Notice of Preparation

To: Responsible, Federal and Trustee Agencies (Agency)

(Address)

From: Santa Clara Valley Water District

5750 Almaden Expressway

San Jose, CA 95118

Subject: **Notice of Preparation of a Draft Subsequent Environmental Impact Report**

The Santa Clara Valley Water District (Valley Water) is the lead agency and is preparing a subsequent environmental impact report (SEIR) for the project identified below. Valley Water would like input from your agency and interested members of the public regarding the scope and content of the environmental information to be included in the EIR.

The project description, location, and potential environmental effects are contained in the attached materials.

Because of the time limits mandated by state law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Billy Williams at the address above. Please include your name or the name of a contact person in your agency.

Project Title: Stream Maintenance Program Renewal

Project Applicant, if any: n/a

Date: May 27, 2022

Signature: DocuSigned by: 494EFB72AD8C4F9...

Title: Chief Executive Officer

Telephone: (408) 630-2090

Email:

Reference: Cal. Code Regs., tit. 14, (CEQA Guidelines) Sections 15082, subd. (a), 15103, 15375.

1. Introduction and Background

Since 2002, the Santa Clara Valley Water District (Valley Water) has administered the Stream Maintenance Program (SMP or Program) to guide, manage, and conduct routine maintenance of streams, flood control channels, and related facilities such that these facilities would continue to provide adequate flow conveyance capacity and function properly. Valley Water manages approximately 275 miles of streams and channels. Routine maintenance is necessary to reduce flood risks, ensure structural integrity of Valley Water facilities, enhance ecologic function, and ensure public safety. Maintenance activities are prioritized and scheduled based on several factors including Valley Water Board policies; condition assessments; stream maintenance guidelines; regulatory permit requirements; county and municipal code compliance; and Valley Water's Safe, Clean Water and Natural Flood Protection Program commitments.

The SMP and its associated Program Manual was originally established in 2001 (referred to as "SMP-1), and the EIR for the SMP was certified in 2002. In 2011, Valley Water updated the Program and Manual (referred to as "SMP-2") to reflect the 2012 through 2022 planning period and various refinements to the Program. A subsequent EIR (SEIR) was prepared for this update and was certified in 2012.

Valley Water is in the process of updating the Program Manual again to reflect modifications to maintenance techniques and activities, work limits, best management practices since the last program update. The current planning process also includes updating the SMP's environmental compliance documentation and renewing the Program's permits.

The current update is referred to as the "SMP Renewal." The SMP Renewal is considered a "project" for the purposes of CEQA and is also referred to as "SMP-3" throughout this document. The SMP Renewal is intended to cover the 10-year planning period between 2024 and 2033. These updated Program documents are intended to fully replace the SMP-2 Manual and its supporting documents. Valley Water is preparing a SEIR to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects associated with approving and implementing the updated SMP for the 2024-2033 period.

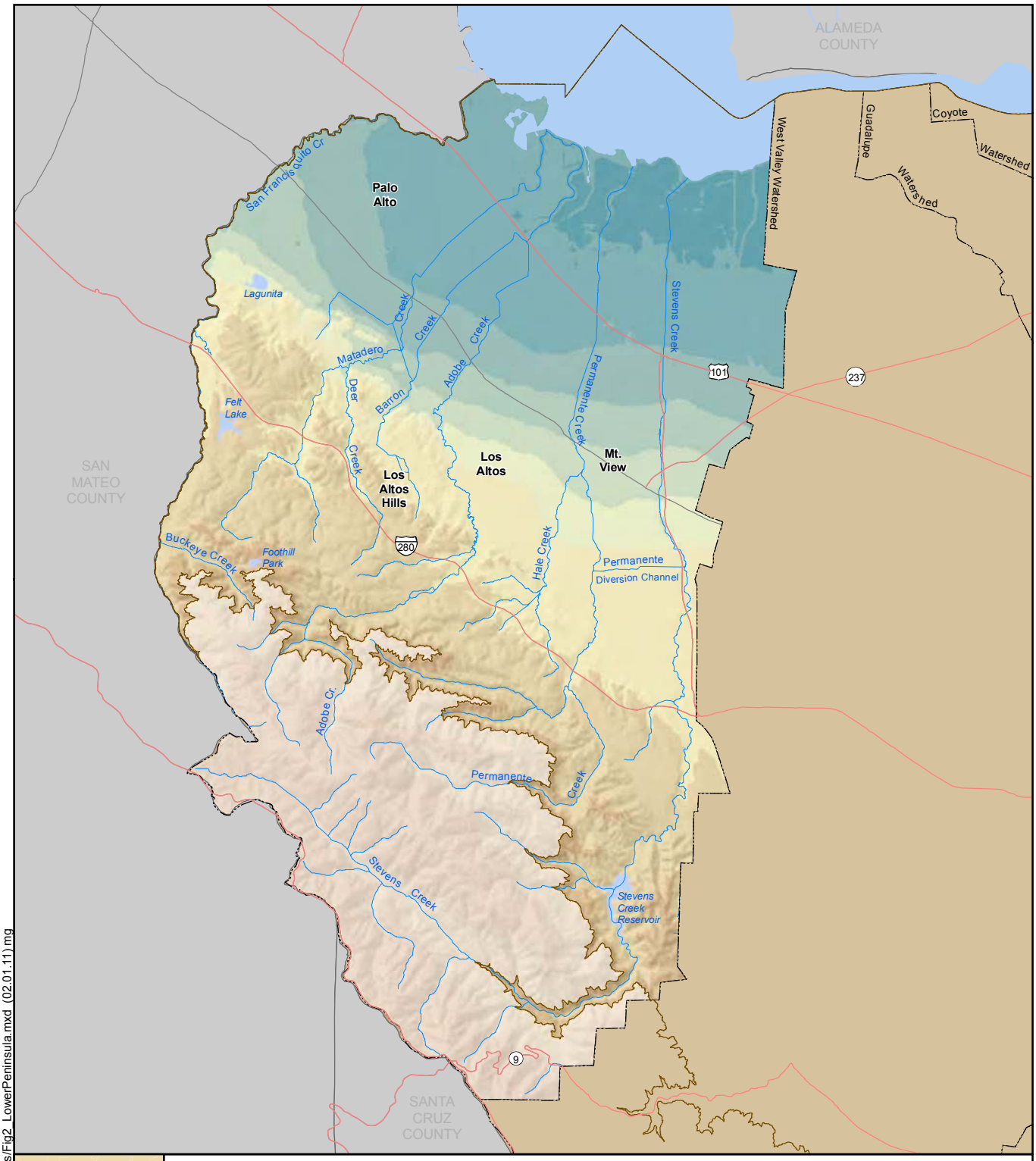
2. Program Area

The general Program area is shown in **Figure 1** and includes Santa Clara County below the 1,000-foot elevation contour in both the Santa Clara Valley basin and Pajaro River watershed. However, Valley Water does not work in all channels and creeks below the 1,000-foot contour but maintains a much smaller subset of channels and streams. Maintenance activities are generally limited to locations where Valley Water has land rights, approximately 275 miles of creeks and channels. **Figures 2 through 6** provide additional sub-watershed maps for the Program area.

Municipalities within the Program area that contain Valley Water-owned or maintained channels include the cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, and the towns of Los Altos Hills and Los Gatos. Valley Water generally does not provide maintenance on private property where no easement exists, unless otherwise authorized.

Horizon WATER and ENVIRONMENT

Figure 1. Program Area



Source: Santa Clara Valley Water District, 2010; ESRI Roads, 2010

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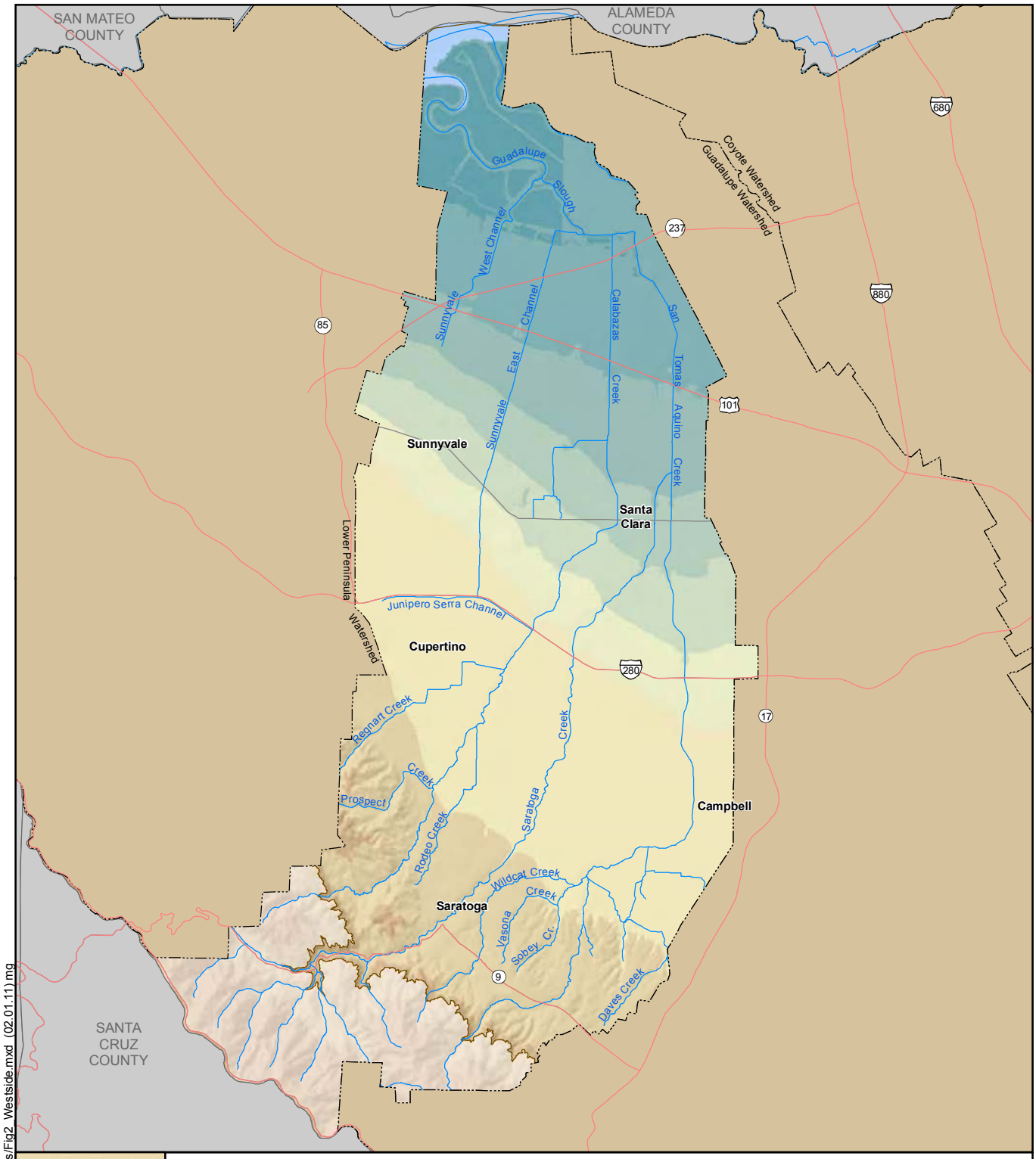
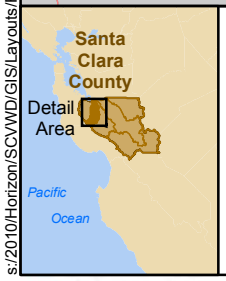
Horizon WATER and ENVIRONMENT

Figure 2. Program Area - Lower Peninsula Watershed





County Boundary
Streams
Major Roads
Upper Elevation Boundary of SMP
Watershed Boundaries

1 inch = 2.3 miles

Miles
0 0.5 1 2

Source: Santa Clara Valley Water District, 2010; ESRI Roads, 2010

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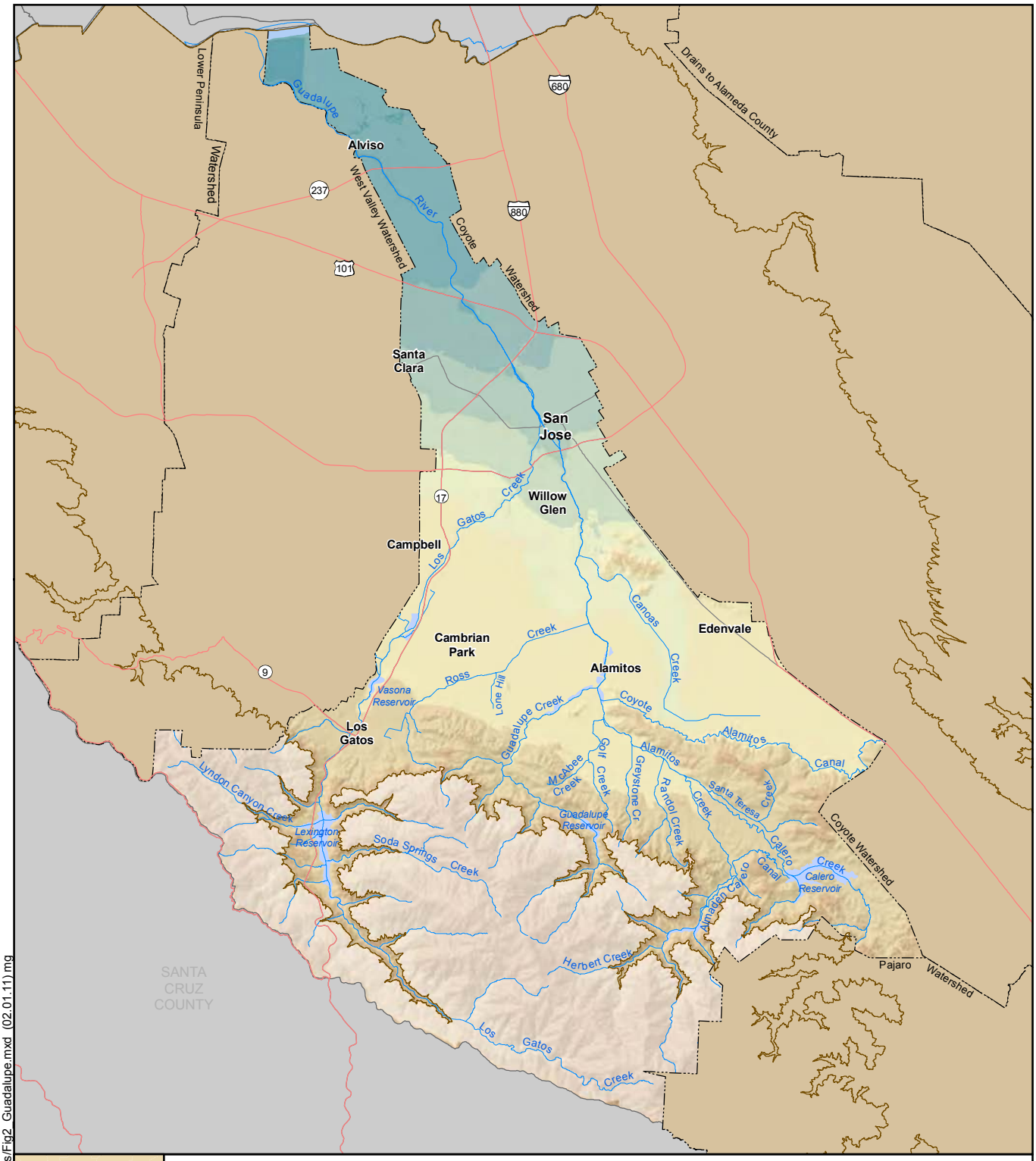
WATER and ENVIRONMENT

Figure 3. Program Area - West Valley Watershed



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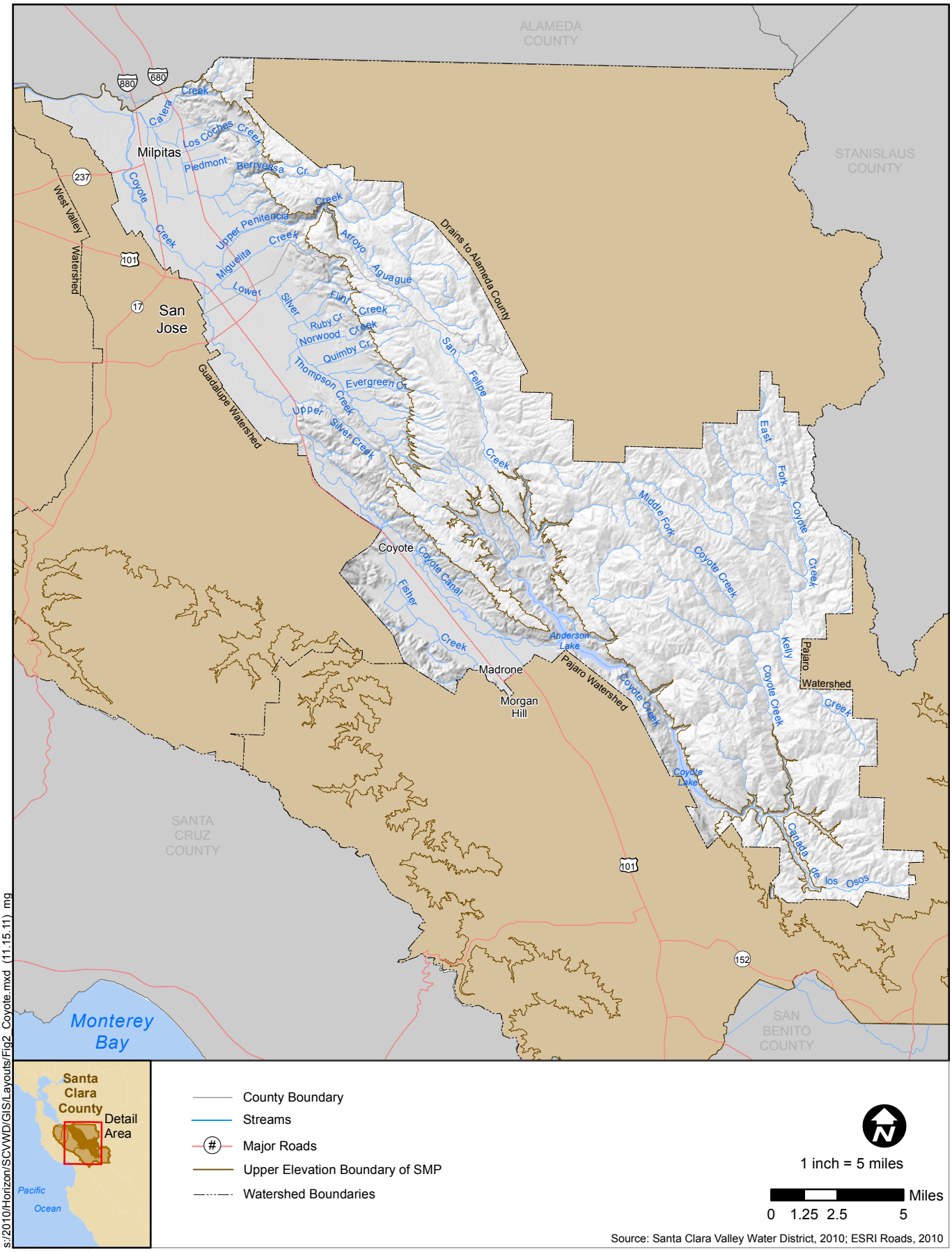
Horizon WATER and ENVIRONMENT

Figure 4. Program Area - Guadalupe Watershed



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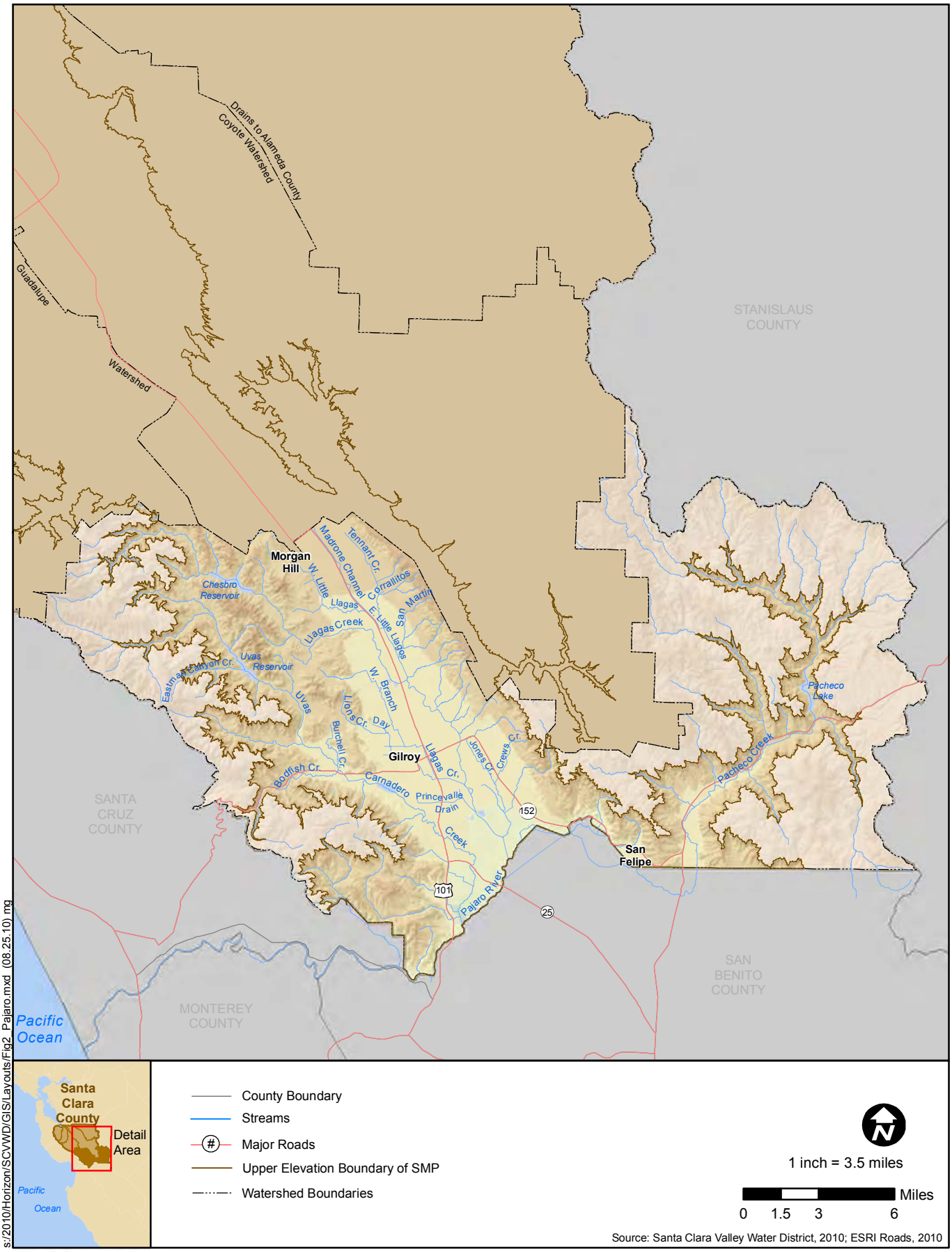
Horizon WATER and ENVIRONMENT

Figure 5. Program Area - Coyote Watershed



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Horizon WATER and ENVIRONMENT

Figure 6. Program Area-Pajaro Watershed

3. Program Goals and Objectives

The overall goals of the SMP Renewal are to maintain the design flow or appropriate conveyance capacity of Valley Water channels and facilities, and to maintain the structural and functional integrity of Valley Water facilities. To meet these goals, Valley Water prioritizes and administers maintenance activities to achieve the following objectives:

- Remove necessary sediment to provide flow conveyance and safety while maintaining habitat functions in creek systems;
- Manage vegetation for flow conveyance and safety while supporting the habitat functions of creeks, channels, other Valley Water facilities, and manage vegetation to allow levee inspections and access to maintenance work sites;
- Stabilize eroding stream and channel beds and banks to protect existing infrastructure, maintain public safety, reduce sediment loading, protect water quality and protect habitat values; and
- Avoid, minimize or mitigate impacts on the environment by identifying and prioritizing when maintenance work is necessary and incorporating stream stewardship measures to further reduce potential impacts and enhance conditions where possible.

4. Project Description

The SMP Renewal involves five categories of work activities: vegetation management, sediment removal, bank stabilization, management of animal conflicts, large woody debris management, and minor maintenance. A summary of these work activities is described below.

4.1 Vegetation Management

Vegetation management is intended to maintain flow conveyance, flood protection and public safety in Valley Water's channels and right-of-way. Vegetation management is also conducted to reduce fire fuel loads, preserve levee integrity, and provide inspection visibility and access to Valley Water facilities. Vegetation management activities conducted routinely throughout the Program area include pruning, vegetation and tree removal through both hand or mechanical means, herbicide application, mowing, and grazing. Vegetation management also includes non-native invasive plant management and corrective pruning to improve the ecological health of Valley Water facilities and promote stewardship. A brief summary of Valley Water's primary vegetation management activities and where they typically occur is provided below.

Pruning

Pruning refers to removal of select branches from trees or shrubs to improve tree structure and achieve a defined objective. Pruning may be conducted with mechanized and non-mechanized hand tools. Pruning typically takes place along maintenance roads, fences, access ramps, and levee slopes, although it may also occur in-channel or along terrace areas. Pruning is typically conducted to ensure access to Valley Water facilities, protect infrastructure, maintain channel conveyance capacity, and for wildfire and public safety.

Corrective pruning involves removing specific tree elements to prevent whole tree failure (e.g., decayed or diseased limb), and is typically prescribed by a certified arborist.

Vegetation Removal

Vegetation removal refers to the removal of woody and herbaceous vegetation less than 6 inches diameter-at-breast height (dbh). This work occurs throughout the channel cross-section including but not limited to instream and immediate overstory areas, stream banks, levees, access roads, pedestrian paths, outboard areas, and at bridges and culverts. This work is typically performed using small hand tools or mechanized tools (chainsaws or pole saws) though in some cases mechanized equipment mounted on a vehicle is used.

Tree Removal

Tree removal refers to the removal of any tree greater than 6 inches dbh and may be necessary to provide channel conveyance capacity, wildfire safety, and to improve the ecological health of the stream. Removal of hazardous trees may also be needed to ensure public safety along Valley Water channels, access roads and ramps. Work involves removing the above-ground portions of a tree using mechanized or non-mechanized hand tools followed by stump-treating using herbicides to prevent regrowth.

Herbicide Application

Herbicides are used in conjunction with mechanical and hand vegetation suppression methods to ensure channel conveyance capacity, maintain access to Valley Water facilities, ensure public and wildfire safety, and protect infrastructure and ecological health. Herbicides are used on a site by site basis and only when necessary, such as when hand or mechanical methods are deemed ineffective at managing vegetation removal needs. Herbicide application activities occur in Valley Water channels, access ramps, and on terrace areas, as well as upper and lower maintenance roads and levee slopes. In-channel herbicide application may use a hose and handgun sprayer, or a backpack unit for smaller and more targeted areas. On access roads, herbicides are applied from a truck-mounted boom, handgun or backpack (used around gates, curves, etc.) as needed, to control weeds, ensure maintenance access and provide firebreaks. The booms have multiple nozzles that are specifically calibrated to provide the dosage and spray pattern appropriate to the application area.

Mowing

Valley Water routinely mows ruderal vegetation growing along access roads, fence lines and on terraces, outboard areas, and channel slopes to provide visual access for facility inspections, allow vehicle equipment/maintenance access, and maintain fire safety. Mowing is conducted in accordance with local fire code requirements, which require that all weeds and grasses be maintained below 6 inches in height for 10 feet laterally on both sides of access roads. Mowing is also conducted to maintain 30 feet of vegetation clearance around structures where Valley Water has land rights. This work is conducted either manually with handheld equipment or through mechanical mowing.

Grazing

Goat grazing is conducted in limited circumstances to control herbaceous weeds growth and to reduce fire hazards where Valley Water has land rights. Before grazing commences, a Valley Water biologist evaluates a targeted area to be grazed to identify sensitive resources including wetlands, special-status plants, wildlife and other aquatic resources. Sensitive resources and vegetation to be preserved are fenced off as a protective measure. Grazing is excluded from wetted channels, wetlands and other aquatic resources. Once fencing has been installed, a herd is placed on a parcel.

4.2 Sediment Removal

Sediment removal is the act of mechanically removing excessive sediment that has deposited within a channel. Sediment removal is required when accumulated sediment reduces a channel's flow conveyance capacity, prevents facilities or appurtenant structures from functioning as intended, or impedes fish passage and access to fish ladders. Sediment is removed to restore channel capacity and minimize the flood hazard in accordance with the existing channel design (as available). Sediment removal under the SMP does not include increasing a channel's cross-sectional area or capacity beyond the as-built channel design or maintenance baseline.

4.3 Bank Stabilization

The SMP includes stabilizing and repairing eroding stream channel beds, banks, and levees. Although bank stabilization is routine and expected, specific work locations are not predictable and therefore occurs on an as-needed basis. The number of bank stabilization projects required in any given year varies depending on weather and hydrologic conditions. Valley Water conducts bank stabilization work when channel conditions: (1) cause or could cause significant damage to Valley Water property and/or adjacent property and infrastructure; (2) create or could create a public safety concern; or (3) cause or could cause in-channel sedimentation and/or affect water quality and other beneficial uses such as riparian habitat and recreational uses. Where feasible, Valley Water strives to limit the use of impervious hardscape materials for bank repair activities. Valley Water first considers biotechnical bank stabilization techniques where feasible and appropriate to minimize adverse environmental effects. If biotechnical bank stabilization techniques are deemed unsuitable due to site conditions (e.g., steep slope, limited right-of-way width, strong hydraulic forces), hardscape solutions may be necessary to stabilize a channel or stream bank.

4.4 Large Woody Debris Management

Valley Water also conducts large woody debris (LWD) management activities. LWD may provide an important ecological role in anadromous salmonid creeks in the Program area (e.g., shading, fish refugia). When downed trees or LWD occur along channels or creeks, Valley Water evaluates the tree for its potential to cause or increase erosion, flooding, reduced channel conveyance capacity, bank failure, or potential to negatively impact a facility (e.g., bridge or culvert). If erosion, flooding risks, and debris capture are unlikely and if the LWD will not damage nearby infrastructure, Valley Water seeks to retain the LWD in anadromous creeks as a habitat feature along the channel. However, if LWD is deemed to pose a potential flood risk or likely to damage infrastructure, Valley Water may reposition,

modify, cut or remove it to maintain channel conveyance capacity or infrastructure integrity.

4.5 Management of Animal Conflicts

Animals may damage Valley Water facilities by burrowing into levees or channel banks, foraging on revegetated mitigation sites, and/or interfering with Valley Water's work activities. To protect the structural integrity of Valley Water's facilities and to reduce conflicts with species living in sites where work is needed, maintenance work is conducted to repair Valley Water facilities damaged by animals. In managing and reducing animal conflicts, Valley Water uses a holistic approach to maintain a safe work site environment, including the use of biological controls, physical and habitat alteration, bird nest deterrence, non-lethal trapping, and chemical control (i.e. repellents).

4.6 Minor Maintenance

Minor maintenance includes fence repairs, mitigation site maintenance, access road maintenance, debris and trash removal, trash boom installation and maintenance, routine work at maintenance yards, minor sediment removal (25 cubic yards or less), and other minor maintenance activities needed to maintain Valley Water facilities.

5. CEQA Process

5.1 Notice of Preparation

This Notice of Preparation (NOP) presents general background information on the SMP Renewal, the scoping and larger CEQA process, and the environmental issues to be addressed in the SEIR. Valley Water has prepared this NOP pursuant to CEQA Guidelines Section 15082.

5.2 Scoping Meeting

In order for the public and regulatory agencies to have an opportunity to ask questions and submit comments on the scope of the SEIR, a public scoping meeting will be held during the NOP review period. The scoping meeting will solicit input from the public and interested public agencies regarding the nature and scope of environmental impacts to be addressed in the Draft SEIR.

At the meeting, a brief presentation will be made in order to provide an overview of the existing SMP, proposed updates under the SMP Renewal, and the CEQA process generally. After the presentation, an interactive session will follow where members of the public and public agencies may provide oral comments regarding the Program. Prepared written comments will be accepted during the meeting and during the 30-day scoping period. Comment forms will be available at the scoping meeting for those who wish to submit written comments during or at the meeting.

The public scoping meeting is scheduled for:

June 16, 2022 at 5:30 p.m.
Santa Clara Valley Water District's Headquarters Building Boardroom
5700 Almaden Expressway, San Jose, CA 95123

This scoping meeting information is also available on Valley Water's website (https://www.valleywater.org/project-updates/stream-maintenance-program).

Written comments may be submitted to Valley Water at any time during the NOP review period.

5.3 Draft SEIR

The primary purpose of the SEIR is to analyze and disclose the reasonably foreseeable direct and indirect environmental impacts that may occur as a result of the SMP Renewal. The Draft SEIR, as informed by public and agency input through the scoping period, will analyze and disclose the potentially significant environmental impacts associated with the SMP-3 update and will identify potentially feasible mitigation measures and alternatives where such impacts are considered significant. Alternatives and mitigation measures will be developed with the goal to substantially reduce or avoid potentially significant impacts that are identified.

Below is a preliminary list of resource topics to be addressed in detail in the Draft SEIR. The analysis in the Draft SEIR will determine whether impacts to these resources are reasonably foreseeable, whether they are significant based on identified thresholds of significance, and whether they can be avoided or substantially lessened by potentially feasible mitigation measures and alternatives.

- Aesthetics
- Air Quality
- Biological Resources
- Climate Change / Greenhouse Gas Emissions
- Cultural Resources
- Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services and Utilities
- Transportation and Traffic
- Tribal Cultural Resources
- Wildfire
- Cumulative Impacts

5.4 Public Review of the Draft SEIR

Once the Draft SEIR is completed, it will be made available for a 45-day public review and comment period. Valley Water is also planning to hold a public meeting to review the findings of the Draft SEIR. The meeting will begin with a brief overview of the analysis and conclusions set forth in the Draft SEIR. This introductory presentation will then be followed by the opportunity for interested members of the public to provide oral comments to Valley Water regarding the SMP Renewal under CEQA.

The date, time, and exact location of the public meeting will be published in local newspapers and posted on Valley Water's website prior to the event.

5.5 Final SEIR

Written and oral comments received in response to the Draft SEIR will be addressed in a Response to Comments document which together with the Draft SEIR will constitute the Final SEIR. The Final SEIR, in turn, will inform Valley Water's discretion as a lead agency under CEQA in deciding whether to approve the SMP Renewal. The Final SEIR will also be used by responsible agencies and other permitting agencies in their decision-making to renew the SMP permits.

6. Submittal of Scoping Comments

The NOP will be circulated to local, state, and federal agencies, and to interested organizations and individuals who may wish to review and comment on the SMP Renewal at this stage in the process. In addition, these documents will be made available for review at Valley Water's offices and on Valley Water's website (https://www.valleywater.org/project-updates/stream-maintenance-program). Written comments concerning the scope and content of this SEIR are encouraged.

Consistent with the time prescribed by State law for public review of a NOP, your response to and input regarding the project should be sent at the earliest possible date, but ***not later than June 27, 2022***. Please include your name, address, and contact number for your agency as applicable for all future correspondence related to the Program. Written comments may be sent via email or letter to:

Santa Clara Valley Water District
Attn: Billy Williams
SMP Renewal Scoping Comments
5750 Almaden Expressway
San Jose, CA 95118

Email: BWilliams@valleywater.org
Subject Line: SMP Renewal Comments