Chapter 1
INTRODUCTION

The Santa Clara Valley Water District (SCVWD) has prepared this Draft Subsequent Environmental Impact Report (DSEIR) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of the proposed Stream Maintenance Program (SMP) Update (SMP Update or Proposed Project). This DSEIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines (14 California Code of Regulations [CCR]) 15000 et seq.).

1.1 General Background

SCVWD is a special district created by the State Legislature to act not only as Santa Clara County (County)'s water wholesaler but also as its flood protection agency and the steward for its streams and creeks, underground aquifers, and SCVWD-built reservoirs. SCVWD carries out its responsibilities in an environmentally responsible and cost effective manner, led by a Board of Directors composed of seven members, each elected from geographical areas within the county.

As the County's water wholesaler, SCVWD ensures a dependable supply of clean, safe water for homes and businesses. As the agency responsible for local flood protection, the SCVWD works diligently to protect Santa Clara Valley residents and businesses from the devastating effects of flooding. SCVWD's stream stewardship includes creek restoration and wildlife habitat projects, mitigation monitoring, pollution prevention efforts, and a commitment to natural flood protection.

1.2 Proposed Project Background

SCVWD is responsible for water supply, flood protection, and stream stewardship in Santa Clara County, California. SCVWD manages streams, canals, reservoirs, dams, pipelines, groundwater percolation facilities, and water treatment plants throughout the county to fulfill its responsibilities. SCVWD-owned flood protection facilities require maintenance to ensure that the designed function of each facility is maintained. Before 2002, SCVWD conducted maintenance activities as needed. In 2002, SCVWD implemented the SMP as an ongoing program with an indefinite time horizon to guide routine maintenance activities within SCVWD's creeks and canals. The difference between stream maintenance conducted before the SMP (pre-2002) and the initial SMP (2002–2012) is the SMP's comprehensive approach to managing and tracking the maintenance work and costs, its monitoring of environmental conditions, and its mitigating for the program as a whole, rather than on an individual project basis. The SMP is used by SCVWD staff to ensure that routine stream

Public Review Draft

maintenance practices are conducted in an efficient, consistent, and environmentally sensitive manner.

Although the SMP is an ongoing program, the initial 2002 SMP Manual and Final Environmental Impact Report used a 20-year planning horizon to forecast SMP activities and consider potential environmental effects. In 2009, SCVWD initiated an SMP Update process to renew necessary SMP permits as well as to review and update the SMP Manual and environmental compliance documentation. The SMP Update (including the 2012 SMP manual and this CEQA document) is intended to cover the 10-year planning period beginning in 2012 and ending in 2022. These SMP Update documents are intended to fully replace the original documents that guided the SMP from its inception through 2011. In general, the SMP Update is a continuation of past routine creek and canal maintenance activities in most of the same areas, using many of the same techniques. The SMP Update includes some new work areas and new work activities. More details regarding the SMP Update are provided in Chapter 2, *Project Description.*

The 2012 SMP Manual (included as Appendix A in this DSEIR) and the contents of the DSEIR are meant to be read as complementary volumes. As such, the DSEIR references or summarizes information presented in the 2012 SMP Manual frequently to avoid repeating information. The reader is encouraged to review the 2012 SMP Manual while reviewing the DSEIR.

1.3 Overview of CEQA Requirements and the 2002 SCVWD Stream Maintenance Program EIR

CEQA is the cornerstone of environmental law and policy in California. CEQA's primary objectives are to (State CEQA Guidelines Section 15002):

- ensure that the significant environmental effects of proposed activities are disclosed to decision makers and the public;
- identify ways to avoid or reduce environmental damage; prevent environmental damage by requiring implementation of feasible alternatives; and avoid, minimize, reduce and/or compensate for environmental impacts through implementation of mitigation measures;
- disclose the reasons for agency approval of projects with significant environmental effects;
- foster multidisciplinary interagency coordination in the review of projects; and
- allow for public participation in the planning process.

Public Review Draft

With certain strictly limited exceptions, CEQA requires all state and local government agencies to consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects. It establishes both procedural and substantive requirements that agencies must satisfy to meet CEQA's objectives. For example, the agency with decision-making authority (the lead agency) must first assess whether a proposed project would result in significant environmental impacts. If the project could result in significant environmental impacts, CEQA requires that the agency prepare an environmental impact report (EIR), analyzing both the proposed project and a range of feasible alternatives.

As described in Section 15121(a) of the State CEQA Guidelines, an EIR is a public information document that assesses potential environmental effects of a proposed project as well as identifies mitigation measures and alternatives to the project that could reduce or avoid adverse environmental impacts (14 CCR 15121[a]). Other key procedural requirements include developing a plan for mitigation measure reporting and monitoring, and carrying out specific noticing and distribution steps to facilitate public involvement in the environmental review process.

In 2001, for its SMP the SCVWD complied with CEQA through a comprehensive evaluation and disclosure of potential environmental effects. This included the preparation of a public Draft Environmental Impact Report (DEIR) and a Final Environmental Impact Report (FEIR), which incorporated public comments and responses to comments on the DEIR. A Notice of Determination was filed on July 12, 2002 with the State Clearinghouse (SCH No. 200102055), completing the CEQA review requirements for the SMP. The requirements and policies of the SMP were finalized in 2002 when SCVWD received authorizations from all the permitting agencies with jurisdiction over the program, as shown in Table 2-10 in Chapter 2, *Project Description*.

1.3.1 CEQA Requirements for Subsequent EIR

The SMP that was evaluated in SCVWD's certified 2002 EIR was intended to be implemented indefinitely and, under ordinary circumstances, the EIR should have been sufficient to cover implementation of the SMP indefinitely.

According to Section 15162 of the State CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

Public Review Draft

- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:
    - The project will have one or more significant effects not discussed in the previous EIR;
    - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15162 also states that a subsequent EIR shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR shall state where the previous document is available and can be reviewed.

SCVWD has determined that its 2002 SMP and related circumstances have changed substantially enough that the preparation of a Subsequent EIR is appropriate. Specifically, the following changes to the SMP contributed to this decision:

- Maintenance activities are being proposed in new locations not included in the 2002 SMP.
- At some existing locations, different types of maintenance activities are now being proposed.
- New maintenance activities are being proposed.
- SCVWD is proposing a modified approach to mitigation than what was adopted under the 2002 EIR.

In addition, several changes in the physical and regulatory environment have occurred, as follows:

- Several species are now listed as threatened or endangered under either the California or federal Endangered Species Act that were not listed in 2002.
- CEQA has been updated with additional requirements regarding the analysis of greenhouse gas emissions and global climate change.

Public Review Draft

1.4 Public Involvement Process

As described above, public disclosure and dialogue are priorities under CEQA. Accordingly, CEQA mandates two periods during the SEIR process when public and agency comments on the impacts of the Proposed Project are solicited: during the scoping comment period, and during the review period for the DSEIR. CEQA and the State CEQA Guidelines also encourage lead agencies to hold public meetings or hearings to review both the draft and final versions of an SEIR. Brief descriptions of these milestones are provided below, as they apply to this document.

1.4.1 Scoping Comment Period

Scoping refers to the public outreach process used under CEQA to determine the coverage and content of an SEIR. The scoping comment period offers an important opportunity for public review and comment in the early phases of a project. The scoping process for an SEIR is typically initiated by publication of the Notice of Preparation (NOP) required by CEQA, which provides formal notice to the public and to interested agencies and organizations that a DSEIR is in preparation. During the scoping period, agencies and the public are invited to comment on the project, the approach to environmental analysis, and any issues of concern to be discussed in the DSEIR. Scoping also can assist the lead agency with identification of project alternatives and mitigation measures. CEQA does not require public meetings during the scoping phase.

In accordance with State CEQA Guidelines (14 CCR 15082[a], 15103, 15375), SCVWD circulated an NOP for the Proposed Project on August 31, 2010 (Appendix B). The NOP, in which SCVWD was identified as lead agency for the Proposed Project, was circulated to the public; to local, state, and federal agencies; and to other interested parties. The purpose of the NOP was to inform responsible agencies and the public that the Proposed Project could have significant effects on the environment and to solicit their comments so that any concerns raised could be considered during the preparation of the DSEIR. In addition, SCVWD held a public scoping meeting on September 22, 2010, to provide the public with another opportunity to comment. Comments received in response to the NOP are included in Appendix B, and the preparers of this DSEIR considered these comments. No comments were received at the public scoping meeting.

1.4.2 Draft EIR Comment Period

After the DSEIR is completed, the District will issue a notice of availability, providing agencies and the public with formal notification that the document is available for review. The notice will be sent to the State CEQA Clearinghouse, all responsible and trustee agencies, any person or organization requesting a copy, and the county clerk's office for posting. The notice also will be published in a general-circulation newspaper. These actions will trigger a 45-day public review period, during which the District will receive and collate public and agency comments on the project and the document.

SCVWD will host a public hearing approximately 30 days after release of the document. The purpose of public circulation and the public hearings are to provide agencies and interested

Public Review Draft

individuals with opportunities to comment on or express concerns regarding the contents of the DSEIR.

For those interested, written comments or questions concerning this DSEIR can be submitted within this review period and directed to the name and address listed below. Submittal of written comments via e-mail (Microsoft Word format) will be greatly appreciated.

Santa Clara Valley Water District
Attention: Sunny Williams
5750 Almaden Expressway
San Jose, CA 95118-3686

E-mail: smp_update@valleywater.org
Subject Line: SMP Update EIR Comments

All documents mentioned herein or related to the Proposed Project can be reviewed on any SCVWD business day between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday at SCVWD headquarters, located at the address shown above, or on the SCVWD Web site at www.valleywater.org under Quick Links, Public Review docs. The documents also will be available at the libraries listed below during their normal operating hours.

Dr. Martin Luther King, Jr. Library
150 E. San Fernando St.
San Jose, CA 95112

Morgan Hill Public Library
660 W. Main Ave
Morgan Hill, CA 95037

Palo Alto Public Library
1213 Newell Rd.
Palo Alto, CA 94303

Cupertino Public Library
10800 Torre Avenue
Cupertino, CA 95014-3207

Milpitas Public Library
160 N. Main Street
Milpitas, California 95035

Written and oral comments received in response to the DSEIR will be addressed in the Final Subsequent Environmental Impact Report (FSEIR), which will include all comments received, responses to each, and a reprint of the DSEIR, updated as appropriate in underline/~~strikeout~~ in response to the comments.

Public Review Draft

1.4.3 Preparation of Final EIR and Public Hearing

CEQA requires the lead agency to prepare an FSEIR, addressing all substantive comments received on the DSEIR before approving a project. The FSEIR must include a list of all individuals, organizations, and agencies that provided comments on the DSEIR, and must contain copies of all comments received during the public review period along with the lead agency's responses.

After review of the FSEIR, SCVWD staff will recommend to the SCVWD Board of Directors whether to approve or deny the Proposed Project. This governing body then will review the FSEIR, consider SCVWD staff recommendations and public testimony, and decide whether to certify the FSEIR and approve or deny the Proposed Project.

If significant impacts are identified in the SEIR that cannot be mitigated, a statement of overriding considerations must be included in the record of the Proposed Project approval and mentioned in the Notice of Determination, to be filed with the State Office of Planning and Research and at the office of the County Clerk (14 CCR 15093[c]).

1.5 Organization of this DSEIR

This DSEIR contains the following components:

Table of Contents. The Table of Contents include an outline of the document, lists of the appendices, tables, and figures, acronyms, and a glossary of significant terms.

Executive Summary. A summary of the Proposed Project, a description of the issues of concern, alternatives to the Proposed Project, and a summary of environmental impacts are provided.

Chapter 1, *Introduction*. This chapter describes the statutory basis, purpose, and organization of the DSEIR and its preparation, review, and certification process.

Chapter 2, *Project Description*. This chapter summarizes the Proposed Project, including: a description of the Proposed Project purpose and goals; a brief description of the Proposed Project area and facilities where the SMP is implemented; the Proposed Project approach and activities; Proposed Project implementation and oversight; avoidance and minimization measures (best management practices); and required permits and approvals.

Chapter 3, *Environmental Setting and Impact Analysis*. This chapter begins with an introductory section which identifies resource areas determined not to be affected by the Proposed Project. Chapter 3 then presents thirteen sections that describe existing environmental conditions, the Proposed Project's anticipated environmental impacts, and

Public Review Draft

mitigation measures proposed for any significant impacts. The following resource topics are addressed these sections:

3.1 Aesthetics

3.2 Air Quality

3.3 Biological Resources

3.4 Cultural Resources

3.5 Global Climate Change

3.6 Hazards and Hazardous Materials

3.7 Hydrology and Geomorphology

3.8 Land Use and Planning

3.9 Noise

3.10 Public Service and Utilities

3.11 Recreation

3.12 Traffic and Transportation

3.13 Water Quality

Chapter 4, *Other Statutory Considerations.* This chapter addresses the Proposed Project's potential to contribute to cumulative impacts in the Project Area. Chapter 4 also outlines the Proposed Project's potential to induce growth and identifies significant, irreversible environmental changes that could result from implementation of the Proposed Project.

Chapter 5, *Alternatives Analysis.* This chapter describes the process through which alternatives to the Proposed Project were developed and screened, evaluates their likely environmental impacts, and identifies the environmentally superior alternative.

Chapter 6, *Report Preparation.* This chapter lists the individuals involved in preparing this DSEIR and their responsibilities.

Chapter 7, *References.* This chapter provides a bibliography of printed references, Web sites, and personal communications used in preparing this DSEIR.

Appendix A 2012 Stream Maintenance Program Manual

Appendix B Notice of Preparation and Comments Received

Public Review Draft

Appendix C	2012–2022 SMP Update Mitigation Approach Memorandum
Appendix D	General Plan Policies and Ordinances
Appendix E	Air Quality and Greenhouse Gas Emissions Calculations
Appendix F	Taxonomic Crosswalk between the Jepson Manual First Edition and Second Edition (second edition in preparation)
Appendix G	Special-Status and Locally Significant Plant Species Considered but Rejected for Occurrence in the Project Area
Appendix H	Detailed Descriptions of Special-Status and Locally Significant Plant Species Potentially Occurring in the Project Area
Appendix I	Detailed Descriptions of Special-Status Wildlife Species Potentially Occurring in the Project Area
Appendix J	Pesticide Regulatory Information
Appendix K	Traffic and Transportation Calculations
Appendix L	Mitigation Monitoring and Reporting Program

1.6 Impact Terminology

This DSEIR uses the following terminology to describe the environmental effects of the Proposed Project.

- A finding of no impact is made when the analysis concludes that the Proposed Project would not affect the particular environmental resource or issue.
- An impact is considered less than significant if the analysis concludes that a substantial adverse change in the environment related to this impact would not occur and, therefore, no mitigation is needed.
- An impact may be considered significant or potentially significant if the analysis determines that a substantial adverse effect on the environment could occur. Depending on the nature of the impact and feasibility of mitigation which could be implemented, such impacts would result in one of the following two conclusions:
    - An impact is considered less than significant with mitigation if the analysis concludes that a substantial adverse change in the environment related to this impact would not occur with the inclusion of the mitigation measures described.

Public Review Draft

- An impact is considered significant and unavoidable if the analysis concludes that a substantial adverse effect on the environment related to this impact could occur and no feasible mitigation measures are available to reduce the impact to a less-than-significant level.

- An impact is considered *beneficial* if the analysis concludes that a positive change in the environment would occur related to this impact.

- *Mitigation* refers to specific measures or activities adopted to avoid or substantially reduce a significant impact.

- A *cumulative impact* is the environmental change resulting from the incremental impact of a project when added to other related past, present, or reasonably foreseeable future projects. Significant cumulative impacts may result from individually minor but collectively significant projects.