Administrative Final EIR

Los Gatos Creek Watershed Maintenance Program

State Clearinghouse # 2016032080

Prepared for

County of Santa Clara

June 29, 2017
ADMINISTRATIVE FINAL EIR

Los Gatos Creek Watershed Maintenance Program

State Clearinghouse # 2016032080

PREPARED FOR
County of Santa Clara
Department of Planning and Development
David Rader, Senior Planner
70 W. Hedding Street, East Wing, 7th Floor
San Jose, CA 95110
Tel 408.299.5779

PREPARED BY
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June 29, 2017

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1.1 PURPOSE AND ORGANIZATION

The County of Santa Clara (hereinafter “County”), acting as the lead agency, determined that the proposed Los Gatos Creek Watershed Maintenance Program (proposed maintenance program or the program) might result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the County had a draft environmental impact report (Draft EIR) prepared to evaluate the potentially significant adverse environmental impacts of the proposed program. The Draft EIR was circulated for public review between March 29, 2017 and May 12, 2017, and public comments were received. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

This Final EIR has been prepared to address comments received during the public review period and, together with the Draft EIR, constitutes the complete Los Gatos Creek Watershed Maintenance Program EIR. No revisions to the text of the Draft EIR were required to address comments received during the public review period of the Draft EIR. This Final EIR is organized into the following sections:

- Section 1 contains an introduction to the Final EIR.
- Section 2 contains written comments on the Draft EIR, as well as the responses to those comments.
1.0 Introduction

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2.0  Comments on the Draft EIR

2.1  CEQA REQUIREMENTS

CEQA Guidelines section 15132(c) requires that the Final EIR contain a list of persons, organizations, and public agencies that have commented on the Draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the Final EIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments. A copy of each correspondence received during the public review period for the Draft EIR is presented on the following pages. Responses are presented immediately following each letter. Numbers along the left-hand margin of each comment letter identify individual comments to which a response is provided. Responses are presented immediately following each letter. No revisions have been made to the text of the Draft EIR based on the responses to comments.

2.2  COMMENTS ON THE DRAFT EIR AND RESPONSES

The following correspondence was received during the public review period of the Draft EIR:

- Santa Clara Valley Water District (May 12, 2017)
- Governor’s Office of Planning and Research (May 15, 2017)
- California Department of Transportation (May 15, 2017)
Dear Mr. Rader,

Santa Clara Valley Water District (District) staff has reviewed the draft environmental impact report for the Los Gatos Creek Watershed Maintenance Program, received on March 28, 2017. The proposed project is not located within District right of way, therefore, a District permit is not required. Measurements should be taken to ensure that pollutants not enter into Los Gatos Creek.

Please reference District File No. 33557 regarding this project. If you have any questions, I can be reached at (408) 630-2586.

Sincerely,

Kathrin A. Turner

Assistant Engineer II
Santa Clara Valley Water District
Community Projects Review Unit
5750 Almaden Expressway
San Jose, CA 95118-3614

* Mailing address for FedEx, UPS, Golden State, etc.

Winfield Warehouse
5905 Winfield Blvd.  San Jose, CA 95123-2428

Phone:  408.630.2586
Fax:  408.979.5635
Response to Comment Letter #1 (Santa Clara Valley Water District)

1. The commenter remarks that maintenance activities of the program would not be located within the Santa Clara Valley Water District’s right of way, and would therefore not require district permits. This comment is acknowledged for future permitting requirements for the program and no additional response or revisions to text of the Draft EIR are required.

2. The commenter suggests that measures should be taken to ensure that pollutants do not enter into Los Gatos Creek. Such measures have been included in the program BMPs to ensure potential pollutants associated with program maintenance activities do not enter the creek channel. As described in Appendix C of the Draft EIR, these BMPs include BMP GEN-4 Dust Management Controls, GEN-5 Staging and Stockpiling of Materials, GEN-8 On-Site Hazardous Materials Management, GEN-10 Spill Prevention and Response, GEN-12 Vehicle and Equipment Maintenance, GEN-13 Vehicle and Equipment Fueling, GEN-14 Dewatering Measures, GEN-16 Pump/Generator Operations and Maintenance, and GEN-20 Work Site Housekeeping. These BMPs provide appropriate measures to ensure pollutants do not enter Los Gatos Creek or other water bodies. No additional measures are required. Therefore, no revisions to text of the Draft EIR are required.
May 15, 2017

David Rader
County of Santa Clara
70 W. Hedding St., East Wing, 7th Floor
San Jose, CA 95110

Subject: Los Gatos Creek Watershed Maintenance Program
SCH#: 2016032080

Dear David Rader:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 12, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse
Document Details Report  
State Clearinghouse Data Base

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<th>SCH#</th>
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<tr>
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<tr>
<td>Lead Agency</td>
<td>Santa Clara County</td>
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<tr>
<td>Type</td>
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**Description**
The project is the San Jose Water Company Los Gatos Creek Watershed Maintenance Program. The watershed is defined as the area from the confluence of Trout Creek and Los Gatos Creek north of the Lexington Reservoir Dam to the headwaters of Los Gatos Creek to the southeast. The program has been prepared to provide guiding policies, specific direction on approach, and regulatory authorization for routine reservoir, stream, and intake facility maintenance activities. The program is intended to cover a 10-year planning period from 2016-2026.

**Lead Agency Contact**

<table>
<thead>
<tr>
<th>Name</th>
<th>David Rader</th>
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<tbody>
<tr>
<td>Agency</td>
<td>County of Santa Clara</td>
</tr>
<tr>
<td>Phone</td>
<td>408-299-5779</td>
</tr>
<tr>
<td>Address</td>
<td>70 W. Hedding St., East Wing, 7th Floor</td>
</tr>
<tr>
<td>City</td>
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</tr>
<tr>
<td>State</td>
<td>CA</td>
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<tr>
<td>Zip</td>
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**Project Location**

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<tbody>
<tr>
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<tr>
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**Cross Streets**

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**Proximity to:**

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**Project Issues**

Archaeologic-Historic; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Recreation/Parks; Soil Erosion/Compaction/Grading; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Aesthetic/Visual; Air Quality

**Reviewing Agencies**

Resources Agency; Department of Fish and Wildlife, Region 3; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 4; Native American Heritage Commission; State Lands Commission; Regional Water Quality Control Board, Region 2; State Water Resources Control Board, Division of Financial Assistance; State Water Resources Control Board, Division of Drinking Water

**Date Received** 03/29/2017  
**Start of Review** 03/29/2017  
**End of Review** 05/12/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.
Response to Comment Letter #2 (Governor’s Office of Planning and Research)

1. The comment letter acknowledges that the County of Santa Clara complied with State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. No response or revisions to text of the Draft EIR are required.
May 15, 2017

Mr. David Rader
Department of Planning and Development
County of Santa Clara
County Government Center, East Wing
San Jose, CA 95110

Dear Mr. Rader:

Los Gatos Creek Watershed Maintenance Program – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. Our comments are based on the Draft Environmental Impact Report (DEIR).

Project Understanding

The location of the Los Gatos Creek Watershed Maintenance Program (maintenance program or program) area is the upper Los Gatos Creek Watershed (the watershed) from the confluence of Trout Creek and Los Gatos Creek north of the Lexington Reservoir Dam to the headwaters of Los Gatos Creek to the southeast. State Route (SR) 17 passes through the watershed and is the only major roadway in the watershed. The program area where program activities would occur is the areas of specific San Jose Water Company (SJWC) facilities within the watershed that require periodic maintenance. The watershed is entirely located in unincorporated Santa Clara County (County), in the northern portion of the central Santa Cruz Mountains.

To support its surface water supply sources, the SJWC operates and maintains several facilities and manages several thousand acres of watershed lands within the watershed. The SJWC manages five reservoirs, seven water intake structures, multiple access roads, roughly 100 roadside culverts, and approximately 6,000 acres of land in the watershed. The maintenance program was developed by SJWC to identify and improve long-term and ongoing facility maintenance and land management activities under SJWC direction in the watershed.

The maintenance program does not include maintenance for large construction projects contained in the SJWC’s Capital Improvement Plan, maintenance work that would increase the water supply capacity of a facility beyond the designed capacity, maintenance activities that would alter the designed flood conveyance capacity of a channel, emergency repair work,
maintenance work conducted on non-SJWC private property in the watershed by other land owners, and maintenance work performed by other agencies in the watershed.

**Lead Agency**

As the lead agency, the County is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project’s fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

**Cultural Resources**

Caltrans requires that a project’s environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State right-of-way (ROW). Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of Native American consultation to ensure compliance with CEQA, Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans Standard Environmental Reference (www.dot.ca.gov/ser/vol2/vol2.htm).

These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

**Transportation Management Plan**

If it is determined that traffic restrictions and detours may affect State highways, a Transportation Management Plan (TMP) or construction Traffic Impact Analysis (TIA) may be required for approval by Caltrans prior to construction. These must be prepared in accordance with Caltrans’ TMP Guidelines.

In addition, pedestrian access through the construction zone must be in accordance with the Americans with Disabilities Act (ADA) regulations (see Caltrans Temporary Pedestrian Facilities Handbook for maintaining pedestrian access and meeting ADA requirements during construction at: www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf) (see also Caltrans Traffic Operations Policy Directive 11-01 “Accommodating Bicyclists in Temporary Traffic Control Zones” at: www.dot.ca.gov/trafficops/policy/11-01.pdf). All curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project.

Please ensure that such plans are also prepared in accordance with the TMP requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Additional information is available for download at the following web address:

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability"
Mr. David Rader/County of Santa Clara  
May 15, 2017  
Page 3


**Bridges, Trestles, Culverts and Other Structures in Riparian Environments**

Some project level activities may affect riparian flow patterns upstream of bridges, trestles, culverts or other structures for which Caltrans holds responsibility. Please ensure your project level environmental documents include hydrological studies to determine whether such impacts will occur, and to identify appropriate mitigation measures.

**Encroachment Permit**

Please be advised that any ingress-egress, work, staging, storage (e.g., construction, vegetation management, drainage improvement, etc.), or traffic control that is conducted within or adjacent to or encroaches upon the State ROW requires an encroachment permit that is issued by Caltrans. Where construction related traffic restrictions and detours affect the STN, a Transportation Management Plan (TMP) or construction Transportation Impact Analysis (TIA) may be required. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW as well as any applicable specifications, calculations, maps, etc. must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. It is important to note that, in order to uphold the Caltrans statutory responsibility to protect the safety of the traveling public, if this information is not adequately provided, then a permit will not be issued for said encroachments. See the following website for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits.

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or brian.ashurst@dot.ca.gov.

Sincerely,

[Signature]

PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse – electronic copy  
Robert Swierk, VTA – electronic copy

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability"
Response to Comment Letter #3 (California Department of Transportation)

1. The commenter states that as lead agency, the County is responsible for all project mitigation, including any improvements to the State Transportation Network. As concluded in the Draft EIR, the program would have no significant impacts to traffic or circulation, including to state routes in the vicinity of the program area, and no mitigation measures are required to reduce impacts to a less-than-significant level. As described in Appendix C of the Draft EIR, BMPs including BMP GEN-17 Planning for Pedestrians, Traffic Flow, and Safety Measures, GEN-18 Public Safety Measures, and GEN-19 Minimize Noise Disturbances to Residential Areas, which would further limit any potential adverse impacts to traffic or circulation in the vicinity of the program area. Therefore, no mitigation measures or revisions to text of the Draft EIR are required.

2. The commenter describes cultural resources assessment requirements for proposed construction activities within State right-of-way. No proposed maintenance activities of the program would occur in State right-of-way. However, archaeological, historical, and Native American records searches for the program area have been conducted, as described by the requirements included in the comment letter. Therefore, no mitigation measures or revisions to text of the Draft EIR are required.

3. The commenter states that if it is determined that traffic restrictions and detours may affect State highways, a traffic management plan or traffic impact assessment may be required for approval by Caltrans. As described in the response to comment 1 above, and as concluded in the Draft EIR, the program would have no significant impacts to traffic or circulation, including to state routes in the vicinity of the program area, and no mitigation measures are required to reduce impacts to a less-than-significant level. As described in Appendix C of the Draft EIR, BMPs including BMP GEN-17 Planning for Pedestrians, Traffic Flow, and Safety Measures, GEN-18 Public Safety Measures, and GEN-19 Minimize Noise Disturbances to Residential Areas, would further limit any potential adverse impacts to traffic or circulation in the vicinity of the program area. Additionally, the program would not generate more than 100 or more new a.m. or p.m. weekday or weekend peak-hour trips, as identified in the Draft EIR, and would not, therefore, be required to prepare a transportation impact analysis per Valley Transit Authority congestion management program requirements. Therefore, no mitigation measures or revisions to text of the Draft EIR are required.

4. The commenter states that pedestrian access through construction zones must be in accordance with American with Disabilities Act regulations. As described in the
Draft EIR, within the program area public access is limited and none of the local roads have bicycle lanes or sidewalks. Therefore, maintenance activities along roadways associated with the program would not result in construction zones impeding existing pedestrian facilities, requiring such facilities to be improved to current American with Disabilities Act standards. Therefore, no mitigation measures or revisions to text of the Draft EIR are required.

5. The commenter suggests environmental review of the program include hydrological studies to determine if impacts may affect riparian flow patterns upstream of bridges, trestles, culverts or other structures for which Caltrans holds responsibility. As identified in the Draft EIR, program activities would be subject to BMPs GEN-14 Dewatering Measures and GEN-16 Pump/Generator Operations and Maintenance. Abidance with these measures of the program would ensure that sediment is not transported unnecessarily during dewatering, flow bypass, and flow restoration. Additionally, the Draft EIR concluded that the program would have a beneficial impact on altering existing drainage patterns of the program area as without proposed maintenance activities, sediment accumulation and erosion would increase and degrade site conditions such that flooding potentials could occur. The maintenance program would implement routine maintenance activities to prevent runoff flows from causing erosion, siltation, and flooding. Therefore, consideration of hydrology and water quality impacts of the program are considered to be sufficiently covered in the program Draft EIR and no additional analysis, revisions to text, or mitigation measures are required.

6. The commenter states that any construction or traffic control that is conducted within or adjacent to or encroaches upon the State right-of-way will require an encroachment permit issued by Caltrans. No maintenance activities of the program would occur within or adjacent to the State right-of-way. Therefore, no mitigation measures or revisions to text of the Draft EIR are required.
2.0 Comments on Draft EIR

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