



State Water Resources Control Board

November 8, 2023

Mr. John Bourgeois
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118
Sent via Email: JBourgeois@valleywater.org



Anderson Dam Seismic Retrofit Project
Federal Energy Regulatory Commission Project No. 5737
Santa Clara County
Coyote Creek, Anderson Reservoir

COMMENTS ON ANDERSON DAM SEISMIC RETROFIT PROJECT'S DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Bourgeois:

On September 1, 2023, Santa Clara Valley Water District (Valley Water) released for public review a draft Environmental Impact Report (EIR) for the construction, operation, and maintenance of the Anderson Dam Seismic Retrofit Project (Project) at Anderson Dam on Coyote Creek. Valley Water's Project proposes to retrofit and upgrade Anderson Dam and its facilities to meet Federal Energy Regulatory Commission (FERC) and California Department of Water Resources, Division of Safety of Dams public safety requirements. The Project also includes decommissioning the hydroelectric facility at the dam, implementing Conservation Measures along Coyote Creek to avoid and minimize adverse impacts, and conducting habitat and species monitoring during construction.

State Water Resources Control Board staff reviewed Valley Water's Anderson Dam Seismic Retrofit Project draft EIR and provide comments in *Attachment A: Comments on Santa Clara Valley water District's Anderson Dam Seismic Retrofit Project Draft Environmental Impact Report*, enclosed.

If you have questions regarding this submittal, please contact Eric Bradbury by email at: Eric.Bradbury@waterboards.ca.gov. Written correspondence should be addressed as follows:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Eric Bradbury
P.O. Box 2000

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Mr. Bourgeois

November 8, 2023

Sacramento, CA 95812-2000

Sincerely,



Eric Bradbury
Environmental Scientist
Division of Water Rights

Enclosures: Attachment A – Comments on Santa Clara Valley Water District's
Anderson Dam Seismic Retrofit Project Draft Environmental Impact
Report

ec: Kimberly D. Bose
Federal Energy Regulatory Commission
Via e-filing

Tiffany Chao
Santa Clara Valley Water District
Tchao@valleywater.org

Susan Glendening
San Francisco Bay Regional Water Quality Control Board
Susan.Glendening@waterboards.ca.gov

Keith Lichten
San Francisco Bay Regional Water Quality Control Board
Keith.Lichten@waterboards.ca.gov

Elizabeth Morrison
San Francisco Bay Water Quality Control Board
Elizabeth.Morrison@waterboards.ca.gov

**ATTACHMENT A:
COMMENTS ON SANTA CLARA VALLEY WATER DISTRICT'S
ANDERSON DAM SEISMIC RETROFIT PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT**

State Water Resources Control Board (State Water Board) staff are providing the following comments in response to the Santa Clara Valley Water District's (Valley Water) Notice of Availability of a draft Environmental Impact Report (EIR) for the Anderson Dam Seismic Retrofit Project (ADSRP or Project). The Project involves retrofitting and upgrading Anderson Dam and its facilities to meet Federal Energy Regulatory Commission (FERC), and California Department of Water Resources, Division of Safety of Dams public safety requirements.

The California Environmental Quality Act (CEQA) Guidelines define a Responsible Agency as "a public agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an [Environmental Impact Report] or negative declaration. For the purposes of CEQA, the term '[R]esponsible [A]gency' includes all public agencies other than the lead agency which have discretionary approval power over the project." (Cal. Code Regs., tit. 14, § 15381.) In this instance, the State Water Board is a Responsible Agency.

As a Responsible Agency, in accordance with the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15096, subd. (d)), and per Valley Water's Notice of Availability, State Water Board staff are providing the following comments on Valley Water's Project draft EIR.

1. Several abbreviations in the Executive Summary appear to not be defined, notably in the impacts table (Table ES-1). The final EIR should include definitions to these abbreviations.
2. Section 2.7.1 (page 2-93, lines 32-33) – *“Besides water temperature and DO, Valley Water may collect other water quality data (e.g., pH and turbidity).”*
Although there is mention of the collection of data for sediment monitoring, Valley Water should commit to monitor for pH and turbidity to identify potential exceedances of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) thresholds from the various activities associated with the ADSRP.
3. Section 2.8.3.4 (page 2-109, lines 28-29) – *“Flows that are under Valley Water control would be reduced in specified increments over a specific period of time, in accordance with the discharge rating curves that would be used to determine ramping schedules.”*
Rapid reductions in flow can lead to ponding and cutting off fish from the main waterway as well as pose public safety hazards. The final EIR should show the analyzed rating curves and ramping schedules.
4. Section 3.4.4 (page 3.4-82, lines 14-17) – *“Once the reservoir has been drawn down to the correct elevation to initiate in-channel work, then the construction activity for that year would commence and any inflows coming into the reservoir would be diverted (or sometimes pumped) around the work area and released downstream.”*

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The final EIR should clarify if diverted or pumped water would be treated to reduce suspended sediments. Water flowing through Anderson Reservoir while lowered below deadpool is likely to have increased suspended sediment fines that could affect steelhead or other sensitive species downstream.

5. Section 3.4.5 (page 3.4-183, lines 32-33) – *“Cumulative impact thresholds for fisheries resources are the same as the impact thresholds presented in Section 3.4.4, Thresholds of Significance.”*

Section 3.4.4 does not present thresholds of significance. The final EIR should refer to the appropriate section for the thresholds of significance.

6. As a requirement of the water quality certification issued on November 9, 2020, for the FERC Order Compliance Project (FOCP) for Anderson Reservoir and Dam, Valley Water obtained sediment samples within Anderson Reservoir to be tested for mercury, diazinon and polychlorinated biphenyls. The State Water Board did not receive this data until September 25, 2023. The results could impact water quality during implementation of the ADSRP. It is anticipated that there would be increased sediment transport throughout the ADSRP, especially while the reservoir is dewatered and storm events and run of river flows erode the reservoir bed sediment and transport it downstream. The final EIR should include analysis of the FOCP sediment samples and the potential effects to water quality.