

NOTICE OF PREPARATION

From: Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Subject: Notice of Preparation of a Draft Environmental Impact Report

Project Title: Fish and Aquatic Habitat Collaborative Effort (FAHCE) Program and Fish Habitat Restoration Plan

Project Location: Santa Clara County, California

The Santa Clara Valley Water District is the Lead Agency and will prepare an environmental impact report for the above program. The District is seeking the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed program. Your agency will need to use the draft EIR prepared by our agency when considering your permit or other approval for the program.

The program description, location, and the potential environmental effects are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but **not later than 30 days after receipt of this notice**. This Notice of Preparation is also available online at <http://www.valleywater.org/PublicReviewDocuments.aspx>. The District will also hold a scoping meeting to provide an additional opportunity for public input on the scope and content to the information to be addressed in the draft EIR. The date for the scoping meeting will be announced via separate public notice.

Please send your response to: Tiffany Hernandez
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118
(408) 630-3094
thernandez@valleywater.org

Please provide the name of a contact person in your agency.

Notice of Preparation
Draft Environmental Impact Report
Fish and Aquatic Habitat Collaborative Effort (FAHCE) Program and Fish
Habitat Restoration Plan
Santa Clara County, California
January 2015

Introduction

This notice announces that a draft Environmental Impact Report will be prepared for the Fisheries and Aquatic Habitat Collaboration Effort (FAHCE) (Program).

The draft EIR will identify and evaluate possible environmental impacts of the Program and develop strategies to avoid, reduce, or compensate for any significant impacts. As the lead agency under the California Environmental Quality Act (CEQA), the Santa Clara Valley Water District (District) has determined that the Program may have a significant impact on the physical environment, and has decided to prepare a draft EIR to provide opportunity for public participation in the planning and decision making process. The purpose of the draft EIR process is to develop and assess a recommended plan and alternatives for the program and to avoid and mitigate significant adverse effects on environmental resources.

This document, which serves as the Notice of Preparation (NOP) required by CEQA Guidelines (CCR §15082), describes the proposed program goals and objectives, potential environmental impacts, and the resulting need for a draft EIR. The NOP specifies the process that will be used to determine the scope of draft EIR analysis and provides an overview of the opportunities for participation in review of the draft EIR.

Project Overview

Background

The FAHCE Initialed Settlement Agreement¹ (FAHCE) includes the development and implementation of a fisheries habitat restoration plan for North county streams with water supply reservoirs. The fisheries habitat restoration plan identifies specific and programmatic actions to support the overall management objectives to “restore and maintain healthy steelhead trout and salmon populations as appropriate to each of the Three Creeks, by providing (A) suitable spawning and rearing habitat within each watershed, and (B) adequate passage for adult steelhead trout and salmon to reach suitable spawning and rearing habitat and for out-migration of juveniles.”

Setting

The area encompasses streams in three watersheds in northern Santa Clara County, California, where the SCVWD holds water rights licenses: Coyote Creek, Guadalupe River, and Stevens Creek. The scope of the program addresses the water supply diversions, operations and operational features that directly affect in-stream flows in each of these streams systems, below the first upstream diversion and above the tidal zone (Figure 1: Program Area). The streams are identified as

¹ The Fisheries and Aquatic Habitat Collaborative Effort Settlement Agreement (Settlement Agreement) was initialed in 2003, by the District, the Guadalupe-Coyote Resource Conservation District (GCRCD) -- water rights complainants, and the regulatory agencies -- CDFW, U.S. Fish and Wildlife Service (USFWS), and NMFS to address the 1996 water rights complaint filed by the GCRCD with the State Water Resources Control Board (SWRCB).

habitat for federal Endangered Species Act-listed species, including the California Central Coast Steelhead (threatened).

- Coyote Creek – the District operates Anderson and Coyote reservoirs in the upper watershed at the origin of Coyote Creek, and in-stream recharge facilities on the Coyote main stem and Upper Penitencia Creek, a tributary to Coyote Creek.
- Guadalupe River - the District operates Lexington, Guadalupe, Almaden and Calero reservoirs on Los Gatos Creek, Guadalupe Creek, Alamos Creek, and Calero Creek, respectively; and in-stream recharge facilities on Los Gatos Creek (Vasona, Kirk and Camden recharge ponds); Guadalupe Creek (Masson/ Los Capitancillos ponds), Alamos Creek (Alamos Flashboard Dam and Alamos/Guadalupe ponds).
- Stevens Creek - the District operates Stevens Creek Reservoir and water supply facilities in Stevens Creek.

Program Description

Elements of the FAHCE Fish Habitat Restoration Plan

Flow Measures -- Reservoir Re-operation Rule Curves (RRRC),

The FAHCE process proposed modifications to District reservoir operations that were specified in the settlement agreement. Reservoir release rates were identified for each reservoir to meet instream flow requirements to improve habitat conditions for salmonids. These winter base flows, pulse flows and summer flows support life cycle requirements of anadromous fish. The FAHCE Fish Habitat Restoration Plan proposes the application of these rule curves to District reservoir water releases to fulfill the provisions of the settlement agreement. Further, the District is proposing these operational commitments for instream flow requirements as the basis to amend its water rights licenses and address elements of the California Water Code §1707, CA Fish and Game Code §5937 and public trust doctrine issues needed to resolve the water rights complaint.

Habitat Improvement Measures

The FAHCE Fish Habitat Restoration Plan identifies programmatic actions to improve habitat conditions in the three creeks area. Measures include removal of migration barriers, channel and stream restoration; facility upgrades such as screening of diversions, and enhanced operation and maintenance protocols for fish ways, ponds and other facilities adjacent to steelhead streams. Specific habitat improvement projects will be evaluated in subsequent documents tied to this DEIR.

Biological Monitoring/ Adaptive Management

To determine compliance with the objectives the proposed program and to evaluate its effectiveness, compliance monitoring of the flows provided, and a biological monitoring program are proposed. The biological monitoring program will evaluate the effectiveness of the flow measures and generate science-based information on the condition of fish habitat to provide a basis for the adaptive management program. As flow, habitat improvement and other measures are implemented over the course of the FAHCE Fish Habitat Restoration Plan, adaptive management will ensure the management objectives are met and maintained.

Topics to be Analyzed in the Draft EIR

The draft EIR will serve to further assess the proposed Program's effects on the environment, to identify significant impacts, and to identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts. Analysis of alternatives to the proposed Program will be included in the draft EIR. Responses received to this NOP may modify or add to the preliminary assessment of potential issues addressed in the draft EIR.

Topics to be analyzed in the EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Geomorphology
- Land Use and Planning
- Noise and Vibrations
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
- Water Quality
- Cumulative Impacts
- Irreversible Impacts

Other Required Sections:

The draft EIR will also include other information required by CEQA: 1) Growth Inducing Impacts; 2) Significant, Unavoidable Impacts; 3) Significant Irreversible Environmental Changes; 4) Alternatives Analysis and 5) References.

Other Project Approvals

The State Water Resources Control Board (SWRCB), the San Francisco Bay Regional Water Quality Control Board and the California Department of Fish and Wildlife (CDFW) may rely on the District DEIR to evaluate their decisions as Responsible agencies under CEQA:

1. The State Water Resources Control Board may approve modification to District water rights licenses proposed in the FAHCE Fish Habitat Restoration Plan.
2. Permit Applications: The California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board may issue approvals, pursuant to their authorities, for implementation actions associated with the proposed program.

Environmental Review Process

This NOP initiates the CEQA process through which the District will refine the range of issues and Program alternatives to be addressed in the draft EIR. Comments are invited on the proposal to prepare the draft EIR and on the scope of issues to be included in the draft EIR.

Please submit any comments within 30 days of receipt of this notice to Tiffany Hernandez, environmental planner for the FAHCE Program (see *Contact Information* below).

After the 30-day review period for the NOP is complete and all comments are received, a draft EIR will be prepared in accordance with CEQA, as amended (Public Resources Code §21000 et seq.), and the State Guidelines for Implementation of CEQA (CCR §15000 et seq.).

Once the draft EIR is completed, it will be made available for a 60-day public review and comment period. Copies of the draft EIR will be sent directly to those agencies commenting on the NOP, and will also be made available to the public at a number of locations, including the District headquarters and public libraries in the area. Information about the availability of the draft EIR will also be posted on the District's website (www.valleywater.org).

Contact Information

For further information, contact the following:

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**Figure 1: Fish and Aquatic Habitat Collaborative Effort (FAHCE)
Program and Fish Habitat Restoration Plan Area**

Water supply distribution map

