

San Francisquito Creek Joint Powers Authority
September 26, 2008 Board Meeting
Agenda Item 6

Executive Director's Report

With substantial help from Kevin Murray and Miyko Harris-Parker, I am pleased to submit my first Executive Director's Report to the JPA Board. There are four items in this report, including:

a) Santa Clara Valley Water District discussions

Following my introduction by Director Kwok to the Santa Clara Valley Water District Board in early September, Kevin and I began meeting with Water District staff to discuss the tasks and costs related to advancing the U.S. Army Corps of Engineers Feasibility Study, and strategies to move forward with Early Implementation Projects (EIP). These discussions have focused on the following:

- A preliminary plan developed over the past three weeks with the Corps of Engineers to move forward with Feasibility Study tasks and estimate associated costs in federal FY09 (October 1, 2008-September 30, 2009). Please see item 6c "U.S. Army Corps of Engineers progress and FY 2008-09 plan" below.
- A roadmap to fund and accomplish EIP analysis, priority setting, design and construction.

I anticipate that Water District staff will bring a plan and budget for the SFC Feasibility Study and EIPs to the Water District Board before the end of this calendar year. Prior to that, these items will be considered by the JPA Board. Towards this end, meetings between me, Beau Goldie, Jason Christie and Kevin Murray will continue every two weeks indefinitely. Additionally, I have begun discussions with Water District government relations staff about coordinating our Sacramento and Washington, DC activities.

b) Early Implementation Project process and progress

Earlier in 2008, the JPA's Management Team recommended that the JPA narrow the number of possible Early Implementation Projects for initial consideration to the following seven projects: creating an upstream retention basin on Stanford land, altering the Middlefield and/or Pope Chaucer Bridges, constructing an additional culvert under Highway 101, creating a new watercourse through the Palo Alto Golf Course, creating weirs to allow overflow from SF Creek to PAGC or Baylands, and, downstream of US 101, moving levees back to widen the channel or increasing the height of levees.

The Management Team used four criteria with which to evaluate EIPs, and stated that each project:

- Must not increase flooding downstream or to other areas of the community,
- Must be eligible for Section 104 agreement and Federal credit,
- Must be a flood damage reduction project, and
- Must be a stand alone project (does not rely on other projects to be effective).

Because financial and political constraints do not allow us to pursue all many projects simultaneously, I attempted to ascertain whether a consensus exists so that we may aggressively pursue 1-2 projects in the near future. In conversations with JPA Board members and staff, other public officials, public sector staff and key community stakeholders over the past six weeks, I consistently heard that upstream retention is a necessary component of any comprehensive solution, but that this solution includes significant obstacles.

I also consistently heard that, short of a large new upstream retention area, the first priority must be the section of the Creek downstream of Highway 101. Of the non-retention area preferred projects, only the options East of US 101 can result in a stand alone project that does not increase flooding for other residents.

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Executive Director's Report (continued)

Thus, while no solution is off the table, I propose that the JPA embark on a process to thoughtfully but expeditiously assess the technical, financial, and political costs and benefits of downstream alternatives. My goal is that we prioritize these alternatives so that we can aggressively pursue a project – which simultaneously has flood reduction, environmental and recreational/social benefits – beginning in early 2009. Towards this end, I intend to discuss with the Board at its next meeting securing the services of a consulting professional to help us assess the technical and financial aspects of these alternatives.

c) U.S. Army Corps of Engineers progress and FY 2008-09 plan

The Corps team has informed us that all tasks associated with mapping for the Feasibility Study have now been completed and final product delivery should take place within the next month.

The Amendment to the Feasibility Cost Share Agreement (FCSA) needed to allow the JPA to advance funding ahead of federal appropriations has been reviewed by the San Francisco District of the Corps and by their Division staff, and is awaiting final signature by Headquarters. Once the FCSA amendment is signed, the \$100,000 commitment by Water District to complete the hydraulic model can be advanced and work can commence.

In anticipation of possible federal appropriations for Fiscal Year 2009, and with ongoing discussions around providing advanced local funding to expedite tasks within the Project Management Plan (PMP) of the Feasibility Study, a series of meetings have begun with the participation of Corps, Water District, and JPA staff. The primary focus has been identifying priority tasks within the PMP that can be completed over the next twelve months assuming full funding from federal or non-federal sources, and identifying which agency should take the lead on completing, or overseeing consultants that complete, each task. The priority tasks for the next twelve months include: hazardous toxic and radioactive waste assessment, sediment studies, cultural studies, environmental planning, water resources analysis and hydraulic model, geotechnical design and analysis, Plan formulation, and public communication.

d) Signature of remaining Army Corps of Engineers Federal Cost Share Agreement documents

The JPA Board of Directors authorized signature of the Feasibility Cost Share Agreement (FCSA) with the U.S. Army Corps of Engineers on 11/17/2005. When signing the FCSA, two articles to the agreement were inadvertently not signed. It is not known if the articles were not part of the original package prepared by Corps staff or if they were accidentally omitted by the JPA. Their non presence among the other FCSA articles was noticed by Corps staff in its review of the FCSA amendment. It was also discovered that a third article needed to be slightly edited. Enclosed are the three articles to the FCSA that will need to be signed before the FCSA amendment can be completed. Signature of these documents will not amend the current Agreement nor change the scope of work. It is not required for the JPA Board to take action on these items, as they are part of a document that the Board has already authorized. Staff requests that the Chair and Legal Counsel sign these documents today.

Submitted by:



**Len Materman
Executive Director**