

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

## **Addendum No. 3 to the Final Environmental Impact Statement/ Environmental Impact Report**

State Clearinghouse No. 2006012020

Valley Water Project No. 26444001

March 30, 2020

Prepared by:

Environmental Planning Unit  
Watershed Stewardship and Planning Division  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, California 95118-3614

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### **Valley Water Board of Directors**

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# 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 (EIR) 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. The Study Area is shown in 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.

## **Approved Project Elements**

The project, as approved, includes the construction of an engineered levee, restoration of Ponds A9-A15 and A18, tide gates, and pedestrian bridges shown in Figure 2. The project area consists of Reaches 1, 2, 3, 4, and 5 shown in Figure 3. 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 (Artesian Slough Crossing). Restoration at Ponds A9-A15 and A18 would 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 would be built adjacent to the levee in Ponds A12, A13 and A18, which would 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.

### **Additional Environmental Review**

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 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.

In August 2019, Valley Water prepared Addendum No. 2 to the Final EIS/EIR to evaluate minor changes to the approved project in Reach 1, 2, and 3. Addendum No. 2 evaluated the addition of two new staging areas in the study area. No ground disturbing or soil stockpiling/hauling activities were proposed at those two new staging areas. Only equipment storage, and temporary placement of a construction trailer were proposed at the two new staging areas.

The Final EIS/EIR identifies four haul routes: two ingress and egress routes in Reaches 1, 2, and 3, and one haul route and three egress routes in Reaches 4 and 5. Since approval of the project in 2016, it has been determined that additional access and an additional work area are desired for construction and/or future maintenance of the project. Addendum No. 3 was prepared to evaluate the environmental impacts of the proposed acquisition of the two ingress/egress easements and an additional temporary work area easement. The ingress/egress easements would provide additional access for construction and maintenance activities associated with Pond A18 and the Artesian Slough Crossing. The additional work area is required to facilitate construction of the Artesian Slough Crossing element.

## **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 provide various levels of review to document that the lead agency has adequately considered the environmental effects of the changes in making its decisions. Under CEQA Guidelines § 15162(a), the appropriate level of review is based, among other factors, on whether proposed changes to the project, changes to circumstances under which the project is undertaken, or new information of substantial importance that was 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 project changes would not result in new significant impacts or a substantial increase in severity of a previously identified significant impact, CEQA Guidelines §15164(a) provide 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.

### **3. Description of Proposed Changes to the Project**

The Final EIS/EIR, on page 3-85, identifies four staging areas and four access routes.<sup>1</sup> Two additional staging areas were evaluated in Addendum No. 2. Figure 4 shows all these staging areas and access routes described and analyzed in the Final EIS/EIR and addendas. The proposed changes to the project would include Valley Water's acquisition of easement rights to utilize two additional ingress/egress routes and a new temporary work area for project construction and/or future maintenance activities. The proposed ingress/egress routes and temporary work area easement is shown in Figure 5. The ingress/egress easements would be located on parcels APN: 015-38-005 and 015-31-051. The temporary work area easement would be located on portions of parcel APN: 015-32-020 and 015-29-004.

#### **Proposed Ingress and Egress Easements**

The proposed changes would include two additional ingress/egress easements to support construction in Reaches 4 and 5. The first ingress/egress easement would be located on an existing maintenance road adjacent to Artesian Slough. This proposed ingress/egress easement would be located on a portion of parcel APN: 015-38-005. The easement area would be approximately 4.23 acres. The second additional ingress/egress easement would be located on an existing maintenance road on a portion of parcel APN: 015-31-051 and would provide access to Pond A18 from Los Esteros Road. This second easement area would be approximately 1.13 acres.

The purpose of these two easements is to provide an alternate and direct route to access Pond A18 and the Artesian Slough Crossing site. The easements would be used for construction and future maintenance activities associated with Pond A18 and the Artesian Slough Crossing. Construction activities at the Artesian Slough Crossing would include construction of a tide gate and pedestrian bridge and these activities were evaluated in the Final EIS/EIR. Minor grading and clearing activities may be undertaken on the easements to improve existing road conditions prior to their use for the stated purposes. The ingress/egress activities on these easements would be similar compared to other access routes. The total truck trips on the project site including the additional easements would remain the same as previously approved.

#### **Proposed Temporary Work Area Easement**

A temporary work area easement is proposed at the Artesian Slough Crossing site. The proposed easement area would be approximately 2.63 acres. Habitat located in the easement include open water and non-tidal salt marsh. The purpose of the easement is to provide a temporary work area for the construction of the tide gate and pedestrian bridge at Artesian Slough. Construction activities such as installation of pumps and cofferdams would be conducted in the temporary work area. No stockpiling would occur in the temporary work area easements. These activities were described and evaluated in the Final EIS/EIR on page 3-23 and thus would not need to be further evaluated in this addendum.

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<sup>1</sup> The description of property rights including temporary work area easements required for staging areas and haul routes is also included in Appendix H, Real Estate Plan, of the Final EIS/EIR.

## 4. Environmental Analysis

The following analysis discusses the impacts from adding two ingress/egress easements to the project description relative to the impacts identified in the Final EIS/EIR and subsequent addenda. Valley Water would continue to implement the same applicable best management practices (BMPs) and avoidance and minimization measures as prescribed in the Final EIS/EIR when utilizing the new easements for construction and future maintenance. Adding the easements would not create new or substantially worse significant impacts on agricultural/forest resources or mineral resources as these resources are not found to be located in the vicinity of the new easement areas. The new easements would also not create new or substantially worse significant impacts in the following resource areas because the nature/extent of the project activities proposed in the easements and the type of land use in the surrounding vicinity would be similar to those occurring on other ingress/egress routes in the study area: Geology, Soils, and Seismicity; Hazards and Hazardous Materials; Hydrology and Flood Risk Management; Land Use and Planning; Noise; Public Safety and Aviation; Public Utilities and Service Systems; Recreation; Surface Water and Sediment Quality; and Growth Inducement. Finally, adding the two ingress/egress easements would not result in new or substantially worse significant impacts on historical or other cultural resources because the easements are located on existing maintenance roads and outside of the Alviso Historic District and only minor grading or clearing activities may occur on these easements. The following text only analyzes how the addition of the two additional ingress/egress easements could affect the project impacts with respect to aesthetics, air quality/greenhouse gases, aquatic biological resources, terrestrial biological resources, and transportation.

### Aesthetics

The proposed ingress/egress easements are located on existing maintenance roads at the northeast end of the community of Alviso. Adding these two new easements would provide access to Pond A18 and Artesian Slough for construction and future maintenance activities. The proposed easement areas are characterized by disturbed, sparsely developed, filled baylands. A number of surrounding parcels in the area are used for outdoor storage.

The City of San Jose'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 the General Plan Policy PR-7.2. The New Chicago Marsh Trail and San Francisco Bay Trail are located near the proposed ingress/egress easement.

#### 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 the proposed easement areas as per the Envision San José 2040 General Plan, Scenic Corridors Diagrams. In addition, Project activities proposed to occur in the easements would be similar to activities occurring on other ingress/egress easements and would not result in new or substantially worse significant impacts on other potential scenic resources including the New Chicago Marsh Trail and San Francisco Bay Trail.



## **Air Quality and Greenhouse Gases**

The proposed ingress/egress easements would provide an alternate and more direct route to access Pond A18 and the Artesian Slough Crossing site. The ingress/egress easements would provide access for construction and future maintenance of Pond A18 and Artesian Slough Crossing. Both easements would be located on existing maintenance roads. The ingress/egress activities on these easements would be similar compared to other access routes. No new activities beyond those activities evaluated in the Final EIS/EIR are proposed. The proposed easements would not result in more or additional truck trips beyond those evaluated in the Final EIS/EIR. The total daily truck trips on the project site including the proposed easement would remain the same as previously approved. Driving distance would be similar to other ingress/egress routes evaluated in the Final EIS/EIR. Use of the two ingress/egress easements would be consistent with project activities on other ingress/egress routes evaluated in the Final EIS/EIR. The easements would be subjected to the same applicable BMPs and avoidance minimization measures as prescribed in the Final EIS/EIR. Therefore, the proposed changes would not result in substantially worse impacts to air quality and greenhouse gases.

## **Aquatic Biological Resources**

The additional two ingress/egress easements would be located on existing maintenance roads. The easements would be used to access Pond A18 and Artesian Slough. Project activities such as equipment and material hauling would occur on the existing maintenance road. The proposed easements would not result in new impacts to aquatic biological resources. Use of the two ingress/egress easements would be consistent with project activities on other ingress/egress routes evaluated in the Final EIS/EIR and no aquatic biological resources have been identified near these two new easements. In addition, the easements would be subjected to the same applicable BMPs and avoidance and minimization measures as prescribed in the Final EIS/EIR.

## **Terrestrial Biological Resources**

Both proposed ingress/egress easements are located on existing maintenance roads owned by the City of San Jose. The proposed changes would allow construction access and hauling on the existing maintenance roads. The first proposed ingress/egress easement along the eastbank of Artesian Slough is located on an existing maintenance road. There is upland vegetation habitat surrounding the maintenance road. Upland vegetation habitat includes disturbed ruderal grasslands that consist of non-native annual species.

The second proposed ingress/egress easement connects Los Esteros Road to Artesian Slough and Pond A18 through an existing maintenance road. This ingress/egress easement is located along the Old Biosolids Lagoons. The Final EIS/EIS identified the terrestrial habitat in this area to be landfill and legacy sewage ponds. Both ingress/egress easements are located on existing maintenance roads.

Activities proposed to occur on the two new easements would be similar to those activities occurring in other ingress/egress easements, mostly for the hauling of materials and equipment during construction and future maintenance. Impact on protected species or habitat loss would occur from these activities. The proposed ingress/egress easements would be subjected to the same applicable BMPs and avoidance and minimization measures as prescribed in the Final EIS/EIR for ingress/egress routes and access roads. Thus, the project changes to add the two

ingress/egress easements would not result in new or substantially worse impacts on terrestrial biological resources beyond those impacts discussed in the Final EIS/EIR.

## Transportation

The proposed ingress/egress easements would be located on existing maintenance roads. The purpose of the easements is to provide alternate and direct access to Pond A18 and the Artesian Slough Crossing site. The overall driving distance for the vehicle trips to construct and maintain the project would be similar compared to the previously approved project as evaluated in the Final EIS/EIR and subsequent addenda. Use of the two ingress/egress easements would be consistent with project activities on other access routes evaluated in the Final EIS/EIR. Project activities such as material hauling and equipment driving would occur in the easement areas. The total daily truck trips on the project site including the two additional easements would remain the same as previously approved. The proposed easements would not lengthen driving distances to Pond A18 and the Artesian Slough Crossing site, generate additional traffic, or produce more trips on the project site. Therefore, the addition of two ingress/egress easements to the project description would not result in new or substantially worse significant impacts on transportation resources beyond those discussed in the Final EIS/EIR. The easements would be subjected to applicable BMPs and avoidance and minimization measures as identified in the Final EIS/EIR.

## 5. Conclusion

Based on the analysis above, none of the conditions described in CEQA Guidelines §15162 would occur as a result of the proposed project changes. The proposed changes described in this addendum would not create new significant environmental impacts or substantially increase the severity of the previously identified impacts. There are no significant changes to the project circumstances, and there is no new information of substantial importance requiring revisions of the previous CEQA findings. Therefore, Valley Water, as Lead Agency has determined that the addendum to the South San Francisco Bay Shoreline Phase I Study Final EIS/EIR is the appropriate level of review under CEQA Guidelines §15164.

## 6. References

U.S. Army Corps of Engineers, 2015.

South San Francisco Bay Shoreline Phase I Final Integrated Document – Final Interim Feasibility Study and Environmental Impact Statement/Environmental Impact Report. Adopted September 2015 and revised in December 2015.  
<https://www.valleywater.org/project-updates/creek-river-projects/san-francisco-bay-shoreline-protection>

Valley Water, 2019.

South San Francisco Bay Shoreline Phase I Study Addendum No. 1. Amended March 2019.

Valley Water, 2019.

South San Francisco Bay Shoreline Phase I Study Addendum No. 2. Amended August 2019.

## **Appendix A**

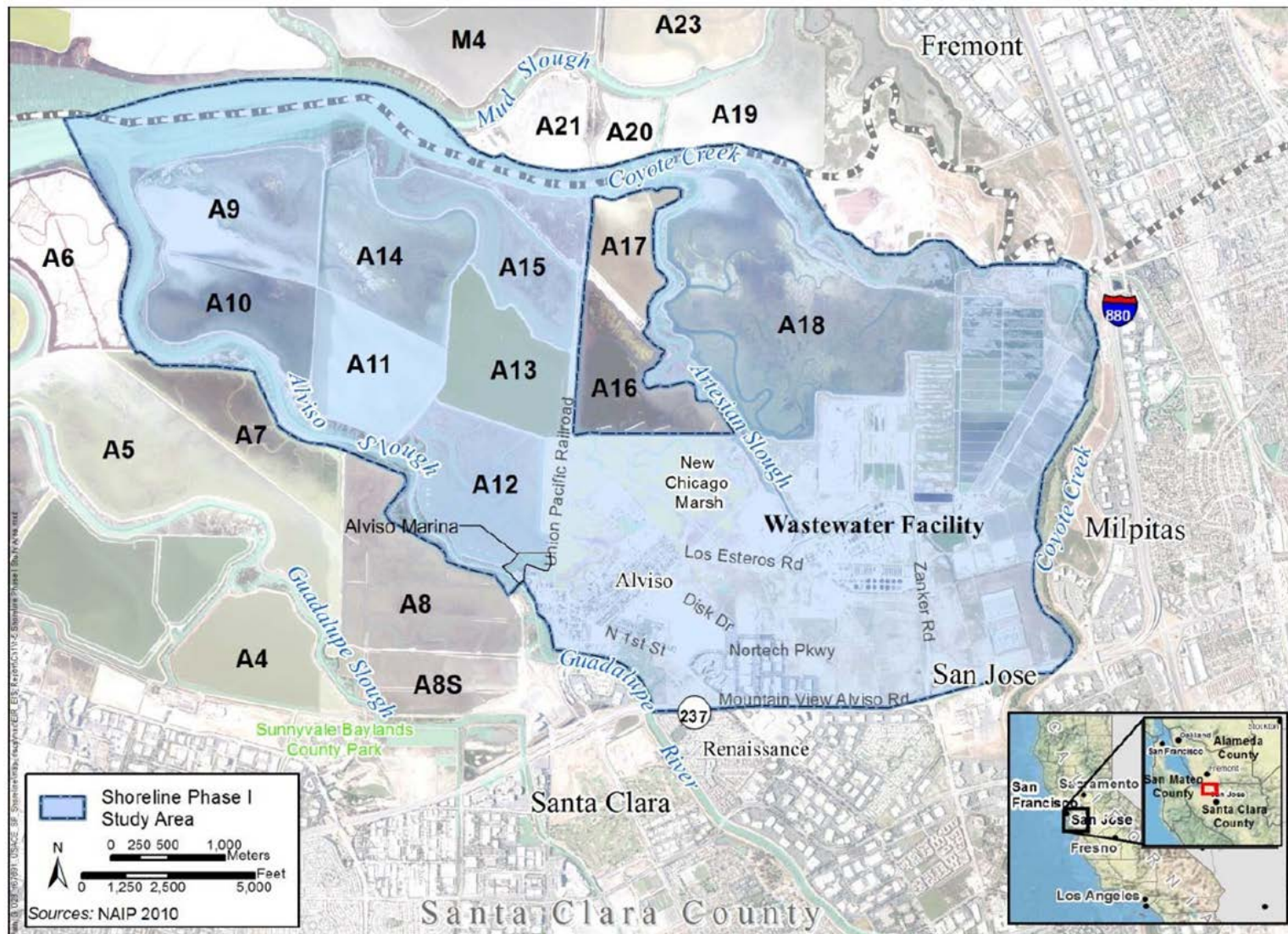


Figure 1: South San Francisco Bay Shoreline Phase 1 Study Area – Alviso Subarea within Santa Clara County



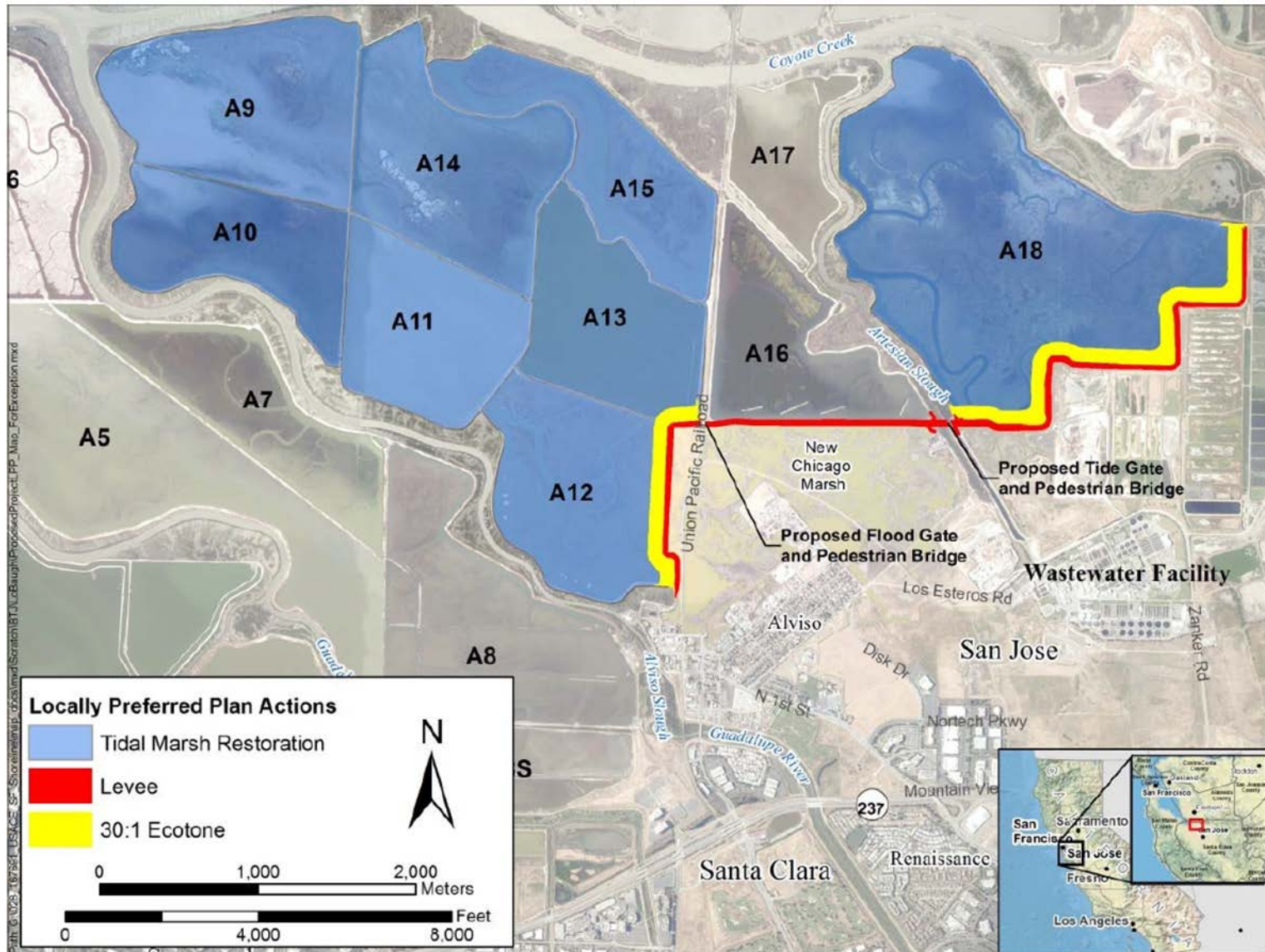


Figure 2: South San Francisco Bay Shoreline Phase 1 Study as Approved.

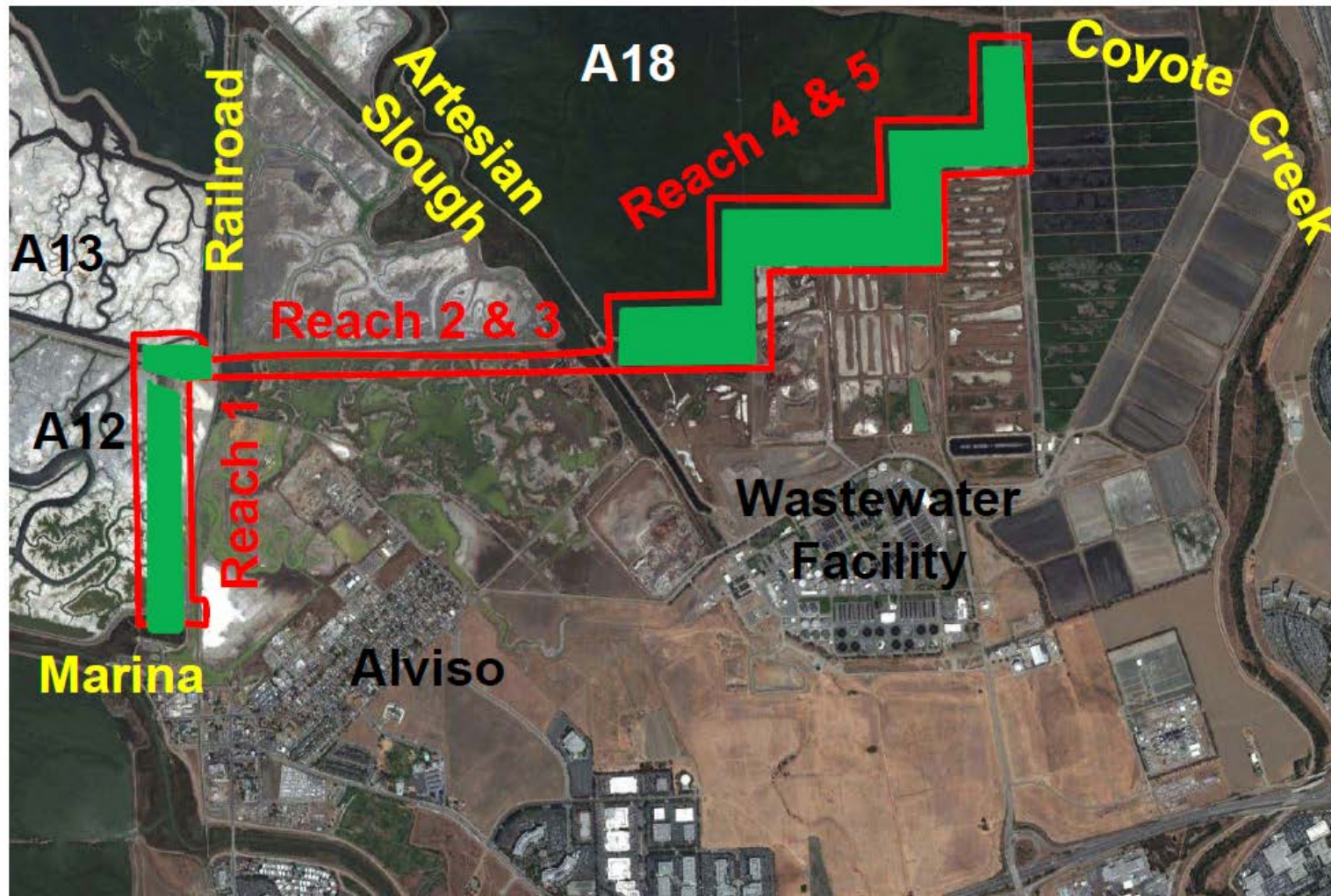


Figure 3: South San Francisco Bay Shoreline Reaches 1 through 5.





Figure 4: Staging areas, ingress/egress routes, and haul routes as approved.



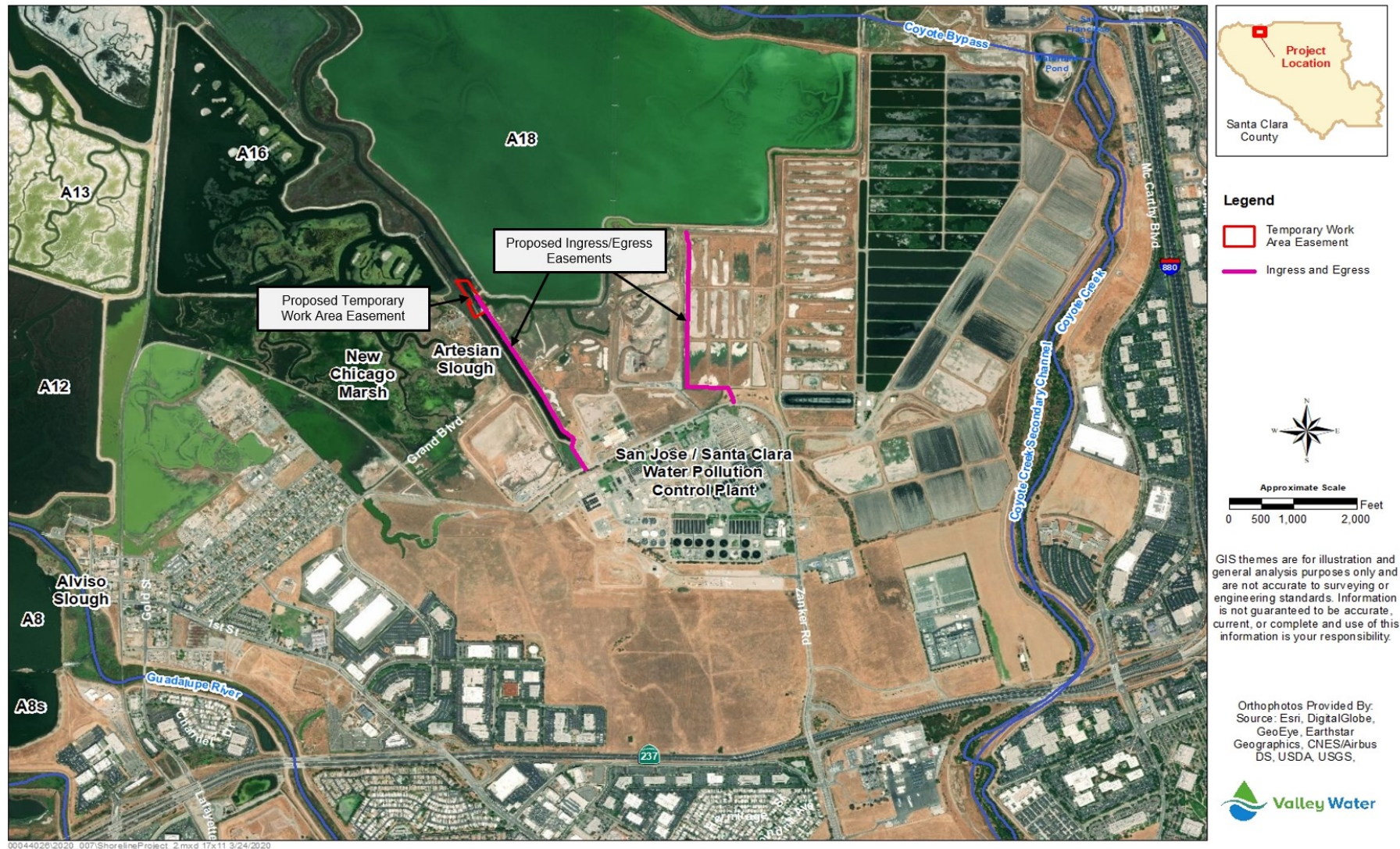


Figure 5: Proposed ingress/egress routes and temporary work area easement.



## NOTICE OF DETERMINATION

Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118  
(408) 265-2600

☒ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95818

☒ County of Santa Clara County Clerk  
70 West Hedding Street  
San Jose CA 95110

Subject: *Filing of Notice of determination in compliance with Section 21108 or 21152 of the Public Resource Code.*

Contact Person: Tiffany Chao	Telephone No: (408) 630-3107	State Clearinghouse No: 2006012020
<b>Project Title:</b> South San Francisco Bay Shoreline Phase I Study		
<b>Project Location:</b> South San Francisco Bay Shoreline between Alviso Slough and Coyote Creek including former salt ponds A9 through A15 and A18		
<b>Project Description:</b> The South San Francisco Shoreline Phase I Study includes the construction of levees between Coyote Creek and Alviso Slough at the southern edge of San Francisco Bay, restoration of approximately 3,000 acres of former salt ponds with transition habitat, construction of multi-use trails on top of the new levees with viewing platforms and benches, and implementation of trail upgrades on an existing segment of the Bay Trail system along State Route 237. The South San Francisco Bay Shoreline Phase I Study Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was certified on March 22, 2016, Addendum No. 3 updates the EIS/EIR to include a temporary work area easement and two additional ingress/egress easements.  A temporary work area easement and two additional ingress/egress easements are needed for the construction and future maintenance of Pond A18 and the Artesian Slough Crossing. Project activities associated with the construction of the Artesian Slough Crossing have already been evaluated in the Final EIS/EIR. The proposed changes would include two additional ingress/egress easements to support construction in Reaches 4 and 5. The first ingress/egress easement would be located on an existing maintenance road adjacent to Artesian Slough. This proposed ingress/egress easement would be located on a portion of parcel APN: 015-38-005. The second additional ingress/egress easement would be located on an existing maintenance road on a portion of parcel APN: 015-31-051 and would provide access to Pond A18 from Los Esteros Road. The proposed easements would provide an alternate and direct access to Pond A18 and the Artesian Slough Crossing site.		


This is to advise that the Santa Clara Valley Water District has approved an Addendum to the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

This is to certify that the Final EIS/EIR with comments and responses, Addendums to the Final EIS/EIR, and record of project approval are available to the General Public at:

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

1. A Final EIS/EIR Addendum No. 3 (March 2020) has been prepared pursuant to the provisions of CEQA. It is available to the public and be examined at the Santa Clara Valley Water District at the above address.
2. A determination has been made that the analyses conducted and the conclusions reached in the South San Francisco Bay Shoreline Phase 1 Study Final EIS/EIR, certified on March 22, 2016 by the Board of Directors, remain valid, and the project modifications described in the Addendum would not cause new significant impacts not identified in the Final EIS/EIR, in which findings were made and a statement of overriding conditions was adopted.
3. Mitigation measures were made a conditions of project approval. Project modifications as described in the Addendum would not cause new significant impacts not identified in the previously certified Final EIS/EIR, or result in a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures are necessary to reduce significant impacts.
4. No supplemental environmental review is required for the project in its approved form.

Date Received for Filing and Posting at OPR:

Signature (Public Agency): 	Title: Chief Executive Officer	Date: 4/10/20
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