



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: DEBRA FIGONE
City Manager

HONORABLE BOARD
OF DIRECTORS

OLGA MARTIN-STEELE
Chief Executive Officer

SUBJECT: SEE BELOW

DATE: 03-17-08

SUBJECT: STATUS REPORT ON COOPERATIVE EFFORTS BETWEEN THE CITY OF SAN JOSE AND THE SANTA CLARA VALLEY WATER DISTRICT

RECOMMENDATION

1. Accept the 2007 Annual Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District relating to:
 - A. Flood Protection
 - Flood Preparedness
 - Floodwater Management Projects
 - B. Water Supply
 - Water Supply Outlook
 - Conservation
 - Water Recycling
 - C. Watershed Protection and Stewardship
 - Trash reduction
 - Habitat Conservation Plan
 - Trails
 - D. Policy/Planning Initiatives
 - Approved Regulatory priorities
 - Protection and augmentation of the water supply
 - General Plan Update
 - District Comprehensive Plan

EXECUTIVE SUMMARY

Over the past seven years, the City of San José (City) and the Santa Clara Valley Water District (District) have expanded the level and frequency of interagency coordination to the benefit of such projects as expansion of the trail network, facilitated construction and maintenance of capital projects, and an increased level number of creek clean-ups. Ongoing projects are described in more detail in subsequent sections.

BACKGROUND

In January 2002, the San José City Council (Council) and the Santa Clara Valley Water District Board of Directors (Board) met for the first time in joint session. The goal was to recognize identify the many areas where the two agencies have overlapping stewardship responsibilities and to find ways to enhance coordination. Since then, the Board and Council have met at least annually to review progress, discuss issues of joint concern, and provide additional direction to staff. This memorandum is a review of progress and suggested next steps on a broad variety of City/District cooperative projects.

In addition to an annual review of cooperative efforts, the Council and Board began holding semi-annual Joint Study Sessions to focus on specific water issues. The most recent session, in November 2007 focused on flood management. The next session, scheduled for April 24, 2008, will focus on water supply issues including: future outlook, conservation plans and programs, and expanding the use of recycled water.

Both the Council and Board have requested that staff bring forward for consideration the kinds of opportunities for joint lobbying that might improve the likelihood of securing state and federal funding. This memorandum includes a summary of joint priorities adopted to date.

ANALYSIS

A. Flood Protection

The City and the District are working on a number of significant floodplain management issues. Many of these were discussed at the Joint Study Session on flood management, held November 19, 2007. In addition to project updates below, Attachment A provides an update on deliverables from that Study Session.

1. Flood Preparedness

b) U.S. Army Corps of Engineers Flood Protection Project Inspections

The U.S. Army Corps of Engineers (Corps) recently implemented a more rigorous levee inspection program for federally funded flood protection projects. The rating system has numerous inspection components with three overall possible project

ratings: Acceptable, Minimally Acceptable, and Unacceptable. In 2007, the Guadalupe River and Coyote Creek levees were rated Minimally Acceptable, with only minor inspection components being noted as deficient. City and District staff are currently unclear on many aspects of the inspection program and will be working with the Corps to better understand the inspection program and the 2007 results.

Next Steps: City and District staff will work with the Corps to learn more about the purpose, rating components and criteria, potential actions required and financial impacts, and consequences of the inspection program. Staff will also begin preparing for the 2008 inspection. Information will be reported to the Council and Board in future status reports.

c) FEMA Map Modernization and Levee Recertification Project

The Federal Emergency Management Agency (FEMA) is converting its Flood Insurance Rate Maps from paper to digital format. During this transition, FEMA wants to ensure that flood protection structures included in the maps comply with current standards. In 2007, FEMA requested "readily available" documentation to confirm that levees (most of which the District owns) and "levee-like" structures (road and railway embankments that may act to block the passage of floodwater) meet current FEMA standards.

Levees: District staff submitted supporting technical information to demonstrate that most levees in San Jose, including the recently-completed Guadalupe River and Lower Coyote Creek levees, continue to meet FEMA standards. FEMA agreed to accredit all of the levees except a short reach of San Tomas Aquino Creek near Highway 85 on the border with the City of Campbell. That levee was constructed in the early 1970s, 15 years before FEMA published standards for levees. At the time, the levee was constructed to meet the standard of protection for the "100-year flood," it does not meet today's FEMA current standards. Therefore, there will be a new regulatory flood zone in the area adjacent to that levee. City staff is currently working with FEMA's consultants to determine the actual extent and boundaries of this zone.

Levee-like Structures: In San Jose, FEMA designated several levee-like structures as non-certifiable, meaning that they cannot be shown on future FEMA maps as levees. City staff presented technical information to indicate that the named roads and embankments do not significantly impact the nature of surface-flooding, should it occur, so changing the certification should not change the flood-zone designation. Based on draft maps that staff is currently reviewing, it appears that FEMA has tentatively accepted this analysis.

In December 2007, FEMA held a meeting for National Flood Insurance Program participants, including the City of San Jose. FEMA presented its revised preliminary maps, indicating which new areas may be subject to floodplain building and

insurance requirements, including some areas in San Jose which were not originally designated to be re-mapped. FEMA will accept comments on the preliminary maps and issue final maps in Winter 2008, after which time new insurance and development requirements will become effective and property owners in affected areas who have federally backed mortgages will be required to purchase flood insurance and will be subject to land use and building standards appropriate to this change in designation.

Next steps: After working with FEMA's consultants to ensure they have accurate data, City staff will return to Council to propose that a hydrology consultant be retained to validate the draft maps. New properties added to the floodplain will be impacted with insurance and development requirements. It is important that properties subject to higher flood risk be protected with insurance. City and District staff will work together on an outreach program to inform property owners about the new building and insurance requirements before they go into effect. This effort will include community meetings to describe requirements and assist residents in those areas where it is possible to remove an individual property from the map.

2. Floodwater Management Projects

a) **Shoreline Area Projects**

Two projects, the South San Francisco Bay Shoreline Study and the South Bay Salt Pond Restoration Project, are designed to restore the bayside wetlands, provide tidal flood protection to low-lying bayside communities (some of which are below sea level due to subsidence), and enhance public access and recreation opportunities. Sponsoring agencies for both efforts are working with local municipalities regarding specific areas of interest. In San Jose, the central focus is the Treatment Plant lands.

- **South San Francisco Bay Shoreline Study:** The District, U.S. Army Corps of Engineers, and Coastal Conservancy are the project sponsors of the first phase of the Shoreline Study, which focuses on Santa Clara County baylands and a small portion of southern Alameda County. The U.S. Fish and Wildlife Service (the main property owner) is also an important partner. The \$15.6 million Study, which is planned for completion in December 2010, is being funded as follows: Corps, \$7.8 million; District, \$6.4 million; and Coastal Conservancy, \$1.4 million. The Study is currently defining what is projected to occur if no additional flood protection measures are taken and no maintenance of the dirt levees is provided (i.e.; if there is no project). It is anticipated that these levees would debilitate over time and tidal flooding would increase. The Study should be completed by early 2009. Implementation plans and costs will be determined by the Corps at a future date.
- **South Bay Salt Pond Restoration Project:** Through the South San Francisco Bay Shoreline Study, the Salt Pond Restoration Project will be accomplished.

The goal of the South Bay Salt Pond Restoration Project is to restore the 15,000 acres of former salt evaporator ponds acquired by the State and Federal governments in 2003. The project will restore tidal marshes and related habitats, and address flood management; and public access and recreation. The Final Environmental Impact Report/Study for the five-year planning effort, led by the Coastal Conservancy, California Department of Fish and Game, and U.S. Fish and Wildlife Service, was released in December 2007 and the Record of Decision is expected in April 2008. The project management team consists of the Coastal Conservancy, Fish and Game, and Fish and Wildlife Service, a lead scientist, representatives from the private foundations that helped fund the acquisition, the District, and Alameda County Flood Control and Water Conservation District. The cost to prepare the programmatic plan was approximately \$20 million. Of that, \$15 million has been contributed by private foundations (Hewlett, Packard, Moore, and Goldman), \$500,000 by the Santa Clara Valley Water District, and the balance from the State, through bond funding. Implementation is anticipated to cost approximately \$1 billion.

b) Guadalupe Watershed Flood Protection Projects

- **Guadalupe Vehicle/Pedestrian Bridge:** Construction drawings for the new vehicle/pedestrian bridge just south of Coleman Avenue over the Guadalupe River are nearing completion. This bridge is the only public point of access to serve the future development at the Union Pacific's property east of the new MarketCenter retail shopping center. The U.S. Army Corps of Engineers (Corps) is responsible for design and construction of this bridge and replacement of the adjacent Union Pacific Railroad Bridge, which is necessary to meet the District's flood protection mandate.

Lack of federal funding has delayed construction of both bridges, and as a result, the City has been unable to promote any tax-producing development of the Union Pacific's property. Developers, including the Cousins Corporation which developed the adjacent MarketCenter property, have expressed an interest in the site. However, the 10-acre site, adjacent to the Guadalupe River, can only be developed with the vehicle/pedestrian bridge. The City and District should establish a joint priority and actively lobby Congress to fund the \$8 million for construction of both bridges during the next federal fiscal year.

Other work on the Guadalupe continues. The federal budget for FY08 provides \$1.8 million for the Coleman abutment retrofitting work. The project, which includes flood protection measures and expansion of the Guadalupe River Park trail network, will start in May 2008 and is scheduled for completion in October 2008. To accommodate construction on both sides of the river, the Guadalupe trail will be closed at this location to recreation users, pedestrians, and bicycle commuters during construction. The Redevelopment Agency identified three possible trail detours to maintain access. However, each of the options required

cooperation of the Union Pacific management which, citing a lack of progress on design and funding of the two bridges, has denied public access on their properties, even on properties that are not required for railroad operations. The result is that the Guadalupe River trail will be closed to recreation users, pedestrian, and bicycle commuters for the duration of the high public use period from May through October 2008. If the overall project is not completed on schedule, that closure could extend beyond October 2008.

- **Willow Glen Way Bridge:** On the Upper Guadalupe River, the District and the City worked together to replace the Willow Glen Way Bridge. This was opened for traffic on March 3, 2007. The strong working relationship between the City and District contributed greatly to the successful completion of the bridge.

c) **Coyote River Watershed Flood Protection Projects**

- **Mid-Coyote Project:** The Mid-Coyote Project extends 6.1 miles from Montague Expressway to Interstate 280. The project's primary objective is to enhance the creek's conveyance to protect homes, schools, businesses, and highways from a 100-year flood event. Additionally, the project will improve fisheries and habitat values and provide public access opportunities in cooperation with the City. The first step to implementation is to prepare a detailed Engineer's Report and an Environmental Impact Report. Planning work in 2007 included gathering baseline information, developing conceptual project alternatives, meeting with homeowner associations along the creek to discuss the project, and meeting with City staff to provide an overview of the project and issues related to the Watson Park remediation and the planned Flea Market development.

Next steps: In 2008, the project team will continue to solicit input from residents along the creek as conceptual alternatives are developed. District staff will continue gathering field data on creek conditions and begin preparation of the Environmental Impact Report. Currently, the District has only budgeted this project for planning and *partial* design and construction.

- **Upper Berryessa Creek Project:** This flood protection project extends approximately 4.3 miles, from Calaveras Boulevard in Milpitas upstream near Old Piedmont Road in San Jose. It is being developed in partnership with the US Army Corps of Engineers. The Corps is the project lead and the project is currently in the planning phase. It has experienced delays over the past two years due to federal budget constraints, but work has recently resumed. The Corps will continue refining feasible alternatives to address flooding while minimizing impacts to existing stream habitats and improving maintenance access. City and District staff will work with neighborhood groups that have raised concerns as the alternatives are being refined and before the environmental document is released for public review as early as 2009.

- **Upper Penitencia Creek Project:** This project extends approximately 4.2 miles, from the confluence with Coyote Creek (near Berryessa Road) upstream to Dorel Drive, all within the City of San Jose. It is currently in the planning stage and the Corps is the project lead. The Corps is currently developing a number of feasible alternatives to address flooding while improving riparian and fish habitat, reducing sedimentation and maintenance requirements, and providing for future trails improvements by the City. Alternatives being considered include excavated benches, levees and floodwalls, or combinations of these measures to minimize bypass culverts. The District continues to work closely with the City to coordinate this with other projects in the area near Berryessa and King Roads. As reported to Council and Board during fiscal years 2003-05, the initial project conception phase included an extensive stakeholder process. The next step is for the Corps is to select a federally recommended plan. This step will be followed by the release of a draft engineer's report and environmental documentation for public review and comment. Release of these documents is expected as early as 2009.

B. Water Supply Projects:

Water supply is a key component of sustainable living and a vital economy in San José. Santa Clara County is the Bay Area's most populous county, with 24 percent of Bay Area residents living in it. Experts forecast that more than 1.8 million people will be living here by 2010, and the county will add another 127,000 residents by 2020. New population growth brings an increased demand for water. Although the City and District have been aggressively working to reduce residential and commercial water use through conservation and efficiency programs, these programs alone are not enough. This report provides an update on work to date. All of these issues will be discussed in more depth at the Joint Council-Board Study Session on Water Supply on April 24, 2008.

1. Water Supply Outlook

The Sacramento-San Joaquin River Delta is the single most important element in California's water supply system. This natural estuary is a critical link in Santa Clara County's water supply. In an average year, more than half of the water used in the County is conveyed through the Delta. The Delta is home to 750 species of plants and wildlife, including the threatened delta smelt. Unfortunately, the Delta is in an ecological crisis that threatens both our water supply and the environment.

In May of 2007, U.S. District Judge Oliver Wanger ruled that the State Water Project and Central Valley Project must reduce pumping from the Delta to levels that protect the Delta Smelt. Implementation of the Judge's Order began on Dec. 25, 2007, and will reduce deliveries from the Delta by up to a third in 2008. The actual impacts to water supply will depend on flow conditions in the Delta, weather, and smelt locations and spawning in the Delta (which impact their susceptibility to the effects of State and Central Valley Water

Project pumps). The federal court ruling will be in effect until U.S. Fish and Wildlife Service releases a new "Biological Opinion" permit to guide the operations of the two water projects. The Judge's order specifies that the new Biological Opinion should be completed by September 12, 2008.

In order to prepare for the impacts from the federal court ruling and the range of possible rainfall from very wet to very dry, the District developed its preliminary 2008 Water Supply Operations and Contingency Strategy. This strategy will be continuously updated to adjust to real-time conditions. If 2008 is a dry year, the District will continue to call for voluntary conservation. In addition, the County will be more reliant on water supply reserves including storage in the local reservoirs, groundwater basins, and water stored outside the County in the Semitropic Water Bank (in Kern County) to meet demands. Water banking programs, such as the Semitropic Water Bank, allow surplus water to be stored in underground aquifers in wet years and carried over to years when it is needed. A key objective of the 2008 Water Supply Contingency Plan is to minimize the impacts of water shortages to Santa Clara County consumers and economy.

Because the District is the County's water supply wholesaler, not the water retailer, the District must coordinate with water retailers and cities to effectively implement the Contingency Plan. In addition, the District continues to work with its advisory committees, water retailers, and cities to develop goals and recommendations for guiding water resource management and implementing conservations measures countywide.

2. Water conservation

➤ Joint Goal: Conserve 60,000 additional acre-feet per year countywide by 2030

Water conservation is a key strategy to meet demand. Conservation programs reduce demand on existing water and energy supplies, helping to defer the costs and environmental impacts of developing additional supplies. These programs also protect the South Bay salt-marsh habitat by reducing freshwater discharges from wastewater treatment facilities. In addition to meeting long-term water supply and reliability goals, water-use efficiency programs help meet short-term demands during critical dry periods or unexpected developments such as disruptions in supplies flowing through the Sacramento-San Joaquin Delta. Since pumping and treating water is the biggest use of electricity in California, conserving water not only helps cut water bills, it also reduces energy consumption and emission of greenhouse gases. The District's long term goal is to reduce demand by approximately 100,000 acre-feet/year of water by 2030 (using 1992 as a base-year) through implementation of water conservation. Conservation efforts to date by the District, cities, and water retailers have already reduced countywide water demand by 41,000 acre-feet/year. To achieve the remaining 60,000 acre feet reduction, the City (as half of the county's population) will be striving to reduce consumption by an additional 30,000 acre-feet of savings (equivalent to the water use of 71,000 homes) by 2030.

Public education/outreach: The District, cities, and water retailers of Santa Clara County were awarded the U.S. Environmental Protection Agency's 2007 Water Efficiency Leader

Award. The award is designed to recognize companies, utilities, government organizations, and individuals that display leadership, innovation and water savings.

Every year, the District, in collaboration with its water retailers, produces a spring/summer media campaign focusing on using water efficiently. In 2006, the county experienced a fairly wet year, however early indications were that 2007 would be dry. Because of this, the District's 2007 spring/summer media promoted the message: "*When it rains, it doesn't always pour.*" In June 2007, the water supply situation worsened when the court ordered the Delta pumps to be shut down. In response, the District Board adopted a resolution calling for a 10-percent voluntary conservation and the media campaign message and advertisements were updated with the following statement: "*Water reductions requested. Extremes not required.*" In addition to the countywide educational campaign, the District and several other Bay Area water providers partnered with San Francisco Public Utilities Commission on the regional "Water Heroes" campaign. The District also provided and/or participated in multiple community events, workshops, and educational opportunities, including the 16th annual water-efficient landscape workshop series, a Green Business conference, and a Green Plumbers workshop. San Jose sponsored the *Go Green School* conference and several homeowner association presentations.

In addition to program implementation, the District is developing a water use efficiency strategic plan and a water conservation marketing plan. The water use efficiency plan will focus on both near-term (one- and three-year) water shortage management and long-term (20 year) conservation goals. The objective of the marketing plan is to increase public awareness regarding water conservation and to increase participation in public water conservation programs. It includes both short-term (this year) and long-term (five years) components.

The City drafted a Water Conservation Plan (Plan) to outline efforts for the next three years (through FY 2010-11). The Plan is a roadmap for water conservation for the entire City. The City's Transportation and Environment Committee approved the draft outline of the Plan and directed staff to proceed towards Council adoption of the Plan in spring 2008. In addition, the City is increasing its outreach efforts. In summer and fall 2007, San José's Municipal Water System started direct mailings, brochure dissemination, and speaker presentations to increase awareness about water conservation.

The District, the City's Department of Parks, Recreation and Neighborhood Services, and the Guadalupe Gardens Technical Committee are in the process of developing a water efficient demonstration garden to be built at Guadalupe Gardens. Staff is currently reviewing the 90-percent design and specifications as well as a Joint Use Agreement between the City and the District. Construction on the demonstration garden is scheduled to begin in spring 2008.

3. Water Recycling

- **City's Green Vision Goal: Utilize Recycle or beneficially reuse 40 million gallons per day (45,000 acre feet per year) by 2022**

➤ **District Goal: Utilize 45,000 acre-feet per year (40 million gallons per day) of recycled water by 2030**

The City's Green Vision Plan (Goal 6) and the District's policies for future recycled water targets require both agencies to diligently and aggressively expand recycled water use. These mutual interests and objectives can be summarized as follows:

- Reuse a precious resource;
- Develop a more reliable drought-proof water supply for the community;
- Expand recycled water in partnership with the community; and
- Address potential future discharge-to-the-Bay limits.

There are a number of significant recycled water projects, efforts and activities in progress including:

a. **Joint Long-term Recycled Water Agreement**

Since mid-2007, the Board and Council have reviewed agenda items on developing a more robust, long-term recycled water partnership agreement. In November 2007, Council and the Treatment Plant Advisory Committee agreed that, though they did not want to sell the South Bay Water Recycling system, they were interested in continued discussions with the District on a long-term agreement. The Council agreed to assign two members, Councilmen Chu and Oliverio, to represent the City and Treatment Plant on an Advisory Committee for the staff negotiation process. The City of Santa Clara assigned Mayor Mahan to act as the Santa Clara/TPAC representative. In February 2008, the Board assigned Members Kamei, Estremera, and Kwok to the Advisory Committee. Final decisions on staff and Advisory Committee recommendations must be made by Council, with the recommendation of the Treatment Plant Advisory Committee, and the Board. Issues currently under discussion include:

- The best methods to expand the use of recycled water.
- The form and conditions for a long-term agreement on recycled water expansion.
- District, City, and TPAC's roles, responsibilities, cost share, and ownership on advanced treatment.
- Cost of the water purchased by the District or other wholesale agencies. The current rate structure sets different rates for different end uses including irrigation, industrial and agriculture.
- Process to introduce new recycled water expansion proposals for consideration and possible joint funding.
- Selection and implementation of a Community Recycled Water Task Force.

Next Steps: There will be a preliminary review of the key issues at the Joint Study Session on Water Supply on April 24, 2008. It is anticipated that additional information and recommendations on this matter will be presented to Council and the Board in the fall of 2008.

b. **Status of proposed Advanced Recycled Water Treatment Facility**

The City and District are working together on a plan to construct an Advanced Recycled Water Treatment Facility project to reduce the salt load in the recycled water system in order to enhance the quality of recycled water, sustain current baseline users, and aggressively protect groundwater basins as recycled water use is expanded. It is part of the long term plan to further develop recycled water as a reliable and sustainable water source for the Santa Clara County. Recycled water currently has an average salinity of 720 parts per million (ppm). Advanced treated recycled water would be blended back into the recycled water system to reduce salinity to approximately 500 ppm which could facilitate additional uses for recycled water including streamflow augmentation, landscape irrigation in certain sensitive areas, and potentially increase other industrial applications and facilitate groundwater recharge. An Advanced Treatment Facility could also mitigate the increase of salt concentration that is projected to occur due to increased use of recycled water in industrial cooling towers uses and indoor water reuse in new developments. This project has been endorsed by the Silicon Valley Leadership Group.

If approved by the Board and Council, the City and District would partner to construct an Advanced Treatment plant capable of 10-mgd microfiltration, 8-mgd reverse osmosis, and 10-mgd ultraviolet light disinfection treatment trains at the San Jose/Santa Clara Water Pollution Control Plant. District and City staff have collaborated on the development of this project and the preparation of an Engineers Report. The draft Engineer's Report and draft California Environmental Quality Act (CEQA) documents are expected to be complete in mid 2008. The treatment facility capacity, location, preliminary engineering process, expandability and site layout are included in the report.

The estimated total project cost to construct the facility is \$53 million which includes an estimate of \$2 million for use of land owned by the Treatment Plant, engineering, construction management, and inflation. In addition to the land contribution, the City has proposed an additional \$11 M toward construction of the facility in the Treatment Plant draft CIP budget for FY 2008-09. The District has proposed to fund the balance with assistance from state and federal grants. The Board will discuss adding the costs for the balance of the project in their FY 2009-10 budget. Responsibility for on-going operation and maintenance of the facility still need to be negotiated before this matter comes to the Council and Board for approval.

The District has applied for state and federal funding for construction of the facility and has received authorization for two grants to date. In April 2007, the California Department of Water Resources authorized a \$3 million state grant for this project. The Water Resources Development Act authorized \$5.5 million federal grant in late 2007. Both grants will be managed by the District. The authorization for both these grants will expire at the end of 2008 if the project is not underway.

Next Steps: Construction of the Advanced Water Treatment Facility could begin in the summer 2009, if the Board and Council approve an agreement for its construction, operation and maintenance. The District and City will continue to pursue additional grant funding (beyond the \$8.5 million discussed above) for this project. Up to \$8.25 million

in further state and federal funding may become available for the project in 2008/09 and additional funding will be sought in subsequent years.

Potential Far-Term Next Steps: Salinity reduction is a key step if the District and the City decide to pursue future groundwater recharge with recycled water. The Advanced Treatment Facility would employ the best available technology, similar to that currently being used by the Orange County Water District's Groundwater Replenishment Project which has spent years demonstrating the reliability and safety of advanced treatment, and is already recharging their groundwater basin with recycled water. Operational data from the San Jose Facility would be useful in the future when seeking public acceptance during the application process for securing groundwater recharge permits from the regulatory agencies and seeking public acceptance.

c. Recycled Water Reimbursement Rebate

Since April 7, 1998, the City and District have had an agreement entitled "South Bay Water Recycling Reimbursement Agreement for Development and Utilization of Nonpotable Recycled Water between the City of San Jose and the Santa Clara Valley Water District" whereby the District provided a incentive payment of \$115/acre-foot for South Bay recycled water use that offset District potable water supplies.

In September 2007, the Board agreed to extend that agreement for an additional year (through June 30, 2008) while the long-term cooperative relationship was fully developed. At that time, it was anticipated that the negotiations on the long-term agreement would be complete prior to June 2008. Since negotiations are now anticipated to last into the fall of 2008, a proposal to further extend the incentive will be brought back to the Board and Council for consideration prior to June 2008.

d. Status of Recycled Water Research Projects

District policies call for the expansion of recycled water in Santa Clara County, while at the same time ensuring that groundwater basins are protected. Recycled water is currently used for large landscape irrigation, some industrial process uses, and some agricultural irrigation in the County. Expanding recycled water for other uses, including streamflow augmentation or wetland use, will require additional research and soil, groundwater, and surface water monitoring and analyses. The following highlights three of these research projects. A more detailed discussion of the projects is available in Appendix B.

• Streamflow Augmentation Project

The District proposed to augment stream flows on the Upper Silver Creek with recycled water from July through October 2008. The goal of the project was to determine whether augmenting stream flow with recycled water in the Coyote Creek watershed was feasible within economic, environmental, and county-wide policy objectives for water supply management. In order to make the determination, the first

step was to determine if streamflow augmentation had the potential to impact groundwater negatively and if the constituents of concern in recycled water are attenuated by the natural stream processes. The District contracted with researchers at Stanford University to execute the study.

Before starting streamflow augmentation, the Stanford University researchers did a variety of baseline studies so that they could compare before and after results. The baseline studies found that a certain chemical with documented negative impacts to avian species/fauna was already present in Upper Silver Creek. It was also present in the recycled water. Therefore, the District decided to discontinue the 2008 project in Upper Silver Creek. Streamflow augmentation projects with advanced treated recycled water at other locations may be considered in the future as opportunities arise.

- **Redwood Tree Solutions Project**

The Solutions Project was initiated to respond to public concerns in Mountain View and the Palo Alto about the localized impacts of recycled water on the health of coast redwood trees. The District hired the University of California at Davis to evaluate soil and plant constraints to sustainable use of recycled water for landscape irrigation. The study found that redwoods are sensitive to salts in high concentrations. Although the precise level of salt tolerance was not determined, it was found that the trees were not affected until the salt concentration was higher than that currently found in the recycled water. Local recycled water salt concentrations over the last 5 years have averaged 720 parts per million (ppm). The trees showed some adverse impacts at salt levels over 900 ppm, with severe symptoms exhibited when salt concentrations reached 1900 ppm. The study determined that, in order to successfully irrigate redwood trees, it is important to ensure adequate drainage so that the salts do not accumulate in the root area over the long term. It should be noted that this is also true for redwoods irrigated with potable water.

- **Integrated Device Technology (IDT) Study - Study of Groundwater Impacts from the Expanded Use of Recycled Water for Irrigation**

The District is performing a multi-year study to evaluate potential groundwater impacts from the expanded use of recycled water for irrigation. With the exception of some areas of the Evergreen area of San Jose and the eastern area of Gilroy, irrigation with recycled water currently occurs only in the “confined zones” – those areas where clays and silts offer a layer of natural protection above the deeper drinking water aquifers. As Evergreen and Gilroy do not have that clay layer, this study is focused in those areas. One of the planned test sites is at the campus of Integrated Device Technology (IDT, Inc.) in San Jose. If approved, the pilot would begin in spring 2008. The study should be completed in 2009.

e. **Expanding the recycled water system**

The recycled water expansion projects currently underway include:

- SJ 14 Reliability Project: Construction is underway on a number of system improvements designed to increase system reliability including an all-weather enclosure over a key pump station, emergency generators, and other miscellaneous piping improvements.
- SC-6 Santa Clara Central Park Extension: Design is almost complete on the main extension needed to serve Santa Clara's central park area.
- SC-7 Duane/Comstock Extension: Design is underway for a pipeline extension in Santa Clara to serve cooling towers for several server farms in the vicinity of Duane Avenue and Comstock Avenue.
- SJC Mineta Airport Extension: Design is underway on a recycled water main extension to serve the new terminal which is already being constructed with dual plumbing to allow recycled water use in toilets and for irrigation.
- North San Jose Intensification: City staff is working with developers to extend recycled water mains and connect new construction in the North San Jose Intensification area.
- M-2, M-3, M-4 Site Retrofits Milpitas: City staff is working with the City of Milpitas to design and connect up to 70 additional sites in Milpitas adjacent to the existing pipeline.
- SJ Flea Market Extension: City staff is working with developers to extend recycled water mains and connect new construction in the SJ Flea market development area.

C. Watershed Protection Partnerships:

In addition to its water supply and flood protection partnerships, the City and the District work together to protect water quality, habitat, and streamside properties throughout the watershed. The section below discusses the achievements and next steps for five cooperative projects focused on watershed protection.

1. Trash Removal from Creeks

In September 2004, the City and District executed a Memorandum of Agreement (Agreement) for trash prevention and removal. The Agreement formalized the commitment of the City and District to increase coordination and collaboration on a variety of activities to achieve cleaner urban creek areas. The following describes key accomplishments in 2007.

- More than 28 tons of trash were removed from three creek sites in 2007 as partnered clean up projects:
 - On August 28, 2007, approximately 1.8 tons of trash and large debris were removed from a segment of Coyote Creek between Remillard Court and the Highway 280 Bridge.

- On October 23, 2007, approximately 3 tons of trash, large debris, and hazardous materials were removed from a segment of Guadalupe River between Virginia Street and Willow Street.
- On December 15, 2007, approximately 24 tons of trash was removed from three segments of Coyote Creek between Wool Creek Drive and Umbarger Road.

For the first two cleanup events, the District provided labor (District and San José Conservation Corps crews), while the City provided collection and disposal of garbage and large items. For the last clean-up event, the City provided labor (using Department of Corrections and Alternative Work Program inmate crews), disposal of garbage and large items, a compactor truck, and a pair of flatbed trucks for hauling debris to the landfill. The District provided a second compactor truck for hauling. The San José Police Department provided support at all three cleanup areas, which contained homeless encampments as well as other debris.

To support the people illegally camped on the parcels, the City's Housing Department arranged for staff to attend the last two events to offer social services. Approximately 45 to 50 individuals were moved out of encampments during the three clean up projects. As a result of Housing's participation, four homeless individuals were assisted in acquiring permanent housing.

- The Joint Trash Team developed an outreach fact sheet which provides information on the partnered cleanup events. The City took the lead on developing, translating, and printing the fact sheet, and the District mailed the fact sheets to residents and businesses located near cleanup sites on Coyote Creek.
- The City and District collaborated to expand the scope of the Agreement to include previous partnerships for routine trash removal at creekside encampments in order to restore the frequency of cleanups to the 2006 level. The new Agreement was approved by the Water District Board of Directors on January 8, 2008 and by the City Council on February 12, 2008.

The 2008 Work Plan contains many of the same objectives as the 2007 Work Plan.

Highlights of the 2008 Work Plan include:

- Expansion of partnered clean-ups to cover up to five events,
- Inclusion of the monthly encampment clean-up program,
- Inclusion of the District's weekly small encampment clean-ups, and
- Exchange of trash and litter outreach materials between the City and District.

2. **Countywide efforts focused on reducing trash**

In addition to the Agreement with the District, there are several countywide efforts. The same staff that is working on the City-District trash agreement is also coordinating with these other efforts including:

- Structural Trash Management Pilot: The City, in coordination with the City of Sunnyvale and the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), began implementation of a trash pilot project in Winter 2007, with the intent of testing inlet-based structural controls to prevent trash from entering the creeks and storm drains as well as to facilitate cleanup of trash before it reaches the creeks. Preliminary results will be reported in the FY 2008-09 Annual Report.
- Program Trash Ad Hoc Task Group (Trash Group): The City and District, in coordination with the other Program co-permittees, participate in the Trash Group with the goal of developing a strategy for addressing trash problems associated with urban runoff. Activities include documenting of trash management practices, collaborating with structural trash pilots currently underway in San José and Sunnyvale, and conducting trash assessments. In 2007, the Trash Group produced a trash Best Management Practices Tool Box, which is a detailed analysis of various trash management strategies utilized by jurisdictions throughout the world. It also examines the sources and pathways of trash as it moves through the urban landscape and, ultimately, into creeks and the Bay.
- Silicon Valley Anti-Litter Campaign: The City and the District, along with many local agencies and stakeholders, joined together to form the Silicon Valley Anti-Litter Campaign (Campaign). Formerly known as the Litter Technical Advisory Committee, the Campaign has taken on the challenge of creating a litter-free County. The Chair of the Campaign is Councilmember Nora Campos. The Campaign officially began its work in January 2007. The Campaign's five-year mission is '*to further beautify Santa Clara County by preventing and removing litter through enforcement, education, volunteerism and abatement.*' To accomplish this, five sub-committees have been established. Each sub-committee is responsible for developing annual work plans that include two specific goals per year. The five sub-committees include Enforcement, Education, Litter Control and Removal, Finance, and Volunteers (which is co-chaired by Councilmember Forrest Williams and Director Richard Santos).
- Creek Connections Action Group: This group, comprised of the City, the District, and County Parks, organizes two annual creek clean-ups in Santa Clara County. National River Clean-up Day occurs the third Saturday of every May and Coastal Clean-up Day occurs the third Saturday of every September. At the May 2007 National River Clean-up event, 553 volunteers removed over 29,000 pounds of trash and over 9,800 pounds of recyclables from 20 creek segments in Santa Clara County. At the September 2007 National River Clean-up Day, 865 volunteers removed over 31,600 pounds of trash and over 12,000 pounds of recyclables from 24 creek segments in Santa Clara County.

3. Coyote Valley Restoration Projects

There are two projects underway in Coyote Valley. They are the development of the Coyote Valley Research Park and the District's Laguna Seca Wetland Project. The proposed 689-acre Coyote Valley Research Park development includes a 6.6-million square foot office/research campus, approximately 45 acres of new and existing stream channels, and an

approximately 165-acre flood detention facility consisting of two detention basins. The District is planning to construct the wetland project within the detention basin area. Under the terms of a Land Transfer and Maintenance Agreement dated February 20, 2001, and signed by the Research Park developers, the District, and the City, the District will assume ownership and the operation and maintenance of the completed stream channels and detention basins.

The Fisher Creek box culvert, detention dams, weirs, hydraulic control structures, and discharge outlet for Research Park flood protection improvements were constructed in 2006 and 2007. The developer intends to delay excavation of the detention basins until the construction of two million square feet of office space in north Coyote Valley has occurred. The District had planned to create wetlands in the detention basin and the delay creates uncertainties in the project, which is currently being planned and is scheduled to start construction in 2010. During 2008, District staff will meet with the City and Research Park developers to discuss development of a Community Facilities District agreement that would allow the basin excavation to be completed and provide revenue for operations and maintenance of the flood protection related improvements.

4. **Santa Clara Valley Habitat Plan– A Conservation Legacy**

In 2001, the City, the County of Santa Clara, Santa Clara Valley Transportation Authority, and the District initiated a collaborative process to prepare and manage a Habitat Conservation Plan/Natural Communities Conservation Plan (Plan). Later, the cities of Gilroy and Morgan Hill also joined the effort. This long-range conservation Plan is being developed in partnership with the U.S. Fish and Wildlife Service, California Department of Fish and Game, National Oceanic and Atmospheric Administration (NOAA Fisheries), and other resource agencies and stakeholder groups. The goal of this Plan is to provide the means for conservation and restoration of 29 protected and endangered animal and plant species and their habitats, thereby contributing to their recovery while allowing for compatible and appropriate development. The Plan Area covers nearly 2/3 of southern Santa Clara County (over 500,000 acres) and includes urban development in Morgan Hill, Gilroy and San Jose excepting the Coyote Valley Specific Plan Area. The Plan also includes public projects sponsored by the Santa Clara Valley Transportation Authority and the District.

This past year, the local partners developed six draft chapters of the Plan for review by local partners, the wildlife agencies, and the project's Stakeholder and Liaison Groups. Working drafts of the chapters can be viewed on the project website at www.scv-habitatplan.org. During March and April 2008, it is anticipated elected bodies of each Local Partner will review the key policy contained within these chapters. The key issues to be reviewed are:

- Permit Term
- Covered Activities (public and private projects)
- Project Review Process and Conditions of Approval
- Preferred Conservation Strategy

- Plan Costs and Funding
- Implementation Entity

The goal of the review is to:

- Provide opportunity for public review and comment on key issues,
- Provide each partner elected bodies with updates on the key policy issues
- Allow for identification of issue areas.

Comments obtained during the review of these topics will be carefully assessed by the Management Team and consultants.

Also this year, the team initiated the Environmental Impact Report/Study process. The HCP/NCCP schedule remains ambitious. The goal is to have an approved plan by the end of 2009.

C. Parks, Trails and Open Space Partnership

- **City’s Green Vision Goal: 100 miles of trails by 2022**
- **District Goal: Utilize 70 miles of trails countywide**

The District and the City share a common goal of developing public access to trails and open space. The goal of the District’s Clean, Safe Creeks and Natural Flood Protection Program is 70 miles of trails countywide. The City is developing a 100-mile network of trails within its boundaries. This partnership supports the efforts of both agencies.

Projects developed jointly along waterways are recognized as “Collaborative Action Plan (CAP) Trails”. Projects developed by the City of San Jose outside of the CAP partnership add additional trail mileage, contributing to the City’s Greenprint and Green Vision goals of a 100 mile network. The following chart shows the status and number of miles of trail development to date:

Status	Jointly Developed Trails (Miles)	San Jose Developed Trails (Additional Miles)
Plan	33.80	2.50
Design	4.10	0.00
Construct	0.36	0.36
Open to public	32.62	13.78

Development of the 100-mile trail network has been reinforced by Council adoption of the Green Vision, which includes build out of the trail network within 15 years as Goal Number 10. Staff is assessing resources for more rapid development and is actively involved in the City’s Green Vision Task Force to advance the goal.

At the beginning of each fiscal year, the City's Trail Program staff issues an Annual Trail Report for the prior 12 months. The document is intended for the general public and provides an overview of trail development. The report is posted on the Trail Program's web page <http://www.sjparks.org/Trails/trailsindex.asp> (click the "Reports" link within the Trail Program section). Note that, for the purposes of this report, only the projects that are identified as part of the CAP are discussed. Information on non-CAP projects being developed by the City can be found on the Trail Program web site: www.sjparks.org/trails

Program Updates

- City staff met with CalTrans staff to conduct field review meetings and process necessary paperwork to access funds from the federal transportation bill (SAFETEA-LU). The bill includes four earmarks (valued at \$11.2M) for development of three trails: Coyote Creek (2 earmarks), Bay Trail and Lower Guadalupe River. In January 2008, staff was informed by CalTrans that a Notice to Proceed will be issued for each project. This notice will permit preparation of a master plan, CEQA/NEPA documents, and construction documents for Coyote Creek Trail (from Highway 237 to Story Road); and preparation of construction documents for Bay Trail (pedestrian bridge and under-crossings) and Lower Guadalupe River Trail (paved trail improvements).
- The City's Trail Program web site was awarded the 2007 Best Community Trail System Website Award by the American Trails Organization. The website was acknowledged for its extensive content and user-friendly format.
- City Parks staff worked with the City's Environmental Services Department to prepare a technical study to document the suitability of recycled materials for future trail construction. The study was completed in July and is posted on the Trail Program website.
- City staff coordinated with Healthy Silicon Valley, a local public health advocacy organization. Information about the Trail Network and the program's website was featured in the organization's December 2007 newsletter.
- City staff developed a formal "Trail Closure Process" in response to a prolonged closure along the Guadalupe River. The process requires that City Departments and outside agencies offer advance notice of temporary and long-term closures so that the City can inform the community and ensure that appropriate detour signage is posted.
- City staff met with Cisco Systems staff to promote the Lower Guadalupe River and Coyote Creek trails, which run along its campus in North San Jose. As a result of the meeting, the City's website is promoted on the company's Intranet sites as well as campus shuttle vehicles. A "customer story" is posted on the Trail Program website sharing information about a Cisco employee with a regular commute along the Lower Guadalupe River Trail.
- In September 2007, City staff and volunteers from the Friends of the Guadalupe River Park & Gardens and Silicon Valley Bicycle Coalition conducted Trail Count 2007. This was the first formal count of trail traffic. Counts were conducted on two consecutive Wednesdays from 7:00 AM to 7:00 PM. Nearly 1000 people used the trail one day, and of those, nearly

40% were commuting to and from work. The count results are posted on the Trail Program website.

- Staff submitted four grant applications totaling \$1,962,000 to various state and local agencies for four projects. Staff awaits notice on the status of each submission.

A detailed overview of each active project is provided in Attachment B.

D. Policy/Planning

1. Adopting Joint priorities for 2008-09

The District and the City have worked together to secure federal funding for projects within the City limits. In February 2008, the Board requested, and the Council agreed to recommend, support for federal funding for several flood control projects including:

- Coyote Creek Watershed Study
- Berryessa Creek Flood Protection Project
- Guadalupe River Flood Protection Project
- South San Francisco Bay Shoreline Project
- Upper Guadalupe Flood Protection Project
- Upper Penitencia Creek Flood Protection Project
- South San Francisco Bay Emergency Port Access Project

These projects not only provide flood protection for thousands of homes and businesses, but also enhance the quality of life for residents.

Additionally, the City and the District are committed to supporting statewide policies that address the issue of global climate change. The government relations staff at the District and the City will continue to coordinate and provide support and legislative recommendations related to flood protection, water supply, water reclamation, energy efficiency, carbon reduction, water conservation and other activities that support implementation of the City's "Green Vision" and the District's desire to engage on climate change.

2. Protection and augmentation of the water supply

The District prepares an annual report on activities in the Protection and Augmentation of the Water Supplies (Report), formerly titled Water Utility Enterprise report. The Report also includes a financial analysis of the District's water utility system as well as proposed groundwater rates for the subsequent year.

The Report will be filed with the District Clerk of the Board by March 25, 2008. The proposed groundwater production charges recommended in the report will be the basis of public hearings to be held by the District Board of Directors, beginning on April 8, 2008. The Board will adopt a final set of groundwater production charge rates in June in conjunction with the adoption of a final budget for fiscal year 2008-2009.

3. District Comprehensive Plan

The Santa Clara Valley Water District is developing a Comprehensive Water Resources Management Plan (Comp Plan) to provide the context for, and content of, District policies in a single document. To build community understanding of existing policies, to the extent appropriate, the format of the Comprehensive Plan will follow the "General Plan" structure used by cities and counties. Unlike the cities and counties, Water Districts are not required to have single policy document or a General Plan. The following steps have been made to date:

1. A Focus Group representing municipal planning, water retailer, regulatory and community interests has been established.
2. Existing District policies, which clarify District's level of responsibility, have been compiled.
3. The Focus Group has reached a general consensus on the form and format of the document.
4. The policies and stewardship plans for each watershed have been compiled.

Working with the Focus Group, the District goal is to complete a draft Comp Plan by June 2008, and distribute associated fact sheets by June 2009. The next Focus Group meeting is scheduled for May 16, 2008 from 12:30 pm to 4:00 pm.

COST IMPLICATIONS

There are no additional cost implications at this time. The budgetary impact of each agreement will be brought to the Council and Board as part of the final approval of any such agreement.

PUBLIC OUTREACH

Public outreach has been part of many of the individual projects discussed above including numerous community meetings on water conservation, trash cleanups, the Habitat Conservation Plan, and recycled water. The City coordinated outreach with the District in 2007 to encourage litter clean-up within the Coyote Watershed, the county's largest watershed, extending from Mount Hamilton to south San Francisco Bay. Sixteen major creeks drain into this 322 square mile area. The City and Water District created a Coyote Watershed fact sheet to inform residents about the importance of the watershed and keeping creeks clean. It included information about how to report illegal dumping and how to get involved with organized clean up efforts through Adopt-a-Creek and Adopt-a-Park.

03-17-08

Subject: Status Report Cooperative Efforts Between City of San Jose and Santa Clara Valley Water District
Page 22

The City and District coordinated on water conservation outreach during August and September 2007. A bill insert urged customers to cut water use by 10 percent and provided information on how to sign up for a free Water-Wise House Call to diagnose water use. This trilingual piece in English, Spanish and Vietnamese was distributed widely.

COORDINATION

This memo was coordinated with staff from the City's departments of Environmental Services; General Services, Housing, Parks, Recreation and Neighborhood Services; Planning, Building and Code Enforcement; Public Works, and Traffic, the Office of Emergency Services; the San José Redevelopment Agency, the City Attorney's Office, and the appropriate Water District staff.

CEQA

Not a Project. Environmental review was completed or is in progress as appropriate for each of the individual projects described in this Annual Status Report.



DEBRA FIGONE
City Manager
City of San José



OLGA MARTIN-STEELE
Chief Executive Officer
Santa Clara Valley Water District

Attachments:

Attachment A: Status of follow-up from the 10/07 Joint Study Session on Flood Management

Attachment B: Status of Priority Collaborative Action Plan Trail Projects (as of 1-23-08)

Attachment A

Status of follow-up from the 10/07 Joint Study Session on Flood Management

During the November 19th Joint Session, each of the three topic areas presented (Floodplain Management, Floodwater Management and Emergency Preparedness) was opened for discussion following staff presentations. The following items are updates on suggestions, questions or comments that were discussed.

I. FLOODPLAIN MANAGEMENT

- ***Lower Silver Creek map status*** – As a result of the Lower Silver Creek Flood Protection Project, a Letter of Map Revision (LOMR) application to FEMA has been drafted by the District for signature by the National Resources Conservation Service (NRCS), the federal sponsor for this project. After NRCS signs off, the City will sign the completed LOMR application and it will be submitted to FEMA in early 2008. FEMA is expected to approve the LOMR application within a nine month period (by fall 2008). Once approved, the City and the District will send a joint letter to all property owners whose parcels will officially be removed from the floodplain by this LOMR, informing them of the effective date of the revised floodplain maps. Property owners will receive a one-year flood insurance refund from their insurance companies after the revised floodplain maps become effective. City staff will provide information on the refund process to property owners.

II. FLOODWATER MANAGEMENT

- ***Stream Maintenance Program*** – In response to a suggestion that staff pursue options to reduce sediment disposal costs by using sediment as groundcover material and/or for other recycling opportunities, District staff is developing a work program to examine alternative sediment disposal issues and examine previously suggested ideas for sediment management. Staff resources to implement this work program will be proposed in the Fiscal Year 2009 District budget.
- ***Workshops for stream-side property owners*** – At the Joint Session, staff was asked to consider holding Stream-side work shops for property owners. The District's 2008 fiscal year budget includes a project called "Creekwise Education and Volunteer Programs." Among the project's objectives is to develop and implement a new workshop series aimed towards creekside property owners. The workshop series will address such topics as proper creek care, native plant species, runoff issues/concerns, pollution prevention tips, upstream and downstream implications of creekside activity and suggestions for working as a community on creek protection. District staff has already begun to develop the program which will emulate the already successful water efficient landscaping workshop series. The inaugural workshops are expected to be held in March 2008.

III. EMERGENCY PREPAREDNESS

- ***Multi-lingual education for Emergency Preparedness*** – San Jose's Office of Emergency Services gave its first San Jose Prepared! Classes in Spanish in January 2008 and its first class in English-Vietnamese and English-Chinese in March 2008.

- ***Consider offering San José Prepared classes on-line*** - San Jose's Office of Emergency Services is planning to offer the classroom portion of both its 2 hour and its 20 hour courses on-line beginning in FY 2008-2009.
- ***Explore options for reverse 911 system*** - San José is currently exploring a variety of alerting and notification systems through the region's Super Urban Area Security Initiative (SUASI).
- ***Develop mobilization plan for volunteers*** - San Jose's Office of Emergency Services works closely with the Volunteer Center of Silicon Valley on the topic of volunteer mobilization. OES is sponsoring a workshop on volunteer management in November 2008.
- ***Coordination with FEMA*** - To the extent that staff was asked to coordinate with FEMA a local emergency response plan, San Jose's Office of Emergency Services corresponds with FEMA Region IX in Oakland on a weekly basis for the express purpose of sharing information and lessons learned. OES is also an active participant in FEMA's catastrophic earthquake planning process, the preliminary results of which are scheduled for publication sometime in March 2008.

IV. GENERAL DISCUSSION ON PUBLIC OUTREACH

- ***Establish outreach plan to increase the number of FEMA insurance policy holders in San José*** - With FEMA's Digital Flood Insurance Rate Map (DFIRM) update currently underway, staff anticipates that approximately 19 properties (all non-residential) in the Coyote Creek area will be added to the floodplain and an, as yet, an undetermined number in the San Tomas Aquino Creek area. In February 2008, staff met with representatives from FEMA, Santa Clara Valley Water District, County of Santa Clara, Cities of Mountain View, Campbell and Gilroy to begin discussions on a coordinated public outreach plan. Staff expects the public outreach to begin in early summer 2008, with FEMA issuing the final maps that will go into effect in late 2008 or early 2009.
- ***Pursue consolidation of authority over creeks wherever possible, establishing a singular contact point for property owners in San José*** - As discussed during the Joint Session, regulatory authority over creeks involves a variety of agencies from the local to federal level with a variety of interests and focus. The consolidation of authority at the State and Federal level is difficult to promote from a local perspective. However, through the Water Resource Protection Collaborative, authority over creeks at the local level has been consolidated. The City is the initial contact for development, flooding issues and for activities along creeks and, when coordination at a state and federal level is needed, city staff will direct a caller to the appropriate agency. When the District has land rights, the City has established contacts through the Water Resource Protection Collaborative and can direct a caller to the appropriate District staff.

ATTACHMENT B
Current Status of Priority Collaborative Action Plan Trail Projects
(as of 1-23-08)

Project Name / Milestone I.D.	From	To	Length (mi.)	CAP Order	Interim	Status
Albertson Parkway (ALB01)	Cresta Vista Drive	Curie Drive	0.49	Open-Rehab		<ul style="list-style-type: none"> ▪ (Non-CAP Project) Construction documents completed. ▪ Construction funding appropriated in City budget, with balance secured by a grant source. ▪ Construction to occur during summer 2008.
Bay Trail – Reach 9 (BAY09)	Saratoga-San Tomas Creek	Alviso Slough	1.10	Planning		<ul style="list-style-type: none"> ▪ Notice to proceed with expenditure of (SAFETEA-LU Federal Transportation Bill) anticipated in late January 2008. Funds available to support preparation of environmental and construction documents.
Bay Trail – Reach 9B (BAY09B)	Alviso Slough (north bank)	Alviso Slough (south bank)	0.10	Study		<ul style="list-style-type: none"> ▪ Geotechnical Study completed to define the footings required for future construction of a 540' pedestrian bridge. ▪ Coordination with private developer completed to ensure that south bank development is sufficiently elevated to accommodate future bridge. ▪ SAFETEA-LU funds have been allocated to the preparation of construction documents for the pedestrian bridge and 3 related under-crossings. ▪ A grant request has been submitted to ABAG for funding to prepare construction documents for the adjacent trail (Reach 9) which links to San Tomas Aquino Trail.
Bay Trail – Reach 7A (BAY07)	Gold Street	UPRR	0.49	Plan	Interim	<ul style="list-style-type: none"> ▪ City Real Estate staff reviewing existing easement agreements to determine agreements necessary for future recreational access.
Coyote Alamos Canal (COA01-02)	Lake Almaden	Coyote Creek	9.90	Study		<ul style="list-style-type: none"> ▪ Engineering study completed. ▪ Should funding become available, staff will approach property owners within select reaches do determine interest in offering easements for public recreation.
Coyote Creek – Reach A (COY05)	Montague Exp	Highway 101	3.76	Planning		<ul style="list-style-type: none"> ▪ Notice to proceed with expenditure of (SAFETEA-LU Federal Transportation Bill) anticipated in late January 2008. ▪ Funds to support preparation of environmental and planning documents
Coyote Creek – Reach B-1, B, 1a-1, 1b (COY06-10)	Highway 101	Story Road	2.67	Planning		<ul style="list-style-type: none"> ▪ See above (regarding SAFETEA-LU funds) ▪ Federal funds to support preparation of construction documents. ▪ Initial Study (environmental document) under review during January 2008.

Project Name / Milestone I.D.	From	To	Length (mi.)	CAP Order	Interim	Status
Coyote Creek – Reach 2 (COY 11)	Story Road	Kelley Park (Phelan Avenue)	0.87	Design		<ul style="list-style-type: none"> Construction documents prepared to the 35% stage Grant request submitted to the Bay Area Ridge Trail to fund completion of construction documents.
Coyote Creek – Reach 3, 4a (COY 13)	Kelley Park (Phelan Avenue)	Los Lagos Golf Course (Idlewood Dr.)	1.88	Design		<ul style="list-style-type: none"> Master plan completed. Construction documents completed to the 35% stage for trail between Tully Road and Los Lagos Golf Course.
Coyote Creek – Reach 20B (COY 20B)	Piercy Rd	Silicon Valley Blvd / Tennant Ave	1.67	Design		<ul style="list-style-type: none"> RDA reports that construction documents have been completed. No funding in place for construction.
Fowler Creek (FOW 02)	Alita Ave	Ruby Ave	0.39	Construction		<ul style="list-style-type: none"> Project completed in July 2007.
Guadalupe Creek Trail – Almaden Exp Bridge (GUC 01A)	Los Alamos Creek Confluence	Guadalupe Creek	0.04	Study		<ul style="list-style-type: none"> See above (regarding SAFETEA-LU funds). Federal funds to support preparation of construction documents have been identified, and field review meeting conducted with Caltrans. Staff anticipates notice to proceed from Caltrans by end of January. Staff coordinating with the County of Santa Clara to monitor their efforts to underground power lines that would impact the bridge's development.
Guadalupe Creek Trail – Reach 6 (GUC 01)	Almaden Exp	Singletree Way	1.73	Construction	Interim	<ul style="list-style-type: none"> Trail from Almaden to Meridian open to the public in an “interim” form. Easement required for remaining portion to open – staff coordinating with PG&E for access. Additional improvements will be required at the Singletree Way entrance prior to public opening.
Guadalupe River – Reach A to D (GUA01-04)	Gold St / Alviso	Hwy 101	4.66	Planning	Interim	<ul style="list-style-type: none"> Trail open to the public in an “interim” form. Notice to proceed in expending SAFETEA-LU funds expected by end of January. With that notice, staff will take steps to initiate preparation of construction document for paved trail.
Guadalupe River – Reach E (GUA05 and 05A)	Hwy 101	Hwy 880	2.04	Construction		<ul style="list-style-type: none"> Airport Parkway Under-Crossing completed to the 99% stage. Punch list items remain to be completed. Notice to proceed in expending SAFETEA-LU funds expected by end of January. With that notice, staff will take steps to initiate preparation of construction document for paved trail in this project area.
Guadalupe River – Reach 6 (GUA16)	Woz Way	Virginia St	0.19	Design		<ul style="list-style-type: none"> Staff secured final direction from Caltrans on development of improvements; preparation of construction documents is proceeding.
Guadalupe River Park	Grant Street	Highway 880	2.80	Built		<ul style="list-style-type: none"> Agreement under review. Defines roles and responsibilities of City and SCVWD in managing and operating park.

Project Name / Milestone I.D.	From	To	Length (mi.)	CAP Order	Interim	Status
Hwy 237 Bikeway (H237 01)	San Tomas Aquino Creek Trail	Coyote Creek	3.54	Planning		<ul style="list-style-type: none"> (Non-CAP Project) Coordinate with DOT and Caltrans to process an agreement to assume maintenance responsibility. Execution of agreement pending resolution of property issues by Caltrans.
Los Gatos Creek – Reach 4 (LGC 03)	Lincoln Ave.	Auzerais Ave.	0.64	Design		<ul style="list-style-type: none"> Project completed and open to the public.
Los Gatos Creek – Reach 5 (LGC 02)	Auzerais Ave	Santa Clara St / Confluence Pt	0.90	Planning		<ul style="list-style-type: none"> EIR no longer required with elimination of proposed Santa Clara Street under-crossing. Initial Study (environmental) under review during January 2008.
Penitencia Creek – Reach 1 (PEN 12)	Alum Rock Park	Noble Ave.	0.55	Planning		<ul style="list-style-type: none"> Master Plan completed. Cost estimate for preparation of construction documents has been prepared and will be provided to Council for consideration as part of annual budget process.
Penitencia Creek - Reach 2B (PEN 11)	Noble Ave.	Piedmont Rd.	0.62	Construction	Interim	<ul style="list-style-type: none"> Joint Trail Agreement executed and trail open to the public.
Penitencia Creek – Reach 3	Penitencia Creek Road	Viceroy Drive	0.01	Construction		<ul style="list-style-type: none"> Sidewalk, median island, signage and striping improvements have been completed. Project serves to improve safety at on-street intersection of trail system. Flashing beacon remains to be installed.
Penitencia Cr. Reach 6 (PEN 02-04)	King Rd.	Mabury Ave.	0.34	Design		<ul style="list-style-type: none"> Construction documents completed and permits secured. Partial funding in place. Staff seeking grant for balance of required funding.
(Lower) Silver Creek – Reach 1 to 16 (SCL01-16)	Thompson Creek	Coyote Creek	5.31	Planning		<ul style="list-style-type: none"> Master Plan completed. Staff has prepared cost estimates for trail development along two reaches for consideration by council as part of annual budget process.
Thompson Creek (THO 01)	Tully Rd.	Aborn Rd.	1.77	Planning	Interim	<ul style="list-style-type: none"> Joint Trail Agreement executed. City staff coordinating with General Services Department to arrange for signage and fence work.
Willow Glen Spur (west) (WG_03-08)	Los Gatos Creek	Highway 87 Bikeway	1.48	Planning		<ul style="list-style-type: none"> (Non-CAP Project) Funds for acquisition to be appropriated in February 2008. City council directed staff to acquire western alignment parcels, between Broadway Avenue and Minnesota Avenue.
Willow Glen Spur (east) (WG_09-11)	Highway 87 Bikeway	Coyote Creek	1.71	Planning		<ul style="list-style-type: none"> (Non-CAP Project) Coordination with County and community regarding future of trail development along this alignment. Community meeting scheduled in February 2008.