



Santa Clara Valley Water District

CONFORMED COPY

File No.: 24-0188

Agenda Date: 3/12/2024

Item No.: *3.5.

BOARD AGENDA MEMORANDUM

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

SUBJECT:

Accept Management Response to the Independent Monitoring Committee Report on the Safe, Clean Water and Natural Flood Protection Program Annual Report for Fiscal Year 2022-2023.

RECOMMENDATION:

- A. Accept Management Response to the Independent Monitoring Committee Report on the Safe, Clean Water and Natural Flood Protection Program Annual Report for Fiscal Year 2022-2023; and
- B. Provide additional direction as necessary.

SUMMARY:

On February 7, 2024, the Independent Monitoring Committee (IMC) issued its report on Santa Clara Valley Water District's (Valley Water) renewed Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program) Annual Report for Fiscal Year 2022-23.

Over the past months, Project Managers, Assistant Officers, and Deputy Officers managing projects in the Safe, Clean Water Program met with the IMC and its subcommittees for Safe, Clean Water Program Priorities A-F and the Finance subcommittee to review the Safe, Clean Water Program Fiscal Year 2022-23 Annual Report (Annual Report), answer questions, and provide follow-up information as necessary. Throughout this review, the IMC members have shown passion and dedication to the Safe, Clean Water Program.

In its review of the Annual Report, the IMC agreed with the status of all 32 projects.

The IMC made eight (8) program-wide recommendations and made project-specific recommendations for eight (8) of the 32 projects. The Management Response Table (Attachment 1) responds to each of the IMC's recommendations. This information will be presented to the Board in summary via PowerPoint (Attachment 2). Staff will implement recommendations as summarized and as approved and directed by the Board.

The IMC also provided notes for Valley Water's consideration in developing future year's Annual Reports, which staff will address moving forward.

Valley Water staff is committed to the renewed Safe, Clean Water Program's success and achieving KPIs cost-efficiently and transparently. We appreciate the IMC's commitment and look forward to continuing to engage in an open and responsive review process.

ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:

There are no Environmental Justice impacts associated with this item.

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

ATTACHMENTS:

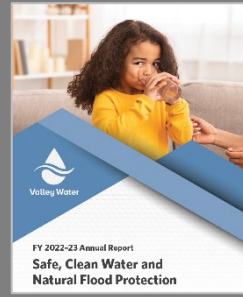
Attachment 1: Management Response Table

Attachment 2: PowerPoint

*Handout 3.5-A: Norton

UNCLASSIFIED MANAGER:

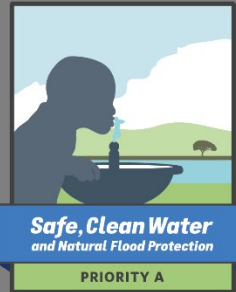
Luz Penilla, 408-630-2228



Independent Monitoring Committee Report Fiscal Year 2022-2023

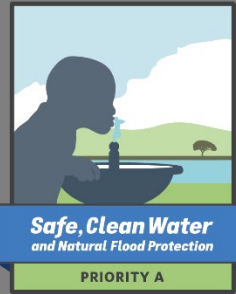
Financial and Overall General Recommendations

Topic:	Recommendation:	Management Response:
IMC Membership	<ol style="list-style-type: none"> Directors redouble their efforts to recruit and appoint members for each of their Districts. The current roster only lists 11 out of a possible 14 members, and with absences, there is a risk the IMC won't have a quorum. Due to Brown Act requirements, the reduced roster restricts the number of members who can participate in the different subcommittees, thereby increasing the proportional workload of each member to complete the annual review. 	<ol style="list-style-type: none"> Management agrees with the recommendation. Vacant positions are scheduled to be filled before the start of the FY2023-24 IMC review cycle in December 2024. Management is working with the Directors to fill any vacant positions via appointment or reappointment. Currently, there are positions open in District 1 and District 4.
Progress Toward Priorities	<ol style="list-style-type: none"> Provide indicators of progress toward the ultimate Priority that the project is intended to achieve. The IMC strives to evaluate projects on the basis of the progress made towards the ultimate Priority outcomes as well as the basis of the fulfillment of KPIs. 	<ol style="list-style-type: none"> Management acknowledges the recommendation. The Safe, Clean Water Program priorities are achieved by delivering projects and their key performance indicators (KPIs). Therefore, progress toward achieving a specific Priority is assessed by the progress in delivering the KPIs of the projects within the Priority. By tracking KPIs, stakeholders can gain insights into project effectiveness, identify areas of improvement, and optimize funding to drive the successful realization of priorities.
Annual Project Status	<ol style="list-style-type: none"> Include a chart showing the relationship between the old and new project status categories. Reflect the number/percentage of "Active" projects that were also modified and/or adjusted for a more accurate snapshot of the status of all projects. 	<ol style="list-style-type: none"> Management agrees with the recommendations and will include in the next annual report the chart it provided for the IMC Cover Letter. Management agrees with the recommendation and will include the number/percentage of "Active" projects modified and/or adjusted during the year.
Addressing Climate Change	<ol style="list-style-type: none"> For projects identifying "Addresses climate change" as a benefit, briefly explain how the project addresses climate change. 	<ol style="list-style-type: none"> Management agrees with the recommendation and future annual reports will include an explanation of how the projects address climate change.
Finance	<ol style="list-style-type: none"> Develop a graphic that illustrates cost changes from the initial projections to the current year projections to help visualize the cost projection increases. 	<ol style="list-style-type: none"> Management agrees with the recommendation and staff will develop a graphic illustrating cost changes from the initial projections to the projections in the fiscal year under review.
Audit	<ol style="list-style-type: none"> Provide a timeline for the following audits: <ol style="list-style-type: none"> The 2012 Program Closeout (underway), and the report be available no later than the next presentation to the IMC. Progress of the renewed Safe, Clean Water Program. 	<ol style="list-style-type: none"> Management agrees with the recommendation and below is the timeline for the two audits: <ol style="list-style-type: none"> 2012 Program Closeout Audit: <ul style="list-style-type: none"> The final draft audit report with the management response to the audit recommendations to the Board Audit Committee (BAC) for its review and feedback – Q3, FY2024 The final audit report – Q4, FY2024. Renewed Safe, Clean Water Program Audit: <ul style="list-style-type: none"> Initiate Auditor Hiring Process – Q3, FY2024 Begin Audit – Q4, FY 2024 Final Audit Report – Q4, 2025
Capital Project Schedule	<ol style="list-style-type: none"> When applicable include "plant establishment period" in the capital project schedule. 	<ol style="list-style-type: none"> Management agrees with the recommendation and when applicable, the capital project schedule will include the plant establishment period.



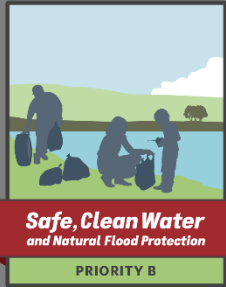
Independent Monitoring Committee Report Fiscal Year 2022-2023
Project Recommendations
 Priority A – Ensure a Safe, Reliable Water Supply

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
A1: Pacheco Reservoir Expansion	1. Provide a portion of funds, up to \$10 million, to help construct the Pacheco Reservoir Expansion Project.	Scheduled to Start	None	<p>IMC agrees with the project status.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> To address the process for evaluating these types of projects, note in the beginning that this is an ongoing effort and provide a link for more information. Include a mechanism for the public to provide opinions and feedback to Valley Water. The IMC recommends that all projects funded by the Safe, Clean Water Fund and other funding sources, such as the Watershed Stream Stewardship Fund and/or the Water Utility Enterprise Fund and other state and federal funding, should show the total expenditures (for example, Figure B3.2). IMC recommends that Valley Water provide context for the Pacheco Reservoir Expansion project in comparison to other options that are being considered for the Valley Water water supply portfolio (i.e., Los Vaqueros Reservoir, B.F. Sisk Dam, Sites Reservoir, etc.), as well as potential funding sources. The Report should include a reference to the Water Supply Master Plan, as well as links to obtain additional, updated information about the other projects. 	<p>Management agrees with the recommendations.</p> <ol style="list-style-type: none"> Management agrees that while the KPI status is “Scheduled to Start,” the project has already begun and is in the design phase. To clarify this for the public, future annual report updates on Project A1 will mention that it is an ongoing effort and will contain the project web link Project A1 web page (https://www.valleywater.org/project-updates/a1-pacheco-reservoir-expansion-project). Project A1 web page provides the most current information. It includes the project contact information, a link to sign up for project updates via email, and a link to “Be Heard,” Valley Water’s online engagement site where the public can provide ideas, opinions, and feedback. Since the project is being evaluated as a new water storage opportunity under the Water Supply Master Plan (WSMP), the annual report will also have the WSMP web link (https://www.valleywater.org/your-water/water-supply-planning/water-supply-master-plan), with the contact information for public inquiries or questions. In future annual reports, all Safe, Clean Water projects with more than Safe, Clean Water Program funding will reflect the various funding sources and the total expenditure. To provide context, in future annual reports, the Pacheco Reservoir Expansion Project updates will reference the WSMP and include the web link to the WSMP 2050, which is evaluating various water supply investments, including several storage projects. The web page provides contact information to receive additional information. The WSMP is Valley Water’s guiding document for long-term water supply investments to ensure water supply reliability for Santa Clara County. Updated about every five years, this long-range plan entails a comprehensive review and evaluation of Valley Water’s future water supply needs and various projects and portfolios for providing a reliable supply of water for Santa Clara County to achieve the Board-established level of service (LOS) goal through the planning horizon. The previous Water Supply Master Plan 2040 was adopted by the Board in 2019. <p>Valley Water has started a two-year process to develop the Water Supply Master Plan (WSMP) 2050, which extends the planning horizon to 2050. WSMP 2050 will include project evaluation criteria to evaluate and compare projects to identify the recommended portfolios. On Sept. 19, 2023, Valley Water held a special</p>



Independent Monitoring Committee Report Fiscal Year 2022-2023
Project Recommendations
 Priority A – Ensure a Safe, Reliable Water Supply

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
					<p>workshop to provide Board members and the public with an update on the development of the Water Supply Master Plan 2050. The board packet and recording can be found at: https://scvwd.legistar.com/LegislationDetail.aspx?ID=6363475&GUID=2216B6D4-2BED-4977-BA8F-4403B83C4398&FullText=1.</p> <p>On Jan. 9, 2024, the Board received the second update on the development of the Water Supply Master Plan 2050. The board packet and recording can be found at: https://scvwd.legistar.com/LegislationDetail.aspx?ID=6459789&GUID=8B05339C-E7C1-48F0-B492-19A60128EAD8.</p> <p>Furthermore, regular updates are provided at the Water Storage Committee, established to discuss information on issues related to additional water storage options. For more information, visit: https://www.valleywater.org/how-we-operate/committees/board-committees.</p>
A2: Water Conservation Rebates and Programs	1. Award up to \$1 million per year toward specified water conservation program activities, including rebates, technical assistance, and public education, within the first seven (7) years of the Program.	Active	None	<p>IMC agrees with the project status.</p> <p>Recommendation: 1. Under Benefits, briefly explain how the project reduces greenhouse gases and increases water supply reliability.</p>	1. Management agrees with the recommendation, and future annual reports will explain how the project reduces greenhouse gases and increases water supply reliability.
A3: Pipeline Reliability	1. Install four (4) new line valves on treated water distribution pipelines.	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.

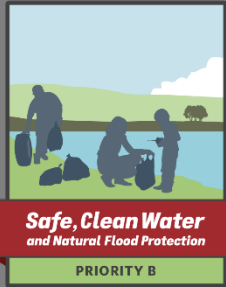


Independent Monitoring Committee Report Fiscal Year 2022-2023

Project Recommendations

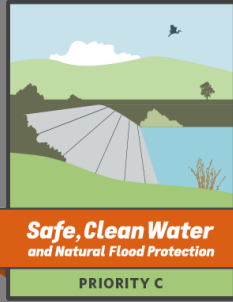
Priority B – Reduce Toxins, Hazards, and Contaminants in Our Waterways

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
B1: Impaired Water Bodies Improvement	<ol style="list-style-type: none"> Investigate, develop, and implement actions to reduce methylmercury in fish and other organisms in the Guadalupe River Watershed. Prepare and update a plan for the prioritization of surface water quality improvement activities, such as addressing trash and other pollutants. Implement at least two (2) priority surface water quality improvement activities identified in the plan per 5-year implementation period. 	Active	None	<p>IMC agrees with the project status.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> Find a way to show the impact of the efforts to reduce contaminants. 	<ol style="list-style-type: none"> Management acknowledges but disagrees with this recommendation. <p>As part of the KPI #1 deliverable, Valley Water conducts monthly measurements of mercury, methylmercury, and various other water quality parameters and seasonal measures of fish tissue mercury. These are reported to the Regional Water Quality Control Board every two years, and the links to these reports are provided on the project website, which is referenced in the annual report.</p> <p>The other primary benefit of the project under KPI #3 is removing trash and debris from the waterway. Trash is the primary contaminant of concern within the context of the project and the report includes a table providing tons of trash and debris removed annually. Measuring chemical or biological contaminants is costly, and results are typically highly variable, making the value of those measurements questionable. Therefore, sampling and analysis for those constituents were not included and budgeted in the project. With the current project funding, the increased level of effort to measure chemical and biological contaminants would need to be balanced by reductions in cleanup efforts.</p>
B2: Inter-Agency Urban Runoff Program	<ol style="list-style-type: none"> Address trash in creeks by maintaining trash capture devices or other litter control programs. Maintain Valley Water’s municipal stormwater compliance program and partner with cities to address surface water quality improvements, including participation in at least three (3) countywide, regional, or statewide stormwater program committees to help guide regulatory development, compliance, and monitoring. Support at least one (1) stormwater quality improvement activity per 5-year implementation period in Santa Clara County, including providing up to \$1.5 million over 15 years to support implementation of green stormwater infrastructure consistent with Santa Clara Basin and South County Stormwater Resource Plans. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	<p>No response is required.</p>



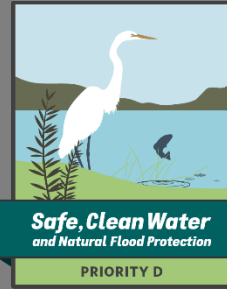
Independent Monitoring Committee Report Fiscal Year 2022-2023
Project Recommendations
 Priority B – Reduce Toxins, Hazards, and Contaminants in Our Waterways

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/ Modification		
B3: Hazardous Materials Management and Response	1. Respond to 100% of hazardous materials reports requiring urgent on-site inspection in two (2) hours or less.	Active	None	IMC agrees with the project status. No recommendations.	No response is required.
B4: Support Volunteer Cleanup Efforts	1. Fund Valley Water’s creek stewardship program to support volunteer cleanup activities, such as annual National River Cleanup Day, California Coastal Cleanup Day, the Great American Litter Pick Up, and the Adopt-A-Creek Program.	Active	None	IMC agrees with the project status. No recommendations.	No response is required.



Independent Monitoring Committee Report Fiscal Year 2022-2023
Project Recommendations
 Priority C – Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/ Modification		
C1: Anderson Dam Seismic Retrofit	1. Provide portion of funds, up to \$54.1 million, to help restore full operating reservoir capacity of 90,373 acre-feet.	Scheduled to Start	None	IMC agrees with the project status. No recommendations.	No response is required.

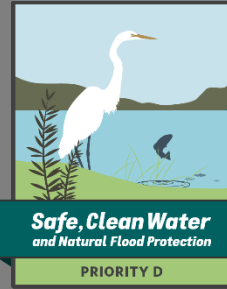


Independent Monitoring Committee Report Fiscal Year 2022-2023

Project Recommendations

Priority D – Restore Wildlife Habitat and Provide Open Space

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/ Modification		
D1: Management of Riparian Planting and Invasive Plant Removal	<ol style="list-style-type: none"> Maintain a minimum of 300 acres of riparian planting projects annually to meet regulatory requirements and conditions. Maintain a minimum of 200 acres of invasive plant management projects annually to meet regulatory requirements and conditions. Remove 25 acres of <i>Arundo donax</i> throughout the county over a 15-year period. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
D2: Revitalize Riparian, Upland and Wetland Habitat	<ol style="list-style-type: none"> Revitalize at least 21 acres over a 15-year period through native plant revegetation and/or removal of invasive exotic species. Develop an Early Detection and Rapid Response Program Manual. Identify and treat at least 100 occurrences of emergent invasive species over a 15-year period, as identified through the Early Detection and Rapid Response Program. Develop at least eight (8) information sheets for Early Detection of Invasive Plant Species. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
D3: Sediment Reuse to Support Restoration Projects	<ol style="list-style-type: none"> Reuse sediment meeting applicable screening criteria at available Valley Water or partnership project sites to support restoration. Provide up to \$4 million per 15-year period to support activities necessary for sediment reuse. 	Active	Modified & Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.

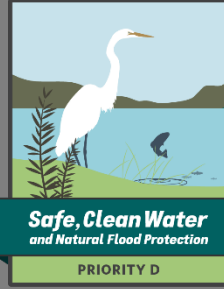


Independent Monitoring Committee Report Fiscal Year 2022-2023

Project Recommendations

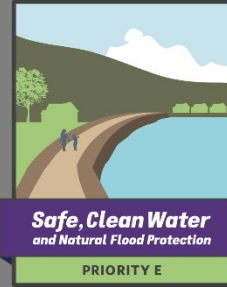
Priority D – Restore Wildlife Habitat and Provide Open Space

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
D4: Fish Habitat and Passage Improvement	<ol style="list-style-type: none"> 1. Complete planning and design for one (1) creek/lake separations. 2. Partially fund the construction of one (1) creek/lake separation project in partnership with local agencies. 3. Use \$8 million for fish passage improvements by June 30, 2028. 4. Update study of all major steelhead streams in the county to identify priority locations for fish migration barrier removal and installation of large woody debris and gravel as appropriate. 5. Complete five (5) habitat enhancement projects based on studies that identify high priority locations for large wood, boulders, gravel, and/or other habitat enhancement features. 	Active	Modified & Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
D5: Ecological Data Collection and Analysis	<ol style="list-style-type: none"> 1. Reassess and track stream ecological conditions and habitats in each of the county's five (5) watersheds every 15 years. 2. Provide up to \$500,000 per 15-year period toward the development and updates of five (5) watershed plans that include identifying priority habitat enhancement opportunities in Santa Clara County. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
D6: Restoration of Natural Creek Functions	<ol style="list-style-type: none"> 1. Construct the Hale Creek Enhancement Pilot Project, which includes restoration and stabilization of a 650-foot section of concrete-lined channel on Hale Creek, between Marilyn Drive and North Sunshine Drive on the border of Mountain View and Los Altos. 2. Construct the Bolsa Road Fish Passage Project along 1,700 linear feet of Uvas-Carnadero Creek in unincorporated Santa Clara County, which includes geomorphic design features that will restore stability and stream function. 	Active	Modified	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.



Independent Monitoring Committee Report Fiscal Year 2022-2023
Project Recommendations
 Priority D – Restore Wildlife Habitat and Provide Open Space

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/ Modification		
D7: Partnerships for the Conservation of Habitat Lands	1. Provide up to \$8 million per 15-year period for the acquisition or enhancement of property for the conservation of habitat lands.	Active	None	IMC agrees with the project status. Recommendation: 1. Include maps showing areas where Valley Water is looking for opportunities to acquire habitat lands.	1. Management acknowledges this recommendation. The negotiations and properties under consideration are confidential. When feasible, staff will provide maps or other information about potential areas of interest for the acquisition of habitat lands.

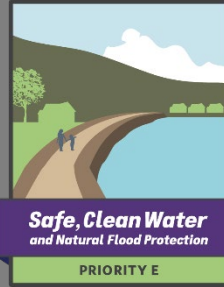


Independent Monitoring Committee Report Fiscal Year 2022-2023

Project Recommendations

Priority E – Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
E1: Coyote Creek Flood Protection	1. Construct flood protection improvements along Coyote Creek between Montague Expressway and Tully Road to provide protection from floods up to the level that occurred on February 21, 2017, approximately a 5% (20-year) flood event.	Active	Adjusted	IMC agrees with the project status. No recommendations.	No response is required.
E2: Sunnyvale East and Sunnyvale West Channels Flood Protection	1. Provide 1% (100-year) flood protection for 1,618 properties and 47 acres (11 parcels) of industrial land, while improving stream water quality and working with other agencies to incorporate recreational opportunities.	Active	Modified & Adjusted	IMC agrees with the project status. No recommendations.	No response is required.
E3: Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3)	1. With local funding only: Complete the design phase of the 1% (100-year) flood protection project to protect an estimated 1,420 parcels.	Scheduled to Start	None	IMC agrees with the project status. No recommendations.	No response is required.
E4: Upper Penitencia Creek Flood Protection	1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 8,000 parcels. 2. With local funding only: Construct a 1% (100-year) flood protection project from Coyote Creek confluence to Capital Avenue to provide 1% (100-year) flood protection to 1,250 parcels, including the new Berryessa BART station.	Active	Modified & Adjusted	IMC agrees with the project status. No recommendations.	No response is required.
E5: San Francisquito Creek Flood Protection	1. Preferred project with federal, state and local funding: Protect more than 3,000 parcels by providing 1% (100-year) flood protection. 2. With state and local funding only: Protect approximately 3,000 parcels by providing 1% (100-year) flood protection downstream of Highway 101, and approximately 1.4% (70-year) protection upstream of Highway 101.	Active	Adjusted	IMC agrees with the project status. No recommendations.	No response is required.

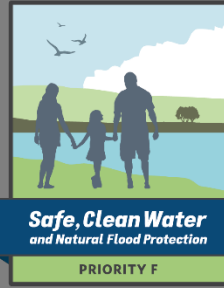


Independent Monitoring Committee Report Fiscal Year 2022-2023

Project Recommendations

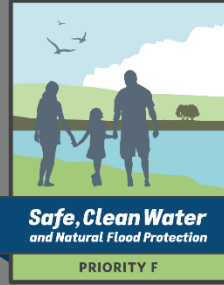
Priority E – Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
E6: Upper Llagas Creek Flood Protection	<ol style="list-style-type: none"> Preferred project with federal and local funding: Plan, design and construct flood protection improvements along 13.9 miles of Upper Llagas Creek from Buena Vista Avenue to Llagas Road to provide flood protection to 1,100 homes, 500 businesses, and 1,300 agricultural acres, while improving stream habitat. With local funding only: Construct flood protection improvements along Llagas Creek from Buena Vista Avenue to Highway 101 in San Martin (Reaches 4 and 5 (portion)), Monterey Road to Watsonville Road in Morgan Hill (Reach 7a), approximately W. Dunne Avenue to W. Main Avenue (portion of Reach 8), and onsite compensatory mitigation at Lake Silveira. 	Active	Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
E7: San Francisco Bay Shoreline Protection	<ol style="list-style-type: none"> Provide a portion of the local share of funding for planning, design and construction phases for the Santa Clara County shoreline area, EIAs 1-4. Provide a portion of the local share of funding for planning and design phases for the Santa Clara County shoreline area, EIAs 5-9. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
E8: Upper Guadalupe River Flood Protection	<ol style="list-style-type: none"> Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 6,280 homes, 320 businesses and 10 schools and institutions. With local funding only: Construct flood protection improvements along 4,100 feet of Guadalupe River between the Southern Pacific Railroad (SPRR) crossing, downstream of Willow Street, to the Union Pacific Railroad (UPRR) crossing, downstream of Padres Drive, and provide gravel augmentation along approximately 800 linear feet of the Upper Guadalupe River in San José, from approximately the Union Pacific Railroad Bridge to West Virginia Street Bridge to improve aquatic habitat for migrating steelhead and channel stability. 	Active	Adjusted	<p>IMC agrees with the project status.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> In KPI #2, include steelhead and all native fish species. 	<ol style="list-style-type: none"> Management agrees with the recommendation and will propose KPI #2 modification to the Board per the Program’s Change Control Process.



Independent Monitoring Committee Report Fiscal Year 2022-2023
Project Recommendations
 Priority F – Support Public Health and Public Safety for Our Community

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
F1: Vegetation Control and Sediment Removal for Capacity	1. Maintain completed flood protection projects for flow conveyance.	Active	None	<p>IMC agrees with the project status.</p> <p>Recommendation: 1. Include information on how Valley Water is working with the different regulatory agencies so that the process doesn't require annual approval.</p>	<p>1. Management agrees with the recommendation and will include the information in future annual reports.</p> <p>Annual approvals of some projects completed under the Stream Maintenance Program (SMP) is a legal requirement from the seven state and federal agencies permitting the program. The SMP is the main program for implementing routine stream maintenance on 295 miles of Santa Clara County waterways in Valley Water's jurisdiction. However, within the SMP, minor maintenance projects do not require agency approvals and are implemented daily by Valley Water Field Operations staff. Minor maintenance projects include minor sediment removal, trash/debris removal, repair/installation of gates/fences, repair of structures, grading small areas, minor erosion repairs, removal of obstructions, stream gauge maintenance, and minor vegetation management activities. These activities, however, have limits and specific thresholds as outlined in the SMP Manual.</p> <p>Valley Water has previously attempted to reduce annual approval for the SMP. Due to permit requirements, regulatory agencies are unwilling to allow work without annual project approvals. Specifically, the federal agencies review and approve projects on an annual basis as outlined in Regional General Permit 17 from the U.S. Army Corps of Engineers. The above notwithstanding, Valley Water continues working with regulatory agencies to streamline the overall approval process. Efficiency improvements to regulatory agencies' processes include funding staffing agreements with multiple regulatory agencies, close coordination, and priority lists. Among the streamlining being sought under the next iteration of SMP (SMP-3), targeted to start in 2027, is that Valley Water be allowed to move forward without annual approval with planned projects in previously mitigated areas where we have mitigated the impact of the work in perpetuity.</p>

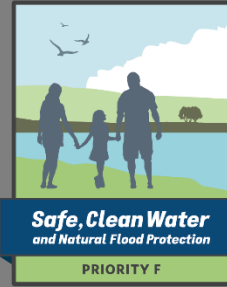


Independent Monitoring Committee Report Fiscal Year 2022-2023

Project Recommendations

Priority F – Support Public Health and Public Safety for Our Community

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/ Modification		
F2: Emergency Response Planning and Preparedness	<ol style="list-style-type: none"> 1. Coordinate with local municipalities to merge Valley Water-endorsed flood emergency processes with their own emergency response plans and processes. 2. Complete five (5) flood management plans/procedures per 5-year period, selected by risk priorities. 3. Train Valley Water staff and partner municipalities annually on disaster procedures via drills and exercises before testing the plans and procedures. 4. Test flood management plans/procedures annually to ensure effectiveness. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
F3: Flood Risk Assessment Studies	<ol style="list-style-type: none"> 1. Complete engineering studies on three (3) creek reaches to address 1% (100-year) flood risk. 2. Annually, update floodplain maps on a minimum of three (3) creek reaches in accordance with new FEMA standards. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
F4: Vegetation Management for Access and Fire Safety	<ol style="list-style-type: none"> 1. Provide vegetation management for access and fire risk reduction on an average of 495 acres per year, totaling 7,425 acres along levee, property lines and maintenance roads over a 15-year period. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
F5: Good Neighbor Program: Encampment Cleanup	<ol style="list-style-type: none"> 1. Manage 300 acres annually to clean up trash, debris, and hazardous pollutants generated from encampments and to reduce the amount of these pollutants entering streams. 2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the socio-environmental crisis with the goal of reducing the need for encampment cleanups. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.

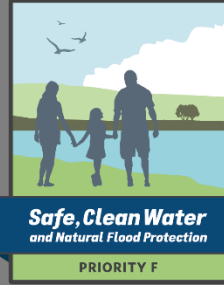


Independent Monitoring Committee Report Fiscal Year 2022-2023

Project Recommendations

Priority F – Support Public Health and Public Safety for Our Community

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
F6: Good Neighbor Program: Graffiti and Litter Removal and Public Art	<ol style="list-style-type: none"> Cleanup identified trash and graffiti hotspots at approximately 80 sites four (4) times per year. Respond to requests on litter or graffiti cleanup within five (5) working days. Provide up to \$1.5 million over 15 years to implement public art projects on Valley Water property and infrastructure. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.
F7: Emergency Response Upgrades	<ol style="list-style-type: none"> Maintain existing capabilities for flood forecasting and warning. Improve flood forecast accuracy and emergency response time working with the National Weather Service and through research and development. 	Active	None	<p>IMC agrees with the project status.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> Take into account ArkStorm 2.0 scenario. ArkStorm 2.0 is a cross-disciplinary flood emergency management and climate adaptation scenario aimed at quantifying and ultimately mitigating the consequences of “plausible worst case” flood scenarios in California in a warming climate. It is an updated version of the original ArkStorm exercise (ArkStorm 1.0) completed in 2010. 	<ol style="list-style-type: none"> Management acknowledges but disagrees with this recommendation. While ARkStorm 2.0 is a predictive tool, the recommendation does not directly apply to Project F7. ARkStorm 2.0 is a hypothetical weather scenario developed to model the potential impacts of a massive storm system hitting California. It is a predictive tool that allows simulation and analysis of the potential consequences of an enormous storm and helps in long-term planning and preparedness. Project F7, on the other hand, is focused on flood warnings and real-time storm response to deal with immediate and ongoing situations. It utilizes real-time data to issue warnings, assess risks, and coordinate emergency responses as storms unfold. While ARkStorm 2.0 is hypothetical and used to inform long-term strategies, the flood forecasting and warning systems under Project F7 are essential for managing the immediate challenges posed by actual storm events, ensuring the safety and well-being of communities in real time. Therefore, ARkStorm 2.0 does not directly apply to this project.
F8: Sustainable Creek Infrastructure for Continued Public Safety	<ol style="list-style-type: none"> Provide up to \$7.5 million in the first 15-year period to plan, design and construct projects identified through Watersheds asset management plans. 	Active	None	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response is required.



Independent Monitoring Committee Report Fiscal Year 2022-2023
Project Recommendations
 Priority F – Support Public Health and Public Safety for Our Community

Project:	KPI:	Status:		Recommendation:	Management Response:
		Annual	Adjustment/Modification		
F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	<ol style="list-style-type: none"> 1. Provide a grant and partnership cycle each year for projects related to safe, clean drinking water, flood protection and environmental stewardship. 2. Provide annual funding for bottle filling stations to increase drinking water accessibility, with priority for installations in economically disadvantaged communities and locations that serve school-age children and students. 3. Provide annual mini-grant funding opportunity for projects related to safe, clean drinking water, flood protection and environmental stewardship. 4. Provide up to \$3 million per 15-year period for partnerships with small municipalities (defined as under 50,000 people in the most recent census available), or special districts with boundaries substantially within the footprint of small cities, for projects aligned with the District Act and related to safe, clean drinking water, flood protection and environmental stewardship. 	Active	None	<p>IMC agrees with the project status.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. In the annual grantee survey, ask all recipients of water refill station grants whether the stations are still operational. 	<ol style="list-style-type: none"> 1. Management agrees with the recommendation and the question will be added to the annual grantee survey starting in spring 2024.



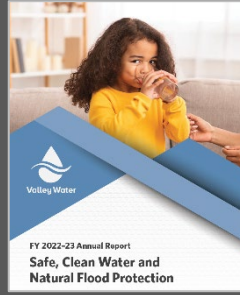
Independent Monitoring Committee Notes

Fiscal Year 2022-2023

Notes for Future Annual Reports

Safe, Clean Water and Natural Flood Protection Program

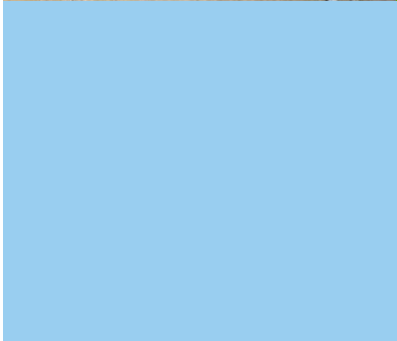
Subject:	Note:	Staff Response:
Overall general note.	1. Include language that the report covers a particular fiscal year, and for more current information, visit the project web page with the link provided.	1. Staff agrees and will include the text. The FY23 annual report provides links to project web pages in accordance IMC's notes from FY22 annual report review.
A1: Pacheco Reservoir Expansion	1. Provide a pie chart showing various funding sources. 2. Include a photo of Pacheco to show its terrain.	1. Staff agrees and will include a pie chart. 2. Staff agrees and will include a photo of Pacheco to show its terrain.
A2: Water Conservation Rebates and Programs	1. Improve the bar chart scale for figures like A2.3 to reflect a more accurate representation. 2. Include before and after photos of conversion to water-efficient landscaping.	1. Staff agrees and will correct the graph. 2. Staff agrees and will include before and after photos of conversion to water-efficient landscaping.
B1: Impaired Water Bodies Improvement	1. Design bar graphs to enhance visibility and provide a clearer and quicker understanding.	1. Staff agrees and will design bar graphs to enhance visibility and provide a clearer and quicker understanding.
C1: Anderson Dam Seismic Retrofit	1. For this project, have a page with the definitions of the acronyms/abbreviations or define them more than once. 2. If a table needs to be split over two pages, put "Continued" at the top of the second page. 3. Fix the typo on the last sentence of page 51 for the last sentence to read "Valley Water plans to ..." 4. When discussing endangered species, include pictures of the species. 5. Break up the long text in the Opportunities and Challenges section. 6. Add a footnote to Figure C1.2, referring readers to the project construction schedule.	1. Staff agrees and will include the text. 2. Staff agrees and will adjust tables as needed. 3. Staff agrees and will correct the text. 4. Staff agrees and will include photos as applicable. 5. Staff agrees and will adjust the text layout. 6. Staff agrees and will add the footnote.
D1: Management of Revegetation Projects	1. When discussing invasive plants in the report, provide pictures of the plant or a picture showing the invasive aspect of it. 2. In the section detailing project Opportunities and Challenges, include the challenge of physically getting equipment to the site. 3. When reporting on acres maintained, distinguish between those requiring high-level vs. low-level maintenance.	1. Staff agrees and will include photos as applicable. 2. Staff agrees and will include the text. 3. Staff agrees and will include in the text as needed.
D2: Revitalize Riparian, Upland and Wetland Habitat	1. Show a picture or provide a link to a video of a jump-out.	1. Staff agrees and will include photos and/or a link to a video as available.
D4: Fish Habitat and Passage Improvement	1. Correct the site locations on the maps on page 76.	1. Staff agrees and will correct the figures.
D6: Restoration of Natural Creek Functions	1. Correct the site location on the map on page 90 and fix the typo on page 92.	1. Staff agrees and will correct the figure and the text.



Independent Monitoring Committee Notes
Fiscal Year 2022-2023
Notes for Future Annual Reports
Safe, Clean Water and Natural Flood Protection Program

Subject:	Note:	Staff Response:
F1: Vegetation Control for Capacity & F1.2: Sediment Removal for Capacity	<ol style="list-style-type: none"> For vegetation control activity, include before and after pictures, especially where you leave the native vegetation, as those are more indicative of Valley Water’s work and goals. Provide the weblink to the approach to maintaining creek capacity document. 	<ol style="list-style-type: none"> Staff agrees and will include before and after photos. Staff agrees and will include a link to the information.
Appendix A-1.2: Current 15-year Forecast of Anderson Dam	<ol style="list-style-type: none"> For the C1 - Anderson Dam project, in the column reflecting the Current 15-year Forecast, the last number should be three. So, it should read 54,053. 	<ol style="list-style-type: none"> Staff agrees and will correct the data.

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Management Response to FY23 IMC Recommendations

Presented by: Jessica Collins, Business Planning and Analysis Unit Manager
March 12, 2024



Presentation outline

1. Review Management Responses to the IMC Report

- a. Program-wide recommendations
- b. Project-specific recommendations

2. Accept Management Responses and Provide Direction as needed

Program-wide recommendations

Management acknowledges and agrees to address/implement the following recommendations:

1. Directors redouble their efforts to recruit and appoint members for each of their Districts.
2. Include a chart showing the relationship between the old and new project status categories.
3. Reflect the number/percentage of “Active” projects that were also modified and/or adjusted for a more accurate snapshot of the status of all projects.
4. For projects identifying “Addresses climate change” as a benefit, briefly explain how the project addresses climate change.

Program-wide recommendations...Cont.

Management acknowledges and agrees to address/implement the following recommendations:

5. Develop a graphic that illustrates cost changes from the initial projections to the current year projections to help visualize the cost projection increases.
6. Provide a timeline for the following audits:
 - a. 2012 Program Closeout; the report be available no later than the next presentation to the IMC.
 - b. Progress of the renewed Safe, Clean Water Program.
7. When applicable, include “plant establishment period” in the capital project schedule.

Program-wide recommendations ...Cont.

Management acknowledges and believes the Program already addresses the following recommendation:

Provide indicators of progress toward the ultimate Priority that the project is intended to achieve. The IMC strives to evaluate projects on the basis of the progress made towards the ultimate Priority outcomes as well as the basis of the fulfillment of KPIs.

No recommendation for 24 of 32 Projects

- A3: Pipeline Reliability
- B2: Inter-Agency Urban Runoff Program
- B3: Hazardous Materials Management and Response
- B4: Support Volunteer Cleanup Efforts
- C1: Anderson Dam Seismic Retrofit
- D1: Management of Riparian Planting and Invasive Plant Removal
- D2: Revitalize Riparian, Upland and Wetland Habitat
- D3: Sediment Reuse to Support Shoreline Restoration
- D4: Fish Habitat and Passage Improvement
- D5: Ecological Data Collection and Analysis
- D6: Restoration of Natural Creek Functions
- E1: Coyote Creek Flood Protection

- E2: Sunnyvale East and Sunnyvale West Channels Flood Protection
- E3: Lower Berryessa Flood Protection,
- E4: Upper Penitencia Creek Flood Protection
- E5: San Francisquito Creek Flood Protection
- E6: Upper Llagas Creek Flood Protection
- E7: San Francisco Bay Shoreline Protection
- F2: Emergency Response Planning and Preparedness
- F3: Flood Risk Assessment Studies
- F4: Vegetation Management for Access and Fire Safety
- F5: Good Neighbor Program: Encampment Cleanup
- F6: Good Neighbor Program: Graffiti and Litter Removal and Public Art
- F8: Sustainable Creek Infrastructure for Continued Public Safety

Project-specific recommendations

Management acknowledges and agrees to address/implement the following recommendations:

A1: Pacheco Reservoir Expansion

1. To address the process for evaluating these types of projects, note in the beginning that this is an ongoing effort and provide a link for more information. Include a mechanism for the public to provide opinions and feedback to Valley Water.
2. All projects funded by the Safe, Clean Water Fund and other funding sources, such as the Watershed Stream Stewardship Fund and/or the Water Utility Enterprise Fund and other state and federal funding, should show the total expenditures (for example, Figure B3.2).
3. Provide context for the Pacheco Reservoir Expansion project in comparison to other options that are being considered for the Valley Water water supply portfolio (i.e., Los Vaqueros Reservoir, B.F. Sisk Dam, Sites Reservoir, etc.), as well as potential funding sources. The Report should include a reference to the Water Supply Master Plan, as well as links to obtain additional, updated information about the other projects.

Project-specific recommendations...Cont.

Management acknowledges and agrees to address/implement the following recommendations:

A2: Water Conservation Rebates and Programs

1. Under Benefits, briefly explain how the project reduces greenhouse gases and increases water supply reliability.

D7: Partnerships for the Conservation of Habitat Lands

1. Include maps showing areas where Valley Water is looking for opportunities to acquire habitat lands.*

E8: Upper Guadalupe River Flood Protection

1. In KPI #2, include steelhead and all native fish species.



**The negotiations and properties under consideration are confidential. When feasible, staff will provide maps or other information about potential areas of interest for the acquisition of habitat lands.*

8

Project-specific recommendations...Cont.

Management acknowledges and agrees to address/implement the following recommendations:

F1: Vegetation Control and Sediment Removal for Capacity

1. Include information on how Valley Water is working with the different regulatory agencies so that the process doesn't require annual approval.

F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship

1. In the annual grantee survey, ask all recipients of water refill station grants whether the stations are still operational.

Project-specific recommendations ...Cont.

Management acknowledges and disagrees with the following recommendations:

B1: Impaired Water Bodies Improvement

1. Find a way to show the impact of the efforts to reduce contaminants.

F7: Emergency Response Upgrades

1. Take into account ARkStorm 2.0 scenario.

Next Steps

Recommendations:

- Accept Management Response to the IMC Report on the Renewed Safe Clean Water Natural Flood Protection Program Annual Report for Fiscal Year 2022-2023; and
- Provide additional direction as necessary.



QUESTIONS





Valley Water

Clean Water • Healthy Environment • Flood Protection

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To: Board of Directors Santa Clara Valley Water District-
From Rita Norton
Date- March 8, 2024

Subject.

Agenda Tuesday, March 12, 2024

Independent Monitoring Committee Report and Recommendations

3.5. Accept Management Response to the Independent Monitoring 24-0188

Committee Report on the Safe, Clean Water and Natural Flood Protection Program Annual Report for Fiscal Year 2022-2023.

- A. Accept Management Response to the Independent Monitoring Committee Report on the Safe, Clean Water and Natural Flood Protection Program Annual Report for Fiscal Year 2022-2023;
- B. and B. Provide additional direction as necessary.

Dear Board of Directors Santa Clara Valley Water District—

The Valley Water Board should accept the Independent Monitoring Committee Report and Recommendations and extend appreciation to Jeffrey Hare, Chair Independent Monitoring Committee as well as all the members for their due diligence and careful observations.

Moreover, the Board should exercise authority by reminding staff to report as explicated in the recommendations.

In summary, the report outlines-

1. Unbalanced and absence of reporting on costs and benefits and absence of considerations of alternative options and their costs and benefits. Lack of context due to lack of information on alternatives.
2. Unsubstantiated claims of climate change benefits from projects.
3. Misleading graphs on water conservation projects.
4. Absence of reporting on spending records on proposed Pacheco projects as required under voter approved funding and provisions of good government financial reporting.

In cases, in the future when the staff reports do not comply with the recommendations, the Board should notify the absence of the recommended information in their hearing of staff reports and ask for explanations. The IMC should track these instances and submit additional reports on these cases. The IMC is not under the direction of the Valley Water Board (as all other Valley Water Committees) and should continue to exercise their role as a public watch dog.

Government agencies have a duty to present objective information to elected officials and the public.

In the text below I highlight recommendations from the IMC Report for which I urge adoption and follow-through.

“In several instances throughout the Report, Staff repeatedly lists “Addresses climate change” as one of the “Benefits,” but infrequently includes any explanation of how this benefit is achieved. The IMC, therefore, makes a general recommendation that the Report identify specifically how the project achieves this benefit. For example, the reader should be told if the project reduces greenhouse gasses, reinforces or elevates levees to handle sea level rise or achieves conservation goals.

The IMC also took note of the large amount of space devoted to various charts, some of which used distorted scales that were marginally useful in conveying useful information.

For example, Figure A2.3 appears to indicate a year-over-year doubling of the budget for Water Conservation Rebates and Programs when, in fact, the actual budget increased less than 5.0%, and the percentage spent increased by 1.0%.

Project A1: Pacheco Reservoir Expansion: This project is ongoing and involves the potential expenditure of close to \$3 billion, and Valley Water has expended close to \$70 million to date, but this information is not shown. The IMC recommends that all projects funded by the Safe, Clean Water Fund and other funding sources, such as the Watershed Stream Stewardship Fund and/or the Water Utility Enterprise Fund and other state and federal funding should show the total expenditures.

Further, in future Safe, Clean Water annual reports, the IMC recommends that Valley Water provide context for the Pacheco Reservoir Expansion project in comparison to other options that are being considered for the Valley Water water supply portfolio (i.e., Los Vaqueros Reservoir, B.F. Sisk Dam I Reservoir, etc.), as well as potential funding sources.”

Thank you for considering these recommendations for making Valley Water a more robust and trusted governmental agency.

Sincerely,

Rita Norton