



## Assembly Member Robert Rivas, 30th Assembly District

### AB 3005: Expedited Dam Safety for Silicon Valley Act

#### SUMMARY

The Leroy Anderson Dam and Reservoir, owned by the Santa Clara Valley Water District (Valley Water), has been determined by local, state, and federal officials to be at risk of an uncontrolled release of water, caused by an earthquake, that could inundate cities and rural areas from San Francisco Bay south to Monterey Bay, including much of Silicon Valley.

The Expedited Dam Safety for Silicon Valley Act will facilitate the speedy and expert construction of the Anderson Dam Seismic Retrofit Project.

#### Expert Construction

Authorizes “best value” selection of the construction contractor and requires a skilled and trained workforce for the project.

#### Timely Court Decisions

Provides expedited judicial review of challenges to environmental documents issued in compliance with the California Environmental Quality Act (CEQA).

#### Faster Permitting

Requires expedited processing of state permits by the Department of Fish and Wildlife and the State Water Resources Control Board, with costs covered by Valley Water, not the state.

#### BACKGROUND

##### Protects Lives & Property from Dam Failure

Built in 1950 to the safety standards of the day, Anderson Dam would not withstand the current maximum credible earthquake on the nearby Calaveras and Coyote Creek faults. A breach of the dam at full capacity would have catastrophic consequences for life and property, inundating an area extending more than 30 miles northwest to San Francisco Bay, including the cities of San José, Santa Clara, Sunnyvale, and Milpitas, and more than 40 miles southeast to Monterey Bay, including the cities of Morgan Hill, Gilroy, and Watsonville.

##### Reduces Flood Risk for Downstream Communities

In February 2017, a series of wet storms filled Anderson Reservoir, resulting in flows over the dam’s spillway that were beyond the capacity of Coyote Creek. The creek flooded homes and businesses in economically diverse neighborhoods in

San José, including disadvantaged communities and communities of color, requiring the evacuation of 14,000 people. The dam’s outlet, used to draw down the reservoir in an emergency, is too small by modern standards. In advance of the 2017 storms, the outlet had been releasing as much water as possible for over a month and still the dam spilled.

#### Clean, Safe Drinking Water for Silicon Valley

Anderson is the largest reservoir in Santa Clara County and it is a critical part of the region’s drinking water supply. With a capacity of nearly 90,000 acre-feet, it holds enough water to supply a million people for a year. Anderson is larger than all of Valley Water’s other reservoirs combined, and is a vital local source of water.

#### Critical Dam Safety Improvements

The Anderson Dam Seismic Retrofit Project is estimated to cost \$563 million and will remove and replace the existing earthen dam. The new dam will be constructed to modern seismic and dam safety standards, including increased capacities for the spillway and outlet to allow a rapid, controlled draw down in an emergency. These features increase dam safety and incidental flood protection. The project design is 75% complete and incorporates the best available geologic, geotechnical, and conservation biology data. The draft Environmental Impact Report (EIR) will be released in the summer of 2020 and the final EIR will be certified by April 2021 with construction to start in October 2022.



*Anderson Dam spillway flow cascades into Coyote Creek behind neighborhood*

## SOLUTION

### Protects Lives and Creates Jobs for California

Silicon Valley is the world leader in technology-based job creation. Protecting this vital economic engine from inundation and flooding is of critical life safety and economic importance to California. The project will create 5,400 good-paying jobs over a period of 7 to 9 years with a multiplying effect on regional economic activity reaching far beyond the half-billion-dollar infrastructure investment.

### Expert Construction for a Complex Project

The Federal Energy Regulatory Commission (FERC) independent Board of Consultants has recommended the “best value” procurement method for the Anderson Dam project due to its complex design, delivery, and installation. Other California water storage projects have been authorized to use best value procurement to choose the most qualified contractors and doing the same for Anderson is prudent for a project of this scale and importance.

### Resolve Legal Challenges Quickly

Expedited judicial review of CEQA challenges has been authorized for other high-profile projects to shorten the time between the certification of the environmental impact report (EIR) and the start of construction. Sports arenas and the new state legislative office building have been authorized for this expedited judicial review process while adhering to state environmental standards. Anderson is an urgent project needed to prevent a catastrophic loss of life in one of California’s largest metropolitan areas, and the project merits expedited treatment by the state’s court system.



Maximum Flood Area from Anderson Dam Failure

### Expedite Permits to Protect the Environment and Public Safety

The permitting of the Anderson project will require interagency cooperation at every level of government. This bill would require the Department of Fish and Wildlife to expedite streambed alteration agreements and require the State Water Resources Control Board to expedite waste discharge permits. Pre-consultation with state and federal permitting agencies has already begun, and there will be ample time to consider significant environmental impacts, mitigation, and appropriate permit conditions. The purpose is to protect our natural resources with the timely review and approval of permits, expediting the delivery of critical public safety benefits.

### Costs Paid Locally, Not by the State

State permitting agencies are authorized to charge fees for permit processing. However, expedited treatment of permitting for the Anderson Dam project could result in additional state costs not contemplated in the existing fee schedules. This bill authorizes any state agency to enter an agreement with Valley Water to ensure state costs associated with expedited permitting will be covered by Valley Water, and not be borne by the state.

## CONTACT

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Aerial view of Anderson Dam