NOTICE OF PREPARATION AND SCOPING MEETING

Subject: Notice of Preparation of a Draft Environmental Impact Report
Project Title: Coyote Creek Flood Protection Project
Project Location: San Jose, Santa Clara County, California.
Date: Wednesday, December 6, 2023

The Santa Clara Valley Water District (Valley Water) is the Lead Agency and will prepare an Environmental Impact Report (EIR) for the proposed Coyote Creek Flood Protection Project (CCFPP, project, or proposed project) described below. Responsible and trustee agencies and other interested agencies, organizations, and individuals are invited to provide written comments on the scope and content of the Draft EIR.

The project description, location, and the potential environmental effects are described in this Notice of Preparation. An Initial Study was not prepared.

Due to the time limits mandated by State law, your response must be provided at the earliest possible date but **not later than 30 days after receipt of this notice**. Please include your name and contact information to receive further information on this project or to allow Valley Water to reach you if there are questions on your comments.

A scoping meeting will be held at **6:30 p.m. on Wednesday, December 6, 2023**, at Franklin McKinley School District (Boardroom), 645 Wool Creek Dr., San Jose, and online via Zoom at: https://valleywater.zoom.us/j/86495914100. Meeting ID: 864 9591 4100. Call in: (669) 900-9128. One tap mobile: +16699009128,,86495914100# US (San Jose).

Please send your comments to:

Attention: Andrew Martin, Planner
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118
(408) 630-2160
Email: CCFPPcomments@valleywater.org
Subject Line: CCFPP Scoping Comments

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Rick L. Callender, Esq.
Chief Executive Officer

11/15/2023
Date

NOTICE OF PREPARATION AND SCOPING MEETING (cont.)

DRAFT ENVIRONMENTAL IMPACT REPORT COYOTE CREEK FLOOD PROTECTION PROJECT

INTRODUCTION

This notice announces that a draft Environmental Impact Report (EIR) will be prepared for the Coyote Creek Flood Protection Project (CCFPP, project, or proposed project). As the lead agency responsible for compliance with the California Environmental Quality Act (CEQA),[1] the Santa Clara Valley Water District (Valley Water) has determined that the proposed project may have a significant impact on the physical environment and has decided to prepare an EIR to provide an opportunity for public disclosure and public participation in the planning and decision-making process. The EIR will identify and evaluate possible environmental impacts of the proposed project on the environment, identify significant impacts, and identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts. An analysis of alternatives to the proposed project will also be included in the EIR.

This document serves as the Notice of Preparation (NOP) required by CEQA, pursuant to the state's CEQA Guidelines Section 15082. It contains a brief description of the proposed project, its goals and objectives, possible environmental impacts, and the resulting need for an EIR. It also discusses the process that will be used to determine the scope of analysis in the EIR and provides an overview of the opportunities for participation in review of the EIR, along with contact information.

PROJECT OVERVIEW

Valley Water is proposing the CCFPP, which would entail installation of flood risk reduction improvements to reduce flooding in urban areas along approximately 9 miles of Coyote Creek between Montague Expressway and Tully Road in the City of San Jose (City), Santa Clara County, California (**Figure 1**, see attachments).

Valley Water is preparing an EIR for the CCFPP in compliance with CEQA, as described in this NOP. The EIR will evaluate potential environmental effects of the CCFPP including construction as well as operations and maintenance of the project. The EIR will evaluate the potential direct, indirect, and cumulative impacts of the proposed project; identify mitigation measures that are feasible to lessen or avoid potentially significant impacts; and identify alternatives that may lessen one or more potentially significant impacts of the proposed project. The project background, objectives, location and setting, and project description are provided below.

Background

Coyote Creek originates in Henry Coe State Park and surrounding hills in the Diablo Range Mountains. It flows approximately 62 miles north into the San Francisco Bay through the cities of Morgan Hill, San Jose, and Milpitas, as well as unincorporated areas of Santa Clara County.

In response to flooding events on Coyote Creek, Valley Water developed the Mid-Coyote Creek Project in the early 2000s with the goal of providing 100-year flood protection per Federal Emergency Management Agency standards for homes, schools, businesses, and highways along Coyote Creek from Montague Expressway to Interstate (I)-280.[2] Valley Water completed studies and held public meetings to develop a range of alternatives for the project. However, the project was placed on hold

[1] Public Resources Code Section 21000 et seq. and CCR Title 14 Code of Regulations Section 15000 et seq.
[2] The 100-year flood is the flood event having a 1% chance of being equaled or exceeded in any given year.

several times due to the uncertainty of the impacts of other Valley Water projects on this project as well as the lack of necessary funding.

Winter storms in 2017 caused significant flooding events and on February 21, 2017, Coyote Creek overtopped its banks at several locations between Montague Expressway and Tully Road resulting in flooding that caused evacuations and property damage. In response to the flooding, the Board accelerated the Mid-Coyote Creek Project, modified project goals, and revised the proposed level of protection from a 100-year flood to the February 2017 flood event, which is approximately equivalent to the 20-year flood event. The Board also extended the project upstream to Tully Road, directing staff to move forward with the planning, design, and construction of the project, which was renamed as the CCFPP.

Subsequently, in February 2020, a portion of the elements of the original CCFPP were accelerated as part of the Federal Energy Regulatory Commission (FERC)-ordered Compliance Project (referred to as FOCP) related to Anderson Dam. These prioritized elements of the original CCFPP, referred to as the Coyote Creek Flood Management Measures Project (CCFMMP), are now a separate and independent project. The CCFMMP consists of seven spans of floodwalls (approximately 8,654 linear feet) that would be constructed along Reaches 5 to 7 of Coyote Creek between Old Oakland Road to I-280. The CCFMMP is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15269(c) because it is an emergency project being carried out under the FOCP to reduce the risk of flooding associated with earthquake-induced dam failure.[3] As of the date of this NOP, construction has commenced on the CCFMMP and is anticipated to be complete in approximately 1 year.

The remainder of the original CCFPP elements that were not included in the CCFMMP are still known as the CCFPP. The reduced-scope CCFPP project is the focus of this NOP and the forthcoming Draft EIR. Although the CCFMMP and CCFPP are independent, implementation of CCFMMP has been considered in the design of CCFPP, and collectively both projects provide risk reduction from Montague Expressway to Tully Road up to the flood levels that occurred in February 2017, equivalent to approximately a 20-year event (i.e., 5% flood) (**Figure 2)**.

Project Objectives

The primary objective of the project is to reduce the risk of flooding to homes, schools, businesses, and transportation infrastructure along Coyote Creek between Montague Expressway to Tully Road from a flood event equivalent to the February 21, 2017, flood (approximately a 20-year flood event). Additional objectives of the project include minimization of impacts to existing and planned recreation facilities and minimization of future operations and maintenance activities.

Project Location and Setting

The project area is within San Jose, Santa Clara County, California (**Figure 3)** and comprises approximately 9 miles of Coyote Creek, from the downstream face of Montague Expressway bridge to the upstream face of the Tully Road bridge. Coyote Creek is comprised of five reaches between Montague Expressway and Tully Road, with Reach 4 at the northern end of the project area (downstream) and Reach 8 at the southern end (upstream). Proposed project elements would be constructed within four of the five reaches (Reaches 4, 6, 7, and 8) which are defined as follows: Reach 4, Montague Expressway to Old Oakland Road; Reach 6, Mabury Road to East Santa Clara Street; Reach 7, East Santa Clara Street to I-280; and Reach 8, I-280 to Tully Road.[4]

[3] Notice of Exemption filed July 28, 2020 (State Clearinghouse Number 2020070520).
[4] Note that CCFMMP elements will be constructed within Reach 5 (San Jose Municipal Golf Course to Mabury Road), as well as within Reaches 6 and 7.

Major roads and highways within the project area include U.S. Highway 101, I-280 and I-880. Two main tributaries drain into Coyote Creek within the limits of the project area – Upper Penitencia Creek and Lower Silver Creek. Parks and open spaces adjacent to Coyote Creek within the extent of the project area include Watson Park, Roosevelt Park, William Street Park, Selma Olinder Park, Coyote Meadows, Rocksprings Park, and Kelley Park.

Adjacent land uses within the project area by reach include the following: Reach 4, primarily commercial and industrial; Reach 6, mixed uses including industrial, public critical facility (City of San Jose Mabury Service Yard), open space, schools, and residential; Reach 7, primarily residential with a substantial portion that includes City of San Jose parkland and the Naglee Park historical residential neighborhood; and Reach 8, mixed uses including residential, park, industrial, and public utility.

Project Description

The proposed project entails the construction, operation, and maintenance of flood risk reduction improvements at specific locations where water could overflow from the Coyote Creek channel during the approximately 5% flood (20-year event) between Montague Expressway to Tully Road.

The proposed flood risk reduction improvements are comprised of project elements including, but not limited to, floodwalls, passive barriers, and earthen berms, which are described below. These flood risk reduction improvements are proposed to be installed where flood flows are predicted to overtop Coyote Creek, expanding beyond the creek channel, based on observed flows during the February 2017 flood event and hydrological modeling of channel conditions. The improvements would be generally set back beyond the top of creek bank.

Approximately 18,083 linear feet of improvements are proposed to be constructed along portions of Reaches 4, 6, 7, and 8 at specific project sites as shown in **Figures 4 to 7**. The general locations and features of project elements are shown in **Table 1**. The primary types of project elements are further described below.

- **Floodwalls**: New vertical floodwalls would be installed on parcels adjacent to Coyote Creek to contain and redirect flood flows. Floodwalls would consist of a concrete footing or steel or concrete pile base buried below the ground surface with a vertical concrete or steel wall extending above the ground surface.

- **Passive Barriers**: Passive barriers are automatic flood barrier systems that remain hidden below the ground until flood conditions trigger deployment, creating a barrier wall. Unlike floodwalls, passive barriers allow for access through an area when they are not deployed. Passive barriers would be installed across roadways and within or adjacent to parks.

- **Berms**: Berms are ridges or embankments that contain and redirect flood flows. Berms would be constructed of compacted earthen material and planted with native vegetation.

In addition, the project includes planting native trees and landscaping on parcels within the project area. If adequate land does not exist for such plantings within the project area, then off-site locations may be considered elsewhere in the Coyote Creek watershed.

Valley Water would acquire temporary easements for construction as well as permanent easements and/or fee title for operations and maintenance within limited areas along and surrounding project elements. Construction of the proposed project is anticipated to begin in 2025 and proceed over approximately two years. Construction staging and access as well as haul routes would be located near the project sites. Demolition of structures that are within the project footprint, including fences and

retaining walls, would be required. Sheet pile cutoff walls would be installed to impede groundwater flows beneath project elements, as needed. Appurtenances including flood gates, flood doors, drains, and other features would be constructed as part of the project elements. Utilities that extend within the project areas, such as water, sewer, electrical, and telecommunications, would be protected in place and avoided where feasible. However, where avoidance is not feasible, utilities would be relocated. Tree trimming or removal could also be required for installation of the project elements and construction access improvements would be installed as needed.

Operations and maintenance activities would entail routine maintenance activities as needed including trash and debris removal, vegetation management (e.g., mowing and vegetation removal on berms), and graffiti removal. For areas of the creek where Valley Water has land rights, routine maintenance activities would occur under the District's Stream Maintenance Program (SMP), an ongoing countywide program that provides maintenance standards and guides maintenance activities for Valley Water to meet designated flood risk reduction mandates throughout Santa Clara County. In addition, the newly installed floodwalls, passive barriers, and berms would be visually inspected on a periodic basis (one to two times per year) and would be repaired as needed.

As part of project construction and operation, Valley Water would implement selected Best Management Practices (BMPs) from its BMP Handbook. BMPs are routine measures Valley Water implements on its projects to reduce environmental impacts.

Table 1: **Proposed Project Elements by Reach**

Type	Location	Approximate Length (linear feet)	Approximate Maximum Height (feet above ground)
Reach 4			
Passive Barrier and Flood Wall	Roadway at west bank of the Charcot Avenue bridge	167	5
Passive Barrier and Flood Wall	Roadway at east bank of the Charcot Avenue bridge	119	6
Floodwall	West bank south of Charcot Avenue bridge and passive barrier	642	3
Floodwall	West bank north of Charcot Avenue bridge and passive barrier	628	5
Floodwall	East bank south of Charcot Avenue bridge and passive barrier	553	5
Floodwall	East bank north of Charcot Avenue bridge and passive barrier	987	5.5
Floodwall	West bank north of East Brokaw Road under Interstate 880	366	3
Reach 6			
Floodwall	East bank adjacent to the City of San Jose Mabury Service Yard	1,206	10
Floodwall	South of U.S. Highway 101 (along upstream face)	407	7
Passive barrier	Watson Park: across Jackson Street	53	8
Vegetated berm	Watson Park: at the park adjacent to Jackson Street	104	8
Floodwall and Passive Barrier	Watson Park: western edge adjacent to residences	1,241	7

Type	Location	Approximate Length (linear feet)	Approximate Maximum Height (feet above ground)
Floodwall	Watson Park: northern side of Empire Gardens Elementary School	214	5
Floodwall	Western edge of Kellogg Company	967	7
Floodwall	East bank at Parkside Terrace Apartments	723	5
Floodwall	Walls around existing utility box, adjacent to south corner of Watson Park Soccer Field next to bike racks	79	8
Floodwall	South of East Julian Street, between North 20th Street and west bank of Coyote Creek	445	3
Floodwall	North of East Santa Clara Street, between North 18th Street and west bank of Coyote Creek	367	2
Floodwall	Above west bank of Coyote Creek and adjacent to Parkside Terrace Apartments	500	4
Reach 7			
Floodwall	West of properties on Brookwood Avenue	75	2
Passive barrier and Floodwall	William Street Park along East William Street and South 16th Street	1,351	7
Floodwall	West and South of Selma Olinder Elementary School	1,098	6
Floodwall	West of properties on Brookwood Avenue	335	11
Passive barrier	Eastern edge of Selma Olinder Park along Woodborough Drive	1,675	7
Reach 8			
Floodwall	West bank north of Keyes Street	348	6
Floodwall	Edge of Rock Springs Park	1,616	5
Berm and Floodwall	East of Bevin Brook Drive	1,251	3
Floodwall	East bank north of Tully Road	566	8
	Approximate Total Length of Improvements:	**18,083**	**--**

Notes: All references to "bank" refer to the banks of Coyote Creek.
[1] Walls would be designed to the design water surface elevation, and therefore, the wall heights would vary based on the topography.

TOPICS TO BE ANALYZED IN THE EIR

Pursuant to CEQA Guidelines Section 15063(a), Valley Water has determined that an EIR is necessary based on the proposed project's potential to result in significant impacts on the environment and an Initial Study will not be prepared. The EIR will serve to further assess the proposed project's effects on the environment, identify significant impacts, and identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts. An analysis of alternatives to the proposed project will also be included in the EIR.

Consistent with Appendix G of the CEQA Guidelines, resource topics to be analyzed in the EIR include, but are not necessarily limited to, the topics below:

- **Aesthetics**: Temporary changes in scenic vistas and resources from public viewing areas of the

creek during construction and potential long-term changes from flood risk reduction improvements, potential conflicts with local policies on scenic quality, and potential impacts from nighttime lighting during construction.

- **Air Quality**: Temporary, short-term increases in criteria pollutant emissions associated with construction activities and emissions related to operations and maintenance that could conflict with air quality plans and expose people to pollutants and odors.

- **Biological Resources**: Short-term effects on terrestrial and aquatic habitats, including riparian habitat, and special-status species associated with construction activities, and long-term effects of tree removal and flood risk reduction improvements adjacent to Coyote Creek.

- **Cultural Resources**: Potential disturbance or destruction of known or unknown historic architectural or archaeological resources during construction.

- **Geology, Soils, and Paleontology**: Temporary and short-term increases in erosion during construction, potential disturbance or destruction of known or unknown paleontological resources during construction, and potential long-term impacts on erosion within the creek.

- **Greenhouse Gas Emissions**: Temporary, short-term increases in greenhouse gas emissions associated with construction activities and emissions related to operations and maintenance.

- **Hazards and Hazardous Materials**: Potential introduction of hazardous materials into the environment and exposure of construction workers or the public to hazardous materials during construction and operation and maintenance activities.

- **Hydrology and Water Quality**: Potential short- and long-term transport of sediments and/or pollutants into water courses and potential effects on flood flows and conveyance.

- **Land Use and Planning**: Potential conflicts with land use plans and zoning designations or physically divide an established community.

- **Noise and Vibration**: Temporary and short-term increases during construction or permanent increases during operations in noise and vibration levels.

- **Recreation**: A temporary increase in use of neighboring recreational facilities during construction or permanent loss of recreational facilities that could cause an increase in the use of existing neighborhood parks or recreational facilities, resulting in a substantial physical deterioration of the parks or facilities.

- **Transportation**: Temporary and short-term lane closures and disruption of emergency access by haul truck traffic during construction and short-term and long-term generation of vehicle trips.

- **Tribal Cultural Resources**: Potential disturbance or destruction of known Tribal cultural resources during construction.

- **Utilities and Service Systems**: Temporary and short-term disruption of utilities within construction zones that require utility relocation.

The EIR will also address cumulative impacts, growth-inducing impacts, and other issues required by CEQA. In addition, the EIR will propose feasible mitigation measures to reduce significant impacts and

examine a reasonable range of alternatives to the proposed project, including the CEQA-mandated No Project Alternative. Responses received to this NOP may modify or add to the preliminary assessment topics to be addressed in the EIR (listed above).

ENVIRONMENTAL REVIEW PROCEDURES

This NOP initiates the CEQA process through which Valley Water will refine the range of issues and project alternatives to be addressed in the draft EIR. Comments are invited on the scope and content of issues to be included in the EIR.

Please submit any comments within 30 days of receipt of this notice to Andrew Martin, Valley Water's environmental planner for the CCFPP, at the Santa Clara Valley Water District (see *Contact Information* below). In conjunction with the 30-day review period for the NOP, Valley Water will hold a scoping meeting to provide an additional opportunity to learn about the project, ask questions, and provide comments about the scope and content of the information to be addressed in the draft EIR. The scoping meeting will be held at 6:30 pm on Wednesday, Dec. 6, at Franklin McKinley School District (Boardroom), 645 Wool Creek Dr., San Jose., and online via Zoom at: https://valleywater.zoom.us/j/86495914100. Meeting ID: 864 9591 4100. Call in: (669) 900-9128. One tap mobile: +16699009128,,86495914100# US (San Jose).

After the 30-day review period for the NOP is complete and all comments are received, a Draft EIR will be prepared in accordance with CEQA (Public Resources Code §21000 et seq.), and the CEQA Guidelines (CCR §15000 et seq.).

Once the Draft EIR is completed, it will be made available for a 45-day public review and comment period. Copies of the Draft EIR will be sent directly to responsible agencies, trustee agencies, and commenters on the NOP and will also be made available to the public at several locations, including Valley Water headquarters and public libraries in the area. The Draft EIR and information about availability of the Draft EIR will also be posted on Valley Water's website: https://www.valleywater.org/project-updates/creek-river-projects/E1-coyote-creek-flood-protection.

CONTACT INFORMATION

For further information, contact the following:

Andrew Martin, Planner
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614
(408) 630-2160
Email: CCFPPcomments@valleywater.org
Subject Line: CCFPP Scoping Comments

Additional information relevant to the project and the draft EIR can also be found at https://www.valleywater.org/project-updates/creek-river-projects/E1-coyote-creek-flood-protection.

ATTACHMENTS (FIGURES)

Figure 1. Regional Location
Figure 2. Location of CCFPP Reaches Relative to CCFMMP Reaches
Figure 3. Overview of Proposed Project
Figure 4. Proposed Project - Reach 4
Figure 5. Proposed Project - Reach 6
Figure 6. Proposed Project - Reach 7
Figure 7. Proposed Project - Reach 8

Figure 1. Regional Location

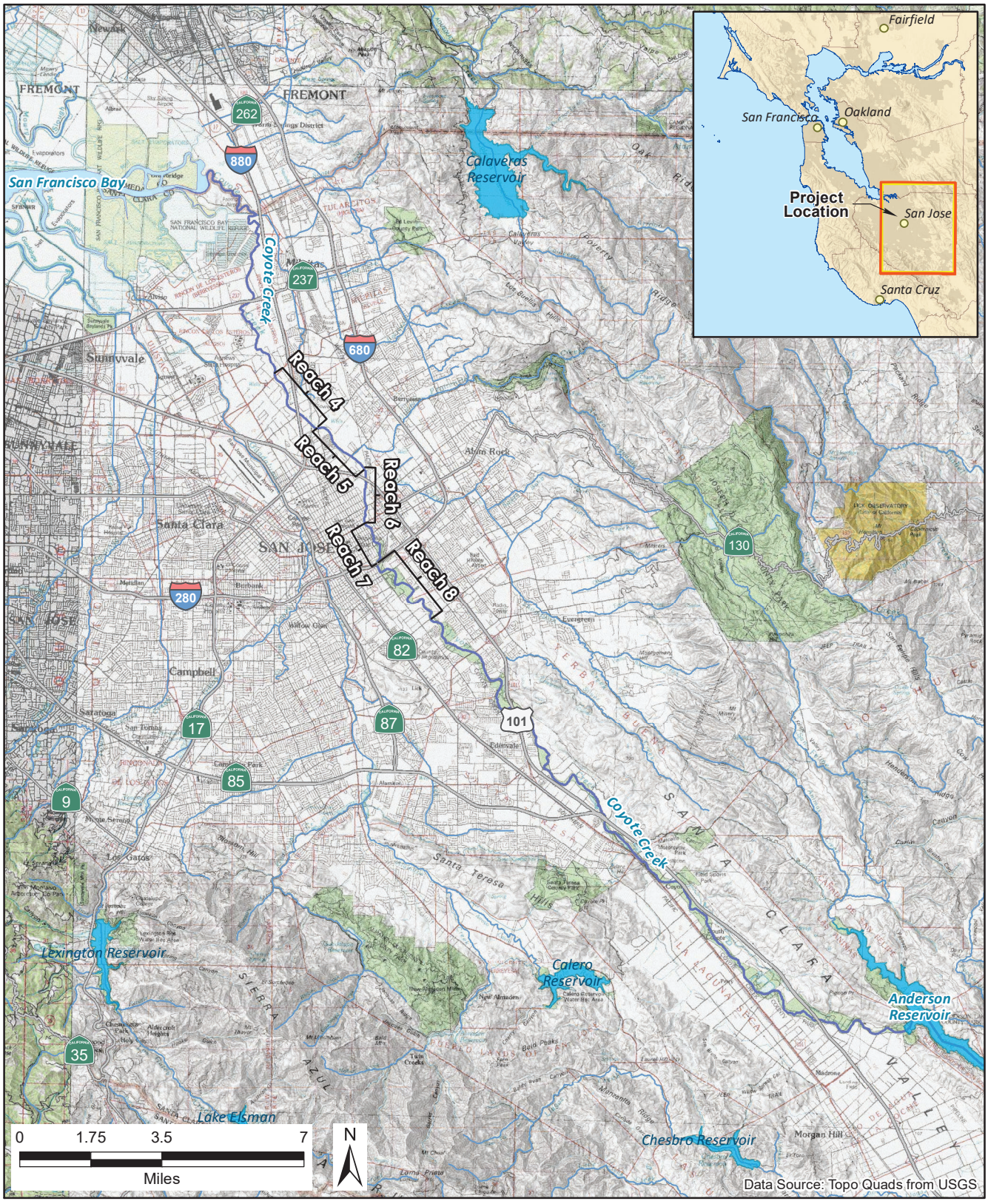

Figure Source: GEI Consultants, Inc. 2023.

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Figure 2. Location of CCFPP Reaches Relative to CCFMMP Reaches

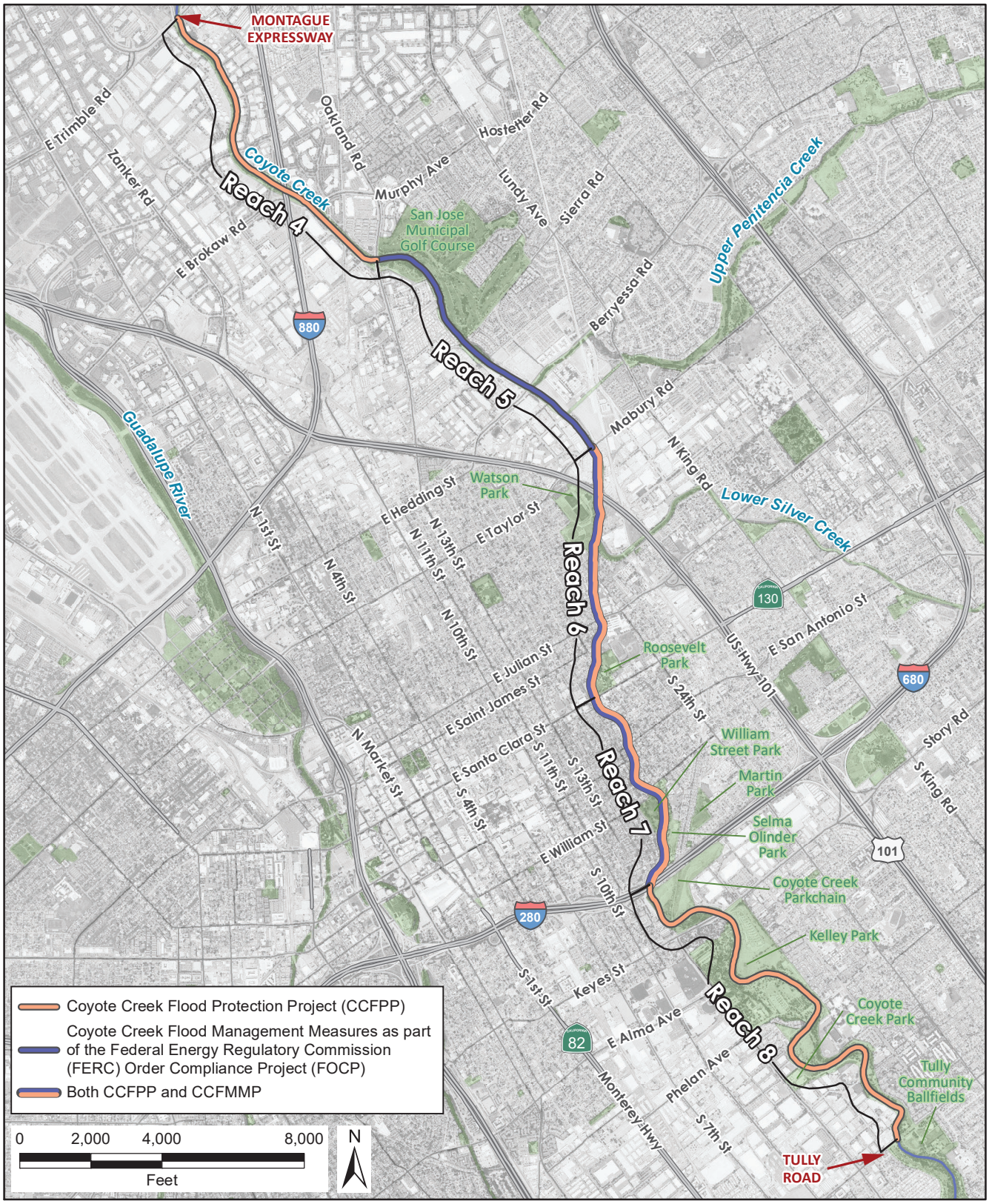

Figure Source: GEI Consultants, Inc. 2023.

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Figure 3. Overview of Proposed Project

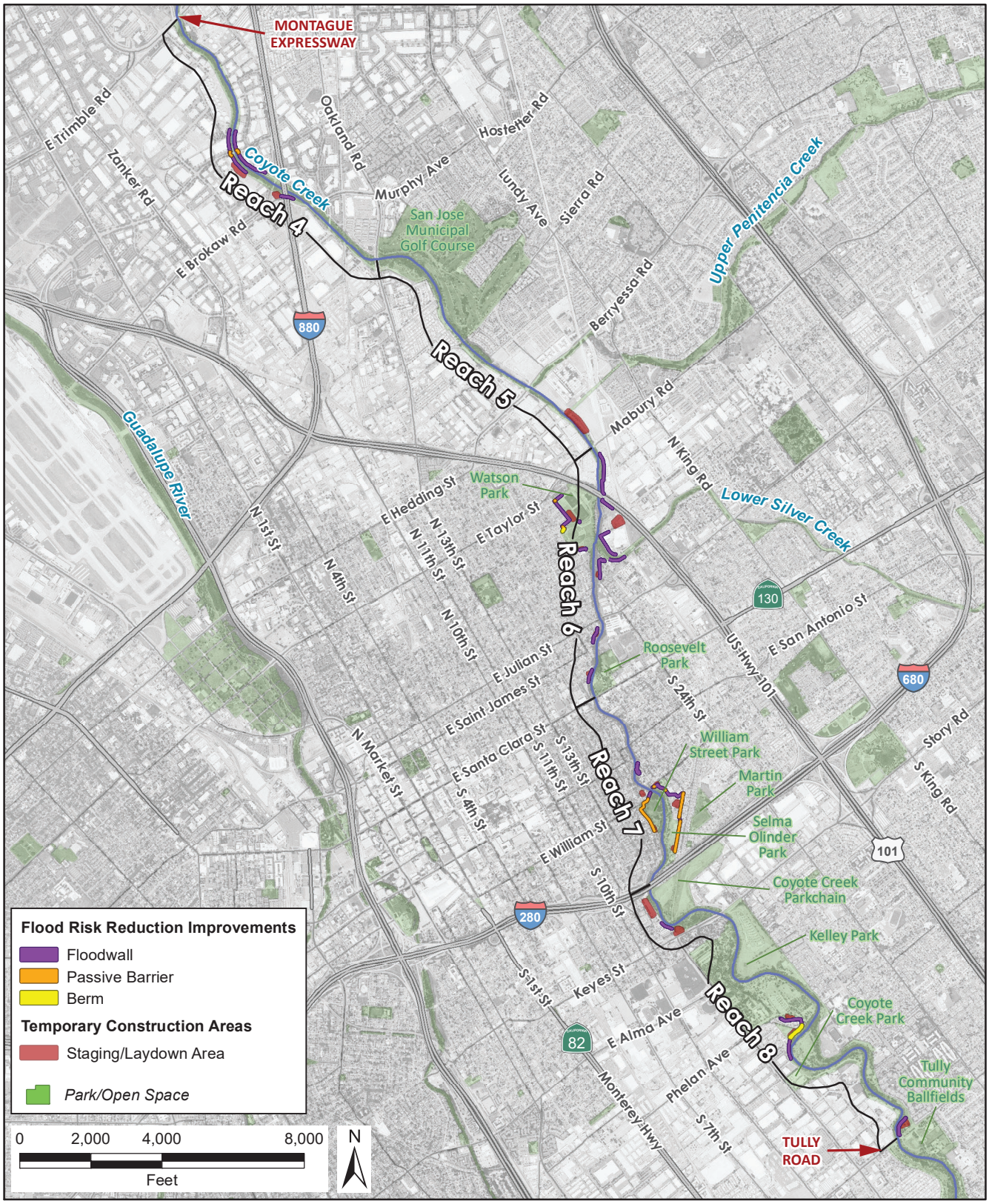

Figure Source: GEI Consultants, Inc. 2023.

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Figure 4. Proposed Project - Reach 4

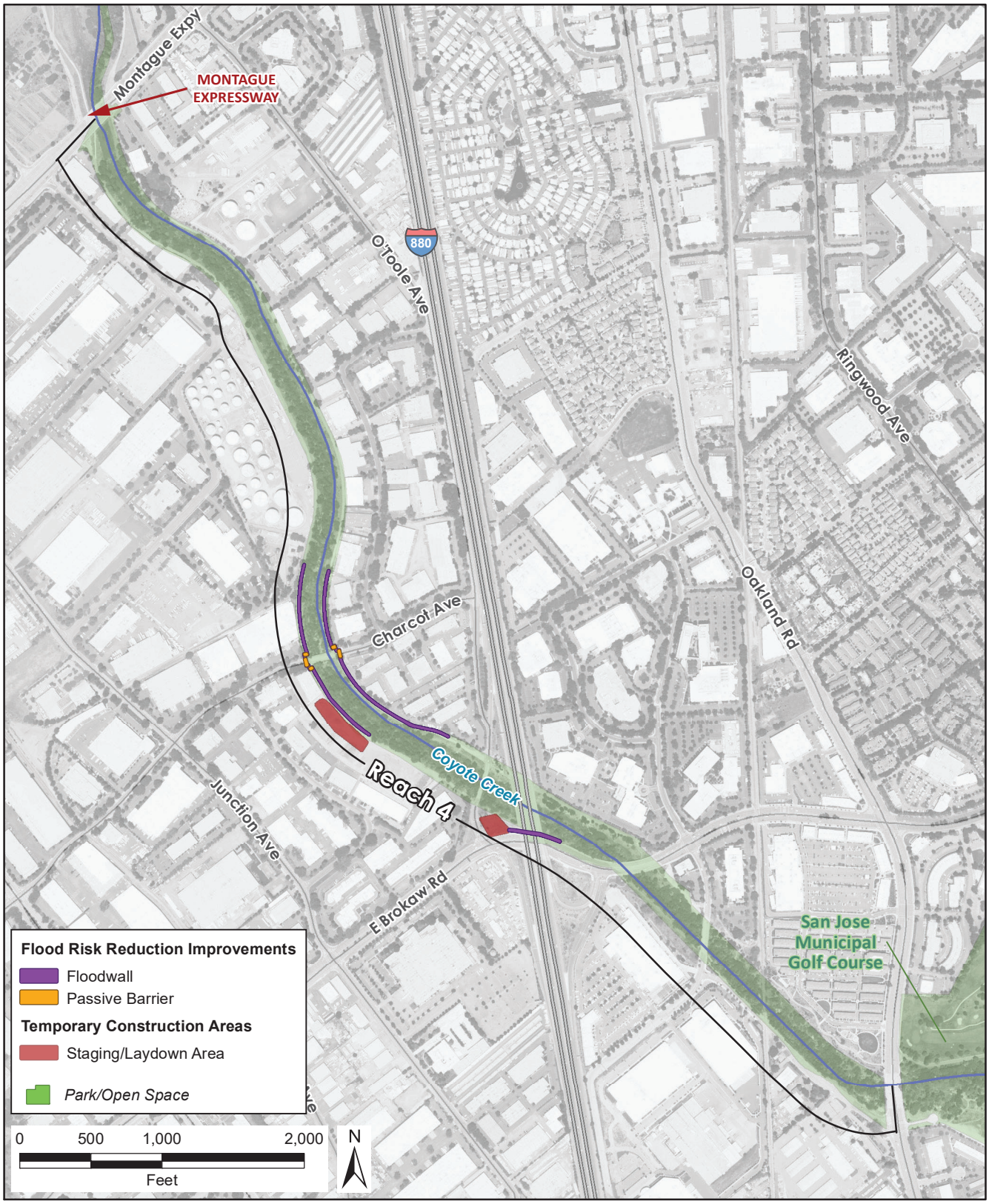

Figure Source: GEI Consultants, Inc. 2023.

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Figure 5. Proposed Project - Reach 6

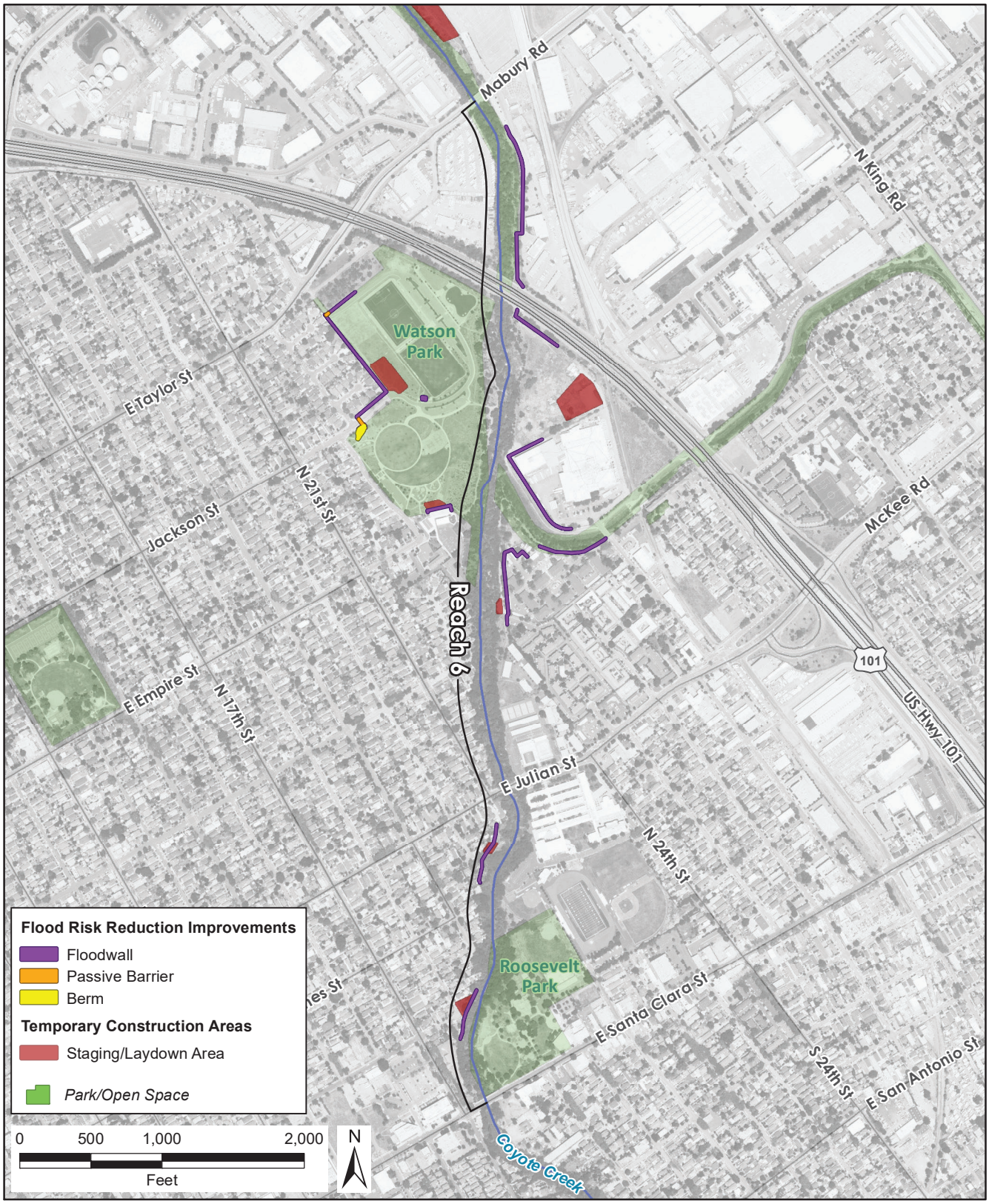

Figure Source: GEI Consultants, Inc. 2023.

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Figure 6. Proposed Project - Reach 7

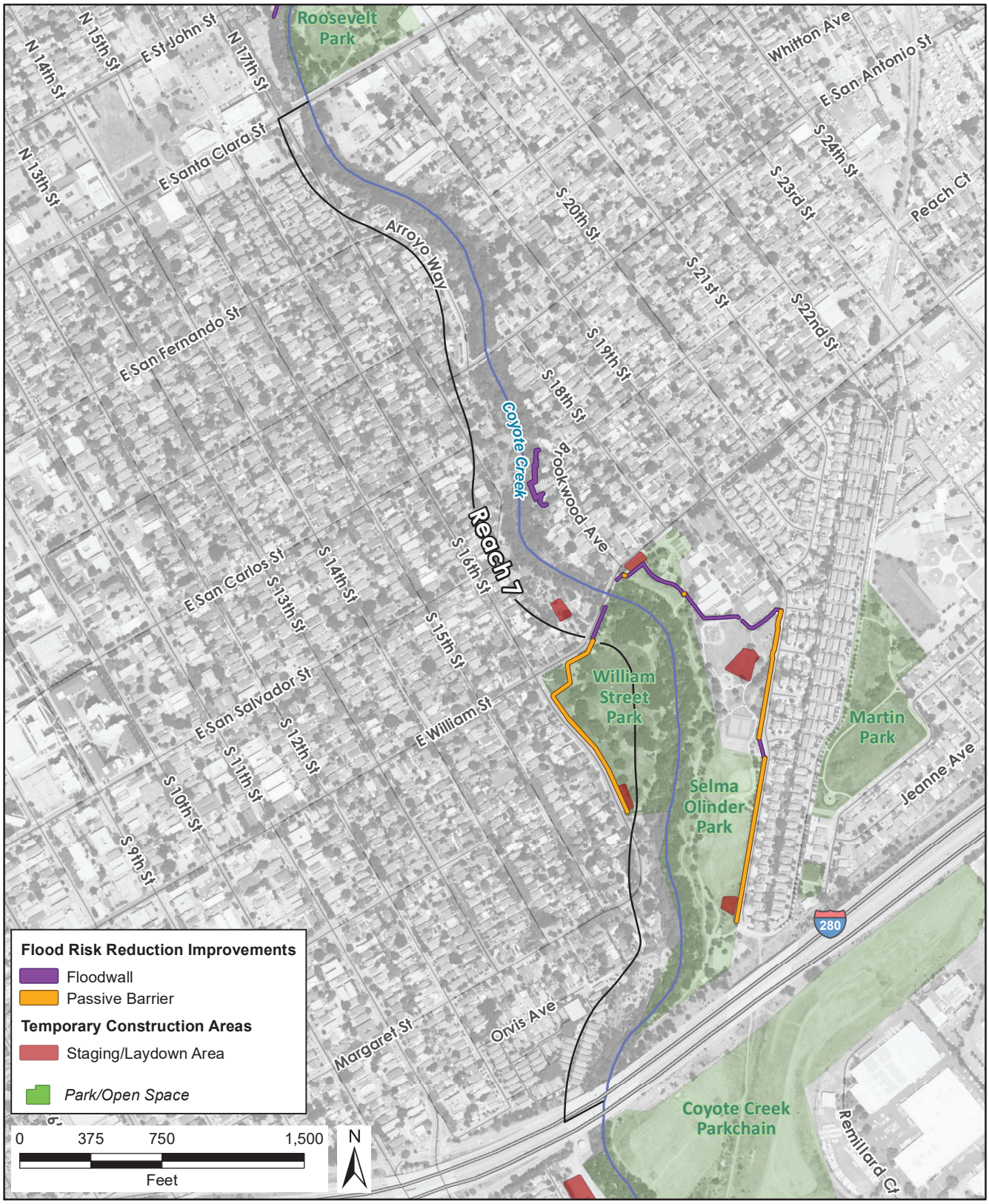

Figure Source: GEI Consultants, Inc. 2023.

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Figure 7. Proposed Project - Reach 8

Figure Source: GEI Consultants, Inc. 2023.

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