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DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY SKITNEY HUELBIG DEPUTY

August 25, 2015

The Honorable Rise Jones Pichon
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

Subject: Response to Final Grand Jury Report entitled, "A Slow
Moving Emergency—Sea Level Rise"

Dear Judge Pichon:

Thank you for this opportunity to respond to the 2014-2015 Santa Clara County Grand Jury Report entitled, "A Slow Moving Emergency—Sea Level Rise." We would also like to thank the Grand Jury for their service. Sea Level Rise is a complex issue and the Grand Jury has aptly described the expected impacts to Santa Clara County.

This letter was prepared based on instructions from the California Penal Code; Section 933.05. As directed in your transmittal letter we have responded to Findings 4 and 5 as well as Recommendations 1, 4, and 5. This letter was approved by the Board of Directors of the Santa Clara Valley Water District (District) on Tuesday, August 25, 2015.

The District has long recognized that sea level rise and other climate change impacts may significantly impact our work as the primary water management agency for Santa Clara County. The District's mission covers three areas—water supply, flood protection, and protection of our Bay and stream habitats. Each of these areas is expected to be impacted by climate change. The District shares the Grand Jury's interest in adapting to sea level rise and appreciates the thoughtful recommendations. The Grand Jury report described some of the actions that the District undertook to address sea level rise. There were other actions that were either not presented or took place after the grand jury investigation. This response will try to clarify and supplement the information presented in the Grand Jury Report.

Again, we appreciate the opportunity to respond to the Grand Jury Report and appreciate the Grand Jury for preparing the report, which raises the awareness on this important topic. If you have questions, please contact Norma Camacho, Chief Operating Officer—Watersheds, at ncamacho@valleywater.org or (408) 630-2939.

Sincerely,



Gary Kremen
Chair/Board of Directors

Attachment: Response to Grand Jury Report
cc: Board of Directors (7)

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081304.docx

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**RESPONSE TO GRAND JURY REPORT
“A SLOW MOVING EMERGENCY—SEA LEVEL RISE” DATED JUNE 11, 2015**

FINDING #1

The cities of Palo Alto, Mountain View, and Sunnyvale want to retain control of Sea Level Rise related efforts within their jurisdictions, but would like to have an organization assume responsibility for coordinating the plans and activities involved in addressing Sea Level Rise.

Santa Clara Valley Water District (District) Response to Finding #1: Respondent agrees with the finding with additional explanation.

The District agrees that the cities mentioned want to retain control of sea level rise related efforts within their jurisdictions. Different cities around the South Bay have different levels of exposure to sea level rise depending on the geographic geometry of the Bay and the existing shoreline features. It is understandable that cities want to retain control because of this varying risk exposure. The District has authority to undertake flood protection in the Santa Clara County and will coordinate with the cities on their individual efforts.

The District's long term plan to adapt to sea level rise is to complete construction of a levee along the South Bay shoreline. Because of the size and cost of this project, it will take place in phases, with the most vulnerable Alviso area protected first and others in turn. This entire project may take years to complete. In the interim, the District, as well as some cities such as Mountain View, is undertaking short term measures to adapt to the rising sea. The short term measures include understanding the flood protection functions of the existing shoreline features such as the salt ponds, maintaining the salt pond levees and enhancing local shoreline feature to adapt to the rising sea, and communicating the risk to cities and communities.

RECOMMENDATION #1

The Santa Clara Valley Water District should take a more proactive role in coordinating with cities that will be affected by Sea Level Rise, unifying, integrating and directing efforts in Santa Clara County.

District Response to Recommendation #1: Respondent agrees with the recommendation with the following additional information.

Current coordination efforts between the District and cities occur through two channels. One is the stakeholder work group of CHARG (Coastal Hazards Adaptation Resiliency Group), a regional organization founded by the Army Corps of Engineers, Federal Emergency Management Agency (FEMA), California Department of Water Resources, the District and a number of water districts around the San Francisco Bay. The cities that abut the South Bay are members of the CHARG stakeholder group. The other coordination channel is through the CRS (Community Rating System) user group, formed of city and county floodplain managers and led by the District. The CRS users group meets quarterly to discuss flood risk reduction actions in the County.

FINDING #4

The Santa Clara Valley Water District, which is by law tasked with the responsibility for flood control in Santa Clara County, has not coordinated Santa Clara County's efforts to address Sea Level Rise in all of the cities in Santa Clara County that abut the Bay.

District Response to Finding #4: Respondent partially disagrees with the finding.

Per Section 5.6 of the District Act, the District has the power to carry out flood protection activities in Santa Clara County. While the District has not coordinated *all* sea level rise efforts in all of the cities in Santa Clara County abutting the Bay, the South Bay Shoreline levee project mentioned in the response to Finding #1 has been conducted in close coordination with those cities.

RECOMMENDATION #4

The Santa Clara Valley Water District should coordinate Santa Clara County's efforts to address Sea Level Rise for all of the cities in Santa Clara County that abut the Bay.

District Response to Recommendation #4: Respondent generally agrees with the recommendation.

While the District has provided coordination as part of the South Bay Shoreline project, the District agrees with the Grand Jury's recommendation that more coordination should take place between the District and cities in Santa Clara County in response to sea level rise. The District will work with the cities that abut the bay to develop a coordination program that is mutually agreeable. The recommendation will be implemented by four actions in addition to our on-going activities:

1. Designation of a specific District lead person for Sea Level Rise coordination;
2. Develop sea-level-rise flood maps for each city abutting the Bay to facilitate risk communication;
3. Communicate sea level rise information with elected officials through the Water Commission; and
4. Communicate sea level rise information with city Managers through the Santa Clara County City Manager's Association.

FINDING #5

According to the Santa Clara Valley Water District's website, since July 2012, it has held only one public meeting to share information about Sea Level Rise.

District Response to Finding #5: Respondent disagrees with the finding.

The District respectfully disagrees with this finding. Many meetings have taken place since 2012 where sea level rise was a significant topic (see Table 1). The District's websites for Climate Change and Sea Level Rise have been updated regularly to contain significant information.

RECOMMENDATION #5

The Santa Clara Valley Water District should provide more information for the residents of Santa Clara County about Sea Level Rise.

District Response to Recommendation #5: District generally agrees with the recommendation.

The access to District websites has been improved to facilitate better electronic searches for the public. For easy reference, the linkages to District's websites are provided below:

Climate change:

http://cf.valleywater.org/Water/Where_Your_Water_Comes_From/Water%20Supply%20and%20Infrastructure%20Planning/Climate%20Change/portal.cfm

Sea level rise:

http://cf.valleywater.org/Water/Where_Your_Water_Comes_From/Water%20Supply%20and%20Infrastructure%20Planning/Climate%20Change/SeaLevel.cfm

TABLE 1
District Communication Efforts Where Sea Level Rise Was an Important Topic

Date	Item	Links
1/29/2008	SCVWD Board Work Study Session on Climate Change presented by Deputy Operating Officer, Melanie Richardson, (Agenda Item No. 3)	http://cf.valleywater.org/About_Us/Board_of_directors/Board_meetings/ 2008 Published Meetings/MG31919/AS31929/AI32163/DO32174/DO_32174.pdf http://scvwd.granicus.com/MediaPlayer.php?view_id=3&clip_id=150
5/23/2012	Presentation by Chief Operating Officer, Norma Camacho, on "Planning for the Bay of the Future: Resources for Coastal Climate Change Adaptation," held in Berkeley, California	http://data.prbo.org/apps/ocof/docs/BayOfTheFutureWorkshop_Summary.pdf
5/24/2012	Presentation by District Director Brian Schmidt to Sustainable Silicon Valley, "Water and Watershed Resiliency to Climate: Commitments at the Personal and Agency Levels".	http://www.youtube.com/watch?v=hUwVgDUqqC4&feature=youtu.be
7/10/2012	SCVWD Board Agenda Item 3.5 Lower Peninsula Flood Protection and Watershed Advisory Committee - Consider the criteria for flood protection projects to include new developments, a high score for flood insurance currently paid by owners, sea level rise, a higher ranking for environmental stewardship, and protection for any master planning efforts of other municipalities and regional agencies. Also, the committee requests to receive information on the proposed validation presented by Michelle King, Clerk of the Board.	X:\CONFORMED BOARD AGENDA ITEMS\2012 BOARD MEETINGS\071012 Board Meeting\071012 Item 3.5 Lower Pen FCWAC.PDF
8/23/2013	Presentation by Sarah Young, Senior Project Manager, on Climate Resilient Water Resources Planning: A Local Perspective Presentation to Department of Water Resources.	http://www.water.ca.gov/climatechange/docs/CCTAG_SYoung_8-23-13.pdf
9/10/2013	Presentation by District Director Linda LeZotte to the Campbell Lions Club on "Sea Level Risks & Adaptation".	Sea Level Rise Risks & Adaptation Presentation to Campbell Lions Club - Director Linda LeZotte 9-10-13.pptx

Date	Item	Links
10/29/2013	Presentation by District Director Linda LeZotte to the State of Estuary Conference on "Sea Level Risks & Adaptation".	Sea Level Rise Risks & Adaptation Presentation to State of Estuary Conference - Director Linda LeZotte 10-29-13.pptx
11/18/2013	Climate Change Overview—SCVWD's Response to Climate Change.	X:\Office of Water Resource Planning\Sea Level Rise\Climate Change Overview - SCVWD's Response to Climate Change 11-18-13.pdf
4/22/2014	<p>SCVWD Board Agenda Item 6.2 Recommended Positions on State Legislation:</p> <p>AB 1970 (Gordon) California Global Warming Solutions Act of 2006;</p> <p>AB 2516 (Gordon) Sea Level Rise Planning presented by Tom Martinez, Assistant Operating Officer.</p>	X:\CONFORMED BOARD AGENDA ITEMS\2014 BOARD MEETINGS\042214 Reg Mtg
5/8/2014	<p>CHARG Coastal Hazards Adaptation Resiliency Group—Ongoing Meeting Agendas/Minutes/Information</p> <p>Steering Committee Members representing SCVWD: Norma Camacho and Liang Lee.</p> <p>CHARG (Coastal Hazards Adaptation Resiliency Group) is a newly formed collaboration of San Francisco Bay Area planners, scientists, engineers, and policy makers from local, state, and federal agencies—all sharing responsibility to protect people and property from flooding and to enhance the Bay Area's shoreline ecosystems.</p>	http://www.acfloodcontrol.org/SFBayCHARG/
9/3/2014	Presentation by Beau Goldie, Chief Executive Officer, to the Floodplain Management Association— "Responding to Climate Change, including sea level rise impacts".	Responding to Climate Change Beau Goldie's Presentation to Floodplain Management Assn.
1/13/2015	Newsletter: The South San Francisco Bay Shoreline Study Alviso Ponds & Santa Clara County Interim Feasibility Study.	SF Bay Shoreline Study Shell 1-13-15.pdf
2/1/2015	CHARG Coastal Hazards Adaptation Resiliency Group: <i>Strategic Brief Q1 2015</i> .	http://www.acfloodcontrol.org/SFBayCHARG/pdf/CHARG StrategicBrief Q1-2015.pdf

Date	Item	Links
2/19/2015	BAFPAA-CHARG ANNUAL CONFERENCE 2015 Sea Level Rise, Extreme Weather and Regulatory Hurdles: The New Challenges for Flood Protection— Panel: Visioning for a Resilient Tomorrow, Moderator: Norma Camacho, SCVWD.	http://www.acfloodcontrol.org/SFBayCHARG/pdf/agenda_2015-02-19.pdf http://www.acfloodcontrol.org/SFBayCHARG/conference2015/index.html
3/26/2015	Regional Impacts of Flood Protection Measures in San Francisco Bay Brown Bag— <i>Storm surge and high tides magnify the risks of sea level rise.</i> Presented by: Professor Mark Stacey, UC Berkeley. Coordinated by: Pat Showalter, Senior Project Manager.	http://www.aqua.gov/people-projects/brown-bag-march-26-regional-impacts-flood-protection-measures-san-francisco-bay
4/20/2015	Panel discussion given by Senior Project Manager, Pat Showalter, to unveil "Surviving the Storm," presented by Bay Area Economic Council.	http://www.bayareacouncil.org/issues-initiatives/storm-flood-protection/
6/15/2015	Newsletter: The South San Francisco Bay Shoreline Study Alviso Ponds & Santa Clara County Interim Feasibility Study—First Phase Economic Impact Area 11.	South SF Bay Shoreline Study, Alviso EIA11 Sheet 6-15-15 BA.pdf
6/19/2015	Presentation by Deputy Operating Officer, Melanie Richardson, at the "Meeting the Challenge of Sea Level Rise in Santa Clara County Workshop" hosted by Congresswoman Anna Eshoo and Assemblyman Rich Gordon.	http://asmdc.org/members/a24/attachments/GordonRisingSeaLevelFlyer.pdf http://www.asmdc.org/members/a24/attachments/MelanieRichardson_PPofShorlineMaps.pdf

Date	Item	Links
Webpage	Project E7: San Francisco Bay Shoreline Study website—Planning efforts for EIAs 1-10 are currently ongoing to assess potential tidal vulnerability of the areas behind the existing shoreline levees with three future sea level rise scenarios on a risk and uncertainty basis. The study effort will also evaluate cost/benefit for the preferred alternative of a protective shoreline levee under one percent tidal flood protection with three sea level rise conditions.	http://www.valleywater.org/SCW-E7.aspx
Webpage	Public Review Documents—Project South San Francisco Bay Shoreline Study Phase 1: Project DEIS/DEIR documents - The Project would provide protection from tidal flooding with sea level rise to the area between Guadalupe River and Coyote Creek.	http://www.valleywater.org/PublicReviewDocuments.aspx
External Landing Pages	District external pages on Climate Change and Water Resource.	http://www.valleywater.org/Services/ClimateChange.aspx http://cf.valleywater.org/Water/Where_Your_Water_Comes_From/Water%20Supply%20and%20Infrastructure%20Planning/Climate%20Change/portal.cfm