



Santa Clara Valley Water District

File No.: 22-1223

Agenda Date: 11/22/2022

Item No.: 3.4.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve the Relocation Impact Study and Last Resort Housing Plan for the Anderson Dam Tunnel Project as Part of the Federal Energy Regulatory Commission Order Compliance Project, Under the Anderson Dam Seismic Retrofit Project, Project No. 91864006. (Morgan Hill, District 1).

RECOMMENDATION:

Approve the Relocation Impact Study and Last Resort Housing Plan for the Anderson Dam Tunnel Project as part of the Federal Energy Regulatory Commission Order Compliance Project, under the Anderson Dam Seismic Retrofit Project.

SUMMARY:

Santa Clara Valley Water District (Valley Water) is undertaking the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project (FOCP) as a result of the February 20, 2020, directive from the Federal Energy Regulatory Commission (FERC) to implement interim risk reduction measures at Anderson Dam. The Anderson Dam Tunnel Project (ADTP), Project No. 91864006, is one of five Capital Construction Projects comprising the FOCP. The ADTP is currently being constructed and includes building a diversion system to augment the existing outlet, consisting of a new diversion tunnel, an outlet structure, a micro-tunnel lake tap, and modifications to Coyote Creek just downstream of the base of the dam. The ADTP also includes reservoir bank and rim stability improvements, and existing intake structure modification.

The purpose of the ADTP reservoir bank and rim stability improvements is to address ground movement associated with pre-existing landslide areas around Anderson Reservoir. One of the landslide areas that requires stabilization is known as the "Hoot Owl Way Landslide," located on the reservoir slope below Hoot Owl Way in the Holiday Lake Estates community. Slope movements at the Hoot Owl Way Landslide have been documented in the past during reservoir operations, seismic events, and other drought and flood related circumstances, and were monitored during the drawdown of Anderson Reservoir in 2020.

When the new diversion system becomes operational, rapid drawdowns during heavy storms may contribute to subsequent slope movement. The ADTP team developed alternatives to mitigate future slope movements around the reservoir using engineering solutions such as soil nails, retaining walls, regrading, shear keys, and drainage improvements. However, analyses of the Hoot Owl Way landslide area determined these solutions may not fully prevent further movement of the slope. Valley

Water also considered precautionary acquisition of the nine parcels that are materially threatened by the Hoot Owl Way Landslide as a mitigation alternative (Attachment 1). After evaluating the various mitigation alternatives, Valley Water determined that the most feasible option is to pursue acquisition of all nine parcels that may be affected by the Hoot Owl Way Landslide.

Valley Water has prepared a Relocation Impact Study and Last Resort Housing Plan (Relocation Plan) (Attachment 2) which details the benefits a property owner or tenant may receive if Valley Water acquires a property that is impacted by a project. Under state law, a Relocation Plan requires Board approval before it can be utilized as a guiding document in providing relocation benefits to owners or tenants of potentially impacted properties.

RELOCATION PLAN

A relocation plan includes information regarding an agency's relocation assistance program, relocation advisory services, and compensation that will be available should the agency's project affect private properties and necessitates relocation. The Relocation Plan follows the State of California "Model Relocation Plan" and assesses potential relocation impact and services to ensure that sufficient replacement housing is available for persons who may be required to relocate because of ADTP. This Relocation Plan must conform with the Uniform Relocation Assistance and Real Properties Acquisitions Act of 1970, California Relocation Assistance Law, and other applicable local ordinances.

Alternatives for the nine parcels potentially impacted by ADTP were originally narrowed to either constructing significant slope stabilization features within the Hoot Owl Way Landslide or acquiring each property followed by demolition of the structures and restoration to a natural, undeveloped habitat. Of the total nine parcels

- 6 are privately owned and owner occupied
- 2 are vacant lots
- 1 has a family cabin, no occupants

The Relocation Plan was made available for a 30-day public review period, from September 23, 2022, to October 24, 2022, by uploading the document to Valley Water's ADTP website, posting a hardcopy at the City of Morgan Hill Library as well as at Valley Water Headquarters (available to view by appointment only). The Relocation Plan was also mailed with a cover letter, via First Class Mail, to the aforementioned potentially impacted properties to solicit input. After the 30-day public review period no comments or responses were received and the Relocation Plan was finalized.

Staff recommends Board approval of the Relocation Plan for the ADTP to ensure that Valley Water staff can promptly provide the appropriate relocation benefits to the owner(s) or tenant(s) within the project parameters.

ENVIRONMENTAL JUSTICE IMPACT:

There may be Environmental Justice impacts which this Relocation Plan aims to mitigate. The intent of the ADTP reservoir bank and rim stability improvements is to address ground movement associated with pre-existing landslide areas around Anderson Reservoir. Relocation of occupants will

be required to achieve the goal of stabilizing this landslide area in the Holiday Lakes Community. These parcels are not in the SB 535 Disadvantaged Communities. The SB 535 map utilizes California Communities Environmental Health Screening Tool (CalEnviroScreen) which is a screening methodology that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution. The location of the parcels has a CalEnviroScreen 4.0 score below 70. Areas of concern have scores between 70 and 100.

This Relocation Plan aims to mitigate any environmental justice impacts associated with potential relocations by outlining the parameters for providing relocation benefits to any potential affected households. Further, Valley Water will comply with the Uniform Relocation Assistance and Real Properties Acquisitions Act of 1970, California Relocation Assistance Law, and other applicable local ordinances in providing the full spectrum of relocation services through personalized outreach, and regular communication, to each potentially impacted household.

Additionally, the Valley Water ADTP team continues to coordinate with the community and key stakeholders as the project advances.

FINANCIAL IMPACT:

The Anderson Dam Tunnel Project, Project No. 91864006, is part of the Federal Energy Regulatory Commission Order Compliance Project, and is included in the Five-Year 2023-27 Capital Improvement Program (CIP) and in the Board-adopted FY 2022-23 Budget. The preliminary cost to provide relocation assistance benefits for up to nine (9) parcels ranges between \$1,150,000 to \$1,900,000. There are adequate funds in the project's current FY 2022-23 budget. Fees for work to be performed in future fiscal years will be recommended by staff during the budget process or through budget adjustments.

CEQA:

Approval of the Relocation Plan and Valley Water's subsequent acquisition of the properties are proposed to ensure public safety during FOCIP implementation. Valley Water determined that the FOCIP was exempt from CEQA pursuant to the statutory exemption for specific actions necessary to prevent or mitigate an emergency (CEQA Guidelines §15269 and Public Resources Code §21080(b)(4)). Approval of the Relocation Plan and acquisition of the properties to address the FOCIP impacts are therefore also exempt under the same emergency exemption. In addition, approval of the Relocation Plan and acquisition of properties have no possibility of causing significant environmental impacts, and thus are also exempt from CEQA under the "common sense" exemption (CEQA Guidelines § 15061(b)(3)).

ATTACHMENTS:

Attachment 1: Location Map
Attachment 2: Relocation Plan

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UNCLASSIFIED MANAGER:
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