Santa Clara Valley Water District

CONFORMED COPY

File No.: 23-0611

Agenda Date: 6/27/2023
Item No.: 3.11.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:
Approve the Fiscal Year 2023 Schedule Adjustments to Projects in the Safe, Clean Water and Natural Flood Protection Program.

RECOMMENDATION:
Approve the Fiscal Year 2023 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 allowing schedules to be adjusted with Board approval.

The project schedules changes are due to various factors, such as the sequencing of projects, the need to recalibrate creek hydraulic model following the last winter storms, delays in acquiring easements from private property owners resulting in design changes, and a new project schedule provided by the U.S. Army Corps of Engineers (USACE).

The proposed schedule adjustments are in addition to the schedule adjustments carried out as part of the project plan updates, accompanied by Change Management Memos, and reflected in the Capital Improvement Program's Fiscal Years 2024-2028 Five Year Plan (CIP FY2024-28 Five-Year Plan) that was presented to the Board's CIP Committee and the Board, culminating in the Board's adoption of the plan on May 16, 2023.

These schedule adjustments will be included in the Safe, Clean Water annual report for Fiscal Year 2023. The reasons for the schedule adjustments are detailed below:

Project D4.2: Ogier Ponds-Coyote Creek Separation Project

The proposed adjustment to the Ogier Ponds-Coyote Creek Separation Project schedule involves an extension of eight years in the completion of project construction compared to the current FY2024-28 Capital Improvement Program (CIP). According to the proposed schedule, project construction will

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begin in FY2032 instead of FY2026 and conclude in FY2035 instead of FY2027.

It is important to note that construction of the Ogier Ponds-Coyote Creek Separation Project became part of the renewed Safe, Clean Water Program per the Board's decision at its regular meeting held on January 24, 2023. At the meeting, the Board selected the Ogier Ponds-Coyote Creek Separation Project to deliver Project D4: Fish Habitat and Passage Improvement key performance indicator (KPI) #2 to "Partially fund the construction of one (1) creek/lake separation project in partnership with local agencies."

The schedule adjustment is required because project construction is closely linked to the completion of the Anderson Dam Seismic Retrofit Project (ADSRP), currently expected in FY2032. The Ogier Ponds-Coyote Creek Separation Project construction will commence once the ADSRP construction is completed. This sequencing is important because the dam bypass/tunnel upstream of the Ogier Ponds will result in higher flows that could flood the project area and potentially necessitate an update or redesign of the project's riverscape/landscape.

Furthermore, depending on the selected alternative for the project, there could be significant cost benefits by accumulating and stockpiling earth fill materials over several years before commencing the Ogier Ponds project construction.

Project E5: San Francisquito Creek Flood Protection

The proposed schedule adjustment to the San Francisquito Creek Flood Protection Project entails extending project construction by a year to be completed in FY2027 (not including three-year plant establishment period) instead of FY2026, as stated in the current CIP FY2024-28 Five-Year Plan. The schedule adjustment is required for various reasons.

Firstly, the Hydrologic Engineering Center's River Analysis System (HEC-RAS) model, used for hydraulic analysis of the creek, is being recalibrated to incorporate the conditions observed during the storms that caused the creek's banks to overflow on December 31, 2022. This recalibration, expected to be completed in summer 2023, has the potential to impact certain aspects of the project.

Secondly, delays associated with obtaining Permission to Enter from property owners impacted by the project have prompted design changes for the top-of-bank improvements. The project team has evaluated alternative designs to minimize the right-of-way requirements.

Additionally, the schedule adjustment allows for the completion of the USACE Continuing Authorities Program Section 205 (CAP 205) process. In FY2019, project sponsor San Francisquito Creek Joint Powers Authority (SFCJPA) Board, of which Santa Clara Valley Water District (Valley Water) is a member, approved staff's recommendation to pursue federal funding through the CAP 205 process.

Furthermore, the adjustment provides the SFCJPA sufficient time to apply for and obtain state and federal regulatory permits. It is important to note that a Supplemental EIR (Environmental Impact Report) is needed to analyze the top-of-bank improvements, which were not included in the original EIR. Preparation of the Supplemental EIR was temporarily halted in January 2023, while the

hydraulic model for the creek was being updated following the December 31, 2022, flooding. The Supplemental EIR study is expected to resume in summer 2023.

Project E8: Upper Guadalupe River Flood Protection

Based on the latest USACE schedule, construction of the flood protection elements of Reach 7-12 (excluding Reach10B and Reach 12) is expected to be completed in FY2034 (calendar year 2033) instead of FY2029, as stated in the current CIP FY2024-28 Five-Year Plan. This proposed schedule, included in the USACE's draft General Reevaluation Report/Supplemental Environmental Assessment (GRR/EA) for the project, extends the construction period by five years and is inclusive of the Reach 7 construction, which is part of the local-funding-only project (KPI #2).

The USACE is halfway through the four-year General Reevaluation Study, which reassesses the project's scope, associated benefits, and construction costs. The USACE is conducting this study in partnership with Valley Water to enhance the project's competitiveness for federal funding. The study is expected to be completed by the end of 2024.

According to the USACE's projections, the design process is anticipated to commence in 2025 and take two years. The first construction element is expected to start in 2026, with the construction phase lasting seven years.

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:
These schedule adjustments will be incorporated in the Capital Improvement Program's Fiscal Years 2025-2029 Five Year Plan, and the financial impacts of these adjustments will be identified and analyzed during the upcoming process to develop the five-year plan.

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: Project Schedule Adjustments

UNCLASSIFIED MANAGER:
Luz Penilla, 408-630-2228.

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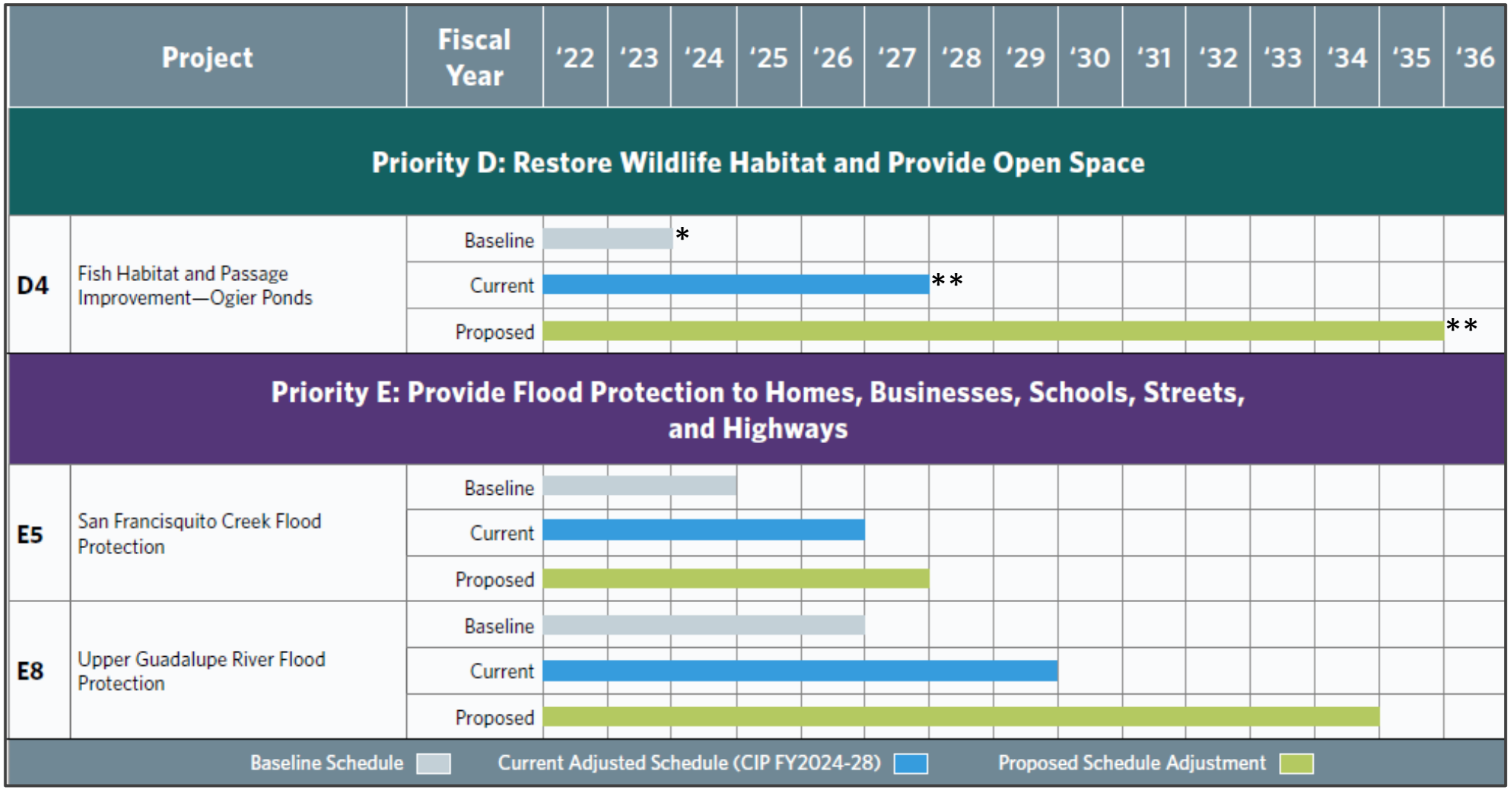
Fiscal Year 2022-23 (FY23) Project Schedule Adjustments

Presented by: **Jessica Collins,** Unit Manager
June 27, 2023

Valley Water

Proposed Adjustments



*Did not include construction **Includes construction

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QUESTIONS

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