

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) – Demolition of Hoot Owl Way Properties

Project Location–Specific: Properties along Hoot Owl Way in the City of Morgan Hill. Assessor’s parcel numbers (APNs) are, 729-37-029, 729-38-030, 729-37-016, 729-37-017, 729-37-018, 729-37-019, 729-37-020, 729-37-021, and 729-37-022.

Project Location-City: Morgan Hill

Project Location-County: Santa Clara

Project Purpose: The project purpose is to make a minor update to the FOCP, which was prepared to comply with the dam safety order 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 Reservoir and Dam to protect the public from the risk of earthquake induced dam failure, and to develop and implement avoidance and minimization measures. The Valley Water 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. This update includes the addition of demolition of properties along Hoot Owl Way to mitigate landslide risks.

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 Public Resources 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. “Emergency” includes such occurrences as fire, flood, earthquake, or other soil or geologic movements. (Public Resources Code § 21060.3, CEQA Guidelines § 15359) Dam failure leading to catastrophic flooding would be a “sudden unexpected occurrence” were it to occur. The FERC 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 are 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. As originally proposed, one FOCF component, the Bank and Rim Stability Improvements, involves monitoring areas of known landslides along Anderson Reservoir rim to address potential impacts of reservoir drawdown and installing necessary structural improvements to protect against potential landslides and/or make repairs if damage occurs. Because the demolition of the structures on the nine properties along Hoot Owl Way is now required to complete FOCF implementation, it is subject to the same emergency statutory exemption as the original FOCF. In addition, the statutory emergency exemption also applies because it is required to prevent imminent death or injury to trespassers on the nine properties that could be caused by deficient structures damaged by existing landslide movement if the units are not removed.


Description of Project: The FOCF 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 FOCF, a minor update, which is not specifically defined in the original FOCF project description, is necessary to comply with the FERC Order. Valley Water would demolish property structures of nine properties along Hoot Owl Way. The demolition of these properties is necessary to prevent or mitigate loss of, or damage to, life, health, property from known landslide risk and comply with the FERC Order.

Valley Water proposes to update the Bank and Rim Stability Improvements (project) component to include demolition of property structures along Hoot Owl Way to reduce the risk of landslide damage. As originally planned, slope anchors were to be installed beginning on Valley Water property within the lakebed and were to extend into and beneath several private properties along Hoot Owl Way, terminating 50-75 feet below the ground surface. Valley Water modified its plan after engaging with property owners and its design consultants. Valley Water and its consultants have since determined that the Hoot Owl Way landslide areas is larger than previously understood and in order to stabilize the landslide, the project would require access to additional private properties. As a result, Valley Water determined the most effective way to ensure public safety would be to acquire and demolish private properties that are in close proximity to or have a potential to be impacted by the Hoot Owl Way landslide. The demolition of the properties is necessary to prevent imminent injury or death to trespassers on the properties that could be caused by landslides if the units are not removed, and comply with the FERC emergency order.

The project would consist of demolition of structures on nine properties along Hoot Owl Way. Demolition activities would consist of breaking down the property structures on the Hoot Owl Way properties and leaving below grade foundations of the structures in place. Once the property structures have been demolished, crews would haul and dispose the debris at an offsite landfill. Construction equipment that would be used to demolish and dispose the debris would include haul trucks, backhoe loaders, skid steer loaders, track loaders, wheel loaders, wheel dozers, and compactors. Demolition would create approximately 3,300 cubic yards of debris. Demolition work is expected to take six weeks to complete. Demolition activities would be conducted by a Valley Water crew or contractor. The crew would consist of up to 10 workers. Construction activities are expected to start late summer 2024 and be completed by late winter 2024.

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

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

DocuSigned by:

Signature: _____
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Title: Ryan McCarter, P.E.
Deputy Operating Officer

Date: 8/20/2024

cc: CEQA Administrative Record