

# **South San Francisco Bay Shoreline Phase I Study**

## **Addendum No. 1 to the Final Environmental Impact Statement/ Environmental Impact Report**

State Clearinghouse No. 2006012020  
Project Number 26444001

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Santa Clara Valley Water District  
5750 Almaden Expressway  
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## 1.0 Background

On March 22, 2016, the Santa Clara Valley Water District (District) approved the South San Francisco Bay Shoreline Phase I Study (Project) after certifying an environmental impact report for the Project. The document titled *Final Integrated Interim Feasibility Study and Environmental Impact Statement/Environmental Impact Report* ("Final EIS/EIR", SCH NO. 2006012020) was prepared as a joint environmental review document to comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). The Project is undertaken as a partnership with federal and state agencies, including the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS) and the California State Coastal Conservancy to provide coastal flood protection, restore/enhance tidal marsh and related habitats, and provide recreational and public access opportunities. The U.S. Army Corps of Engineers (USACE) and the U.S. Fish and Wildlife Service (USFWS) acted as the co-lead agencies under NEPA, and the District acted as the lead agency under CEQA.

The area between Alviso Slough and Coyote Creek has considerable risk for coastal flooding due to its low-lying terrain protected by non-engineered dikes. The flood risk will substantially increase over the next several decades due to sea level rise. In addition to flood risk, the past creation of commercial salt harvesting ponds along southern San Francisco Bay has resulted in a loss of most of the tidal salt marsh habitat within the Study Area. These local tidal marsh losses are in addition to San Francisco estuary-wide losses of approximately 90 percent of all tidal wetlands.

The project would provide coastal flood protection to the community of Alviso and infrastructure between Alviso Slough and Coyote Creek. The flood protection levee will allow approximately 2,900 acres of former salt ponds to be restored to tidal marsh by breaching levees to San Francisco Bay. The new levees will be used as a trail and include connection to the Bay Trail network with viewing platforms, interpretive signs, and benches.

The project, as approved, includes the construction of an engineered levee, restoration of Ponds A9-A15 and A18, and the creation of new recreation features (see Figure 1). Figure 2 provides the location of Project Reaches. The new levee would be constructed up to an elevation of 15.2 feet (NAVD 88) along existing salt pond berms – the eastern border of Pond A12 and southern borders of Ponds A13, A16, and A18. Additional flood risk management (FRM) features include a flood gate for the Union Pacific Railroad crossing and a gate closure system at Artesian Slough. Restoration at Ponds A9-A15 and A18 will consist of breaching existing salt pond berms, guided by results of monitoring and adaptive management from other South Bay restoration activities, to establish tidal connection with San Francisco Bay. An average 30:1 ecotone will be built adjacent to the levee in Ponds A12, A13 and A18, which will provide transitional habitat for endangered species. Recreation features include two pedestrian bridges, access to an unpaved trail on the improved levees, connection of the new levee trail to the Bay Trail network, and viewing platforms, interpretive signs, and benches.

The project description in the Final EIS/EIR was based on 30 percent design plans available at the time of Final EIR certification. Subsequent to project approval, the USACE and District continued to develop the design and some minor changes to the approved Project are now proposed which are reflected in the Reach 1 (Alviso Marina County Park to the Union Pacific Railroad) 95 percent design plans. In addition, the schedule for Project construction and estimated duration of various Project activities have been refined based on more current information. Finally, in recent months the District discussed with the Santa Clara County Parks Department ("County Parks") to obtain real property interests to construct the Project in areas owned by the County. As a result of those discussions, the District is proposing other

minor changes to the Project, some of which would need further CEQA review. This addendum is prepared to evaluate the environmental impacts of proposed changes to the Project and to provide additional analysis based on most current information. Pursuant to Section 15164 of the CEQA Guidelines, a decision making body shall consider the addendum along with the EIR prior to taking further discretionary action on a project. The County has discretionary approval authority over some elements of the Project and thus is considered a responsible agency pursuant to Section 15381 of the CEQA Guidelines.

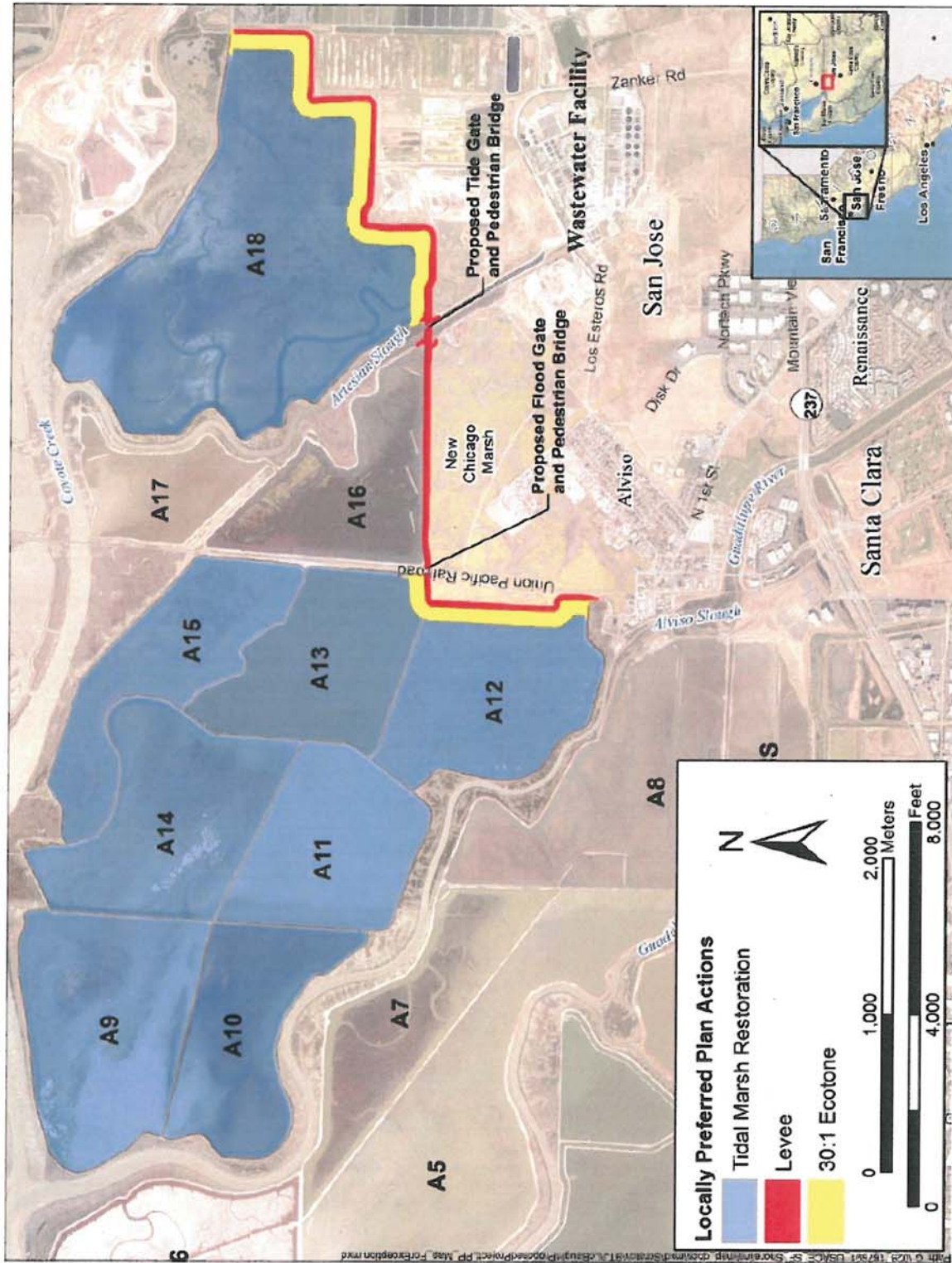


Figure 1: Project Location Map



Figure 2: Project Reaches

## 2.0 CEQA Requirement Relating to Subsequent Review

The District prepared this EIR Addendum in compliance with Section 15164(a) of the CEQA Guidelines, which states:

The lead or responsible agency shall prepare an addendum to a previously certified EIR if some additions or changes are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR exist.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (3) New information of substantial importance which was not known or could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
  - (B) Significant effects will be substantially more severe than discussed in the previous EIR;
  - (C) Mitigation measures or alternatives found to not 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
  - (D) 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 measure or alternative.

As demonstrated in the analysis below, conditions described in Section 15162 requiring preparation of a subsequent EIR are not present with respect to the minor changes proposed to the South San Francisco Bay Shoreline Phase I Study project. The proposed project changes would not result in new significant environmental effects beyond those described in the Final EIS/EIR or substantially increase the severity of significant environmental effects included in the Final EIS/EIR. New mitigation measures or alternatives that are considerably different from those identified in the Final EIS/EIR and would substantially reduce the project effects on the environment have not been identified. Therefore, preparation of an Addendum is appropriate under Section 15164(a) of the CEQA Guidelines.

### 3.0 Description of Proposed Changes to and Updated Information on the Project

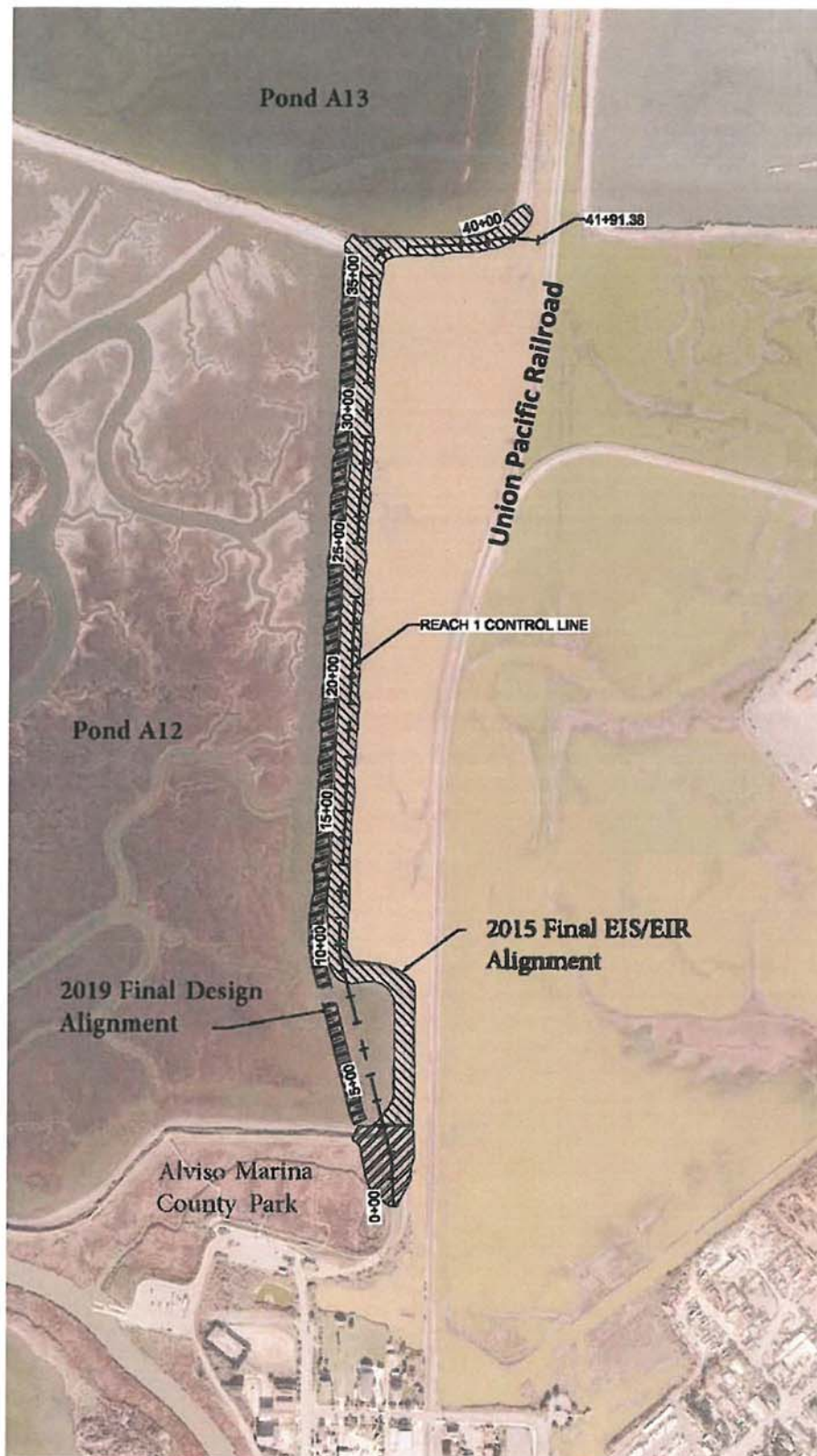
As described above, the District is preparing this addendum to update its CEQA analysis to reflect current information and evaluate proposed changes to the Project as follows:

1. The Final EIS/EIR states on pg. 3-89, "Under the assumed authorization and appropriation scenario, construction would commence in 2018 beginning with levee construction, followed by preparation of the first two ponds (Ponds A12 and A18) scheduled for breaching." Authorization and appropriation of funds was not secured in time to begin the movement of levee fill in 2018. Furthermore, because of the proposed reduction in the number of haul truck trips per day (see item 3 below) and a truck haul route work window from 9 am to 3 pm (as described in the Final EIS/EIR), it will take longer to bring in fill material. Also, based on design level geotechnical investigations, construction of the Reach 1 levee is recommended to occur in two construction stages. This new information has resulted in the project schedule outlined in Figure 3.8-7 of the Final EIS/EIR for "Levee Construction" to be extended out from 2021 to 2023. Based on the most current schedule, construction is expected to begin in January 2020 and be completed by 2023; the duration of construction would still remain at three years, even though commencement of construction would be delayed by approximately one year.
2. Haul trucks for Reach 1 and Reach 2/3 would access the site via State Route 237 to the Lafayette Street/Great America Parkway, the Gold Street Connector to Gold Street, continuing on to Elizabeth Street, then to Hope Street and into the Alviso Marina County Park. Empty haul trucks would exit in the reverse order but may access State Route 237 via Great America Way to Great America Parkway. The Final EIS/EIR (Appendix A-3: Shoreline Phase I Construction Traffic Access Route Plan) proposes that levee fill haul trucks for Reach 1 and Reach 2/3 would access the site via State Route 237 at North First Street, then to Gold Street, and Elizabeth Street, to Hope Street and into the Park. The amended haul route would entirely avoid adding truck trips to North First Street along which community facilities such as library, fire station, and elementary school are located.
3. To address concerns raised by County Parks, the two agencies agree to limit the number of haul trucks entering the Park entrance to an average of one truck every four minutes during the 9 am to 3 pm haul truck delivery window. This proposed change would result in a reduction of the maximum number of truck trips to 100 truck trips per day.
4. As a result of the USACE value engineering study, the realignment of an approximately 600-foot long segment of levee beginning at the southernmost point of Pond A12 is proposed. The new alignment would be about 200 feet shorter in length compared to the former alignment, and would avoid encroachment into the railroad right-of-way at this location and eliminate two 90-degree turns in the proposed maintenance road. See Figure 3 which shows both the original and modified alignment.
5. According to the Final EIS/EIR, the proposed Reach 1 levee would be constructed by USACE to tie in at the existing levee just east of the historic marina (page 1-39 of the Final EIS/EIR) within the Alviso Marina County Park. While the Final EIS/EIR does not specify details of this work, the original design would result in one single road at the tie-in location (i.e., the point where the new levee will conform to the existing ground), located at station 0+00 just east of the historic marina. Per request by County Parks, the tie-in design will include a park-use-only trail separate from the vehicle access road. This modification is intended to restore the pre-Project condition, which

includes a separated pedestrian trail at that location, east of the vehicle access road. Figure 4 shows both the original and modified design cross-sections at the tie-in location.

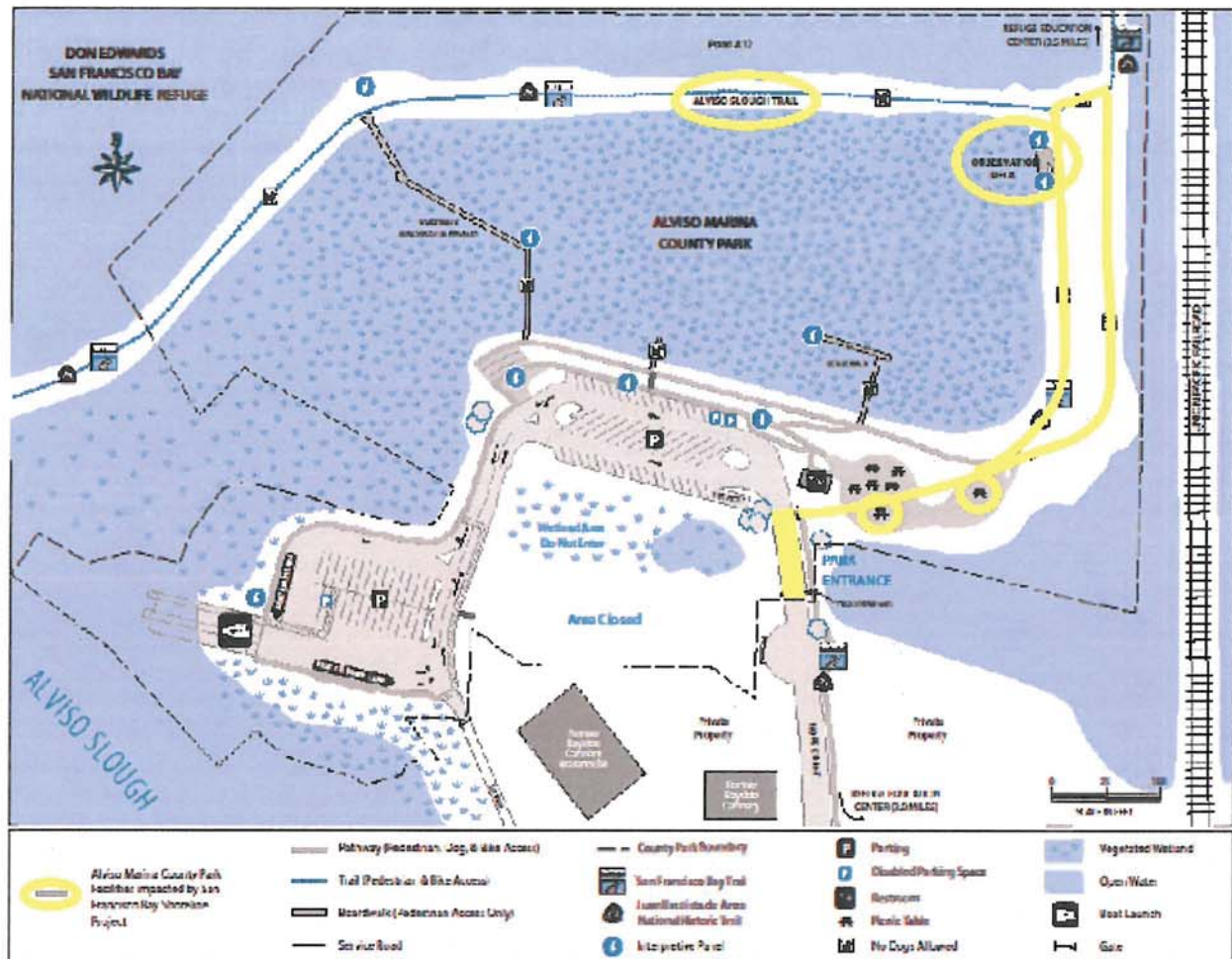
6. The existing observation deck located on the existing levee adjacent to the pedestrian trail in the northeast area of the Alviso Marina County Park, immediately east of the historic marina, would be temporarily removed during construction of the levee. Figure 5 shows the location of the existing observation deck. This deck will be replaced by either USACE or the District at a location specified by County Parks following construction of the Reach 1 levee.
7. The Final EIS/EIR describes that Project construction and dirt hauling activities would affect the Alviso Marina County Park, the Alviso Slough Trail, and the surrounding areas. Based on a more current Project schedule, USACE and the District can provide a more specific timeline and details for those Project activities near Alviso Marina County Park, as follows:
  - Initial dirt hauling to deliver fill materials to Staging Area #4 for the Reach 1 levee is anticipated to begin in late April of 2019 and would occur for up to 9 months. During this period of time, the Alviso Slough Trail is expected to remain open. The contractor will restore the conditions of the maintenance road at the County Parks entrance if the dirt hauling activities result in damage to the County property.
  - Reach 1 levee construction activities are scheduled to begin in January 2020. Construction of the 15.2' levee would occur in two stages and is scheduled to be completed in August 2021. However, during the approximately 20-month construction period, intermittent temporary closures of the Alviso Slough Trail would likely occur over a period of 12 months during equipment demobilization after the first stage construction of the levee to 12 feet (July 2020-August 2020), consolidation of the 12' levee (September 2020-February 2021), equipment demobilization and other activities including replacement of the observation deck following installation of the 15.2' levee (April 2021-August 2021). In addition, during the 20-month construction period, two picnic tables located immediately east of the vehicular access road would be closed to ensure public safety during construction. Full closure of the Alviso Slough Trail is expected to occur for approximately 4 months during construction of the levee and the subsequent tie-in construction (May 2020-June 2020 and February 2021-March 2021).
  - Construction of the railroad temporary at-grade crossing is scheduled to occur from June 2020 to August 2020.
  - Hauling of Pond A16 material to Pond A12 for the ecotone is scheduled to occur between July 2020 and December 2020. Construction of the Reach 2/3 levee is scheduled to occur between July 2020 and November 2021. During this approximately 17-months of time, trucks would intermittently exit through the Alviso Marina County Park entrance between the hours of 9 am and 3 pm.
  - The timeline above reflects the District's estimation of the schedule and was developed based on the assumption that the District can begin delivery of fill in late April 2019 and will be able to obtain all necessary property rights for USACE to begin construction in January 2020. However, in the event that the timeline needs to be shifted, the nature and duration of the Project construction activities would remain substantially similar.

**Figure 3: Original and Modified Alignment**





**Figure 5: Existing Recreational Facilities (Observation Deck, Alviso Slough Trail and Picnic Tables) at Alviso Marina County Park**



## 4.0 Environmental Analysis

The following analysis discusses the impacts of the proposed Project changes relative to the impacts identified in the Final EIS/EIR. Only those resource areas that have the potential to be affected by Project changes are discussed below. The nature of the Project activities and duration of construction would remain the same even though the alignment along a small section of the Reach 1 levee and the design of the tie-in would be modified. The proposed changes to the Project are not anticipated to affect the following resource areas: geology, soils, and seismicity; land use and planning; hydrology and flood risk management; surface water and sediment quality; hazards and hazardous materials; public health and aviation safety; cultural resources; public utilities and service systems, and growth inducement. The modified Project's environmental impacts to these resources would remain at substantially the same level as impacts disclosed in the Final EIS/EIR.

Potential impacts from the modified Project to aquatic biological resources, terrestrial biological resources; transportation, air quality/greenhouse gases, recreation, aesthetics, and noise have been identified and are analyzed below. Based on these analyses and as concluded below, implementation of the proposed project changes would not create new significant environmental impacts or substantially increase the severity of significant impacts beyond those identified in the Final EIS/EIR.

### 4.1 AQUATIC BIOLOGICAL RESOURCES

**Impact ABR-1: Have an effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW, the NMFS, or the USFWS.**

The Final EIS/EIR concludes that the Project's impacts on protected aquatic biological species (Impact ABR-1) would be less than significant. The Project is expected to provide an overall benefit to aquatic species by increasing the amount of tidal and sub-tidal estuarine habitat in the study area (pg. 4-226). The Final EIS/EIR discusses that construction of the Project features and restoration activities could result in some general adverse aquatic habitat effects for several years such as temporary displacement of species from occupied habitats, reduction of prey resources, post-breach salinity increase, elevated turbidity and sediments (pg. 4-227 to 4-232).

However, with the implementation of avoidance and mitigation measures (AMMs), none of these impacts would be significant. The Final EIS/EIR also concludes that construction of the levees and construction access activities would not result in significant impacts on aquatic species and occupied habitats (pg. 4-232 and 4-233). None of these impact conclusions are going to be affected by the proposed Project changes as the nature of the work activities and the duration of construction would remain the same and USACE/District would continue to implement applicable AMMs to avoid/minimize impacts on aquatic species and habitats.

**Impact ABR-2: Conflict with the provisions of the Santa Clara Valley Habitat Plan**

The Final EIS/EIR concludes that the Project would not conflict with the Santa Clara Valley Habitat Plan and Tidal Marsh Recovery Plan because those plans do not cover aquatic species (pg. 4-244). That conclusion would remain the same with the modified Project.

## 4.2 TERRESTRIAL BIOLOGICAL RESOURCES

### **Impact TBR-1: Have an effect on any sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or the USFWS**

The Final EIS/EIR discusses on pg. 4-316 that construction of the Project would directly affect a total of about 8.9 acres of wetlands (Waters of the United States; estimate includes the following habitat types: brackish marsh, freshwater marsh, mudflat, muted tidal/diked marsh, tidal salt marsh, and seasonal wetland). No impacts would occur to riparian or open water habitat. No riparian or open water habitat would be affected. The affected areas are primarily associated with a wetland complex near the Alviso Marina on the west end of the segment and Artesian Slough on the east end of the segment. An exception is saline marsh on the edges of Ponds A12 and A13.

As the EIS/EIR describes, ecosystem restoration of the Project is expected to result in the creation of 2,879 acres of tidal marsh (assuming the project is implemented as proposed and all ponds are converted). Table 4.7-3 (pg. 4-311) also provides a summary of wetland impacts from the different alternatives including Alternative 3, which is the approved Project. The minor losses of seasonal wetland (saline flat) and muted tidal/diked marsh habitat associated with levee construction effects would be completely offset in the long term by tidal marsh habitat gains associated with the Project. Thus, the Final EIS/EIR concludes this impact to be less than significant.

Construction of the modified tie-in after construction of the Reach 1 levee would result in filling of additional wetlands in the amount of approximately 3,000 square feet (or 0.07 acres). This increased amount of filling is very minor compared to the 8.8-8.9 acres of total wetland fill impact from the Project. The creation of approximately 2,900 acres of tidal marsh would offset the minor increased loss of wetland. Thus, impacts on sensitive natural communities, including seasonal wetland and muted tidal/diked marsh habitat from the modified Project would remain **less than significant**.

### **Impact TBR-2: Have an effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the CDFW or the USFWS**

The Final EIS/EIR concludes that Project construction activities could result in direct impacts on special-status species using the seasonal wetland west of the Union Pacific Railroad tracks (saline flat) and muted tidal/diked marsh habitat in the New Chicago Marsh (NCM). The NCM is known to support several special-status species, including salt marsh harvest mouse (SMHM), salt marsh wandering shrew, Alameda song sparrow, Bryant's savannah sparrow, and nesting western snowy plover, burrowing owls and other nesting birds. AMMs and mitigation measures were proposed in the Final EIS/EIR which would reduce the impacts to these species to a less-than-significant level. The modified Project would not substantially increase the significant impacts to these protected species as the nature of work activities and the duration of construction would remain the same. In addition, applicable AMMs and mitigation measures would continue to be implemented with the modified Project to reduce the impacts to a **less than significant** level.

**Impact TBR-3: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; this includes fragmentation of existing habitats**

The Final EIS/EIR discusses on pg. 4-320 that the Project would follow existing barriers (non-engineered dikes and berms), so building a levee on this alignment would minimize effects on wildlife movement, habitat connectivity, and habitat fragmentation. The new FRM levee would include a vegetative buffer along Ponds A12/A13 and A18 to provide refuge if needed and would not be constructed in a manner that would prevent movement across the levee. The Final EIS/EIR concludes that the Project would not result in significant impact on wildlife movement, habitat connectivity, habitat fragmentation, and biodiversity. The modified project would include the realignment of an approximately 600-foot long segment of levee at Pond A12. However, the new alignment would not substantially increase the impact at issue because the new alignment would occur in the close vicinity of the former alignment location and that the modified Project would still follow existing barriers and include a vegetative buffer along Ponds A12/A13 and A18. The construction-related impacts of the Alviso North levee option on wildlife movement, habitat connectivity, habitat fragmentation, and biodiversity would remain **less than significant** for the modified Project.

**Impact TBR-4: Have an effect on a population of existing native resident or migratory species, either directly or through habitat modification**

The Final EIS/EIR discusses on pg. 4-321 that the Project would be constructed along the location of existing nonengineered dikes and berms that separate distinct habitat types. On the bayward side are Ponds A12 and A13, which would be operated as batch ponds until they are breached, and Pond A16, a shallow water circulation pond. On the landward side is the NCM. Because these habitats in these areas are so different, the presence of a new FRM levee is not expected to disrupt or change current habitat trends in these two areas. The modified Project which includes the new alignment of an approximately 600-foot long segment of levee at Pond A12 and new tie-in design would not substantially increase the impact at issue because the habitat types on the two sides of the new levee would continue to be distinct and the new levee would not disrupt or change current habitat trends in the two areas. Therefore, the construction-related impacts of the modified Project on population and habitat trends would remain **less than significant**.

**Impact TBR-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree-preservation policy or ordinance or with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, Recovery Plan, or other approved local, regional, or State habitat conservation plan**

The Final EIS/EIR discusses on pg. 4-322 that Project construction activities would comply with existing policies and plans and concludes Impact TBR-5 to be less than significant. The modified Project would continue to comply with or to be consistent with objectives of existing plans and policies. Therefore, this impact would remain **less than significant**.

### 4.3 TRANSPORTATION

**Impact TRN-1: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulations system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; or conflict with congestion management program standards and goals for freeway segments listed in Section 4.9.1 Affected Environment.**

As discussed in the Final EIS/EIR on pg. 4-456 to 4-4-457, Project construction would cause temporary increases in traffic volumes on area roadways and would cause short-term degradation of traffic level of service at intersections and freeway segments. The weekday AM peak hour of traffic is generally between 7:00 and 9:00 AM and the weekday PM peak hour is typically between 4:00 and 6:00 PM. All levee fill truck trips would occur between the hours of 9:00 AM and 3:00 PM, avoiding the peak hours (AMM-TRN-1:Work Hours); see also pg. 4-448. The Final EIS/EIR concludes that with the addition of construction traffic, all the study intersections would continue to operate at an acceptable LOS D or better, which is consistent with the cities adopted plans and policies, and the Project would not result in conflict with transportation plans, congestion-management programs or goals for freeway segments, thus a less-than-significant impact.

The Final EIS/EIR (Appendix A-3: Shoreline Phase I Construction Traffic Access Route Plan) proposes that levee fill haul trucks for Reach 1 and Reach 2/3 would access the site via State Route 237 at North First Street, then to Gold Street, and Elizabeth Street, to Hope Street and into the Park (see Figure 4.9-6 of the Final EIS/EIR). This haul route would remain the same with the exception of the following:

The haul route for Reach 1 and Reach 2/3 construction is amended to access the site via State Route 237 to the Lafayette Street/Great America Parkway, the Gold Street Connector to Gold Street, continuing on to Elizabeth Street, then to Hope Street and into the Alviso Marina County Park. Empty haul trucks would exit in the reverse order, but may access State Route 237 via Great America Way to Great America Parkway. Table 1 provides the existing levels of service for the intersection of Great America Parkway and SR 237.

Table 1: Great America Parkway at SR 237 Existing Intersection Levels of Service					
Intersection	Location	Peak Hour	Count Date	Average Delay	LOS
Great America Parkway and SR 237 (N)	San Jose	AM	01/26/16	18.2	B
		PM	09/11/14	17.4	B
Great America Parkway and SR 237 (S)	San Jose	AM	01/26/16	13.3	B
		PM	09/11/14	11.9	B
Source: Hexagon Transportation Consultants, 2016.					

Similar to the approved Project, no additional truck trips would be added during peak hours pursuant to AMM-TRN-1. In addition, the number of trucks entering through the Park entrance will be limited to an average of one truck every four minutes during the six-hour truck trip window between the hours of 9:00 AM and 3:00 PM. Complying with this limit would mean that a maximum of 100 truck trips per day

would be generated during levee fill hauling, rather than the 320 proposed trips in the Final EIS/EIR (see Table 4.9-8 on pg. 4-448). Based on an existing level of service B for both the AM and PM peak hours, and given the lower number of trucks expected to pass through the Park entrance per day, Impact TRN-1 would remain **less than significant**.

**Impact TRN-2: Substantially increase hazards related to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., slow-moving construction equipment)**

As described above, the proposed Project changes include realignment of a short segment of Reach 1 levee, modified design at tie-in, construction schedule update, amended haul route, and limitation in the number of trucks through Park entrance. None of the modifications to the project would substantially increase hazards related to a design feature. Indeed, the modified alignment's elimination of the two 90-degrees and the creation of a separate pedestrian trail at the tie-in location would make it safer for park users and maintenance workers. Similar to the approved Project, a traffic control plan will be prepared to ensure trucks and other construction vehicles can safely enter and exit public roads when accessing the construction site (AMM-TRN-3: Traffic Control Plan). This impact would remain **less than significant** as concluded in the Final EIS/EIR.

**Impact TRN-3: Result in inadequate emergency access to areas that are near the project and that rely on the same transportation facilities.**

The proposed realignment of a short segment of Reach 1 levee and modification of the tie-in design would not worsen the impact relating to emergency access compared to the approved Project. While the revised construction schedule may result in some modification in the duration of various work activities, the preparation of a traffic control plan would continue to ensure vehicles have safe ingress and egress from public road (AMM-TRN-3: Traffic Control Plan). Construction work would be staged and conducted well away from public roads and would therefore not impact emergency access. Therefore, this impact would remain **less than significant**.

**Impact TRN-4: Conflict with the City of San José, Santa Clara County, or Alameda County adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.**

The Final EIS/EIR on pg. 4-460 concludes that the Project would result in less than significant impacts on public and alternative transportation. None of the proposed Project changes would worsen this impact, and the modified Project would continue to implement AMM-TRN-2 to coordinate with Union Pacific Railroad and rail transit providers to confirm peak rail traffic hours and cooperatively establish speed and traffic restrictions for rail and truck activities during construction. This impact would remain **less than significant**.

## **4.4 AIR QUALITY/GREENHOUSE GASES**

**Impact AIR-1: Violate any air quality standard or contribute substantially to an existing or projected air quality violation**

The Final EIS/EIR discusses on pg. 4-489 that construction of the Project would result in a temporary increase in emissions of ROG, NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and CO<sub>2</sub>. Construction emissions were

quantified using CalEEMod. See Table 4.10-9 Estimated Maximum Daily Construction Emissions (in pounds per day) and Table 4.10-10 Estimated Annual Construction Emissions of the 2015 Final EIS/EIR for calculated emissions. The Final EIS/EIR shows that the Project impacts from dust during construction would be less than significant with the implementation of AMM-AIR-1 (Dust-Control Measures) and AMM-AIR-3 (Prepare SWPPP). The Final EIS/EIR finds that ROG and NOx emissions during construction would exceed BAAQMD emission thresholds for maximum pounds per day from the large amount of material to be moved and placed to form the new levees and transition habitat. To mitigate this significant impact, the Final EIS/EIR proposes Mitigation Measures M-AIR-1a and M-AIR-1b to reduce ROG and NOx emissions during construction. Mitigation Measure M-AIR-1a requires the contractor to develop a plan demonstrating that off-road equipment would achieve project-wide fleet average of 20% NOx reduction and 45% particular matter reduction compared to the Air Resources Board fleet average. Mitigation Measure M-AIR-1b requires that all construction equipment, diesel trucks, and generators be equipped with best available control technology and that all equipment meets the Air Resources Board's most recent certification standard for off-road heavy-duty diesel engine. However, the impact related to ROG and NOx emissions would still be significant after mitigation, and the impact was concluded to be significant and unavoidable.

No substantial change in emissions would occur under the modified project. The proposed change in the levee alignment and tie-in design, as well as construction schedule update and amended haul route, would result in emissions similar to the amount estimated in the Final EIS/EIR. Indeed, by reducing the maximum number of trucks that would enter the Park on a daily basis, the daily ROG and NOx emissions would be less for the modified Project. The modified Project would continue to implement the mitigation measures. Project modifications would not result in a substantial increase in severity in this previously identified significant impact.

#### **Impact AIR-2: Expose sensitive receptors to substantial pollution concentrations**

The Final EIS/EIR concludes on pg. 4-491 that impacts relating to Toxic Air Contaminant (TAC) emission would be less than significant. Implementation of Avoidance and Minimization Measures AMM-AIR-2 (Limit Idling Time) and AMM-AIR-5 (Cleaner Construction Equipment), and AMM-AIR-6 (Use Electrical Power), and Mitigation Measures M-AIR-1a and M-AIR-1b as described above, would further reduce diesel PM exhaust emissions. Similar to Impact AIR-1, the proposed Project change would not substantially increase the air pollutant emissions nor substantially increase the exposure of air pollutants to sensitive receptors. This impact would remain **less than significant**.

#### **Impact AIR-3: Conflict with or obstruct implementation of the applicable air quality plan**

As discussed on pg. 4-491 of the Final EIS/EIR, a project would be inconsistent with an air quality plan if it would result in population and/or employment growth that exceed growth estimates included in the plan, which would generate emissions not accounted for. Both the approved and modified Project would not result in population or employment growth, and thus there would be no conflict with, or obstruction of, air quality plans. This impact would remain **less than significant**.

#### **Impact AIR-4: Create objectionable odors affecting a substantial number of people**

The Final EIS/EIR discusses on pg. 4-491 that the Project would generate odors associated with diesel exhaust and other construction-related sources. The Alviso Marina County Park is about 50 feet from the southwest corner of the construction area, the EEC is about 200 feet, and homes along Elizabeth Street in Alviso are about 500 feet from the nearest construction activities. The contractor will limit idle time for diesel-powered equipment which will minimize construction-related odors (AMM-AIR-2, AMM-AIR-5,

and AMM-AIR-6). Odors would be temporary and localized given the short amount of time that equipment is typically within a specific distance from receptors. The Alviso Marina County Park is about 50 feet from the southwest corner of the construction area, the EEC is about 200 feet, and homes along Elizabeth Street in Alviso are about 500 feet from the nearest construction activities. Given these distances, and the short-term nature of potential odors to be generated, the Final EIS/EIR concludes this impact to be less than significant. This impact would remain **less than significant** under the modified Project because the location, nature and duration of work activities would be similar and the Project would continue to comply with applicable AMMs.

**Impact AIR-5: Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases**

The Final EIS/EIR discusses on pg. 4-492 that the bulk of GHG emissions from the Project are in the form of CO<sub>2</sub>, which was estimated using CalEEMod (see Appendix A-5- Criteria Pollutants, of the 2015 Final EIS/EIR). GHG emissions are estimated to be a maximum of 94,267 lb/day for the levee and Pond A12 transitional habitat construction phase. BMPs identified by the BAAQMD to reduce GHG emissions during construction include using alternatively fueled construction equipment for at least 15-percent of the fleet, using local building materials for at least 10 percent of the total, and recycling or reusing at least 50 percent of construction waste or demolition materials (BAAQMD 2010). The Final EIS/EIR concludes that incorporating these and other applicable BMPs would reduce the GHG impact to a less than significant level. This impact would remain **less than significant** under the modified Project because the location, nature and duration of work activities would be similar and the Project would continue to comply with applicable BMPs.

## **4.5 RECREATION**

**Impact REC-1: Limit or impede existing recreational uses in the project area such as trails, access to the bay, and environmental education.**

This addendum only discusses those temporary recreational impacts from construction of the levee and related activities near and at the Park as the other Project elements (e.g. ecotone construction, ecosystem restoration) would not be affected by the proposed Project changes. The Final EIS/EIR on pg. 4-513 discusses the recreational impact from construction of the levee near and at the Park. These impacts include trail closure, trail detours, truck/construction equipment traffic and operation, and related dust, exhaust emissions and noise. Specifically, the Final EIS/EIR describes that construction activity near the former marina could affect access to the Park, but that construction impacts would be short term (4-6 months) and limited to immediate work areas, and thus the Final EIS/EIR concludes that this impact to the Park would be less than significant.

As described above, based on further Project design and more current construction schedule, the Reach 1 levee material stockpiling activities would occur over a nine-month period of time (end of April 2019-December 2019) and construction activities would occur over a 20-month period of time (January 2020-August 2021). During dirt hauling, trucks will be entering and exiting through a maintenance road near the County Parks entrance, and some damage may result from dirt hauling activities; however, the contractor will restore the road to its pre-project conditions. During the Reach 1 levee material stockpiling activities, the Alviso Slough Trail will be allowed to remain open for the nine-month period of time. During the Reach 1 20-month construction period, the Alviso Slough Trail will be allowed to remain open for four months (January 2020-April 2020) during equipment mobilization. The Alviso Slough Trail will have intermittent closures over a period of 11 months during equipment mobilization

and other activities (July 2020-January 2021 and April 2021-July 2021) and will be closed for four months during the first stage construction of the levee to 12 feet (May 2020-June 2020). The Alviso Slough Trail will also be closed during the second stage of construction of the levee to 15.2 feet (February 2021-March 2021). There will be one additional month where replacement of the observation deck and final trail surfacing will occur (August 2021), during which time trail users can use the vehicle access road at the top of the completed levee as an alternative to the park-use trail. It should be noted that intermittent closures as described above could vary anywhere between a few minutes to several days. In summary, full closure of the Alviso Slough Trail is expected to occur for approximately four months during construction of the levee and the subsequent tie-in construction. In addition, two picnic tables on the east side of the maintenance road will have to be closed for approximately 32 months (April 2019-December 2019 and May 2020-August 2021) to ensure public safety as these picnic tables are located east of the truck hauling and construction road (See Figure 5). However, the Park will remain open to visitors throughout the hauling and construction period. Alternative trail routes will remain available for use during these periods. Based on the above, the modified Project would not significantly limit or impede recreational uses near the Park; this impact would remain **less than significant**.

**Impact REC-2: Increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated.**

As discussed in the Final EIS/EIR on pg. 4-523, construction of the Project would result in temporary closure of trails in the immediate vicinity of construction. This is a short-term impact and trails would be available once construction moves from the area. Other trails in the project area would remain available for public use before and after construction occurs. The Final EIS/EIR concludes that the Project would not increase the use of other recreational facilities that would cause substantial physical deterioration to those facilities. The proposed Project changes and updated Project construction timeline and schedule would not substantially increase the use of existing neighborhood and regional parks and other recreational facilities, and thus this impact would remain **less than significant**.

**Impact REC-3: Require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.**

Similar to Impact REC-2, because the Project impacts to trails would be temporary in the immediate vicinity of construction and there would still be other trails in the area available for public use, the Final EIS/EIR concludes that the Project would not require construction or expansion of recreational facilities. The proposed Project changes and updated Project construction timeline and schedule would not require construction or expansion of other recreational facilities. Therefore, this impact would remain **less than significant**.

## **4.6 AESTHETICS**

**Impact AES-1: A substantial short-term negative aesthetic effect on the existing visual character or quality of the pond areas during construction.**

This addendum only discusses those temporary aesthetic impacts from construction of the levee near the Park as the other Project elements (e.g. ecotone construction, ecosystem restoration) would not be affected by the proposed Project changes. The Final EIS/EIR describes on pg. 4-537 that levee construction would remove vegetation and disturb soil along the levee alignment. Exposed soil in disturbed areas, and fill material placed along the levee alignment to construct the levee, bench, and

transitional areas is expected to be lighter in color than the surrounding, undisturbed areas. As the levee is constructed, the light material would contrast in color and tone moderately with the surrounding areas in foreground views. In addition, the steep 3:1 slopes of the levee would strongly contrast in form with the flat topography of the area in foreground views. Middle views would be affected to a lesser extent, and background views are generally not expected to be affected. If viewers are very close to a levee, it would dominate the foreground, middle, and background views. The realignment of 600 feet of the Reach 1 levee and the modified tie-in design would not worsen this impact. Staging Area #4 is within the eastern edge of Pond A12, is adjacent to an existing perimeter trail and New Chicago Marsh, and would support construction of the western portion of the levee. Given the local topography, this area is not likely to be visible from the Alviso Marina County Park, and views of the staging area would be limited to foreground views from the adjacent trail and railroad, while middle and background views would be similar to the baseline condition. As a result, staging in Staging Area #4 is not expected to degrade the visual character or quality of the area. No changes to Staging Area #4 would occur under the modified project. This impact would remain **less than significant**.

**Impact AES-2: A substantial, demonstrable negative aesthetic effect on scenic vistas such as those associated with the Alviso Marina and the Refuge.**

The Final EIS/EIR describes on pg. 4-538 describes that levee construction would have temporary aesthetic effects along the levee alignment. Potentially affected viewers include Refuge user and visitors to the Alviso Marina County Park and the Don Edwards EEC. The disturbance would be temporary as construction moves between levee segments; and therefore, the Final EIS/EIR concludes that the Project would not have a significant effect on scenic vistas near the Project. The proposed Project changes (realignment of a segment of the levee and modified tie-in design) and updated construction schedule would not substantially increase the temporary aesthetic effects on park users and viewers. This impact would remain **less than significant**.

**Impact AES-3: Create a new source of glare that would adversely affect views in the area.**

The Final EIS/EIR describes on pg. 4-538 that glare from construction may occur due to nighttime security lighting, this nighttime activity could require additional lighting in the construction staging areas. but that the glow is not expected to result in intrusive glare affecting the local community. With greater distance from the site, the minimal effect would be diminished further since the localized lighting would blend in with other urban lighting. In addition, the Project would not introduce new permanent sources of glare once construction is completed. The Final EIS/EIR concludes that this impact would be less than significant. The modified alignment of levee segment and tie-in design, as well as updated Project schedule, would not substantially increase the impact relating to glare. This impact would remain **less than significant**.

**Impact AES-4: Have a substantial long-term negative aesthetic effect on the existing visual character or quality of the pond areas.**

This addendum only discusses the long-term aesthetic effect from construction of the levee near the Park, as the other Project elements (e.g. ecotone construction, ecosystem restoration) would not be affected by the proposed Project changes. The Final EIS/EIR discusses on pg. 4-539 that the levee, once constructed, would change views within the study area and would vary by specific location and distance. The landward side of the levee likely would not be planted; however, over time, the levee material would weather and would become naturally seeded with grasses and small-scale vegetation. The bayward side of the levee would feature some planting.

In the view looking north from the Alviso Slough Trail within the Park, the project levee alignments would be prominent and would mostly block middle views of the adjacent New Chicago Marsh. However, no views within the Park would be obscured. In addition, views from the top of the levee would provide more-expansive views of the baylands than what are currently afforded by the topography due to the higher elevation. Therefore, the Final EIS/EIR concludes that the Project would not result in a substantial negative aesthetic effect on the marina's scenic vista, nor would it substantially degrade the existing visual character or quality of the area near the Park, a less-than-significant impact. The proposed modifications in a segment of the levee and tie-in design, as well as the updated Project construction schedule, would not change the Project's long-term aesthetic impacts following Project completion. Therefore, this impact would remain **less than significant**.

## **4.7 NOISE**

**Impact NOI-1: Expose people to or generate noise levels in excess of standards established in the City of San José's municipal code for land inside the city limits or the Santa Clara County Code standards for land in unincorporated areas of Santa Clara County**

**Impact NOI-2: A substantial temporary or periodic increase in ambient noise levels in the project vicinity due to construction activities**

The Final EIS/EIR discusses on pg. 4-579 that noise from construction equipment would exceed the local noise standards and result in significant temporary increase in ambient noise. This noise impact would be reduced through the restriction of truck delivery and regular construction work hours (AMM-NOI-1: Work Hours), and the contractors use of best management practices to reduce noise (AMM-NOI-3: Noise Best Management Practices), and Mitigation Measure M-NOI-1 which requires the contractor to obtain a conditional use permit from the city and to comply with all provisions of the conditional use permit. The conditional use permit is expected to include time-of-day restrictions, equipment setback requirements, notification requirements, equipment maintenance, and equipment muffler requirements. The contractor is further required to monitor construction noise levels, and if noise levels exceed the permitted levels, the contractor will reduce the number of noise-generating equipment at any one time or install temporary noise barriers. The Final EIS/EIR concludes that this impact would be reduced to a less than significant level. The level of impact would not substantially change as a result of the proposed Project changes, as similar equipment will be utilized and the nature, location, and duration of work activities will be similar to those of the approved Project. This impact would remain **less than significant with mitigation**.

The Final EIS/EIR also discusses the noise impact from the transport of fill soil to the Project sites including to the Reach 1 levee construction area. The fill material required for the construction of Reach 1 would be hauled to the site through the entrance of Alviso Marina County Park. Potential off-site borrow locations were assumed to be about 15 miles from the study area, resulting in a 30-mile round-trip haul route for dump trucks. Based on the maximum number of 224 trips per day, the Final EIS/EIR estimated that fill soil importing would require about 148 work days or about 38 weeks. However, because the haul routes would use existing truck routes and interstate highway facilities, which already have a substantial amount of truck traffic, the Final EIS/EIR concludes that noise impact from haul truck traffic would be less than significant. The proposed Project changes include limiting the number of trucks to 100 trips per day (one truck every four min during a six-hour truck trip work window). Based on the maximum of 100 trips per day rather than the 224 trips per day as outlined in the 2015 Final EIS/EIR, fill soil importing would require about nine months. However, the noise level on a daily basis would be reduced. Further, the amended haul routes would continue to be existing truck routes and state

highway facilities that are already subject to substantial amount of truck traffic. Therefore, the impact from the proposed Project changes would remain **less than significant**.

**Impact NOI-2: A substantial temporary or periodic increase in ambient noise levels in the project vicinity due to construction activities**

See discussion above under Impact NOI-1. Impacts would remain **less than significant** for the proposed and modified project.

**Impact NOI-3: Expose people to or generate excessive ground-borne vibration or ground-borne noise levels**

The Final EIS/EIR discusses on pg. 4-579 that low to moderate levels of ground-borne vibration could be produced during construction activities. Heavy equipment use and pile driving would produce the highest levels of ground-borne vibration. Ground-borne vibration dissipates rapidly with distance from the source, and, because the nearest sensitive residential receiver would be about 500 feet from the construction area, ground-borne vibration produced during construction would dissipate to below background levels before reaching the sensitive receivers. The Final EIS/EIR concludes this impact to be less than significant. None of the proposed Project changes would substantially increase this impact as the nature, location, and duration of work activities would be similar to those under the approved Project. Therefore, construction-generated vibration impact would remain **less than significant**.

**Impact NOI-4: A substantial permanent increase in ambient noise levels or vibration in the project vicinity above existing levels without the project**

Construction would be temporary under both the approved and modified Project. Once the Project construction is completed, operational and maintenance activities would not generate substantial increase in ambient noise levels or vibration. Therefore, this impact would remain **less than significant**.

**Impact NOI-5: Exposure of people residing or working in the study area to excessive aircraft-generated noise levels**

No change in worker exposure to excessive aircraft noise would occur from the proposed Project changes as the nature, location, and duration of the work activities would be substantially similar to those under the approved Project. **No impact** would occur.

## **5.0 Conclusion**

Based on review and analysis of the Project modifications and updated information above, none of the conditions described in CEQA Guidelines §15162 apply. Proposed Project changes would not create new significant environmental impacts or substantially increase the severity of significant impacts beyond those identified in the certified Final EIS/EIR. There are no significant changes to the project circumstances, and there is no other new information requiring revision of the previous CEQA findings. Thus, preparation of an addendum is appropriate under CEQA Guidelines §15164.

## 6.0 References

BAAQMD. 2010.

Bay Area 2010 Clean Air Plan. Prepared in association with the Association of Bay Area Governments, San Francisco Bay Conservation and Development Commission, and the Metropolitan Transportation Commission. Adopted September 15.

Hexagon Transportation Consultants. 2016.

Traffic Impact Analysis for the Great America Amusement Park, Theme Park Master Plan, Prepared for David J. Powers & Associates, Inc., September 16, 2016.

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