

Public Notice
 Notice of Exemption



To: Santa Clara County
 Clerks Office, Business Division
 70 West Hedding Street
 San Jose CA 95110

From: Santa Clara Valley Water District
 5750 Almaden Expressway
 San Jose CA 95118-3686
 Telephone (408) 265-2600

Project Title: Federal Energy Regulatory Commission Order Compliance Project (FOCP) – Minor Modification to North Channel Restoration

Project Location–Specific: Downstream of Anderson Reservoir along Coyote Creek in Morgan Hill. Assessor's parcel numbers: 72834020, 72824021, 72835001, 72835022, and 72948005.

Project Location-City: Morgan Hill

Project Location-County: Santa Clara

Project Purpose: The project purpose is to make a minor modification to the FOCP, which was prepared to comply with the dam safety order that was issued by the Federal Energy Regulatory Commission (FERC) on February 20, 2020 (FERC Order). The FERC Order requires Santa Clara Valley Water District (Valley Water) to immediately carry out interim risk reduction measures at Anderson Dam to protect the public from the risk of earthquake induced dam failure, and to develop and implement avoidance and minimization measures. The Board of Directors approved the FOCP on June 23, 2020, and an NOE relying on the emergency statutory exemption was filed with the Santa Clara County Clerk on June 29, 2020. A minor modification to North Channel restoration is needed to implement the FOCP.

Name of Public Agency Approving Project: Santa Clara Valley Water District

Name of Agency or Person Carrying Out Project: Santa Clara Valley Water District

Exempt Status: (check one)

- Ministerial [Sec. 21080(b)(1); 15268];
 Declared Emergency [Sec. 21080(b)(3); 15269(a)];
 Emergency Project [Sec. 21080(b)(c)];
 Categorical Exemptions
 Statutory Exemptions [*Pub. Res. Code §21080(b)(4); CEQA Guideline §15269(c)*].

Reasons Why Project is Exempt: The FOCP qualified for a Statutory Exemption for specific actions necessary to prevent or mitigate an emergency under Pub. Res. Code § 21080(b)(4) and CEQA Guidelines §15269(c). CEQA (Pub. Res. Code § 21060.3) defines an “emergency” as a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Dam failure leading to catastrophic flooding would be a “sudden unexpected occurrence” were it to occur. FERC’s dam safety order reflects a regulatory determination that seismic risks associated with Anderson Dam and the existing outlet constitute an emergency situation that requires immediate action by Valley Water. Immediate action to prevent flood damage is required because, as recognized by FERC and confirmed by Valley Water studies, the magnitude of the risk of catastrophic dam failure to downstream life is extreme. Each of the FOCP components is necessary for an integrated emergency response to the FERC Order, both to mitigate the potential for a catastrophic dam failure, and to avoid and minimize environmental, flood management, groundwater recharge, and water supply impacts of such emergency response actions.

Because the North Channel restoration property acquisition and additional construction work described below is required to complete FOCPP implementation, it is subject to the same emergency statutory exemption as the original FOCPP.

Description of Project: The FOCPP was approved by the Valley Water Board of Directors on June 23, 2020, and a Notice of Exemption was filed with the County Clerk-Recorder. As part of FOCPP, a minor modification, which is not specifically defined in the original FOCPP project description, is necessary to comply with the FERC Order. The design of the North Channel restoration through the historic creek alignment has been refined to include grading through County Parks and private property and reconnecting the channel to the Coyote Creek confluence with the South Channel downstream, followed by revegetation of disturbed areas. Valley Water will acquire property interest in five properties not listed in the original approval (APN 72834020, 72824021, 72835001, 72835022, and 72948005) to implement this work. Future releases from Anderson Reservoir would be managed between the channels to direct larger flows through the restored North Channel, limiting flows within the South Channel. This would minimize the potential for erosion and support salmonid spawning within the South Channel, while minimizing fish stranding throughout the restored North Channel where deep holes would be graded out. Grading would include facilitation of access for channel maintenance and include the establishment of a sediment injection point for the potential placement of sediment that would be mobilized by high flows for improving downstream substrate conditions. The acquisition of the properties and additional construction work are necessary to construct the North Channel Restoration and comply with the FERC emergency order.

Lead Agency: Santa Clara Valley Water District
Contact Person: Tiffany Chao

Area Code/Telephone/Extension
(408) 630-3107

Signature: 
2ACF797D33484F5...
Title: Tiffany Chao
Senior Environmental Planner

Date: 5/6/2024

cc: CEQA Administrative Record