



# Santa Clara Valley Water District

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**File No.:** 21-1232

**Agenda Date:** 1/25/2022

**Item No.:** 3.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Adopt Resolution Setting Time and Date of Public Hearing on the Engineer's Report and Final Mitigated Negative Declaration for the Pacheco/Santa Clara Conduit Right-of-Way Acquisition Project, Project No. 92144001 (Merced County, Gilroy, Morgan Hill) (District 1).

### **RECOMMENDATION:**

Adopt the Resolution SETTING TIME AND PLACE OF PUBLIC HEARING ON THE ENGINEER'S REPORT AND FINAL MITIGATED NEGATIVE DECLARATION (MND) FOR THE PACHECO/SANTA CLARA CONDUIT RIGHT-OF-WAY ACQUISITION PROJECT, to occur on February 8, 2022 at 1:00 p.m. by teleconference Zoom meeting.

### **SUMMARY:**

Pursuant to an Operations and Maintenance Agreement between Santa Clara Valley Water District (Valley Water) and the U.S. Bureau of Reclamation (USBR), Valley Water operates and maintains the Central Valley Project's San Felipe Division facilities, including the Pacheco Pumping Plant, the Pacheco Conduit, the Santa Clara Conduit and Tunnel, and Coyote Pumping Plant. The objective of the Pacheco/Santa Clara Conduit Right-of-Way Acquisition Project (Project) is to provide improved maintenance access to the Pacheco and Santa Clara conduits. The Project scope includes acquiring Right-of-Way, constructing new driveways, and installing gravel collars around selected vaults on the conduits.

The resolution to set the time and place for the public hearing is included as Attachment 1.

### ***Engineer's Report and Final Mitigated Negative Declaration***

Section 12 of the District Act requires the Board to conduct a public hearing to consider all written and oral objections to the proposed Project when: 1) the project is new construction; and 2) the project is funded by a single or joint zone of benefit. As the proposed Project meets both conditions, staff has prepared an Engineer's Report (Attachment 3) for the purpose of public disclosure.

Valley Water staff prepared a Final Mitigated Negative Declaration (MND) for the Board's consideration and adoption prior to approving the proposed Project.

Staff is recommending that the Board set a public hearing for February 8, 2022, at 1:00 p.m. to hear public comments on Valley Water's Engineer's Report and Final MND determination. Following the public hearing, the Board will consider the Final MND determination before considering approving the Engineer's Report and the proposed Project. The Notice of Public Hearing for the Engineer's Report is provided in Attachment 3.

**ENVIRONMENTAL JUSTICE IMPACT:**

There are no Environmental Justice Impacts associated with this item.

**FINANCIAL IMPACT:**

There is no financial impact associated with approving staff's recommendation to set a Public Hearing on the Engineer's Report to consider the Project. The estimated cost to plan, design, and construct the above-described Project is \$6 million. The Pacheco/Santa Clara Conduit Right-of-Way Acquisition Project, Project No. 92144001 is included in the Five-Year 2022-26 Capital Improvement Program (CIP). Funds for the planned Project expenditures in FY22 are included in the FY2021/2022 Board adopted budget.

There is a cost sharing agreement with San Benito County for work on the San Felipe Division Reach 1 portion of the Project. San Benito County is responsible for 22% of the expenditures on Reach 1, and Valley Water is responsible for the remaining 78% on Reach 1. For Valley Water's portion, the Project would be funded by the Water Utility Enterprise Fund (Fund 61) with an allocation of 82.1% to Zone W-2 (North County), 8.1% to Zone W-5 (South County), and 9.8% to Zone W-7 (South County).

**CEQA:**

The recommended action does not constitute a "project" under California Environmental Quality Act (CEQA) because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

- Attachment 1: Resolution
- Attachment 2: Engineer's Report
- Attachment 3: Notice of Public Hearing

**UNCLASSIFIED MANAGER:**

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