



# Santa Clara Valley Water District

**File No.:** 17-0314

**Agenda Date:** 5/18/2017

**Item No.:** 7.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Consider Recommendations Relating to Permanente Creek Flood Protection Project, including the Rancho San Antonio County Park Detention Basin Project.

### **RECOMMENDATION:**

- A. Receive an Overview and Update of the Project; and
- B. Provide direction from the County Board of Supervisors to Administration to support the efforts of the Santa Clara Valley Water District to obtain regulatory permits from state and federal agencies for both maintenance and capital projects in a timely, efficient, and affordable manner.

### **SUMMARY:**

The Project will protect approximately 2,200 parcels by implementing flood detention and channel improvement elements over 10 linear miles of waterways. This Project is a prime example of the successful implementation of the principles of a watershed-wide planning approach and of a fruitful partnership and collaboration with multiple agencies, including the County of Santa Clara and its Parks and Recreation Department. The Project represents the culmination of the District's Natural Flood Protection planning process, a multi-objective approach to providing environmental quality, community benefit, and protection from creek flooding in a cost-effective manner.

Due to the wide geographical area covering a 17.5 square mile watershed and the goal to meet multiple objectives, the scope of work for this Project was complex and involved many stakeholders (i.e., County of Santa Clara, Mid-Peninsula Regional Open Space District, Cities of Mountain View, Los Altos, and Cupertino). Through multiple project task force and public meetings, interested members of the affected communities worked collaboratively with the District, the County, and representatives from natural resource agencies, and local cities, to develop the final Project. Ultimately, with the invaluable assistance of the County's Parks staff over the years and approval of an agreement in June 2013 under the leadership of the County Board of Supervisors during critical Project milestones, this Project was able to move forward, to the benefit of the local and regional communities.

### ***Rancho San Antonio Detention Basin Overview***

The Project utilizes two strategically located flood detention areas throughout the watershed to maximize flood protection benefits at an acceptable cost. The focus of this discussion is on the

detention area at Rancho San Antonio County Park.

An approximately 8-acre detention basin (referred to as the north basin) on the east side of Permanente Creek and another 2-acre basin (referred to as the south basin) on the west side of the Creek is currently being constructed in Rancho San Antonio County Park (Attachment 1). The new basins will be approximately 8 to 15 feet deep, with gently sloped sides contoured for a natural appearance. Short berms up to 5 feet high with similarly natural slopes will fill in the low areas around the basins. An inlet structure, which will replace an existing stream crossing, will be constructed between the two basins. High flows in Permanente Creek resulting from the area upstream of the detention basins will spill into the structure and be transmitted to the basins through inlet pipes. Outlets from each basin will begin to return temporarily detained water back to the creek a few hours after the peak flow passes. Depending on the magnitude of the storm, the basins will empty in one to four days.

To accommodate the north basin, the District worked closely with County Parks and Mid-Peninsula Regional Open Space District (MROSD) to plan/design the relocation of an existing parking lot and installation of new restroom facilities with the new parking lot. The District also worked collaboratively with County Parks and MROSD on a well relocation, realignment/relocation of the Hammond-Snyder Trail, and site restoration including re-vegetation to accommodate the detention basin and meet recreational needs of the County Park. This Project design would not have been possible without this multi-agency collaboration, and it represents public agencies working together toward the benefit of their mutual constituents.

At completion of the Project, almost 20 acres of natural habitats will be restored or enhanced, including planting of over 200 native trees, widening nearly 3,000 linear feet of creek riparian habitat, more than doubling the size of site seasonal wetlands, and enhancing 1.7 acres of endangered California red-legged frog upland dispersal habitat.

### ***Current Project Status***

The Rancho San Antonio detention basin construction contract was awarded to Granite Construction for \$14,432,368.95 on October 11, 2016 and the contractor began work in December 2016. Currently, the first phase of work on the new parking area and restroom is underway and the next phase of work on the detention basins is expected to begin in July. The District continues to coordinate with the County and MROSD during construction. The Project is anticipated to be completed by February 2019.

### ***Regulatory Issues re District Maintenance and Capital Projects***

Given the extensive community input received and regulatory requirements imposed on the Project, the planning and design phase ultimately took over fifteen years to complete. Natural resource agency permitting alone took three years to obtain. The following permits from four different regulatory agencies and the dates that they were received are: the U.S. Army Corps of Engineers waters of the U.S. fill permits (June 2016), U.S. Fish and Wildlife Service biological opinion (May 2016), California Department of Fish and Wildlife Streambed Alteration Agreement (July 2016), and

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San Francisco Bay Regional Water Quality Control Board Water Quality Certification (December 2015). The fact that it took three years to get just four permits for the Permanente Project demonstrates the increasing challenge the District faces in obtaining permits in a timely, affordable, and efficient manner.

This Project provides just one example of the challenges faced by the District in securing regulatory permits for both its watershed and water utility maintenance and capital projects. Consequently, staff recommends that the Board of Supervisors direct County staff to support the District's efforts to lobby for and obtain regulatory permits from state and federal agencies for both maintenance and capital projects in a timely, efficient, and affordable manner.

Examples of regulatory and permitting issues consistently impeding the District's efforts to progress its work are discussed in Attachment 2. This Attachment is a detailed document regarding these matters which was provided by District staff to federal government representatives for purposes of discussing challenges encountered in securing permits. County support for the District's efforts at the state and federal level would be appreciated to:

1. Obtain flexibility from regulatory agencies in long-term financial assurances (including exemptions from endowments);
2. Ensure adequate funding for regulatory agencies to improve the overall permit process and prevent project delays (e.g., through streamlined permitting processes and consistent standards for environmental review);
3. Seek ways to expedite permit issuance for routine maintenance of channels; and
4. Better coordinate mitigation requirements amongst agencies.

**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:**

- Exhibit 1: Map  
Exhibit 2: Regulatory and Permitting Issues  
Exhibit 3: Power Point

**UNCLASSIFIED MANAGER:**

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