

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

Governor's Office of Land Use and  
Climate Innovation  
ceqanet.lci.ca.gov

Telephone (408) 265-2600

**Project Title:** Federal Energy Regulatory Commission (FERC) Order Compliance Project (FOCP) – Live Oak Restoration Reach Project

**Project Location-Specific:** Downstream of Anderson Reservoir along Coyote Creek in Morgan Hill. Assessor's parcel numbers: 72834019, 72834020, 72824021, 72835001, 72835022, and 72835031.

**Project Location-City:** Morgan Hill

**Project Location-County:** Santa Clara

**Project Purpose:** The purpose of the Live Oak Restoration Reach Project (LORRP) is to enhance Coyote Creek habitat as part of the FOCP to support steelhead spawning and rearing, which would help mitigate the impacts of the FOCP.

**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 15333; Class 33, "Small Habitat Restoration Projects"]
- Statutory Exemptions [*Pub. Res. Code §21080(b)(4); CEQA Guideline §15269(c)*].

**Reasons Why Project is Exempt:** The FOCP qualified 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. A dam failure leading to catastrophic flooding would be a "sudden unexpected occurrence" were it to occur. FERC's dam safety order 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. The LORRP is part of the mitigation strategy for FOCP impacts and helps implement the FOCP Habitat Mitigation and Monitoring Plan. Because the LORRP is required to help complete FOCP implementation, it is subject to the same statutory emergency exemption as the original FOCP.

**Description of Project:**

The Santa Clara Valley Water District (Valley Water) is proposing the LORRP as part of the mitigation strategy for impacts resulting from the implementation of FOCP. The purpose of the LORRP is to enhance the spawning and rearing habitat for steelhead (*Oncorhynchus mykiss*) along Coyote Creek. The LORRP would enhance 2.59 acres of steelhead spawning and rearing habitat along an approximately 2,600-foot section of Coyote Creek that extends from the Coyote Discharge Line (CDL) outlet on the South Channel downstream along the Live Oak Area of Anderson Lake County Park.

The project would consist of the placement of spawning gravels, large woody debris (LWD), large boulders, and vegetated gravel bars within three sub-reaches (Upper, Middle, and Downstream) of Coyote Creek adjacent to and downstream of the Live Oak Picnic Area. The LORRP is divided into three unique sub-reaches including the Downstream Sub-reach, the Middle Sub-reach, and the Upstream Sub-reach. The project includes two distinct restoration approaches that vary by sub-reach: (Type A) spawning gravel placement with LWD; and (Type B) streambed reset with LWD, which combines placement of coarse substrates, spawning gravel placement, vegetated gravel bars, boulders, and LWD structures to increase the distribution and quality of steelhead rearing and spawning habitat. Both the Upstream Sub-reach and Downstream Sub-reach include Type A improvements while the Middle Sub-reach includes Type B improvements.

Project construction activities would include site preparation, clearing and grubbing, creek dewatering, in-channel excavation and grading for LWD installation, and gravel and boulder placement. Dewatering activities would be conducted in two phases. The first phase of the dewatering activities would consist of isolating and dewatering the Downstream Sub-reach using cofferdams, diversion pumps, and submersible pumps. All flows would be diverted down an existing secondary channel to the north to bypass flows around the Downstream Sub-reach work area. Once the construction of the Downstream Sub-reach is completed, the downstream cofferdam would be removed and the creek would be rewatered. The second phase of the dewatering activities would include isolating and dewatering the Upstream Sub-reach, Middle Sub-reach, and existing secondary channel. This dewatering phase would be conducted using a cofferdam, pumps, and a high-density polyethylene (HDPE) pipeline. Fish and aquatic vegetation would be cleared from within the reaches prior to dewatering activities, and fish screens would be installed upstream of the work limits. Once in-channel construction is complete, the temporary dewatering systems would be deconstructed and removed from the creek. All disturbed soil areas would be planted with native plant mix using hydroseed application.

The project site would include two staging areas. The primary staging area would be located at the Live Oak Park parking area and the secondary staging area would be at the upstream point of diversion at the Upstream Sub-reach. Construction access would be accessed via Cochrane Road and Malaguerra Avenue and through Live Oak Park. Construction equipment that would be used to construct the project would include dump trucks, excavators, loaders, skid steers, and pumps. Construction activities are anticipated to be completed within a construction season, which is expected to begin in June 2026 and end in December 2026. Work within the creek channel is expected to occur during the dry season, from June 15, 2026 to October 15, 2026.

**Lead Agency:** Santa Clara Valley Water District  
**Contact Person:** Tiffany Chao

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Senior Water Resources Specialist

Date: 3/9/2026  
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cc: CEQA Administrative Record