

South San Francisco Bay Shoreline Phase I Study

Addendum No. 2 to the Final Environmental Impact Statement/ Environmental Impact Report

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Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3614

Prepared by:

Todd Sexauer
Senior Environmental Planner

District Board of Directors

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Attachments

Attachment 1: Burrowing Owl Survey Data

1. BACKGROUND

On March 22, 2016, the Santa Clara Valley Water District (Valley Water) 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 USACE and the USFWS acted as the co-lead agencies under NEPA, and Valley Water 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 (see Figure 1). 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 (Figure 2). 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 major elements and environmental impacts of the Project are detailed in the Final EIS/EIR that was certified by the Valley Water Board of Directors on March 22, 2016.

The Project description in the Final EIS/EIR was based on 30 percent design plans available when Valley Water certified the CEQA document and approved the Project. In

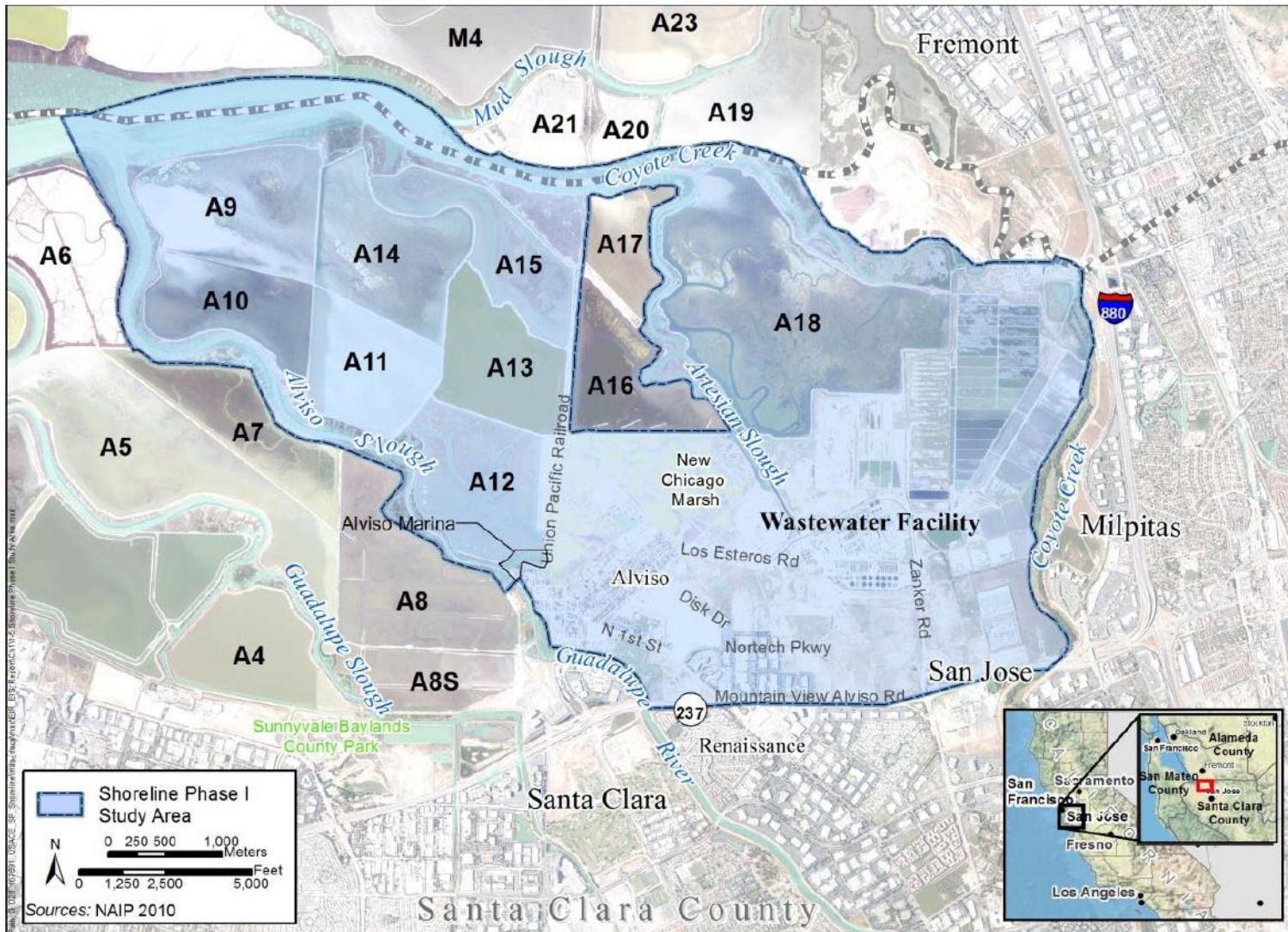
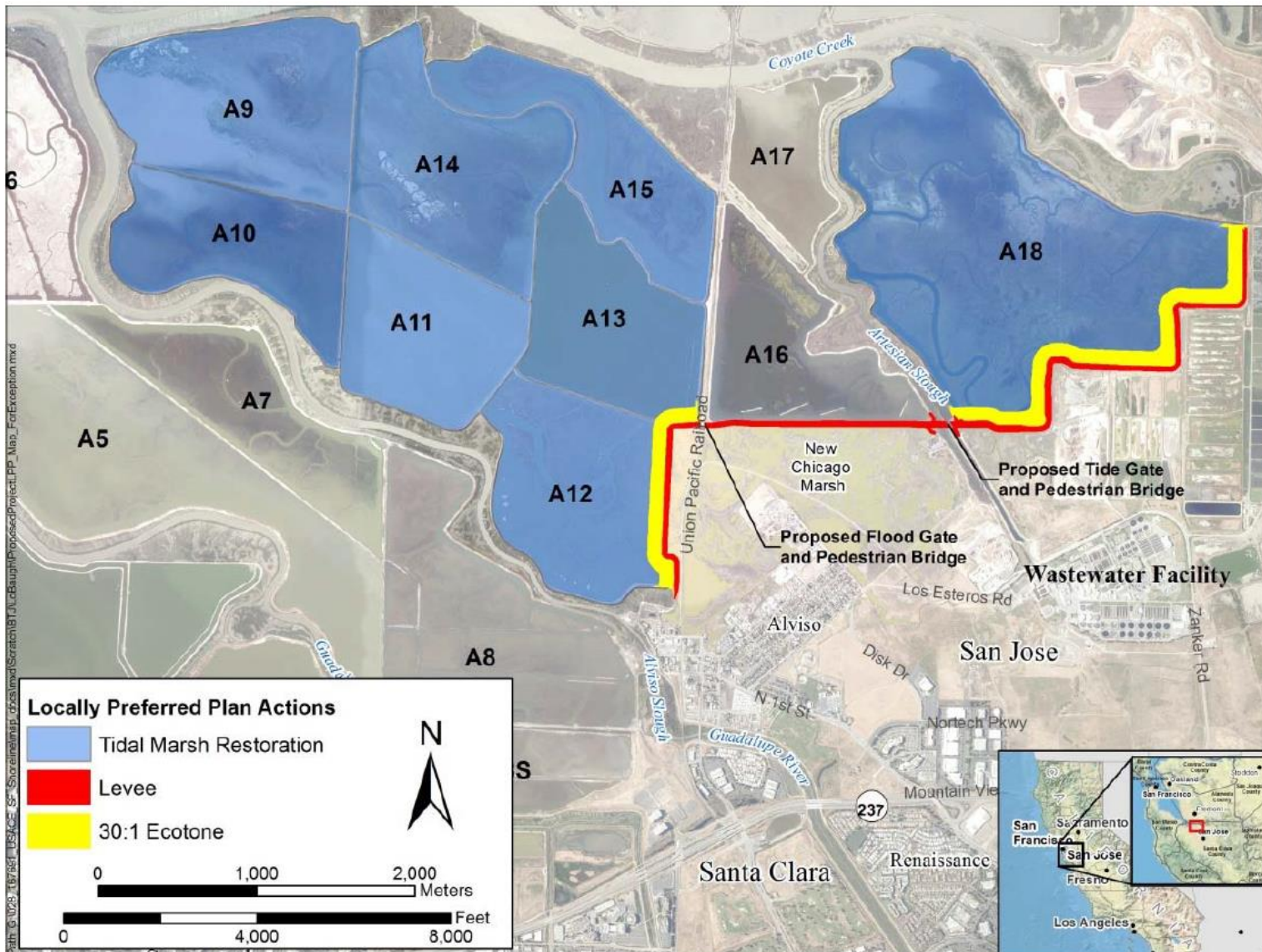


Figure 1: Shoreline Phase 1 Study Area – Alviso Subarea within Santa Clara County



March 2019, Valley Water prepared an Addendum No. 1 to the Final EIS/EIR to evaluate minor design changes to the approved Project reflected in the 95 percent design plans for the Project in Reach 1 (Alviso Marina County Park to the Union Pacific Railroad), as well as other minor modifications to Project schedule and activities, to support approval of a purchase and sale agreement (Purchase and Sale Agreement) between Valley Water and County of Santa Clara (County) for Valley Water to obtain temporary use of County property for Project construction.

The Final EIS/EIR identifies four potential staging areas to be used for purposes such as soil stockpiling, storage of equipment and materials, and the siting of construction trailers. After Project approval and preparation of Addendum No. 1, Valley Water is proposing to add two additional staging areas (Staging Areas No. 5 and 6) for Project construction. This Addendum No. 2 was prepared to evaluate the environmental impacts of the proposed use of the two additional staging areas and clarify the analysis in Addendum No. 1 with respect to minor adjustments of hauling frequencies on County property.

2. CEQA CONSIDERATIONS

Once the environmental review for a project has been conducted and the lead agency has adopted its findings with respect to impacts and proposed mitigation, these decisions need no additional review, unless further discretionary approval on that project is required and there are substantial changes to the project or its circumstances (CEQA Guidelines §15162 (c)).

When there are changes to a project, CEQA and its implementing regulations provides various levels of documentation to indicate that the lead agency has adequately considered the environmental effects of the changes in making its decisions. The appropriate level of review is based on whether proposed changes to the project, changes to circumstances under which the project is undertaken, or new information not known at the time of approval of the project, would create or show new significant effects or a substantial increase in the severity of previously identified significant effects.

If proposed changes would result in new significant environmental effects or a substantial increase in severity of previously identified significant effects, CEQA Guidelines §15162 requires preparation of a Subsequent EIR. If any of the conditions specified in §15162 would require preparation of a Subsequent EIR but only minor changes would be necessary to make the previous EIR adequately apply to the project changes, CEQA Guidelines §15162 allows the preparation of a Supplement to an EIR. If none of the conditions specified in §15162 calling for preparation of a Subsequent EIR have occurred, CEQA Guidelines §15164(a) provides for the use of an Addendum. The lead agency's decision to use an Addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines §15162, are not present.

As described in the analysis below, the proposed addition of two new staging areas (Staging Areas No. 5 and 6) and the modification of hauling activities would not result in new significant impacts or a substantial increase in the severity of significant impacts identified in the certified EIR.

3. DESCRIPTION OF PROPOSED CHANGES TO THE PROJECT

The Final EIS/EIR, on page 3-85, identifies four staging area options. Figure 3, Existing and Additional Staging Area Locations, shows the originally identified four staging areas (Staging Areas No. 1-4) and the two new staging areas (Staging Areas No. 5 and 6). Staging areas No. 1 and No. 2 are both located on the San Jose-Santa Clara Regional Wastewater Facility (Wastewater Facility) property. Recent discussions between Valley Water and City of San Jose suggest that these two staging areas may not ultimately be available for use by the Project. Staging area No. 3 is on Zanker Landfill land and would be restricted for soil stockpiling only, and no construction trailer, equipment or materials storage would be allowed. Staging area No. 4 is located within Pond A12, which is designated for soil stockpiling only. The USACE prefers not to place a construction trailer and equipment storage within Pond A12. As a result, additional staging is needed for equipment and materials storage, and for the placement of one or more construction trailers. No ground disturbing or soil stockpiling/hauling activities are proposed to occur at these two staging areas. Only the temporary placement of a construction trailer and equipment storage would occur. Figures 3 and 4 show the location of a fifth (APN 015-41-006) and sixth (APN 015-03-019) staging area under consideration for a 29-month and 36-month lease (with option to extend), respectively. These two additional staging areas were not identified in the Final EIS/EIR. The two sites are currently undeveloped and highly disturbed from past uses. Staging Area No. 5 is located at the southwest corner of Moffat Street and Gold Street at the south end of Alviso near the Lower Guadalupe River. The Guadalupe River Trail and the Union Pacific Railroad are adjacent to the south and west parcel boundaries, respectively. Staging Area No. 6, which is located at the northeast corner of Moffat Street and Gold Street, is bounded by developed parcels. Both parcels and the surrounding area are zoned Commercial Pedestrian Base District with a land use designation of Mixed Use Neighborhood. Electrical power to the sites would be provided by existing adjacent above ground power poles.

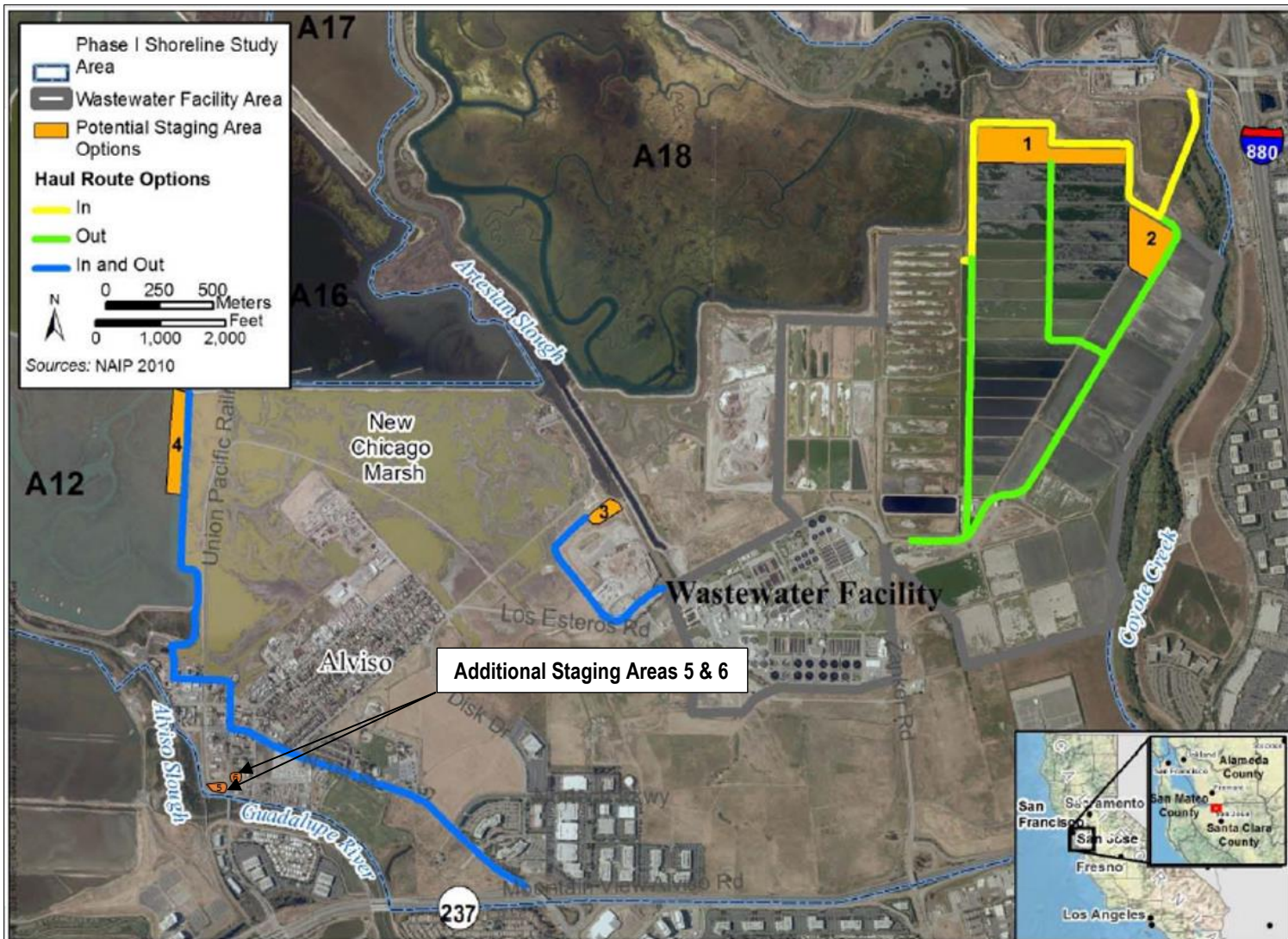


Figure 3: Existing and Additional Staging Area Locations

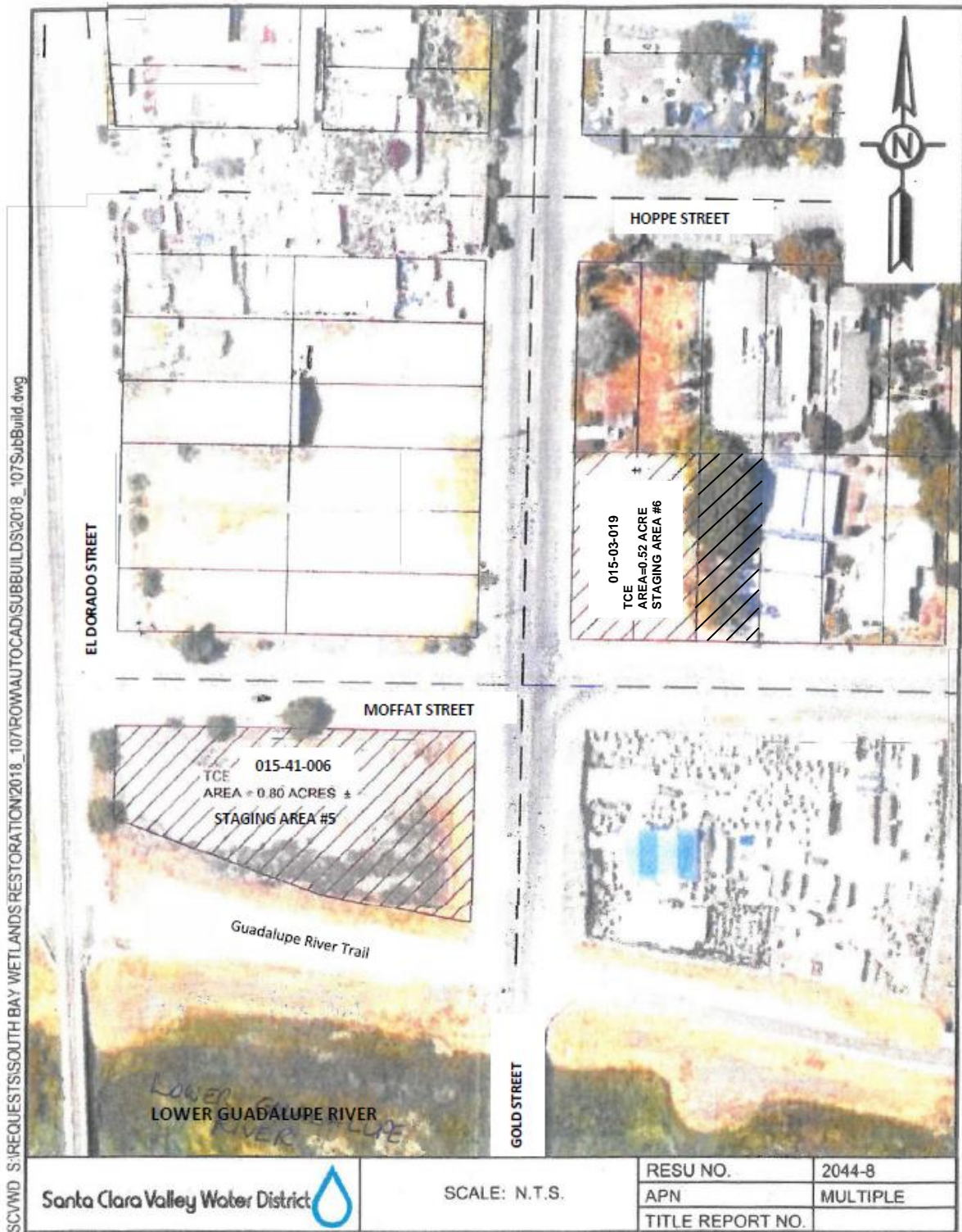


Figure 4: Proposed Staging Areas 5 and 6

4. ENVIRONMENTAL ANALYSIS

PROPOSED PROJECT CHANGES TO ADD NEW STAGING AREAS

The following analysis discusses the impacts from adding two staging areas to the Project Description relative to the impacts identified in the Final EIS/EIR. Implementation of additional staging activities would be subject to the same applicable best management practices and avoidance and minimization measures as prescribed in the Final EIS/EIR for staging areas. Adding the two staging areas would not substantially affect the following resource areas because the nature/extent of the Project activities proposed in the two new areas would be similar to those occurring at the other staging areas and because the two staging areas would only be used for materials/equipment storage or placement of construction trailers, with no ground disturbance or daily soil hauling activities: Agricultural and Forest Resources; Air Quality/Greenhouse Gases; Aquatic Biological Resources; Geology, Soils, and Seismicity; Hazards and Hazardous Materials; Hydrology and Flood Risk Management; Land Use and Planning; Mineral Resources; Noise, Public Health and Aviation Safety; Public Utilities and Service Systems; Recreation; Transportation, and growth inducement. As such, the following text only analyzes whether/how adding the two staging areas could affect the immediate vicinity of the two areas with respect to aesthetics, terrestrial biological resources, and cultural resources based on the new staging locations.

AESTHETICS

Staging Areas No. 5 and 6 are located at the south end of the community of Alviso, in an area characterized by disturbed, sparsely developed, filled baylands. A number of parcels in the area are used for outdoor storage.

The City of San José's General Plan (2018) identifies the City's baylands as a scenic resource. Visual quality-related goals are generally relevant to new development of permanent structures. The General Plan also requires preservation of scenic routes, through General Plan Policy PR-7.2, below The Guadalupe River Trail is located immediately to the south of Staging Area No. 5.

City of San Jose General Plan Policy PR-7.2

The City should control land development along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor.

No designated scenic vistas have been identified in the vicinity of Staging Areas No 5 and 6 as per the Envision San Jose 2040 General Plan, Scenic Corridors Diagram. The Project proposes to temporarily store equipment/materials and one or more construction trailers on the two additional staging areas for a period of approximately 29 months (Staging Area No. 5) and 36 months (Staging Area No. 6 with an option to extend), so the impact on existing visual character/quality of the areas would be both short-term and minor, and there would be no long-term negative aesthetic impact. In addition, no permanent structures that could be considered new development are proposed, and no adverse impacts would occur to the adjacent Guadalupe River Trail. As a result, the addition of the two staging areas would be consistent with the City of San Jose policies contained within the 2018 Envision San Jose 2040 General Plan. The staging activities would not create a new substantial source of glare that would adversely affect views in

the area. Therefore, the Project's impacts on aesthetics would remain less than significant as concluded in the Final EIS/EIR.

TERRESTRIAL BIOLOGICAL RESOURCES

The proposed Staging Area No. 5 and 6 are located in an urban area in the community of Alviso, within the City of San Jose. However, due to the proximity of both staging areas to the Lower Guadalupe River, the sites are considered to be potential habitat for burrowing owl (*Athene cunicularia*), a California Species of Special Concern and protected under the federal Migratory Bird Treaty Act. Therefore, a biological survey and habitat assessment for burrowing owl was conducted on June 4, 2019, of Staging Areas No. 5 and 6 (Attachment 1).

The survey results (Attachment 1) show that vegetation within Staging Area No. 5 was dominated by non-native stinkwort (*Dittrichia graveolens*) and smilo grass (*Stipa miliacea*). The center of the parcel consisted of highly compacted soil and gravel, which is unsuitable for use by burrowing owl, with tall grasses and shrubs such as coyote brush (*Baccharis pilularis*) growing at the edges of the parcel along the fence. Walnut trees (*Juglans* sp.) were present around the edges of the parcel outside the fence. Trash was observed within the parcel. At the time of the survey, there were no burrows present in the survey area, and no evidence of burrowing rodent activity. No special-status species were observed.

Proposed Staging Area No. 6 consisted of non-native landscape plants around the periphery including bottlebrush (*Callistemon citrinus*), oleander (*Nerium oleander*), Peruvian pepper tree (*Schinus molle*), and eucalyptus (*Eucalyptus* sp.). A gray pine (*Pinus sabiniana*) was also present at the edge of the parcel, along with tall grasses that are unsuitable for use by burrowing owl. There were no burrows present in the survey area, and no evidence of burrowing rodent activity. No special-status species were observed.

Both parcels also contained ruderal, primarily non-native vegetation including bristly ox-tongue (*Helminthotheca echioides*), star thistle (*Centaurea* sp.), wild oat (*Avena* sp.), fox tail (*Hordeum* sp.), morning glory (*Calystegia* sp.), fennel (*Foeniculum vulgare*), and radish (*Raphanus* sp.).

Burrowing owl prefer open sites with low grass and unobstructed visibility. Presence of burrows, particularly those of California ground squirrel, are a habitat requirement for the species. Due to the lack of burrows, lack of evidence of burrowing rodent activity, presence of tall grasses on both parcels, and compact ground with gravel on Staging Area No. 5, lack of prey availability, and anthropogenic disturbances, it was determined that both sites are unsuitable for use by burrowing owls. No burrowing owls, evidence of burrowing owls (pellets, whitewash, etc.), or other special-status species were observed at the time of the survey, or are expected to occur on the Project site. Therefore, the proposed Project changes to add the two staging areas would not result in new or substantially worse impacts on terrestrial biological resources beyond those impacts discussed in the 2015 Final EIS/EIR.

CULTURAL RESOURCES

As noted in the Final EIS/EIR, the results of records searches and the survey indicated that the Alviso Salt Pond Historic Landscape is the only historic property in the Area of Potential Effect (APE) and that the APE encompasses a small portion of the Alviso Village Historic District. The Alviso Village Historic District is on the National Register of Historic

Places and is a California Point of Historical Interest. The 60-acre Historical District is generally bounded by the Alviso Marina County Park, Guadalupe River/Alviso Slough, Moffat Street, and El Dorado Street. There were three additional properties located adjacent to the APE: the Drawbridge town site, a railroad bridge, and a prehistoric Native American site; none of these properties are located in the vicinity of the additional staging areas. Therefore, the only cultural resources located in the vicinity of the proposed staging areas would be the Alviso Village Historic District.

Staging Areas No. 5 and 6 are located immediately adjacent to the southern end of the Alviso Village Historic District (see Figure 5).

Because Staging Areas 5 and 6 are located outside of the Historic District, there would be no impacts to historic resources. In addition, because no ground disturbance would occur to the two additional staging areas, no potential impacts to prehistoric cultural resources or human remains are anticipated. Therefore, the proposed Project changes to add the two staging areas would not result in new or substantially worse significant impacts on cultural resources beyond those disclosed in the Final EIS/EIR.

CLARIFICATION OF ANALYSIS REGARDING HAULING ACTIVITIES ON COUNTY PROPERTY

As described above, pursuant to a Purchase and Sale Agreement executed May 2019, Valley Water obtained real property interest to enter into and use County property for Project construction. In that agreement, Valley Water agrees to limit the number of haul trucks entering the Alviso Marina County Park entrance to an average of one truck per four minutes during the 9:00 AM to 3:00 PM window on weekdays. The agreement allows an increase of truck traffic but requires prior permission from the County.

Addendum No. 1 to the Final EIS/EIR explains that limiting haul trucks on County property to one truck per four minutes on average during the 9:00 AM to 3:00 PM window would create approximately 100 daily truck trips (well below the maximum 224 daily truck trips as disclosed in the Final EIS/EIR). Thus, Addendum No. 1 concludes that complying with the Purchase and Sale Agreement would not cause any new or substantially worse significant impacts when compared to impacts disclosed in the Final EIS/EIR.

Should Valley Water seek future permission from the County to make adjustments to hauling frequency on County property, so long as the delivery window remains between 9:00 AM and 3:00 PM and the daily maximum truck trips do not exceed 224 trips per day, hauling activities would not result in new or substantially worse significant impacts, and no further CEQA review would be required. Hauling activities would remain subject to applicable best management practices, avoidance and minimization measures, and mitigation measures as prescribed in the Final EIS/EIR for truck traffic.

5. CONCLUSION

Based on the analysis above, activities associated with the addition of Staging Areas No. 5 and 6, and increase in haul truck trips (so long as the maximum daily trips remain below 224 trips per day) would not create new significant environmental impacts or substantially increase the severity of previously identified significant impacts. There are no significant changes to the Project circumstances, and there is no new information requiring revision of the previous CEQA findings. None of the conditions described in CEQA Guidelines

§15162 exist, and therefore, preparation of an addendum is appropriate under CEQA Guidelines §15164.

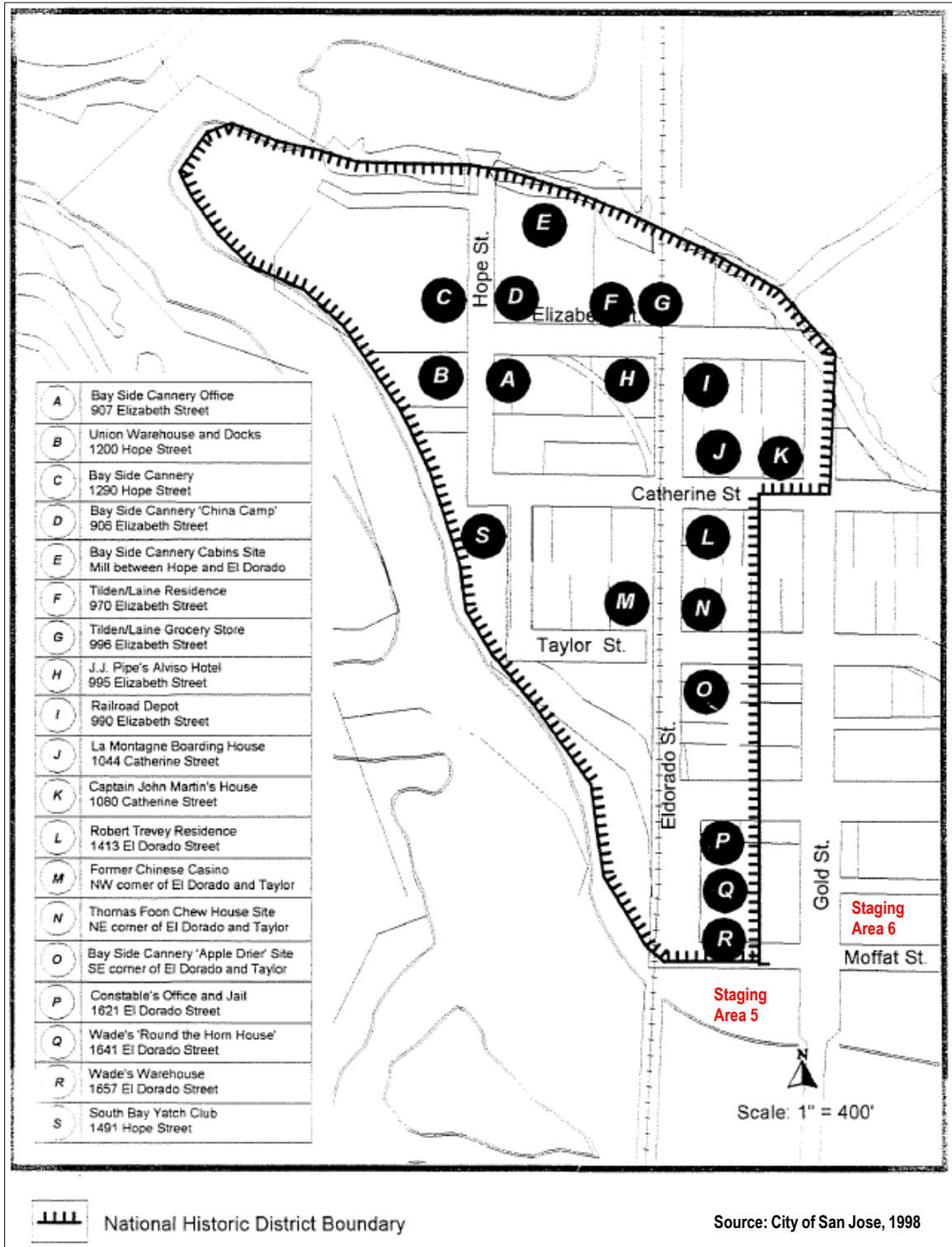


Figure 5: Additional Staging Areas near the Alviso Village National Register Historic District Boundary

6. REFERENCES

City of San Jose, 1998.

Alviso Master Plan: A Specific Plan for the Alviso Community. City of San Jose Department of Planning, Building and Code Enforcement. Adopted by the City Council on December 7, 1998.

City of San Jose, 2018.

Envision San Jose 2040 General Plan. Adopted November 1, 2011 and amended on December 18, 2018.

Attachment 1: Burrowing Owl Survey Data