

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: Calero Dam Emergency Road Repair Project

Project Location—Specific: Calero Dam service road (Assessor’s Parcel Number: 742-09-041)

Project Location-City: Unincorporated Santa Clara County

Project Location-County: Santa Clara County

Project Purpose: Repair three slipouts and Calero Dam service road to reestablish maintenance and emergency access and protect the integrity of the reservoir banks and adjacent Almaden-Calero Canal.

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)(2); 21080(b)4)];
- Categorical Exemptions [Section 15300; Class 1, “Existing Facilities”]
- Statutory Exemptions [*Public Resources Code §21060.3 and 21080(b)(4) and CEQA Guidelines §15269(c)*].

Reasons Why Project is Exempt: CEQA provides statutory exemptions that exclude emergency projects from environmental review, regardless of impacts to the environment, if they meet the definition of the statutory exemption. Emergency projects include specific actions necessary to prevent or mitigate an emergency (Pub. Res. Code § 21080(b)(4); CEQA Guidelines § 15269(c)), as well as emergency repairs to public service facilities necessary to maintain service (Public Res. Code § 21080(b)(3); CEQA Guidelines § 15269(b)).

Emergency projects also include projects “undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.” (Pub. Res. Code § 21080(b)(3); CEQA Guidelines § 15269(a)).

CEQA 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. Pub. Res. Code § 21060.3, CEQA Guidelines § 15359.

Emergency repair of the slope and service road failures at Calero Dam qualifies for these emergency exemptions, for the reasons summarized below.

States of Emergency Declared in Response to Severe Winter Storms in 2023-2024 Season

Severe winter storms struck California, including Santa Clara County, throughout late 2023 and early 2024, bringing heavy rains, flooding, landslides, and high winds. On June 21, 2024, Governor Newsome proclaimed a state of emergency in multiple counties, including Santa Clara County, in response to severe winter storms that

struck in February 2024.¹ On May 3, 2024, Governor Newsome proclaimed a state of emergency in multiple counties, including Santa Clara County, in response to severe winter storms that struck in March 2024.² The May 3, 2024 proclamation noted that multiple instances of road slip-outs had occurred as a result of the storms.

Road Failure is an Emergency

Winter storms in late 2023 through early 2024 caused three slope failures of the banks of the reservoir below the service road between Calero Reservoir and the Almaden-Calero Canal. In response, Valley Water immediately requested Federal Emergency Management Agency (FEMA) assistance and began designs for slope and road repair within an expedited maintenance schedule; FEMA funding for this work was granted on April 23, 2024. However, between the time that the original slope failure occurred and August 2024, additional slippage from subsequent rain events exacerbated the damage. Later hot summer weather in June, July, and early August dried and contracted the slumped soil. These weather events cumulated in the complete failure of the service road and subsequent loss of maintenance and emergency access to the west side of the reservoir and the canal and its associated infrastructure.

To stabilize the banks and repair the service road and reestablish emergency access, Valley Water proposes geogrid-reinforced slope repairs and road reconstruction in late September 2024, before the winter rainy season. And although the imminent, emergency situation along the Calero Dam service road was recognized in late 2023 and early 2024 and plans for repair had begun, an emergency exemption can apply even when a recognized hazardous condition has existed for some time, if an emergency can be anticipated, and if immediate action is required to prevent it. The prior anticipation of an occurrence does not prevent it from being an emergency.³

Damage to the Calero Dam Service Road is “Clear” and “Imminent,” Requiring Immediate Action and the Proposed Project is Necessary to Prevent or Mitigate the Emergency

Valley Water maintenance and engineering staff have determined a high probability of complete road and reservoir bank loss during winter storms, as water flows into the road cracks and is absorbed into the unconsolidated soils of the slope failure areas. This risk would be compounded if/when reservoir water levels rise to the level of the slope failure areas. Although the actual dates of forthcoming 2024-2025 storm events are unknown, storm events have happened as early as September and October. Catastrophic failure of the reservoir banks, road, and canal could be caused by even one storm event, and therefore considered imminent. Repairs are necessary prior to the onset of winter to maintain maintenance and emergency access and the integrity of the reservoir banks and service road. The proposed Project constitutes an emergency repair to a public service facility (Calero Dam Banks and Service Road) necessary to maintain service.

Delaying Project Would Create Public Health and Safety Risk

The road failure and lack of emergency access to the reservoir and canal has elevated the concern and priority of this repair, necessitating repair of the slope and road failures before winter 2024. Emergency access to the west side of the reservoir and the Almaden-Calero Canal is imperative for public safety. Both first responders and Valley Water operations and maintenance personnel and equipment need access to these facilities if/when emergencies arise. Due to the current road failure, lack of maintenance and emergency access; clear danger of additional structural losses of bank, road, and canal; and the unknown start to the rainy season; emergency repairs to the bank and road must be implemented immediately. Without immediate temporary repairs to the failed slopes below the road, emergency access would not be possible until late summer or fall 2025. Repairs would be completed quickly, taking only up to 20 workdays, in order to avoid winter storms.

Description of Project:

Slope and road repair of the three failed areas would be similar in technique but varied in scale depending on the extent of damage. The total length of all three areas is approximately 150 feet along the service road. Slope repairs at the southernmost, largest slope failure would require slope repair of an area slightly larger than the failed area, approximately 70 feet long and 40-45 feet downslope from the service road. Similarly, the repairs to the two smaller slope failures would each be slightly larger than the slope failure, approximately 30 feet long, and extend approximately 10-15 feet below the service road.

¹ <https://www.caloes.ca.gov/wp-content/uploads/Legal-Affairs/Documents/Proclamations/06.21.24-SOE-for-Glenn-Humboldt-Marin-Napa-Santa-Clara-Solano-Trinity.pdf>.

² <https://www.caloes.ca.gov/wp-content/uploads/Legal-Affairs/Documents/Proclamations/5.3.24-SOE-March-Storms.pdf>.

³ *CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal. App.4th 529, 538.

Slope repairs would require the construction of an approximately 180-foot-long temporary access ramp and installation of layers of geogrid and a combination of native soil and engineered fill compacted in lifts. After the slopes are stabilized, road repair would occur over 150 linear feet and include the replacement of baserock in kind. After construction is completed, erosion control and hydroseeding would be installed to stabilize topsoil and revegetate any exposed soils. The project will implement Valley Water best management practices (BMPs) to protect water quality and biological resources.

Lead Agency: Santa Clara Valley Water District
Contact Person: Shannon Bane

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(408) 630-3259

DocuSigned by:
Aaron Baker
Signature: _____
0257272DB36A4DC
Title: Aaron Baker, P.E.
Chief Operating Officer
Water Utility Enterprise

Date: 9/17/2024

cc: CEQA Administrative Record