

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)

**Project Location-Specific:** The majority of the Project is located at Anderson Dam, Reservoir and immediate vicinity, and along Coyote Creek. Project site is located on assessor's parcel numbers: 72834010, 72834011, 72834017, 72834018, 72834019, 72834020, 72932013, 72932014, 72932015, 72936001, 72937010, 72937011, 72937012, 72937013, 72937016, 72937017, 72937018, 72937019, 72937020, 72937021, 72937022, 72937029, 72937030, 72946003, 72946004, 72946010, 72946013, 72946014, 72948001, 72948002, 24105011, 24104024, 25417052, 25413101, 25413090, 25417043, 25417073, 25401024, 25101004, 25401017, 25401019, 46729038, 4672939, 46729027, 46729026, 46729036, 46729035, 46739103, 46739102, 46750065, 46729029, 46729028, 46739101, 46739101, 46739100, 46750077, 46750076, 46750075, 46750074, 46750073, 46750069, 46750068, 47231042, 47231041, 47231040, 72506008

**Project Location-City:** Morgan Hill and San Jose

**Project Location-County:** Santa Clara

**Project Purpose:** The Project purpose is 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.

**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 [Section 15306; Class 6, "Information Collection"]
- ☒ Statutory Exemptions [*Pub. Res. Code* §21080(b)(4); *CEQA Guidelines* § 15269(c)].

**Reasons Why Project is Exempt:** The FOCP qualifies 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 clearly 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.

FERC Ordered Valley Water to carry out interim risk reduction measures immediately and there is not time to complete a CEQA review (i.e., an Environmental Impact Report ([EIR]) before Valley Water's approval of the FOCF, without creating a substantial risk to public health, safety, and welfare. Valley Water EIRs generally take 12 to 36 months to complete and due to the complexity of the FOCF, a processing timeline closer to 36 months would be likely. If Valley Water were to wait to comply with the FERC Order until completion of an EIR, Valley Water would likely not be able to carry out the directed interim risk reduction measures at Anderson Dam for at least three years and would not be complying with the FERC Order to act immediately.

**Brief Description of Project:** The FOCF consists of four broad categories of actions (items 1 through 4) and eleven main project components (items 1 through 3, and 4a through 4h):

1. Reservoir Drawdown to Deadpool. Safe drawdown of Anderson Reservoir to deadpool, and reservoir operation and water level maintenance until Anderson Dam tunnel is operational.
2. Anderson Dam Tunnel Construction. Construction of a new outlet system that includes a new low-level outlet tunnel, 8 foot-diameter lake tap, outlet structure, discharge channel, and reopening of the original Coyote Creek channel (northern channel) downstream of the existing dam, allowing for a reliable and efficient drawdown of the reservoir. The new outlet system, collectively called the Anderson Dam Tunnel, will be constructed at the base of Anderson Dam, through the right (looking downstream) abutment, along the southern side.
3. Anderson Dam Tunnel Operation and Maintenance. Operation of Anderson Dam Tunnel and water management procedures anticipated to occur until seismic deficiencies can be fully mitigated at Anderson Dam.
4. Avoidance and Minimization Measures. Implementation of measures to avoid or minimize environmental or water supply impacts, including:
  - a. Bank and Rim Stability Improvements. Geotechnical investigations will be carried out and monitoring devices will be installed in the areas of known landslides along Anderson Reservoir rim to address potential impacts of reservoir drawdown. If additional measures are determined necessary, the Project would include the installation of necessary structural improvements to protect against potential landslides and/or make repairs if damage occurs.
  - b. Existing Intake Structure Modifications. Geotechnical investigations will be carried out and monitoring devices will be installed near the intake structure to address potential geotechnical impacts of dewatering on the existing outlet structure. If additional measures are determined necessary, the Project would include the installation of necessary structural improvements to reinforce the existing Anderson Dam intake structure and/or make repairs if damage occurs.
  - c. Creek Channel and Bank Erosion Control Modifications. Modifications required to avoid erosion impacts within Coyote Creek anticipated to result from combined flow releases through the existing Anderson Dam outlet and the new Anderson Dam Tunnel once constructed.
  - d. Imported Water Releases and Cross Valley Pipeline Extension. Provide for imported water releases to Coyote Creek via the Coyote Discharge Line immediately downstream of Anderson Dam at the top of Coyote Creek cold water management zone (CWMZ) and construction of a new spur off Cross Valley Pipeline that would allow imported water discharges downstream of Ogier Ponds. Water releases and the pipeline extension infrastructure will reduce adverse FOCF impacts on water supply, groundwater recharge and the groundwater basin, prevent subsidence, and provide in-stream environmental flows for Coyote Creek when Anderson Reservoir is unavailable due to the FOCF to provide flows for these purposes that are similar to those currently provided. After construction of the pipeline extension to provide recharge water downstream, chillers will be installed and may be used to chill up to 10 cfs of imported water for continued environmental releases via the Coyote Discharge Line to the CWMZ.
  - e. Coyote Percolation Dam Replacement. Replace the existing flashboard dam at the Coyote Percolation Pond with an inflatable bladder dam that can be deflated (lowered) to allow flows in excess of 800 cfs to pass safely. The existing dam is not designed to withstand flows greater than 800 cfs and removing the structure altogether would substantially impair groundwater recharge in a sensitive groundwater basin. The bladder dam would facilitate passing the higher flows that are likely to occur after construction and during operation of the Anderson Dam Tunnel.
  - f. Coyote Creek Flood Management Measures. Acquisition or elevation of ten structures on nine parcels, and construction of six spans of off-stream floodwalls or levees will reduce flood risks from higher maximum Anderson Dam Tunnel flows, combined with outflows from the existing outlet and Coyote Creek inflows resulting from storm events.

- g. Steelhead and Fish Avoidance and Minimization Measures. These measures include spring pulse flows, Coyote Creek fish rescue and relocation, Anderson Reservoir fish rescue and relocation, fyke trap installation and operation, normal operation of Coyote Reservoir, augmenting streamflow downstream of Anderson Dam, re-opening a historical Coyote Creek channel, cold water management zone monitoring, and water quality monitoring, in addition to measures (d) related to release of 10 cfs of chilled imported water into the CMWZ that are described above.
- h. Implementation of Additional Project-specific Avoidance and Minimization Measures. The FOCP will Implement project specific best management practices (BMPs) and other environmental protection measures to protect water quality and biological resources, including Valley Habitat Plan measures to protect listed species.

The full project description approved by the Valley Water Board of Directors June 23, 2020 is available from the contact person listed below upon request.

**Lead Agency:** Santa Clara Valley Water District  
**Contact Person:** Sarah Piramoon

**Area Code/Telephone/Extension**  
(408) 630-3133

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title: Norma J. Camacho  
Chief Executive Officer

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