



# Santa Clara Valley Water District

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**File No.:** 22-0662

**Agenda Date:** 6/28/2022

**Item No.:** 7.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Approve Fiscal Year 2022 Schedule Adjustments to Projects in the Renewed Safe, Clean Water and Natural Flood Protection Program.

### **RECOMMENDATION:**

Approve Fiscal Year 2022 Safe, Clean Water Project Schedule Adjustments.

### **SUMMARY:**

In November 2020, voters overwhelmingly approved the renewed Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program). The renewed Safe, Clean Water Program included estimated project schedules and identified a Change Control Process that allows for schedules to be adjusted with Board approval.

Project schedules change due to various factors, such as emerging project complexities, coordination with project partners, and ongoing negotiations with various resource agencies for regulatory permits.

These schedule adjustments will be included in the Safe, Clean Water annual report for Fiscal Year 2022 (FY22). The reasons for the schedule adjustments are detailed below:

#### *Project D4.1: Ogier Ponds*

The proposed project schedule pushes back project planning and design by a year to be completed in FY26 instead of FY25, as reflected in the current FY2023-27 Capital Improvement Program (CIP). Investigations during the planning phase have revealed additional project complexities, requiring further refining of the project schedule. Furthermore, the project is being considered as a conservation measure in the Anderson Dam Seismic Retrofit Project, adding further complexity to the project and impacting the planning study. As a result, staff anticipates the planning study to be finalized in FY24, followed by a three-year Design Phase to be completed in FY26.

#### *Project D6.2: Bolsa Road Fish Passage Improvement*

The proposed schedule adjustment moves completion of project construction to FY24 instead of FY23.

The schedule adjustment is required because the acquisition of permits required lengthier negotiations with the permitting agencies and a later advertisement of the project for construction in FY22 than anticipated. The project is expected to be awarded in late June 2022 with the goal of completing the in-channel work within the FY23 construction season, to the extent practicable. While it is possible that construction may be completed by the end of FY23, out of channel work may extend into FY24, which necessitates a schedule adjustment.

**Project E2: Sunnyvale East and Sunnyvale West Channels Flood Protection**

The proposed schedule adjustment moves project construction to begin in FY24 instead of FY22 and complete in FY27 instead of FY26.

The schedule adjustment is required because of the coordination with Google regarding their Caribbean Campus Project that enhances approximately 1,100 linear feet of the Sunnyvale West Channel and generates onsite mitigation for use by Santa Clara Valley Water District (Valley Water).

In June 2017, Valley Water submitted all the required permit applications to various state and federal regulatory agencies. However, the resource agencies requested Valley Water address project impacts with onsite and in-kind mitigation instead of an offsite mitigation bank as Valley Water had proposed in the 2017 permit application. In 2018, Valley Water entered a Memorandum of Understanding with Google to share costs associated with integrating flood conveyance improvements on the West Channel with Google's campus development project. The project, referred to as the West Channel Enhancement Project, provides excess onsite and in-kind mitigation that Valley Water will utilize to offset some of the impacts of the Sunnyvale East and Sunnyvale West Channels Project.

After continued coordination with Google in February 2022, the Board approved an agreement with Google for them to construct and maintain their West Channel Enhancement Project. Valley Water is currently working on resubmitting the permit applications by July 2022 (FY23) because portions of the project have been refined and five (5) years has transpired. Valley Water expects to receive the regulatory permits by FY24 and plans to advertise for construction immediately after obtaining the permits.

**Project E4: Upper Penitencia Creek Flood Protection**

The proposed schedule adjustment pushes back project construction by a year to begin in FY25 instead of FY24 and complete in FY29 instead of FY28.

The schedule adjustment is required because of the delay in completing the Geomorphology Study to develop geomorphic and ecological restoration/enhancement, which, in turn, pushed back the completion of the Planning Study Report (PSR). The Geomorphology Study, which was scheduled to be finished in early FY22, was completed in mid-FY22. The PSR, which incorporates the results and implications of the geomorphology study, was finalized in May 2022, pushing the Design Phase to begin at the end of FY22.

**Project E5: San Francisquito Creek Flood Protection**

The proposed project schedule extends project construction completion by a year to be completed in

FY25 instead of FY24, as reflected in the current FY2023-27 CIP. The schedule adjustment is required to allow for completion of the United States Army Corps of Engineers Continuing Authorities Program Section 205 (CAP 205) Study. In FY19, project sponsor San Francisquito Creek Joint Powers Authority (SFCJPA) Board, of which Valley Water is a member, approved the staff recommendation to seek federal funding through the CAP 205 process. The CAP 205 Study must be completed, and state and federal regulatory permits secured before constructing the project. Other factors contributing to the proposed schedule changes include the need to complete a Supplemental Environmental Impact Report for the additional scope of work to retrofit the existing top of bank floodwalls.

**ENVIRONMENTAL JUSTICE IMPACT:**

There are no Environmental Justice Impacts associated with this item. Environmental Justice of the projects will be assessed and addressed in future board actions related to individual project execution.

**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 a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: PowerPoint

**UNCLASSIFIED MANAGER:**

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