



Santa Clara Valley Water District

File No.: 21-0016

Agenda Date: 4/27/2021

Item No.: 3.5.

BOARD AGENDA MEMORANDUM

SUBJECT:

Adopt Recommended Positions on State Legislation: SB 496 (Laird) Flood Control: Water Development Projects: Pajaro River, and Other Legislation Which May Need Attention of the Board.

RECOMMENDATION:

Adopt a Position of "Support" on: SB 496 (Laird) Flood control: water development projects: Pajaro River.

SUMMARY:

SB 496 (Laird) Flood control: water development projects: Pajaro River (03-05-2021)

Position Recommendation: Support

Priority: 3

Under the State Water Resources Law of 1945, the State Flood Control Subventions Program provides for state cooperation with the federal government in the construction of specified flood control projects. For projects authorized on or after January 1, 2002, or for which specified findings have been made on or after that date, existing law requires the state to pay 50% of specified nonfederal costs. Current law authorizes the state to pay up to 70% of those nonfederal costs upon the recommendation of the Department of Water Resources or the Central Valley Flood Protection Board if either entity determines that the project benefits a disadvantaged area, or the project provides habitat, open space, or recreational benefits.

SB 496 would authorize the state to provide up to 100% of the specified nonfederal costs to the Counties of Monterey and Santa Cruz, or to local agencies in those counties, for the Pajaro River Flood Risk Management Project in the Counties of Monterey and Santa Cruz.

Importance to Valley Water

The successful construction of the Pajaro River Flood Risk Management Project is of interest to Valley Water because of the protections it would provide to communities immediately downstream of the Uvas-Llagas watershed in Santa Clara County that drain into the Pajaro River. As Valley Water continues to address the flood protection in the communities of Morgan Hill and Gilroy, the existing Soap Lake natural detention floodplain south of Gilroy will absorb

the potential increase from upstream stormwater flows with negligible effects on the Pajaro River downstream.

Valley Water is also a member of the Pajaro River Watershed Flood Prevention Authority established in July 2000 by State Assembly Bill 807 to “identify, evaluate, fund, and implement flood prevention and control strategies in the Pajaro River Watershed, on an intergovernmental basis.” The watershed covers areas of four counties and four water districts, and the Board is comprised of one representative from each. In addition to Valley Water, member agencies include the Counties of Monterey, San Benito, Santa Clara, and Santa Cruz, and the Monterey County Water Resources Agency, San Benito County Water District, and the Santa Cruz County Flood Control and Water Conservation District, Zone 7.

The Pajaro River has a history of flooding, with the latest flood event occurring in 1995, causing over \$95 million in damages. Current flood control projects in the area are estimated to only provide a 5-year protection, meaning on average large rain events within those years may cause flooding.

In 1966, federal legislation authorized the Pajaro River Flood Risk Reduction Project (Project) which the local flood protection agency sponsors have been working to advance with the US Army Corps of Engineers.

The Santa Cruz County Flood Control and Water Conservation District, Zone 7 sponsored AB 489 (Chapter 350, Statutes of 2019) which was signed into law, to authorize the state to make funds available to plan, engineer, design, and construct the Project in the absence of federal funding.

The Project would increase flood protection for the communities to a once in 100-year storm level. The Project includes flood protection for major state highways, including SR 129, SR 152, and SR 1. In addition, the project would aim to decrease maintenance requirements, improve habitat for endangered species, and increase groundwater recharge to improve local water supplies.

Staff does not recommend pursuing an amendment to add Valley Water projects to SB 496. The Project in this legislation seeking increased reimbursements serves several disadvantaged communities that have faced difficulties for decades in generating sufficient funding for implementation. While Valley Water could benefit from 100% reimbursement rate, we do not have the same circumstances, and adding Valley Water projects to the bill would likely create opposition.

Pros

- Increases state funding for a project of importance to Valley Water and to our neighboring jurisdictions.
- Addresses a funding shortfall for a project that benefits a financially disadvantaged community.

Cons

- State Flood Control Subventions funding only provides the state's cost share, a small portion of the funding needed.
- This bill may set a precedent that could be used to enact other bills that would provide 100 percent state funding for qualified project costs of other projects, thereby putting cost pressure on State Flood Control Subventions Fund on which Valley Water also depends for funding.

FINANCIAL IMPACT:

There is no financial impact associated with these items.

CEQA:

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

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

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