goal comprises four objectives, as shown in the table below, and staff reported that the water conservation performance targets detailed above align with Objective 2.4.2 to incentivize water use efficiency and water conservation.

E-2 WATER SUPPLY (WS) SERVICES	
WS Goal 2.4: Increase regional self-reliance through water conservation and reuse.	
WS Objective 2.4.1	Maximize utilization of all demand management tools.
WS Objective 2.4.2	Incentivize water use efficiency and water conservation.
WS Objective 2.4.3	Promote, protect and expand potable and non-potable water reuse.
WS Objective 2.4.4	Promote stormwater capture and reuse.

According to budget documents, the Water Supply Services Ends Policy 2.4 was allocated a total of $37,516,335 in FY 2025. Objective 2.4.2, where water conservation performance targets align, was allocated a total of $17,860,692 as shown in the following table.

WS Goal 2.4: Increase regional self-reliance through water conservation and reuse		
2.4.1	Maximize utilization of all demand management tools	-
2.4.2	Incentivize water use efficiency and water conservation.	$17,860,692
2.4.3	Promote, protect, and expand potable and non-potable water reuse.	$19,566,885
2.4.4	Promote stormwater capture and reuse.	$88,758
Total		$37,516,335

Overall, Valley Water's water conservation programs were allocated $12,553,044 in FY 2025: a portion of the $17,860,692 allocated to incentivize water use efficiency and water conservation, with the remaining $5,307,648 used for the Guiding Principal #5 Reserve[11], a water utility enterprise fund that allows certain communities or agencies to receive Valley Water contributions in the form of additional, incremental, dedicated, and segregated funds. The allocation of $12,553,044 supports the initiatives and activities that drive the performance measures detailed above. The table below breaks down the budget allocation for Valley Water's water conservation programs, illustrating how funds are distributed across key expense categories to support program implementation and achieve performance goals. Appendix B includes a more detailed breakdown of expenses in these categories. Approximately 30% of the funding allocated to Valley Water's water conservation programs ($3,750,000) directly funds water conservation rebates provided to customers.

Expense Category	FY 2025 Budget	% of Overall Budget
Salaries and Benefits	$1,762,084	14%
Services and Supplies*	$9,680,400	77%
Intra-District Charges	$1,110,559	9%
Total	**$12,553,044**	**100%**

**The Services and Supplies expense category includes various expenses, including but not limited to technical and professional services, cost sharing agreements, and water conservation rebates. A full breakdown of expenses is included in Appendix B.*

This funding enables implementation of outreach, incentives, and technical assistance efforts that contribute to the additional acre-feet saved annually and the growth in program participation—demonstrating an alignment between resource allocation and measurable conservation outcomes. The findings and recommendations detailed in the next section address risks that could impact Valley Water's continued achievement of these goals.

[11] Valley Water 2021/2022 Operating and Capital Budget, "Reserve Policy and Fund Balances"

VI. Findings and Recommendations

A. Staffing

1.	Finding	**Valley Water's Water Conservation team is understaffed compared to peer agencies, which may limit capacity to manage workloads and poses risk to achieving the District's long-term conservation goals.**
	Recommendation	**To ensure the Water Conservation team can meet the District's long-term conservation goals, Valley Water should consider adding at least five staff to the Water Conservation team who are dedicated to stakeholder engagement and administrative and program support.**

Staff reported that although they are meeting performance measures, there is limited bandwidth to complete other duties such as more targeted outreach, reviewing and reporting on customer feedback, and other strategic projects. The District's 2021 Water Conservation Strategic Plan briefly acknowledges that based on internal review, staffing levels were not adequate to achieve the District's long-term water conservation targets. The plan's modeling was based on a comparison of staffing levels at the time to other similar-sized agencies, and it recommended increasing staffing to at least 10 full-time equivalent employees to meet long-term conservation goals.

As shown in the following table, we compared Valley Water's current water conservation staffing to peers and found that the District has fewer water conservation staff per 100,000 population compared to its peers, indicating potential understaffing. Specifically, Valley Water has 0.37 full-time equivalent (FTE) staff per 100,000 people served, which is lower than the Alameda County Water District (ACWD) (1.15), Contra Costa Water District (CCWD) (1.54), Marin Municipal Water District (MMWD) (3.66), East Bay Municipal Utility District (EBMUD) (1.21), and San Francisco Public Utilities Commission (SFPUC) (0.48), though slightly higher than Solano County Water Agency (SCWA) (0.22). This suggests that Valley Water's conservation team has limited capacity relative to the population it serves. To align with the peer average, at least five additional FTEs would be needed on its Water Conservation team.

	Santa Clara Valley Water District	ACWD	CCWD	SCWA	MMWD	EBMUD	SFPUC
Approximate Population Served	1,900,000	348,000	520,000	453,491	191,000	1,400,000	2,700,000
Water Conservation FTE Staff	7	4	8	1	7	17	13
Ratio of Population to Staff	271,429:1	87,000:1	65,000:1	453,491:1	27,286:1	82,353:1	207,692:1
Staff Per 100,000 Population	0.37	1.15	1.54	0.22	3.66	1.21	0.48

The high ratio of population served by each District conservation employee indicates that each staff member may likely manage a larger workload and have less bandwidth compared to peers, which could impact the team's capacity to continue planning, implementing, and supporting leading conservation programs. This limited staffing may lead to challenges in responding promptly to customer needs and maintaining proactive outreach efforts, which will ultimately impact the team's ability to meet program goals. In general, these results align with a previous benchmarking report conducted in 2024, which found that Valley Water's Water Conservation team has a higher workload with fewer staff than other comparable agencies.

The following challenges were identified due to understaffing:

- Commercial customers often require significant relationship-building, and the team's limited bandwidth can constrain their ability to engage as fully as desired. Additionally, identifying the appropriate contacts within the commercial sector can be complex. Similar challenges have been noted by peer agencies, indicating this is a common issue (see Appendix A). Despite these challenges, Valley Water has made progress through initiatives like the Large Landscape Program, which has engaged most retail water suppliers and contributed to reductions in overwatering across the service area. However, managing stakeholder engagement is resource-intensive, particularly for outdoor conservation programs that require tailored approaches and coordination with multiple retailers. While collaboration with the Communications team (see Inter-Departmental Collaboration) has contributed to marketing efforts, staffing limitations continue to influence the scale and reach of these activities. Addressing these capacity constraints can help enhance stakeholder engagement, support program implementation, and contribute to the District's ability to meet its long-term conservation objectives.
- Constrained staffing impacts the extent to which Valley Water can effectively connect the public to its wide range of conservation programs and resources, largely due to staffing constraints within the Water Conservation team. Staff expressed difficulty in clearly communicating the District's offerings, despite efforts to develop visual materials like infographics. While the District provides programs tailored to every property type and maintains positive feedback on key programs, the level of personalized outreach needed to fully engage diverse audiences exceeds current staff capacity, limiting the ability to provide comprehensive, concierge-level service. Addressing staffing gaps can assist with enhancing public engagement and advancing long-term water conservation goals.
- Staffing challenges have also affected District staff's ability to focus on longer-term projects such as documenting water models and standard operating procedures, which are important for succession planning and maintaining institutional knowledge. Staff also noted that urgent tasks and frequent meetings take priority, which can slow responses to customers and limit opportunities to streamline processes. Staff highlighted the need for additional administrative support and increased budget flexibility to better manage their workload and support program delivery. These factors are important as they influence the team's overall efficiency and ability to meet water conservation goals—especially in historically challenging areas such as commercial stakeholder engagement.

Recommendation

To ensure the Water Conservation team is adequately supported to meet the District's long-term conservation goals, Valley Water should consider increasing staffing levels within this team by at least five FTE. These positions should be added to assist with stakeholder engagement and administrative/program support, which can help reduce individual workloads and enhance capacity for program planning, implementation, relationship-building, and process improvement.

Peer agencies show a wide range of staffing models, with the number and types of positions varying based on organizational goals, program delivery methods, and service priorities. A common trend, however, is the inclusion of dedicated frontline staff such as field representatives and technicians who focus primarily on direct customer engagement, program delivery, and community events. These roles can help expand the District's presence in the community, increase program participation, and provide hands-on support for program adoption.

Another frequent feature among peers is dedicated administrative or program support staff who handle intake, scheduling, documentation, and customer follow-up. This allows technical staff to focus on program design, delivery, and evaluation rather than administrative tasks. While the right staffing mix depends on an agency's objectives, the presence of these functions in many peer organizations suggests efficacy in achieving high participation and efficient program operations.

B. Communications and Outreach

2.	**Finding**	**Valley Water employs a multiple channel outreach approach similar to its peers, but does not currently have a formal integrated communications strategy. Along with limited staffing capacity, this may constrain its ability to effectively engage diverse and underserved populations and fully realize the potential of its water conservation programs.**
	Recommendation	**To build on the District's existing outreach activities, the Water Conservation team should work with other District departments, including the Office of Communications, to develop and implement a formalized, comprehensive, data-driven strategic engagement strategy that clearly defines target audiences, messaging priorities, and outreach methods.**

The Water Conservation team partners with the Office of Communications on water conservation outreach campaigns, and the District is generally aligned with its peers in employing a multi-channel approach to customer and stakeholder engagement. This includes direct outreach through schools and agencies, advertising campaigns, surveys, and digital platforms. Additionally, the Water Conservation team collaborates with retailers, agencies, and community organizations to promote its programs and offers a solid foundation of public education and outreach, including the Water 101 Academy, translated materials, school and library partnerships, and promotion of conservation programs countywide.

While the District actively engages in these outreach activities, these efforts are not currently encompassed in a formal integrated engagement strategy to define target audiences, messaging priorities, and outreach methods. This can hinder effective messaging and targeted outreach to diverse audiences. Best practices and peer benchmarks indicate that effective water conservation outreach requires a cohesive communications strategy that aligns messaging across programs, uses diverse communication channels (e.g., email, social media, direct mail, in-person engagement), and incorporates data-driven targeting to reach underrepresented populations. While the Water Conservation team undertakes many of these activities in collaboration with the Office of Communications and other departments, the absence of a unified strategy and limited staffing capacity (see Finding 1) can limit the ability to fully coordinate outreach efforts and optimize outreach

impact. Additionally, increasing staff capacity to support outreach efforts is recognized as critical to enabling personalized engagement and maximizing program participation among community members and commercial enterprises.

Without a coordinated and strategic approach to outreach, Valley Water risks fragmentation in outreach efforts, missed opportunities to maximize program visibility and impact, and challenges in engaging underserved or hard-to-reach populations as well as commercial partners. This may lead to lower participation rates in conservation programs and reduced equity in access to resources, and could ultimately hinder the District's ability to achieve its long-term water conservation goals.

Recommendation

To build on the District's existing outreach activities and enhance the effectiveness of its water conservation efforts, Valley Water should develop and implement a formalized, comprehensive, data-driven strategic engagement strategy that clearly defines target audiences, messaging priorities, and outreach methods. This strategy should integrate messaging across all conservation programs and continue to leverage a diverse mix of communication channels—including email, social media, direct mail, community events, and in-person engagement—to ensure consistent and targeted outreach to a broad range of stakeholders. Typically, such strategies include at least the following:

- Clearly defined target audiences, including underserved and hard-to-reach populations, with prioritized messaging tailored to their needs
- Integrated and unified messaging across programs, to ensure consistency and reinforce key themes
- A diverse mix of communication channels such as email, social media, direct mail, community events, and in-person engagement to maximize outreach impact
- Data analytics and feedback mechanisms to continuously refine targeting and message effectiveness
- Coordinated collaboration among the various teams involved with communications (e.g., the Water Conservation team, Office of Communications, and External Affairs) to streamline planning and execution
- Consideration of staffing capacity needs to support personalized engagement and expanded outreach capabilities

The District currently undertakes many of these activities through its ongoing outreach efforts and partnerships. This recommendation seeks to build on these existing strengths by formalizing and integrating them into a cohesive, strategic framework that enhances coordination, messaging consistency, and targeted outreach effectiveness.

Additionally, as described in Finding 1, Valley Water should consider increasing staffing capacity to enable more personalized, proactive engagement and manage the scope of activities included in the comprehensive plan. Clear roles and responsibilities should be established, along with measurable performance indicators, to monitor outreach effectiveness and guide continuous improvement.

By adopting an integrated data-informed engagement strategy and bolstering staff resources, Valley Water can improve program visibility, increase participation rates, and promote equitable access to

conservation programs. This will help the District advance its broader water conservation goals and better serve its diverse community.

C. Inter-Departmental Collaboration

3.	**Finding**	**The effectiveness of Valley Water's water conservation programs is constrained by capacity challenges and opportunities to improve alignment with the following key support departments: Procurement, Communications, and IT.**
	Recommendation	**To address the capacity and coordination needs impacting water conservation activities, the District should:** **A. Evaluate workload and staffing needs in the Procurement, Communications, and IT departments to ensure support for water conservation and other District priorities.** **B. Continue the current procurement audit to review and streamline procurement processes.** **To facilitate better coordination, the Water Conservation team should:** **C. Formalize collaboration efforts with the Communications department by establishing a clear framework that defines roles, responsibilities, and decision-making authority for the annual water conservation campaign.**

Valley Water's water conservation efforts are impacted by staffing limitations and coordination needs across key support departments: Procurement, Communications, and IT. Addressing capacity constraints and opportunities to improve cross-departmental coordination is critical to enhancing program delivery and achieving the District's water conservation goals.

- **Procurement Team:** Staff reported processing issues with the Procurement team contributed to delays in securing vendors and contracts essential for program implementation, which can impact water conservation efforts. For instance, the contract for the vendor managing the District's landscape rebate online application required an extension, but delays in contract processing resulted in a suspension period during which the system was unsupported. This interruption affected customer experience and program continuity. Additionally, staff reported that the lack of clarity and alignment on procurement processes at Valley Water can further complicate collaboration and slow water conservation initiatives. Clearer and more efficient processes within Procurement would enable more timely contract execution and support the Water Conservation team's strategic goals. The District is currently conducting an audit of procurement processes to identify areas for improvement and enhance efficiency, which may also include consideration for process improvements.
- **Communications Team:** The District's Communications team leads and establishes priorities for the District's annual water conservation campaign, while the Water Conservation team supplies funding and meets regularly with Communications to coordinate this campaign. Staff report that collaboration with the Communications team continues to be optimized, with more frequent meetings (monthly during normal periods and biweekly during droughts), which facilitates better

coordination on water conservation outreach campaigns. According to staff, these campaigns have contributed to increased participation in conservation programs. However, some challenges remain with coordinating priorities and communication frequency, and there are opportunities to better align expectations to enhance coordination and partnership. The comprehensive plan described in Finding 2 should support these ongoing efforts.

- **IT Team:** Staff reported the IT team generally provides strong technical support, including the development and maintenance of the District's website for water conservation program enrollments. However, the Water Conservation program relies on several software systems that are not fully integrated which results in ongoing inefficiencies and manual work. IT staff reported the recent unavailability of external consulting services delayed ongoing integration efforts. Additionally, due to staffing constraints in the Water Conservation team, delays in providing necessary information to IT have contributed to slower technical support and program delivery.

The Water Conservation team's success is closely tied to the capacity of and collaboration with these departments. By enhancing capacity, clarifying processes, and fostering stronger communication and alignment across departments, the District can improve the effectiveness and timeliness of its water conservation initiatives and better achieve its strategic objectives.

Recommendation

To address the capacity and coordination needs impacting water conservation activities, the District should take a comprehensive approach involving Procurement, Communications, and IT. It should evaluate workload and staffing needs across these departments, to ensure they have sufficient capacity to support water conservation and other District priorities effectively. Staffing considerations for Procurement can be included in the District's current audit of that area. Additionally, continuing the current procurement audit will help identify opportunities to streamline procurement processes, improve efficiency, and clarify procedures, which will reduce delays in securing vendors and contracts critical to program delivery.

To improve coordination, the Water Conservation team should formalize its collaboration with the Communications team by establishing a clear framework that defines roles, responsibilities, and decision-making authority for the annual water conservation campaign. This framework can be integrated into the broader communications strategy described in Finding 2, helping to align efforts, clarify expectations, and enhance the effectiveness of outreach campaigns.

By addressing staffing capacity and process clarity and strengthening interdepartmental collaboration, Valley Water can improve the timeliness, efficiency, and impact of its water conservation initiatives, ultimately supporting the District's strategic goals.

Appendix A: Peer Benchmarking

The following table compares Valley Water's staffing and water conservation strategies and activities to its peers, including the Alameda County Water District (ACWD), Contra Costa Water District (CCWD), Solano County Water District (CCWD), Marin Municipal Water District (MMWD), East Bay Municipal Utility District (EBMUD), and San Francisco Public Utilities Commission (SFPUC). Data was pulled from publicly available information, including public-facing websites and documentation. We interviewed all peer organizations, and lessons learned from those conversations are incorporated throughout the report where relevant.

	Santa Clara Valley Water District	ACWD	CCWD	SCWA	MMWD	EBMUD	SFPUC
Background							
Entity Type	Wholesaler	Retailer	Retailer and wholesaler	Wholesaler	Retailer	Retailer and wholesaler	Enterprise District - Retail and Wholesale
Operating Budget	FY 2024–2025 adopted budget: $964,000,000	FY 2024–2025 adopted budget: $187,726,000	FY 2025 expenditure budget: $233,400,000	FY 2024–2025 adopted budget: $20,333,690	FY 2024–2025 approved budget: $163,798,389	FY 2024–2025 budget: $2,700,000,000	FY 2024–2025 Adopted Budget: $2,023,064,914
Population Served	1,900,000	344,000	520,000	453,491	190,000	1,400,000	2,700,000
Staffing							
Total Number of FTEs	841	242	323	30	243	1,928	2,836
FTE Water Conservation Staff	7	4	8	1	7	17	13
Ratio of Staff to Population	271,429:1	87,000:1	65,000:1	453,491:1	27,286:1	82,353:1	207,692:1
Strategic and Planning Documents							
Has Strategic Plan	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Has Master/Long-Term Plan?	Yes	Has 25-Year CIP plan starting 2011	No	No	Yes	Yes	Yes
Performance							
What specific goals or targets do you set for your water conservation efforts?	Valley Water sets water conservation goals in terms of total gallons saved, while also aiming to increase participation across programs.	ACWD uses a conservation model to set water savings targets and, outside of drought conditions, aligns goals with their long-term urban water use objectives.	CCWD tracks activity-based metrics (e.g., square feet converted, rebates issued) and ties them to modeled water savings targets developed by a consultant, while also emphasizing customer service outcomes and feedback.	SCWA primarily measures participation, assessing return on investment to determine program continuation, but does not set specific conservation targets beyond meeting regulatory expectations.	MMWD has set a long-term goal of reducing gallons per capita per day (to 114 by 2045) and also tracks water supply project savings through an acre-foot reduction target.	EBMUD has a goal of reducing demand to 70 million gallons per day by 2050 and updates progress through periodic demand studies, with the next update scheduled for 2027–2028.	SFPUC aligns its conservation efforts with state-mandated goals of making water conservation a permanent, ongoing practice.

	Santa Clara Valley Water District	ACWD	CCWD	SCWA	MMWD	EBMUD	SFPUC
How do you measure the effectiveness of your water conservation programs?	Valley Water uses a customized model based on Alliance for Water Efficiency methods to input participation rates and calculate acre-feet saved.	ACWD evaluates program effectiveness through customer feedback, clarity and accessibility of program design, and periodic surveys as part of broader planning efforts. ACWD also measures program effectiveness through participation levels and savings analysis.	CCWD measures effectiveness through customer responses, activity levels (e.g., lawn conversions), and estimated water savings, while also tracking engagement through events attended.	SCWA may review water savings but does not formally report them, noting that some programs (e.g., direct-install toilets) generate higher savings than others.	MMWD ties effectiveness to participation-driven savings goals, setting intentionally high targets (e.g., lawn conversion, graywater, rain barrels) based on past drought-era participation. MMWD also tracks gallons per capita per day at year-end in order to measure effectiveness.	EBMUD assesses effectiveness by tracking participant response to outreach, saturation levels, and "passive savings" from natural equipment replacement, supplemented with manufacturer data and legislative collaboration.	SFPUC measures effectiveness by comparing residential water use to homes of similar size and the regional average.
What metrics do you use to track water savings and program success?	Valley Water uses a conservation savings model with both passive and active savings calculations, supplemented by ordinance-based estimates.	ACWD prepares end-of-FY reports comparing actual savings against modeled target savings goals.	CCWD tracks outreach key performance indicators such as emails, clicks, and impressions, and surveys rebate applicants on how they heard about the program, though they note deeper analysis may be limited by staff capacity.	SCWA tracks the number of rebates issued and sometimes the associated water savings, but does not apply a formal water savings calculator.	MMWD measures participation-driven savings through targets such as lawn conversions, graywater systems, and rain barrels, with performance based on meeting or approaching these activity levels.	EBMUD tracks past and projected water use alongside customer satisfaction, administering surveys after all interactions and incentive programs.	SFPUC uses volume-based water savings metrics, though without formal reduction targets, while still prioritizing overall conservation.
What metrics or methods have you found to help effectively attribute water savings directly to your outreach activities?	Valley Water noted difficulty tracking water savings back to outreach actions, making it challenging to quantify how much their messaging saved water (except the Landscape Rebate Program).	ACWD measures outreach effectiveness by tracking participation increases in specific conservation programs, attributing water savings at the customer or account level with methods tailored to each activity (e.g., fixture upgrades vs. landscape replacement) and linking outreach success to measurable increases in program uptake.	Not provided.	SCWA does not apply direct water savings metrics but tracks rebate amounts, program popularity, and community or retailer feedback. Educational programs are evaluated by the number of students reached.	MMWD does not attribute water savings directly to outreach, instead counting savings through the conservation measure itself and evaluating campaign success with digital engagement metrics such as impressions, click-throughs, site revisits, and applications submitted.	EBMUD measures outreach impact through water savings analyses that compare pre- and post-consumption data against a control group, often using eight years of data (four years before and four years after program participation).	SFPUC tracks outreach effectiveness through digital engagement metrics (web visits, time on page, click-throughs, and conservation inquiries) and by monitoring application and enrollment rates in conservation programs.

PEER BENCHMARKING LESSONS LEARNED

Programs

- Valley Water generally aligns with its peers in prioritizing outdoor water conservation and long-term demand management but stands out for its comprehensive sector coverage—including agriculture.

Engagement and Communication (see Communications and Outreach finding)

- Valley Water is generally aligned with its peers in employing a multi-channel approach to customer and stakeholder engagement, including collaboration with communications teams, direct outreach through schools and agencies, advertising campaigns, surveys, and digital platforms. Some peers leverage extensive community event participation, targeted demographic marketing, and tailored messaging based on customer data (such as EBMUD's geo-targeted campaigns and MMWD's focus on senior outreach).
- Valley Water shares common challenges with its peers in effectively engaging specific demographic groups, particularly older adults and certain commercial sectors. Some peers have implemented targeted programs and outreach strategies for underrepresented groups similar to Valley Water, such as ACWD's direct install and billing assistance programs for income-qualified customers and SFPUC's multilingual outreach efforts which help address language and socioeconomic barriers. Others, like EBMUD, focus on leveraging data and partnerships to better reach disadvantaged communities, while some districts acknowledge ongoing difficulties without specific targeted initiatives.

Performance Measures

- Valley Water is generally aligned with its peers in setting measurable water conservation goals, such as gallons saved and increasing program participation. Like Valley Water, many peer agencies have established clear data-driven targets, ranging from gallons per capita per day to long-term demand reduction goals and use models to project and track progress.
- Valley Water is generally aligned with its peers in using data-driven models to estimate water savings and evaluate program cost-effectiveness. Like Valley Water, many peer agencies incorporate participation rates, activity levels (such as square footage converted), and customer feedback into their assessments. Some agencies emphasize program adjustments based on customer needs and engagement metrics, while others focus on participation goals and broader measures like market saturation and passive savings.
- Valley Water is generally aligned with its peers in using models to estimate conservation savings, incorporating both active and passive water savings into their assessments.

Successes

- Valley Water is generally aligned with its peers in achieving strong support for conservation efforts, as evidenced by enthusiastic backing from the Board and management, consistent program participation—even in non- drought conditions—and recognition through awards. the District's effective use of interns and temporary staff, along with low complaint rates and positive participation survey results, highlight operational strengths. It shares many best practices with peer agencies, particularly in fostering organizational support and maintaining active customer engagement.

Challenges

- Valley Water is generally aligned with its peers in recognizing the complexity of balancing resource constraints, community engagement, and program effectiveness to meet conservation goals. Like Valley Water, many peer agencies emphasize the importance of partnerships and community participation, while grappling with challenges such as limited staff and budget, diverse customer needs, and the difficulty of motivating commercial customers. Peers highlighted the need for more creative and targeted outreach strategies, including engaging landscapers and leveraging technology.

Appendix B: Project by Account Detail

The following table includes a detailed breakdown of funds allocated to Valley Water's water conservation programs in fiscal year 2025, as reported in the District's budget documents.

	Budgeted Amount
Salaries and Benefits	
51110 (Salaries-Permanent Employees)	$951,903
51150 (Salaries-Overtime)	-
51580 (Salaries-Earned Comp Time)	-
52110 (Compensated Absences Accrual)	-
55130 (Salaries-Paid Vacation/SL/PL/H)	$182,296
55140 (Employee Benefits)	$627,885
Salaries and Benefits Total	**$1,762,084**
Services and Supplies	
61690 (Other Technical Services)	$2,745,000
61940 (Training & Instruction Service)	$75,000
61990 (Other Professional Services)	$1,390,000
64110 (Postage & Delivery Service)	-
64150 (Recruitment/Publication Advertising)	$10,000
64160 (Temporary Staff & Labor Service)	$170,000
64190 (Other Business Support Service)	-
64310 (Student Interns Services)	$261,000
66110 (Office Supplies)	$1,000
66130 (Computer Supplies)	$1,000
66150 (Food & Beverage Catering)	$1,000
66190 (Other Administrative Supplies)	-
66240 (Safety Supplies/Minor Equipment)	-
66270 (Uniform Program)	-
66290 (Other Operating Supplies)	$76,000

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	Budgeted Amount
67420 (Conference & Seminar Fees)	-
67520 (Travel-Mileage Reimbursements)	$200
67530 (Travel-Public Transportation)	-
67540 (Travel-Lodging)	-
67550 (Travel-Meals & Misc.)	$200
67810 (Agreements-Cost Sharing)	$1,200,000
67930 (Water Conservation Rebates)	$3,750,000
Services & Supplies Total	**$9,680,400**
Intra-District Charges	
65110 (Intra District Vehicle Charges-Assigned)	$12,029
65120 (Intra District Vehicle Charges-Pooled)	$3,842
65250 (Intra District Risk Fund Charges)	$95,190
65310 (Indirect Overhead - Full Cost)	$780,561
65410 (Intra District Computer Equipment Charges)	$218,938
Intra-District Charges Total	**$1,110,559**
Total	**$12,553,044**

Appendix C: Definitions of Findings Ratings

We assigned risk rankings to each finding based on our professional judgement. A qualitative assessment of high, medium, or low helps to prioritize implementation of corrective action.

High	Findings with a high likelihood of causing significant negative impact (i.e., pose a threat to achieving organizational objectives) if not promptly addressed. Recommendations from high-risk findings should be implemented as soon as possible (preferably within three months)
Medium	Findings with a moderate likelihood of causing negative impact if left unaddressed; these should be prioritized for corrective action to improve performance. Recommendations arising from medium-risk findings should be implemented in a timely manner (preferably within six months), to address moderate risks and strengthen or enhance efficiency.
Low	Findings with a low likelihood of causing significant negative impact (i.e., pose a threat to achieving organizational objectives) if not promptly addressed. Recommendations arising from low-risk findings should be implemented within 12 months.

Appendix D: Management Response

	RECOMMENDATION	RESPONSIBLE PARTY	MANAGEMENT'S RESPONSE/IMPLEMENTATION PLAN
1	**Finding:** Valley Water's Water Conservation team is understaffed compared to peer agencies, which may limit capacity to manage workloads and poses risk to achieving the District's long-term conservation goals.	Water Supply Planning and Conservation Unit	☒ Agree ☐ Disagree
	Recommendation: To ensure the Water Conservation team can meet the District's long-term conservation goals, Valley Water should consider adding at least five additional staff to the Water Conservation team who are dedicated to stakeholder engagement and administrative and program support.		**Response:** This recommendation is consistent with the 2021 Water Conservation Strategic Plan findings, recommending an additional 6 full-time staff to meet the Board's 2040 goal. In 2021, three full-time staff were added. Since the program meets its annual water savings metric, the remaining three positions are documented as unfunded needs in the budget process. Additionally with the adoption of the Board's 2050 Target, an additional ten (10) full-time staff will need to be added to the program. Management will continue to monitor the programs progress towards meeting its annual metric to guide adding additional staff in a phased approach to be mindful of water rate affordability concerns. **Implementation Date:** Ongoing
2	**Finding:** Valley Water employs a multiple channel outreach approach similar to its peers but does not currently have a formal integrated communications strategy. Along with limited staffing capacity, this may constrain its ability to effectively engage diverse and underserved populations and fully realize the potential of its water conservation programs.	Water Supply Planning and Conservation Unit	☒ Agree ☐ Disagree

	RECOMMENDATION	RESPONSIBLE PARTY	MANAGEMENT'S RESPONSE/IMPLEMENTATION PLAN
	Recommendation: To build on the District's existing outreach activities, the Water Conservation team should work with other District departments, including the Office of Communications, to develop and implement a formalized, comprehensive, data-driven strategic engagement strategy that clearly defines target audiences, messaging priorities, and outreach methods.		**Response:** Management agrees with this recommendation and will incorporate the development of a data-driven strategic engagement strategy as part of the 5-year update to the 2021 Water Conservation Strategic Plan. A RFP is under development with the goal of hiring a consultant in late 2026. **Implementation Date:** 2026-2028
3a	**Finding:** The effectiveness of Valley Water's water conservation programs is constrained by capacity challenges and opportunities to improve alignment with the following key support departments: Procurement, Communications, and IT.	Administrative Services/External Affairs	☒ Agree ☐ Disagree
	Recommendation: To address the capacity and coordination needs impacting water conservation activities, the District should evaluate workload and staffing needs in the Procurement, Communications, and IT departments to ensure support for water conservation and other District priorities.		**Response:** The Procurement and Information Technology teams have refined their processes to better track, manage, and enhance services that rely on externally managed IT contracts, thereby supporting water conservation initiatives and other Valley Water business functions more effectively. While the current staffing from the Office of Communications is sufficient to support the existing goals and outcomes defined by the Water Conservation and Communications business units, should the recommended cross-functional engagement strategy be developed and implemented, the need for additional staffing and workload evaluation would be warranted. **Implementation Date:** Completed
3b	**Finding:** The effectiveness of Valley Water's water conservation programs is constrained by capacity challenges and opportunities to improve alignment with the following key support departments: Procurement, Communications, and IT.	Administrative Services/ Procurement	☒ Agree ☐ Disagree

	RECOMMENDATION	RESPONSIBLE PARTY	MANAGEMENT'S RESPONSE/IMPLEMENTATION PLAN
	Recommendation: To address the capacity and coordination needs impacting water conservation activities, the District should continue the current procurement audit to review and streamline procurement processes.		**Response:** The Procurement and Information Technology teams have refined their processes to better track, manage, and enhance services that rely on externally managed IT contracts, thereby supporting water conservation initiatives and other Valley Water business functions more effectively. While the current staffing from the Office of Communications is sufficient to support the existing goals and outcomes defined by the Water Conservation and Communications business units, should the recommended cross-functional engagement strategy be developed and implemented, the need for additional staffing and workload evaluation would be warranted. **Implementation Date:** Completed
3c	**Finding:** The effectiveness of Valley Water's water conservation programs is constrained by capacity challenges and opportunities to improve alignment with the following key support departments: Procurement, Communications, and IT.	Water Supply Planning and Conservation Unit	☒ Agree ☐ Disagree
	Recommendation: To facilitate better coordination, the Water Conservation team should formalize collaboration efforts with the Communications department by establishing a clear framework that defines roles, responsibilities, and decision-making authority for the annual water conservation campaign.		**Response:** The water conservation team meets with the Procurement, Communications, and IT teams on a monthly basis to facilitate coordinating various work activities and ensure that existing roles and responsibilities are well defined. During times of the development of water conservation campaigns, which are now year-round, meetings with the communications team occur every two weeks. With respect to communications, the Water Conservation Unit leads: campaign priorities and campaign funding. Creative development is collaborative and campaign execution and media buys are lead by the Communications team. Management will incorporate establishing a clear framework, roles, responsibilities and decision-making authority as part of the RFP under finding #2. **Implementation Date:** 2026-2028



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Santa Clara Valley Water District

WATER CONSERVATION PERFORMANCE AUDIT

Board of Directors Meeting

February 24, 2026

Agenda

01 OBJECTIVES AND SCOPE

02 METHODOLOGY

03 COMMENDATIONS

04 RESULTS, FINDINGS, AND RECOMMENDATIONS



Objectives and Scope

The purpose of this performance audit was to assess and further enhance Valley Water's approach to water conservation strategies and incentives. The objectives of this performance audit were to:

1. Evaluate the extent to which the strategies and approaches taken by Valley Water to promote or incentivize water conservation align with peer and best practices.
2. Identify opportunities for improvement through lessons learned at Valley Water and other water districts.
3. Review use of funds dedicated to conservation activities and corresponding performance measures.



Methodology

This audit was primarily conducted between April and August 2025 and consisted of project initiation and management, fact finding, analysis, and reporting. Fact-finding and analysis was informed by:

- **Interviews***:* We conducted interviews with staff to identify strengths, challenges, and opportunities for improvement in water conservation strategies and activities.
- **Document and Information Review**: We reviewed documents, including organizational charts, performance reports, District strategic goals and workplans, budget presentations, and educational materials.
- **Industry Best Practice**: We researched industry best practices related to water conservation operations, including water tracking, demand analysis, planning, performance, equity, and related topics.
- **Peer Benchmarking**: We compared Valley Water's water conservation strategies and activities, outreach and communication methods, organization-wide goals, and challenges to six peer organizations identified in collaboration with the Conservation Team: Alameda County Water District, Contra Costa Water District, Solano County Water Agency, Marin Municipal Water District, East Bay Municipal Utility District, San Francisco Public Utilities Commission





Commendations

The Water Conservation team:

- Fosters collaborative teamwork internally and with other divisions across the District
- Demonstrates thoughtful and strategic planning approaches that include clear, well-defined goals to guide conservation efforts effectively
- Provides relevant, publicly accessible information with a commitment to openness that helps build trust and awareness with stakeholders
- Meets best practices for financial reporting, including timely independent audits
- Has consistently met performance targets for annual water savings and Conservation program participation within the last three fiscal years



Best Practices

We evaluated Valley Water's water conservation strategies against industry standards and found that it meets identified best practices in:

- Conducting water audits
- Using AMI
- Analyzing end-user demand
- Setting measurable goals
- Tracking performance
- Supporting continuous improvement

Valley Water also uses best practices in outreach and program accessibility to promote equity and access within conservation programs.





Performance Measurement

The District has a Board goal of achieving water use savings of 99,000 acre-feet per year (AFY) by 2030.

Two performance targets support this goal:

1. Valley Water must sustain drought-year-level participation in non-drought years to generate at least 2,400 AFY in additional savings annually.
2. Outdoor conservation and program participation by commercial, industrial, and institutional (CII), including multifamily residential (MF) sites, must increase.





Performance Measurement

Goal 1: Valley Water must sustain drought-year level participation in non-drought years to generate at least 2,400 AFY in additional savings annually

Fiscal Year	AFY Increase in Annual Savings	Total AFY
2022	3,489	80,073
2023	3,096	83,174
2024	3,022	85,204
Average	3,202	82,817





Performance Measurement

Goal 2: Outdoor conservation and program participation by commercial, industrial, and institutional (CII), including multifamily residential (MF) sites, must increase

Fiscal Year	Total Sq. Ft. Converted (Single-Family)	Total Sq. Ft. Converted (CII and MF)	Total	CII and MF Percent of Area	CII and MF Percent of Rebated Applications
2021	258,644	82,415	341,059	24%	5%
2022	804,226	231,316	1,035,542	22%	5%
2023	1,153,764	832,605	1,986,369	42%	9%
2024	759,722	658,706	1,418,428	46%	11%





Use of Funds

Valley Water's water conservation programs fall under the Board goal of increasing regional self-reliance through water conservation and reuse. Overall, water conservation programs were allocated $12,553,044 of these funds.

WS Goal 2.4: Increase regional self-reliance through water conservation and reuse		
2.4.1	Maximize utilization of all demand management tools	-
2.4.2	Incentivize water use efficiency and water conservation.	$17,860,692
2.4.3	Promote, protect, and expand potable and non-potable water reuse.	$19,566,885
2.4.4	Promote stormwater capture and reuse.	$88,758
Total		$37,516,335

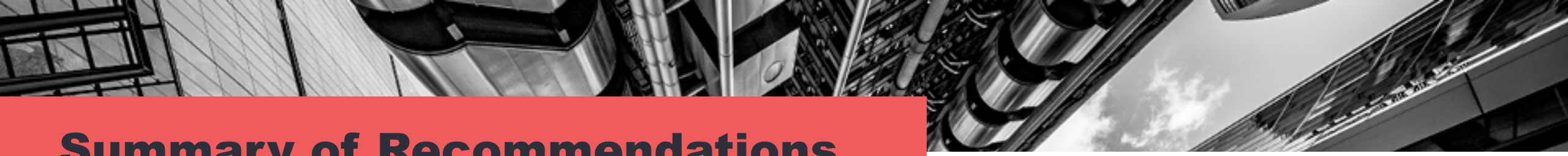




Use of Funds

Expense Category	FY 2025 Budget	% of Overall Budget
Salaries and Benefits	$1,762,084	14%
Services and Supplies*	$9,680,400	77%
Intra-District Charges	$1,110,559	9%
Total	$12,553,044	100%





Summary of Recommendations

Medium-Risk

- Consider adding at least five additional staff to the Water Conservation team who are dedicated to stakeholder engagement and administrative and program support
- Work with other District departments, including the Office of Communications, to develop and implement a formalized, comprehensive, data-driven strategic engagement strategy

Low-Risk

To address the capacity and coordination needs impacting water conservation activities, the District should:

- Evaluate workload and staffing needs in the Procurement, Communications, and IT departments
- Continue the current procurement audit to review and streamline procurement processes

To facilitate better coordination, the Water Conservation team should:

- Formalize collaboration efforts with the Communications department



Thank You

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File No.: 25-1022

Agenda Date: 2/24/2026
Item No.: 6.1.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Receive Report of Bids, Ratify Addenda, Approve the Contingency Fund, and Award the Construction Contract to J.F. Shea Construction, Inc., for the Almaden Valley Pipeline Replacement Project - Phase 1, Project No. 92304001, Contract No. C0714, in the Sum of $77,875,209 (San Jose, Unincorporated Santa Clara County; Districts 1, and 7).

RECOMMENDATION:
A. Ratify Addenda No(s). 1, 2, 3, 4, 5, and 6 to the Contract Documents for the Almaden Valley Pipeline Replacement Project - Phase 1;
B. Award the Construction Contract to J.F. Shea Construction, Inc., located in Walnut, CA, in the sum of $77,875,209; and
C. Approve a contingency sum of $11,681,281 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

SUMMARY:
The objective of the Almaden Valley Pipeline Replacement Project - Phase 1 (Project) is to increase the reliability and useful life of the pipeline.

The project scope includes completely draining and removing all water from the Almaden Valley Pipeline (AVP) between Coleman Line Valve and Calero Line Valve, relining 19,000 linear feet of AVP with steel pipe, replacing line valves, installing a new line valve, providing support for pipeline replacement activities, procuring long-lead material, installing supervisory control and data acquisition (SCADA) system components, and installing corrosion protection systems.

Project Background

The Almaden Valley Pipeline (AVP) is included in the Santa Clara Valley Water District's (Valley Water) Pipeline Maintenance Program (PMP). The PMP defines the activities associated with maintenance and replacement of water supply conveyance systems including pipelines, appurtenances, electrical systems, control systems, and structures, throughout Valley Water's jurisdiction.

The Almaden Valley Pipeline (AVP) is comprised of three (3) pipeline segments: Segment 1, which begins at the Vasona Pump Station in Los Gatos and ends at the Coleman Line Valve in San Jose; Segment 2, which begins at the Coleman Line Valve and ends at the Santa Teresa Force Main in San Jose; and Segment 3, which begins at the Santa Teresa Force Main and ends at the Calero Valve yard in Santa Clara County.

Segment 1 is made up of 4.4 miles of Prestressed Concrete Cylinder Pipe (PCCP), while Segment 2 is made up of 3.6 miles of Welded Steel Pipe (WSP), and Segment 3 is made up of 3.5 miles of PCCP.

The Project (Phase 1) will replace Segment 3 of the pipeline because this segment has become embrittled, continues to degrade, and poses a significant risk to the water source availability of the San Luis Reservoir, Anderson Reservoir, and Calero Reservoir. The degradation of Segment 3 is unpredictable and can trigger costly emergency action if unaddressed. The Project will shut down AVP to install a new steel pipeline within the existing AVP alignment. The new steel pipeline will replace AVP from within by using the existing AVP as a pathway to install a slightly smaller, new steel pipeline.

Addenda Ratification

Six [6] addenda were issued during the bid advertisement period to clarify the Project Contract Documents and answer bidder's questions. To formally incorporate the Addenda into the Project Contract Documents, staff recommends that the Board ratify the addenda.

To protect sensitive information related to the project, all parties interested in accessing the Plans and Specifications, and Addenda were registered as a vendor at the Valley Water Vendor Portal and submitted a completed Non-Disclosure Agreement (NDA) to access the Contract Documents.

The Project's Plans and Specifications were provided by separate communication to the Board for their review prior to taking the recommended action to adopt the Plans and Specifications for bid advertisement. The addenda were also provided by separate communication to Valley Water's Board of Directors for their review prior to taking the recommended action to ratify.

Contract Award

A report of bids received at the bid opening for the Project on December 17, 2025, is summarized in Table 1, including the Engineer's Estimate for Project budgeting purposes (refer to the Financial Impact section).

The lowest responsible bid was submitted by J.F. Shea Construction, Inc., of Walnut, CA. The bid submitted by J.F. Shea Construction, Inc. is 30% higher than the Engineer's estimate of $60,000,000. Past project and industry publication cost data that design engineers use to develop the Engineer's Estimate is based on stable economic conditions, but the Post-COVID-19 environment, escalation in gas prices, and fluctuating tariffs made estimating the Project very challenging. Additionally, rapidly escalating costs due to supply chain disruptions, raw material cost inflation, and the upsurge in new construction affecting labor availability are all contributing factors to the elevated prices reflected in

the bids received.

Staff reviewed the bid proposals and recommends the Board award the Construction Contract to J.F. Shea Construction, Inc., as the responsible bidder, submitting the lowest responsive bid.

Table 1: Bid Summary

Contractor, Location	Bid Price	Award Amount
J.F Shea Construction, Inc.	$77,875,209	$77,875,209
Mountain Cascade, Inc.	$93,217,174	
Ranger Pipelines Incorporated	$95,142,575	
Steve P. Rados, Inc.	$95,726,012	
Engineer's Estimate: $60,000,000		

Contingency Funds

The Contract award sum for the Project is $77,875,209. To allow staff to quickly address unforeseen or changed site conditions and other unanticipated occurrences, without causing unnecessary delays or consequential costs to the Project, staff recommends the Board approve a contingency amount of $11,681,281, which amounts to 15% of the contract amount for the subject Project.

The above contingency amount was estimated due to the known and unknown risks, such as:

1. Unforeseen internal conditions and field conditions that may be different from the baseline and as-built information used in preparation of the Project Contract Documents;

2. Unanticipated variances in quantities and cost of various lump sum items estimated in the Bid Proposal;

3. Coordination issues and risks associated with weather conditions; and

4. Coordination issues with operations and maintenance activities.

Approval of individual change orders for the Project will be subject to approval at the following designated amounts:

Engineering Unit Manager:	$250,000
Deputy Operating Officer:	$500,000
Chief Operating Officer:	$750,000
Assistant CEO:	$1,000,000
CEO:	Up to $5,000,000

Relevant Prior Board Actions

On April 8, 2025, the Board adopted Resolution 2025-22 Setting the Time and Date for a Public Hearing on the Final Program Environmental Impact Statement and Engineer's Report for the Pipeline Maintenance Program (PMP).

On April 22, 2025, the Board held a public hearing and adopted Resolution 2025-25 and Resolution 2025-26 certifying the final Program EIR for the PMP and Adopting CEQA findings of fact, statement of overriding considerations, and mitigation monitoring and reporting program and approving the Engineer's Report for the PMP.

On October 28, 2025, the Board found the Project is substantially complex and requires a construction contract retention of ten percent (10%), designated certain components as sole source products, adopted the Plans and Specifications, authorized advertisement for bids, and authorized the Designated Engineer to issue addenda during the bidding process.

Outreach to Bidders

The Notice to Bidders was made available to Valley Water's registered PlanetBids vendors with the appropriate classifications to perform the Work. Chambers of Commerce, plan rooms (Builder Exchanges), and Valley Water's website were also used to solicit interest in the Project. Broader advertising efforts also included three placements of the Invitation to Bid in the San Jose Post-Record.

Small Business Program

This project was advertised incorporating the Small Business Enterprise (SBE) Outreach Program that establishes a small business subcontracting participation goal of at least 30 percent for non-SBE Bidders. The contractor met the goals of the program by demonstrating compliance through the Good Faith Effort process.

Right of Way

Valley Water has all the necessary right-of-way needed for the construction of the Project.

Permits

Valley Water received a Lake Stream Alteration Agreement (LSAA) from the California Department of Fish and Wildlife in December 2025.

Staff has obtained conditional right-of-way letters from the City of San Jose and County of Santa Clara. The final approved encroachment permits from these cities will be completed by the contractor after the construction contract is awarded and issued prior to construction commencement.

Public Outreach

During construction, appropriate measures will be taken to minimize impacts associated with the

Project, such as traffic, noise, and dust. Residents and businesses in the Project area will be informed of construction impacts through multiple outreach strategies including social media such as Nextdoor and Facebook, mailers, and signs, and coordinated with the City of San Jose and County of Santa Clara. The construction Contract Documents include requirements and mitigations to minimize impacts to the public during construction.

Next Steps

If the Board approves the recommendations, staff will proceed with administering Project construction, which is anticipated to begin in March 2026 and be completed by April 2029.

ENVIRONMENTAL JUSTICE IMPACT:
There are no environmental justice impacts associated with the Project. This action is unlikely to or will not result in disproportionate impacts on any specific communities relative to the general population from the implementation of this project. However, this project will enhance the reliability and operational flexibility of the pipeline and address existing system vulnerabilities. Upgrades to the Almaden Valley Pipeline will allow Valley Water to better service communities during times of emergency and future maintenance projects.

FINANCIAL IMPACT:
The Almaden Valley Pipeline Replacement Project (Project) is included in the Capital Improvement Program (CIP) Fiscal Years (FY) 2026-30 Five-Year Plan and in the FY 2025-26 Adopted Budget. Based on estimated construction contract costs, the Project's FY 2025-26 Adopted Budget contains sufficient funds to encumber the construction expenditures planned for this fiscal year. The total cost for the recommended construction contract, including the change order contingency of $11,681,281, is $89,556,490, which increases the overall Total Project Cost (TPC) reflected in the CIP 2026-30 Five-Year Plan. The increase to the TPC is approximately $30 million and will be incorporated into the CIP Draft FY 2027-31 Five-Year Plan.

Funds to cover the anticipated construction costs will be incorporated into the biennial budget and recommended by staff through the annual fiscal year budget process or, if necessary, through budget adjustments. The Project (Project No. 92304001) is funded by the Water Utility Enterprise Fund (Fund 61), with 100% of project costs allocated to Zone W-2 (North County).

CEQA:
On April 22, 2025, the Board certified an Environmental Impact Report for the Pipeline Maintenance Program (PMP EIR) (accessible via <<https://fta.valleywater.org/dl/qRvvY7YPH2>>). The PMP provides for the routine inspection, rehabilitation, and maintenance of Valley Water's raw and treated water pipelines and evaluates the environmental impacts of the PMP activities. All proposed activities for the AVP Project, including the construction of underground valves and vaults, are adequately analyzed in the PMP EIR. During Project construction, Valley Water and its contractor will comply with all applicable BMPs and mitigation measures from the PMP EIR and permit conditions.

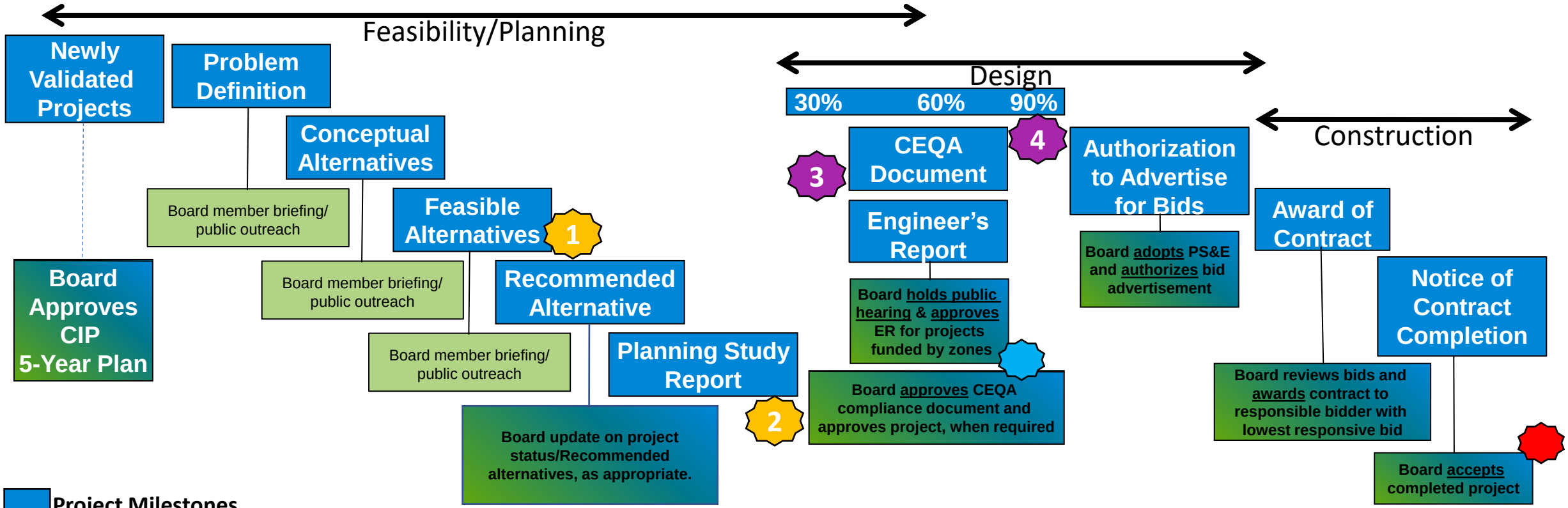
ATTACHMENTS:
Attachment 1: Project Delivery Process Chart
Attachment 2: Project Overview Map

UNCLASSIFIED MANAGER:
Emmanuel Aryee, 408-630-3074

CIP Processes Overview

BOARD ACTION & ENGAGEMENT: CAPITAL PROJECT DELIVERY PROCESS*

* This is an example of the Project Delivery Process that may be followed and may not apply to all capital projects.

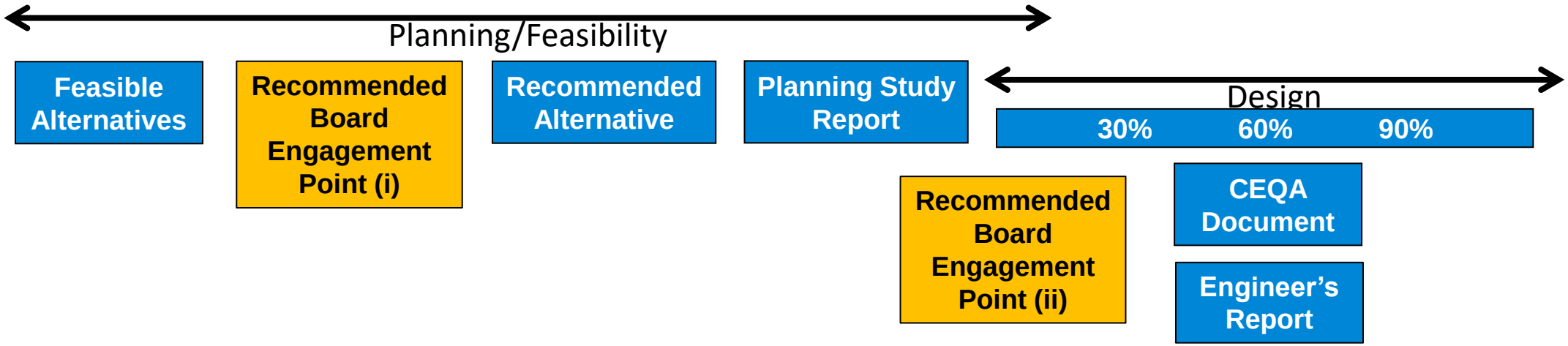


Capital Improvement Program (CIP)

Project Delivery Process*

Board Engagement/Actions

Additional Recommended Points for Board Engagement



For capital projects with unusually complex fiscal, jurisdictional, environmental, or community considerations:

i. During the Planning/Feasibility Phase, after identifying the Feasible Alternatives but before selecting the Recommended Alternative, present the Feasible Alternatives and staff's initially proposed Recommended Alternative to the Capital Improvement Program (CIP) Committee. If recommended by the CIP Committee, present them to the Board for feedback to inform the selection of the Recommended Alternative; and

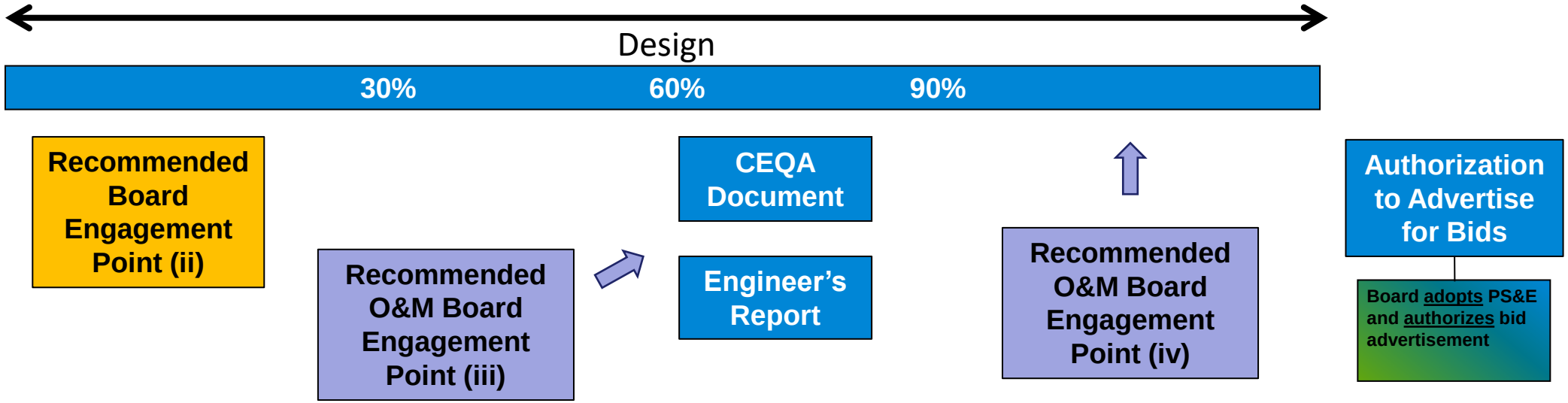
ii. For the projects for which the Board provided feedback regarding the Recommended Alternative, should changes to the project occur during the Planning and initial Design Phases that result in a significant deviation from the Recommended Alternative, staff will return to both the CIP Committee and the Board to provide information and receive feedback, as necessary, prior to the public review of the California Environmental Quality Act (CEQA) document.

Valley Water

* For discussion purposes only. This is an example of the Project Delivery Process that may be followed and may not apply to all capital projects.

Project Delivery Process*

Additional Recommended Points for O&M Engagement



For all capital projects:

iii. As part of the Board memo on either the Engineer's Report or CEQA document, include an O&M cost and impact assessment

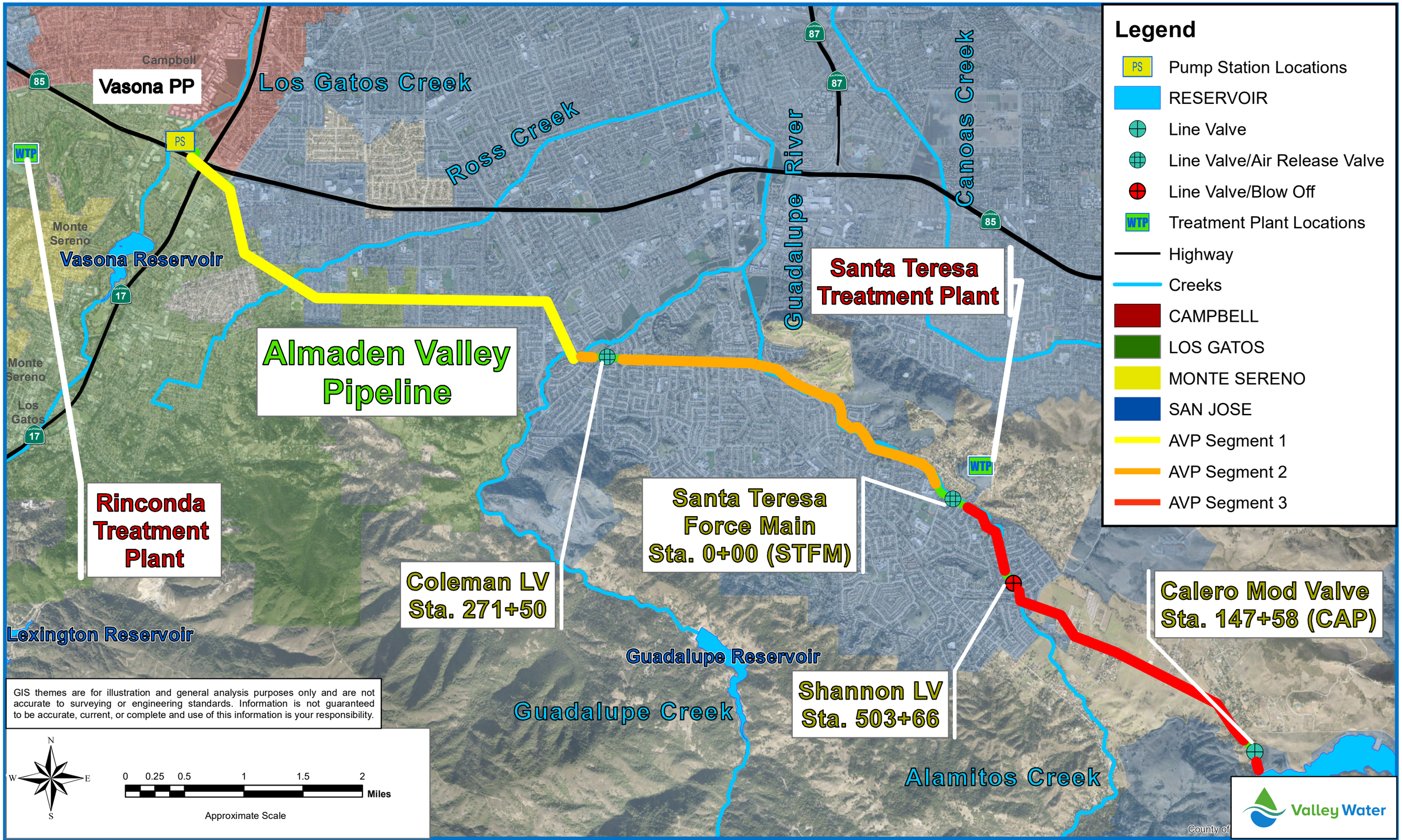
iv. If significant changes occur after the Engineer's Report or CEQA document is approved by the Board, present an updated O&M cost and impact assessment to the Capital Improvement Program (CIP) Committee

Valley Water

* This is an example of the Project Delivery Process that may be followed and may not apply to all capital projects.

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Almaden Valley Pipeline Site Map



Document Name: AVP_GISmap

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Santa Clara Valley Water District

File No.: 26-0075

Agenda Date: 2/24/2026
Item No.: 10.1.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Receive and Approve the Mid-Year Operating and Capital Budget Adjustments to the Fiscal Year 2025-26 Rolling Biennial Adopted Budget.

RECOMMENDATION:
Approve the Mid-Year Operating and Capital Budget Adjustments to the Fiscal Year 2025-26 Rolling Biennial Adopted Budget.

SUMMARY:
In adhering to Governance Policies of the Board and specifically Executive Limitations EL-4, staff respectfully submits the mid-year budget adjustments to the FY 2025-26 Rolling Biennial Adopted Budget, which are necessary to better align limited allocated resources with the Board's Ends, meet Board priorities, and to continue to provide for a balanced budget.

The FY 2025-26 (FY26) mid-year budget adjustments are presented in Attachments 1 and 2 and summarized below:

1. Capital Project: 91854003 Almaden Calero Canal Rehab ($550,000 increase)

   A $550,000 increase in FY26 is being requested to support the environmental and design work for Almaden Calero (AC) Canal Rehabilitation Project. Re-evaluation of the previous CEQA Internal Decision Memorandum (IDM) led to a change in the Environmental Impact Report (EIR) designation to an Initial Study/Mitigated Negative Declaration (IS/MND) designation. The CEQA and design milestones have been revised to be performed four (4) months earlier in FY26 than planned. The $550,000 needed in FY26 will be reduced from FY27 with no increase to the Total Project Cost. This budget adjustment for FY26 is funded by a decrease of $550,000 to the Water Enterprise Fund Operating and Capital Reserve in FY26.

2. Capital Project: 91094009 South County Recycled Water Pipeline ($2,902,000 increase)

   A $2,902,000 increase in FY26 is being requested to implement Phase 1C of the South County Recycled Water Pipeline Project. The South County Recycled Water Pipeline Short-

Term Phase 1B/2A/1C/2B Project (Contract No. C0668), with Phase 1C included as a supplemental item, was unable to proceed because easements were not secured in sufficient time. An additional amount of $2,902,000 is needed to implement Phase 1C and cover the costs to repackage, rebid, award, and perform close-out activities. This budget adjustment is funded by a decrease of $2,902,000 to the Water Enterprise Fund Operating and Capital Reserve in FY26. The proposed FY27 Draft Capital Improvement Program, scheduled for Board consideration on March 10, 2026, reflects this proposed budget adjustment.

3. Capital Project: 10394001 Palo Alto Flood Basin Tide Gates Replacement ($680,000 increase)

   A $680,000 increase in FY26 is being requested to cover cost impacts due to unforeseen challenges during piling construction. The project needed to retain structural, geotechnical, and biological consultants, as well as Santa Clara Valley Water District (Valley Water) subject matter experts, to complete construction. In addition, previously unidentified areas requiring repair were discovered. As a result of these unforeseen challenges, $680,000 is requested to meet the required budget in FY26. The budget adjustment is funded by a decrease of $680,000 to the Watershed Stream Stewardship Fund Operating and Capital Reserve. The proposed FY27 Draft Capital Improvement Program, scheduled for Board consideration on March 10, 2026, reflects this proposed budget adjustment.

4. Capital Project: 26174051 Llagas Creek - Upper, Reimbursable (E6b) ($250,000 increase)

   A $250,000 increase in FY26 is being requested to ensure sufficient funds are available to cover the cost of a relocated unknown AT&T conduit that was encountered during construction and additional PG&E work to provide an electrical service to Valley Water's Groundwater Recharge Facility Fish Screen Inlet. This budget adjustment is funded by a decrease of $250,000 to the Llagas Creek - Upper, Reimbursable (E6b) Project Reserve in FY26.

5. Technical Budget Adjustment - Update FY26 budget reserves to align with FY25 audited actual reserve balances

   The FY26 Adopted budget reserves are based on FY 2024-25 (FY25) projected year-end reserves because the budget is adopted before the end of the fiscal year. After the FY25 Annual Comprehensive Financial Report (ACFR) is finalized and approved by the Board, Staff conducts a fund balance reconciliation of FY25 projected year-end reserves with the final FY25 actual reserve balances. The purpose of this reconciliation is to implement budget adjustments to align the FY26 Beginning Budget Reserves with prior year's actual reserve balances. Net impact of these technical budget adjustments is an increase of $79.2 million to FY26 budget reserves. Attachment 2 shows the detailed reserve adjustments to each fund.

ENVIRONMENTAL JUSTICE IMPACT:
There is no environmental justice impact associated with Fiscal Year 2025-26 Mid-Year budget adjustments.

FINANCIAL IMPACT:
Approval of the FY26 mid-year budget adjustments amends the FY26 Operating and Capital Budget, which was adopted by the Board per Resolution No. 2025-41 on May 27, 2025.

The recommended budget adjustments (items 1 to 4) will increase FY26 budget appropriations by $4,382,000 and decrease Operating the Capital Reserves by $4,132,000 and Llagas Creek - Upper, Reimbursement (E6b) Project Reserve by $250,000. Attachment 1 shows the detailed Operating and Capital Project budget adjustments to each fund.

The technical budget adjustment (item 5) will align the FY26 Budget Reserves with FY25 Actual Reserve balances, net increase to FY26 beginning budget reserves is $79,201,584. Attachment 2 shows the detailed reserve adjustments to each fund.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment. To the extent any funds included in the proposed budget adjustment would be used to pay for projects or activities that are subject to CEQA, those funds will not be expended unless and until the appropriate CEQA review has been completed.

ATTACHMENTS:
Attachment 1: FY25-26 Mid-Year Budget Adjustments, 1-4
Attachment 2: FY25-26 Mid-Year Budget Adjustments, 5
Attachment 3: Resolution No. 2025-41

UNCLASSIFIED MANAGER:
Darin Taylor, 408-630-3068

FY 2025-26 Mid-Year Budget Adjustments Attachment 1

Project Description	FY 2025-26 Operations and Capital Appropriations Increase / (Decrease)					FY 2025-26 Reserve Impact Increase / (Decrease)	
	General Fund	Service Funds	Watershed Stream Stewardship Fund	Safe Clean Water Fund	Water Utility Enterprise Fund	Operating and Capital Reserve	Project Reserve
Almaden Calero Canal Rehab (Item 1, Project 91854003)					550,000		
South County Recycled Water (Item 2, Project 91094009)					2,902,000		
WUE Operating & Capital Reserve						(3,452,000)	
Palo Alto Flood Basin Tide Gates Replacement (Item 3, Project 10394001)			680,000				
Watershed & Stewardship Fund Operating & Capital Reserve						(680,000)	
Llagas Creek - Upper, Reimburse (E6B) (Item 4, Project 26174051)				250,000			
Llagas Creek - Upper, Reimbursement (E6B) Project Reserve							(250,000)
Total	**$ -**	**$ -**	**$ 680,000**	**$ 250,000**	**$ 3,452,000**	**$ (4,132,000)**	**$ (250,000)**

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FY 2025-26 Mid-Year Budget Adjustments Attachment 2

Technical Budget Adjustment to FY 2025-26 budget reserve to align with FY 2024-25 Actual Reserve Balance (Item 5)	FY 2025-26								
	Fund 11 General Fund	Fund 12 Watershed Stream Stewardship Fund	Fund 26 Safe Clean Water Fund	Fund 61 Water Utility Enterprise Fund	Fund 63 State Water Project Fund	Fund 71 Fleet Management Fund	Fund 72 Risk Management Fund	Fund 73 Information Technology Fund	Impact to FY 2025-26 Reserve Budget
	Increase / (Decrease)								
Catastrophy-Property Self-Insurance Reserve							3,848,550		3,848,550
Operating and Capital Reserve	9,171,264	41,067,236	(12,258,426)	25,191,561		331,558		1,703,390	65,206,583
WUE Sate Water Project Reserve					10,146,451				10,146,451
	$9,171,264	**$41,067,236**	**($12,258,426)**	**25,191,561**	**$10,146,451**	**$331,558**	**$3,848,550**	**$1,703,390**	**$79,201,584**

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BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT

RESOLUTION NO. 2025-41

APPROVING AND ADOPTING THE OPERATING AND CAPITAL ROLLING BIENNIAL BUDGET FOR FISCAL YEAR 2025-26

WHEREAS, on April 23, 2025, the Board of Directors of the Santa Clara Valley Water District (Valley Water) held its annual budget work study session to review and consider the Proposed Operating and Capital Rolling Biennial Budget (Budget) for Fiscal Year (FY) 2025-26; and

WHEREAS, such budget work study session was open to the general public to appear and be heard regarding any item of the proposed budget or for the inclusion of additional items; and

WHEREAS, Section 20 of the District Act requires that after conclusion of the public meeting(s) to hear general public comments on the proposed budget, the Board shall by resolution adopt the budget as finally determined including any revisions that the Board determines advisable during or after the meeting(s) and not later than June 30 of each year; and

WHEREAS, the Budget for FY 2025-26 was developed in accordance with the Board's Executive Limitations EL-4 that the Valley Water's financial planning for any fiscal year shall be aligned with the Board's Ends, not risk fiscal jeopardy, and be derived from a multi-year plan; and

WHEREAS, the Board was provided a comprehensive overview of the budget development process and assumptions, Valley Water-wide financial review and a presentation of fund and business area financial allocations in the Proposed Budget for FY 2025-26; and

WHEREAS, the Board of Directors has previously created the following Special Purpose Funds (as such term is defined in Resolution 16-10, adopted on February 23, 2016): San Felipe Emergency Reserve, Supplemental Water Supply Reserve, and Drought Reserve; and

WHEREAS, the Board was provided assurance that the Proposed Budget for FY 2025-26 meets Board priorities, realizes efficiencies and cost savings, demonstrates fiscal accountability and value to customers, is balanced and helps ensure future financial sustainability.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District that the Budget for FY 2025-26, plus any changes or modifications made at the time of adoption, and including the terms of this Resolution, is hereby approved and adopted; and

BE IT FURTHER RESOLVED that the total appropriations approved by the Board of Directors, which include all operating and capital outlays, debt service payments and interfund transfers, and budgeted reserves, are limited within each fund as follows (plus any changes or modifications made at the time of adoption):

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FY 2025-26 Operating, Capital, and Interfund Transfer Budget

1.	General Fund (11)	$ 104,236,051
2.	Watershed and Stream Stewardship Fund (12)	$ 131,441,101
3.	Lower Peninsula Watershed Fund (21)	$ 2,732,804
4.	West Valley Watershed Fund (22)	$ 819,772
5.	Guadalupe Watershed (23)	$ 911,165
6.	Coyote Watershed Fund (24)	$ 2,460,009
7.	Safe, Clean Water and Natural Flood Protection Fund (26)	$ 114,622,290
8.	Water Enterprise Fund (61)	$ 659,110,829
9.	State Water Project Fund (63)	$ 32,539,796
10.	Fleet Management Fund (71)	$ 8,690,985
11.	Risk Management Fund (72)	$ 12,125,325
12.	Information Technology Fund (73)	$ 36,482,854

FY 2025-26 Reserves Budget

1.	General Fund (11)	$ 19,688,675
2.	Watershed and Stream Stewardship Fund (12)	$ 161,122,563
3.	Safe, Clean Water and Natural Flood Protection Fund (26)	$ 177,839,913
4.	Water Enterprise Fund (61)	$ 146,782,215
5.	State Water Project Fund (63)	$ 11,591,690
6.	Fleet Management Fund (71)	$ 1,961,824
7.	Risk Management Fund (72)	$ 18,005,910
8.	Information Technology Fund (73)	$ 3,472,675

BE IT FURTHER RESOLVED that:

1. Any subsequent changes to the Adopted Valley Water FY 2025-26 Operating, Capital and Interfund Transfer Budget shall occur as follows:

   (a) By Valley Water Board of Directors action for all budget adjustments that either increase or decrease a fund's total operating, capital, or interfund transfer budget or reserve appropriations.

   (b) By Valley Water Board of Directors action for all budget adjustments between capital projects within a fund that exceed $100,000 per project within the fiscal year.

   (c) Delegation of authority is hereby conferred to the Chief Executive Officer (CEO), or his/her designee to approve budget transfers from the Supplemental Water Supply Reserve for amounts not to exceed 20 percent of the annual imported water purchases budget. The CEO shall inform the Board of any such budget transfers on a timely basis.

   (d) By the CEO, or his/her designee, for all other changes.

2. With the exception of those capital projects that have been closed or those related to capital program management and administrative services, any unexpended or unencumbered appropriation balances remaining at the end of FY 2024-25 for capital projects are hereby reappropriated to FY 2025-26 for continued use in those same projects, up to $100,000 above the planned expenditure amounts for each project identified in the draft Five-Year CIP for FY 2025-26. The portion of the balances that are not reappropriated to FY 2025-26 will remain as designated reserves for Current Authorized Projects to be reappropriated in future years in accordance with the Five-Year CIP expenditure schedule.

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3. Any variances at the end of FY 2025-26 in Committed Reserves, Restricted Reserves and Other Reserves from those estimated in this FY 2025-26 Budget not otherwise reappropriated above shall result in corresponding adjustments to the FY 2025-26 estimated reserve appropriations in accordance with the Valley Water Reserve Policy. These adjustments shall be made in the following order:

   (a) First, to restore Restricted Reserves.

   (b) Second, to restore Risk Fund Committed Reserves.

   (c) Third, to restore other Committed Reserves excluding Operating and Capital Reserves.

   (d) Fourth, to restore Operating and Capital Reserves.

4. If at the commencement of FY 2026-27, the appropriations applicable to that year have not been finally determined and adopted by the Board of Directors in accordance with the District Act, Valley Water shall proceed in accordance with the following authorizations:

   (a) Except as otherwise provided in Section 4(b), the amounts set forth in the proposed budget for operating outlays, including existing debt service requirements, and capital outlays and the purposes therein specified, except funding for fixed assets, and residual equity transfers, are deemed appropriated until the final adoption of the budget by the Board of Directors.

   (b) Funding for fixed assets and residual equity transfers are deemed appropriated until the adoption of the final budget if specifically approved by the Board of Directors.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on May 27, 2025:

AYES: Directors Santos, Varela, Ballard, Beall, Estremera

NOES: Director Eisenberg

ABSENT: Director Hsueh

ABSTAIN: None.

SANTA CLARA VALLEY WATER DISTRICT

DocuSigned by:
Tony Estremera
197E6FBCAE23405...
TONY ESTREMERA
Chair, Board of Directors

ATTEST: CANDICE KWOK-SMITH

DocuSigned by:
Candice Kwok-Smith
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Clerk, Board of Directors

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Santa Clara Valley Water District

File No.: 26-0212

Agenda Date: 2/24/2026
Item No.: *10.2.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
CEO and Chiefs' Reports.

ATTACHMENTS:
*Handout 10.2-A: Grants, Bi-Monthly Update

FEBRUARY 2026

BI-MONTHLY GRANTS UPDATE

Valley Water

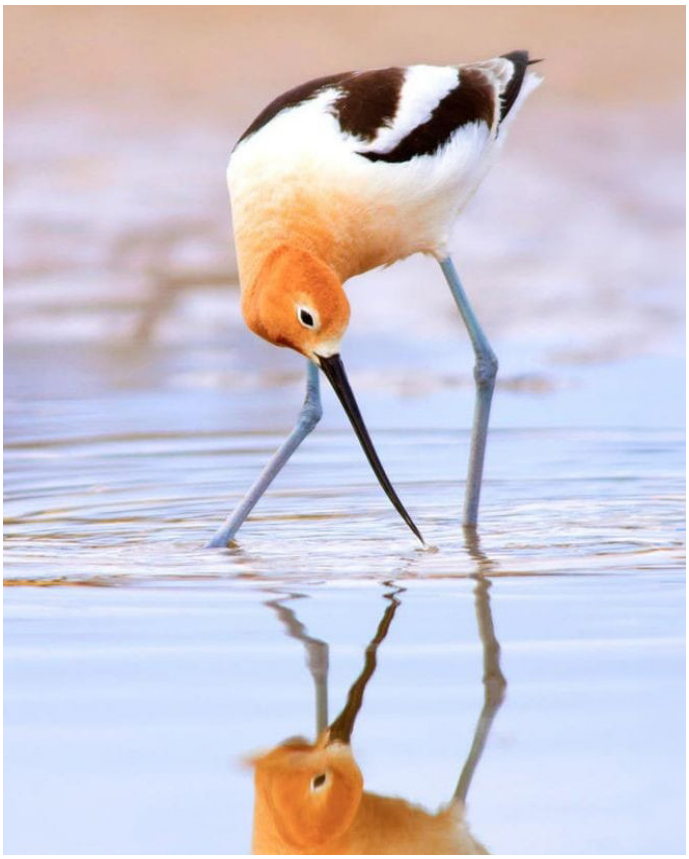
GRANTS AWARDED IN FISCAL YEAR 2026

U.S. Environmental Protection Agency (EPA) for Pure Water Silicon Valley: Valley Water will receive $1.09 million in funding for the Pure Water Silicon Valley Project, provided pursuant to congressional direction through the EPA and sponsored by U.S. Representative Ro Khanna (CA-17).

Senate Bill 1 (SB1, 2021) Sea Level Rise Adaptation Planning Grant: In July 2025, Valley Water, the County of Santa Clara, six local cities, and the Valley Transit Authority submitted a joint application to develop a Subregional Shoreline Adaptation Plan. $2.67 million in funding was awarded on September 30, 2025. A kick-off meeting was held in October, and the County of Santa Clara is in the process of hiring a consultant to facilitate the planning process.

GRANT REIMBURSEMENTS SUBMITTED

Natural Resources Conservation Service (NRCS) for the Upper Llagas Creek Flood Protection Project: In January 2026, Valley Water submitted two payment requests to NRCS for the Project. The total requested funds are $48,225,338.48.

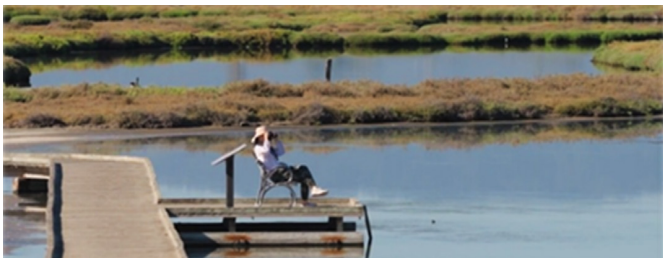


American Avocet

SUBMITTED OR PENDING APPLICATIONS

California Department of Water Resources (DWR) Dam Safety Grant Program for Anderson Valley Dam Project: In October 2024, Valley Water submitted a $24 million grant application to the Department of Water Resources (DWR). The application must be resubmitted to comply with the new Proposition 4 requirements. Staff are proactively preparing for the updated guidelines to ensure the resubmittal can move forward quickly when the revised solicitation is released.

Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program for Sunnyvale East Channel Flood Protection Project: Submitted December 2024 for $25 million. The grant is pending review.



San Francisco Bay Shoreline

STATE UPDATE

Valley Water staff are actively monitoring state agencies expected to administer Proposition 4 funding. Staff have met with representatives from the California Department of Fish and Wildlife, the Delta Conservancy, and the Department of Water Resources to discuss upcoming grant opportunities. Significant effort is focused on DWR's Dam Safety and Climate Resilience grant program that will be funded through Proposition 4.

FEDERAL UPDATE

Federal agencies are signaling that grant funding opportunities aligned with Valley Water's needs will be released soon. Staff continue to actively monitor and will pursue federal funding opportunities to support Valley Water's capital projects.

OTHER NEWS

Valley Water is engaged in ongoing discussions with local non-profit, foundation, corporate, and policy partners. Staff will continue to pursue opportunities to partner with philanthropic organizations.

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Santa Clara Valley Water District

File No.: 25-0916

Agenda Date: 2/24/2026
Item No.: *13.1

BOARD AGENDA MEMORANDUM

Government Code Section 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A)

SUBJECT:
Review the Fiscal Year 2026 Board Policy Planning Calendar.

RECOMMENDATION:
Review the Fiscal Year 2026 Board Policy Planning Calendar.

SUMMARY:
This item provides the Board an opportunity to review the Fiscal Year 2025 Board Policy Planning Calendar (FY26 Board Calendar) and identify appropriate items for Board Committee work plans for discussion and feedback to the Board.

The current FY26 Board Calendar containing the Board work plan items is attached for Board review.

ENVIRONMENTAL JUSTICE IMPACT:
The FY26 Board Calendar is not subject to environmental justice analysis.

FINANCIAL IMPACT:
There is no financial impact associated with this item.

CEQA:
The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:
*Attachment 1: FY26 Board Calendar

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3139

Fiscal Year 2026 VALLEY WATER BOARD POLICY PLANNING CALENDAR

Fiscal Year 2026 Board Work Plan			Committee	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	Protect and maintain existing assets and infrastructure and advance new projects.														
2.	Improve internal capability to negotiate and acquire regulatory permits.														
3.	Educate and engage the community, elected officials and interested parties on our management of water resources in Santa Clara County.	Joint meeting with City of San Jose			S										
		Environmental Partners Meeting	Environmental Partners Working Group		C			C				C			
4.	Explore and pursue diversified, sustainable and cost-effective water storage opportunities.	Sites Reservoir	WSDM Committee		C		C				C/R		C/R		
		Sisk Dam Raise Reservoir	WSDM Committee									R	C		
		Groundwater Banking Opportunities	WSDM Committee							C				C	
5.	Secure existing water supplies and water supply infrastructure.	Water Supply Master Plan				R		R							
		Urban Water Management Plan	WSDM Committee						C					C	R
		Delta Conveyance Project	WSDM Committee												
6.	Lead Purified Water Efforts with committed partners.	Potable Reuse Partnership with City of San Jose	RWC, JRWPAC	C	C / S	C			C		C / R	C	C	C	C / R
7.	Complete the Anderson Dam Seismic Retrofit Project.														
8.	Make water conservation a California way of life in Santa Clara County.	Water Conservation Program Updates	WSDM Committee		C		C					C			C
9.	Protect people and property from flooding in all regions of the County, by applying a comprehensive, integrated watershed management approach that balances environmental quality, environmental justice, sustainability, and cost.	Watershed Master Plans	Board Policy and Monitoring Committee										C		C
		Stream Maintenance Program (SMP3) EIR										R			
10.	Plan and design projects with multiple benefits, including protecting ecosystem functions, enhancing habitat, and improving connectivity in all regions of the County.														

Board Meetings
R = Regular
S = Special
C = Committee
X = Closed

2-5-2026

Fiscal Year 2026 VALLEY WATER BOARD POLICY PLANNING CALENDAR

Fiscal Year 2026 Board Work Plan			Committee	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
11.	Protect creeks, bay, and other aquatic ecosystems from threats of pollution and degradation.	Review of WRPZ Ordinance Implementation	Environmental Creek Cleanup Committee							C					
12.	Complete and implement the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) agreement.	FAHCE Implementation Update	Stream Planning and Operations Committee					C			C			C	
		Project Site Visits	Stream Planning and Operations Committee											C	
13.	Protect waterways and facilities from encampment impacts while collaborating with community partners and supporting regional efforts to reduce homelessness.	Review of WRPZ Ordinance Implementation	Environmental Creek Cleanup Committee							C					
14.	Protect the safety of Valley Water staff, residential neighbors, and unsheltered individuals by working independently and in partnership with law enforcement agencies.	Review of WRPZ Ordinance Implementation	Environmental Creek Cleanup Committee							C					
15.	Address future impacts of extreme weather events to Valley Water's mission and operations.	Greenhouse Gas Reduction Plan	Board Policy and Monitoring Committee												R
16.	Maintain appropriate staffing levels and expertise, prioritize the safety of our staff, and build and sustain a collaborative working environment for all staff and partners while ensuring fair employment.														
17.	Provide affordable and cost-effective level of services.	Grant Status Update Reports		R		R		R		R		R		R	
		Annual Audit Workplan Approval	Board Audit Committee					C	R						
18.	Other Notable Policy and Board Actions	Legislative Proposals and Guiding Principles						R							

Items Regularly Monitored by Board		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	BAO Performance	X						X					
2.	BAO Compensation												X/R
3.	Board Expense Report	R			R			R			R		

Board Meetings
R = Regular
S = Special
C = Committee
X = Closed

2-5-2026