

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 23-

**APPROVING THE MODIFICATION TO THE SEDIMENT REUSE TO SUPPORT
SHORELINE RESTORATION PROJECT OF THE SAFE, CLEAN WATER AND
NATURAL FLOOD PROTECTION PROGRAM**

WHEREAS, on July 21, 2020, the Board of Directors of the Santa Clara Valley Water District (Valley Water) adopted 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 (Resolution No. 20-64); and

WHEREAS, the purpose of the special tax is to supplement other available but limited revenues to keep Valley Water's flood protection system of levees, channels, drains, debris basins, and other 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 recreation; to conduct environmental education; to protect and improve water quality; and, to construct and operate flood protection storm drainage facilities; including in each case the cost of financing such activities; support public health and public safety as it relates to Valley Water's mission; and

WHEREAS, in November 2020, Valley Water's Measure S was overwhelmingly approved by more than a two-thirds majority vote of the electorate of Valley Water, renewing a special tax, the proceeds of which are used solely for the purpose of supporting the six funding priorities of the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program), which are as follows: Priority A: Ensure a Safe, Reliable Water Supply; Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways; Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters; Priority D: Restore Wildlife Habitat and Provide Open Space; Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways; and Priority F: Support Public Health and Public Safety for Our Community; and

WHEREAS, Project D3: Sediment Reuse to Support Shoreline Restoration Project (Project D3) is included under Priority D of the Safe, Clean Water Program; and

WHEREAS, the Safe, Clean Water Program describes the primary objective of the Project as follows: "This project reuses local sediment removed through Valley Water's Stream Maintenance Program, capital projects and other local sources to create and restore tidal marsh habitat. Sediment may be reused to support the South Bay Salt Pond Restoration project or other environmental enhancement and restoration projects."; and

WHEREAS, the Safe, Clean Water Program identifies the Key Performance Indicators (KPIs) for Project D3 as follows:

- "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."; and

WHEREAS, pursuant to an agreement with the U.S. Fish and Wildlife Services (USFWS), Valley Water has been delivering sediment for Pond A8 at Alviso for the South Bay Salt Pond Restoration Project; and

WHEREAS, Valley Water has paused delivering sediment to Pond A8 following USFWS direction in July 2022 that it needs to renew permits, which could take approximately two years; and

WHEREAS, the use of sediment to projects beyond the South Bay Salt Pond Restoration Project creates greater opportunities for the sediment to be reused for environmental restoration projects throughout Santa Clara County (County); and

WHEREAS, to reflect the full potential of the Project scope, the proposed modifications will allow for expanded reuse of sediment on available Valley Water or partnership restoration projects throughout the County; and

WHEREAS, sediment reuse at Valley Water restoration project sites will not require partnerships agreements; and

WHEREAS, Valley Water desires to modify Project D3 KPI #1, and the Project name, description, and benefits, to better align the Project with the changing conditions and to accurately capture its purpose of supporting restoration projects beyond Shoreline Restoration efforts; and

WHEREAS, Valley Water's Resolution No. 20-64 authorizes modifications to proposed projects. Paragraph N. reads as follows: "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"; and

WHEREAS, at its regular Board meeting conducted on January 10, 2023, Valley Water's Board of Directors set a time and place for a formal public hearing to occur on January 24, 2023, at which time the Board will consider the Proposed Adjustments and Modification to Project D3: Sediment Reuse to Support Shoreline Restoration Project of the Safe, Clean Water and Natural Flood Protection Program.

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

1. Pursuant to the requirements stated in California Government Code section 6066, staff prepared and published advertisements in Santa Clara County newspapers of general circulation.
2. Pursuant to the requirements stated in Valley Water's Resolution No. 20-64, Paragraph N., a noticed public hearing was held.
3. Modify KPI #1 for Project D3: Sediment Reuse to Support Shoreline Restoration Project, as set forth in the Safe, Clean Water Program, as follows:
 - "1. Reuse sediment meeting applicable screening criteria at available Valley Water or partnership project sites to support restoration."

4. Valley Water's Safe, Clean Water and Natural Flood Protection Program's Project D3: Sediment Reuse to Support Shoreline Restoration Project KPI #1, is hereby modified as stated in Exhibit A: Adjusted Project Name, Description and Benefits; and Modified Key Performance Indicator, hereto, which includes the approved text adjustments to the Project name description and benefits.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on January 24, 2023:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

JOHN L. VARELA
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors

EXHIBIT A COVERSHEET

ADJUSTED PROJECT NAME, DESCRIPTION AND BENEFITS; AND MODIFIED KEY PERFORMANCE INDICATOR

No. of Pages: 1

Exhibit Attachments: None

PROJECT D3

SEDIMENT REUSE TO SUPPORT SHORELINE RESTORATION PROJECTS

This project reuses local sediment removed through Valley Water's Stream Maintenance Program, capital projects and other local sources to create and restore tidal marsh, riparian or wetland habitats. Sediment may be reused to support the South Bay Salt Pond Restoration project or other environmental enhancement and restoration projects. Valley Water removes sediment from streams to maintain their capacity to carry floodwaters. To secure environmentally appropriate reuse sites, partnership agreements may be required. ~~this project continues the existing partnership with the U.S. Fish and Wildlife Service (FWS) and explores partnerships with others.~~ This project also funds site improvements necessary to facilitate sediment delivery to the reuse sites.

Beneficial reuse of sediment has become a key component in tidal marsh, riparian or wetland restoration around the Bay bay and throughout the county. As sea levels rise, natural sedimentation and vegetation rates cannot keep up and tidal zones are in danger of being submerged, erasing environmental gains from restoration work. By delivering clean sediment from local creeks that would have naturally flowed into the San Francisco or Monterey Bays, this project accelerates natural marsh-building processes and helps to keep up with sea-level rise. Activities necessary for sediment reuse may include testing, transport, cover material, and site improvements required for access.

Benefits

- Accelerates progress of important tidal wetland restoration projects, including tidal marsh, wetland, and riparian habitat
- Reduces disposal costs for sediment that has been removed from local channels
- Reduces disposal of clean fill into local landfills
- Addresses climate change

Key Performance Indicators (FY22–36)

1. ~~Maintain partnership agreements to reuse sediment to improve the success of salt pond and tidal marsh restoration projects and activities.~~ Reuse sediment meeting applicable screening criteria at available Valley Water or partnership project sites to support restoration.
2. Provide up to \$4 million per 15-year period to support activities necessary for sediment reuse.

Geographic Area of Benefit: Countywide

THIS PAGE INTENTIONALLY LEFT BLANK