BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT

RESOLUTION NO. 2025-

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COYOTE CREEK FLOOD PROTECTION PROJECT AND ADOPTING CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Santa Clara Valley Water District ("Valley Water") proposes to construct the Coyote Creek Flood Protection Project ("CCFPP" or "Project"); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code §§ 21000 et seq.), Valley Water as lead agency has prepared a Final Environmental Impact Report ("EIR") for the CCFPP (State Clearinghouse Number #2023110513); and

WHEREAS, prior to approving a project for which an EIR was prepared, Valley Water as the lead agency is required to certify a Final EIR, adopt written findings of fact for each significant environmental effect of the Project, adopt a statement of overriding considerations, and adopt a mitigation monitoring and reporting program, in accordance with CEQA Guidelines §§ 15090, 15091, 15093, and 15097; and

WHEREAS, Valley Water properly prepared and circulated a Notice of Preparation for the EIR between November 22, 2023, through December 22, 2023, as required by CEQA Guidelines § 15082(a); and

WHEREAS, pursuant to CEQA Guidelines § 15082(c), Valley Water held a hybrid EIR scoping meeting on December 6, 2023 held at Franklin McKinley School District Center and via zoom; and

WHEREAS, following filing a Notice of Completion and Notice of Availability ("NOA") with the Governor's Office of Planning and Research (OPR) and making the NOA publicly available, a Draft EIR was published on July 12, 2024, and was circulated for public review for a 45-day public review period, through August 26, 2024; and

WHEREAS, Valley Water received 11 written comment letters or emails on the Draft EIR related to Draft EIR contents; and

WHEREAS, Valley Water evaluated and prepared written responses to these comments as required by CEQA Guidelines § 15088; and

WHEREAS, Valley Water prepared the Final EIR as required by CEQA Guidelines § 15132, consisting of a comprehensive revision to the Draft EIR (including appendices), public comments on the Draft EIR received during the Draft EIR public review period, a list of commenters, and responses to these public comments; and

WHEREAS, Valley Water made the Final EIR publicly available on its website on February 27, 2025; and

WHEREAS, pursuant to CEQA Guidelines § 15088(b), Valley Water provided proposed written response to all public agencies that submitted timely comments on the Draft EIR at least 10 days prior to EIR certification; and

WHEREAS, the Final EIR satisfies all requirements of CEQA and the CEQA Guidelines; and

WHEREAS, following publication of the Final EIR, Valley Water staff recommended that the Valley Water Board of Directors approve the CCFPP; and

WHEREAS, the Valley Water Board of Directors, at its regular session on March 11, 2025, reviewed and considered information on the significant environmental impacts of the CCFPP, including information in the Final EIR, comments on the Draft EIR received during and after the close of the EIR public review period, and written and oral testimony at EIR and Project meetings and hearings; and

WHEREAS, no information added to the Draft EIR, no comments made in the public meetings conducted by Valley Water, or any additional information submitted to Valley Water have constituted significant new information requiring Draft EIR recirculation under CEQA Guidelines § 15088.5; and

WHEREAS, Valley Water has prepared CEQA Findings of Fact, in compliance with Public Resources Code §§ 21081 and 21081.5 and CEQA Guidelines § 15091, for every significant impact of the CCFPP identified in the EIR, including an explanation of the rationale for each finding (attached as Exhibit A); and

WHEREAS, the CCFPP will have significant impacts that cannot be mitigated to less than significant levels, and Valley Water has prepared a Statement of Overriding Considerations in compliance with Public Resources Code § 21081(b) and CEQA Guidelines § 15093 (also included in Exhibit A), which concludes that specific economic, legal, social, technological, and other benefits of the Project outweigh the significant and unavoidable impacts identified in the EIR; and

WHEREAS, Valley Water has prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code § 21081.6(a) and CEQA Guidelines § 15097 (Exhibit B) to monitor implementation of the mitigation measures identified in the Final EIR during project implementation; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District does hereby:

1. Pursuant to CEQA Guidelines § 15090, the Board of Directors certifies the Final EIR, certifying that:

    a. The Final EIR has been completed in compliance with CEQA.

    b. Prior to making a decision on the Project, the Final EIR was presented to the Board of Directors, which has reviewed and considered the information contained in the Final EIR and the record including, but not limited to, technical reports, oral and written comments provided by the public and state and local agencies, and responses to said comments contained in the Final EIR.

    c. The Final EIR reflects the independent judgement and analysis of Valley Water.

2. The Board of Directors makes and adopts the Findings of Fact, as required by Public Resources Code §§ 21081 and 21081.5 and CEQA Guidelines § 15091, which are attached as Exhibit A and incorporated fully by this reference; and

3. The Board of Directors adopts the Statement of Overriding Considerations, as required by Public Resources Code § 21081(b) and CEQA Guidelines § 15093, which is also included in Exhibit A and incorporated fully by this reference; and

4. The Board of Directors adopts the Mitigation Monitoring and Reporting Program, as required by Public Resources Code § 21081.6(a) and CEQA Guidelines § 15097, which is attached as Exhibit B and incorporated fully by this reference.

5. The documents and materials which constitute the record of proceedings upon which this decision is based are available from the Clerk of the Board of Valley Water, 5750 Almaden Expressway, San Jose, CA 95118-3614.

6. The Chief Executive Officer is hereby authorized and directed, on behalf of Valley Water's Board of Directors, to execute any such documents and to perform any such acts as may be deemed necessary or appropriate to accomplish the intent of this resolution.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on March 11, 2025:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

_____
TONY ESTREMERA
Chair, Board of Directors

ATTEST: CANDICE KWOK-SMITH

_____
Interim Clerk, Board of Directors

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EXHIBIT A
COVERSHEET

FINAL ENVIRONMENTAL IMPACT REPORT
COYOTE CREEK FLOOD PROTECTION PROJECT

FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATIONS

No. of Pages: 64

Exhibit Attachments: None

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EXHIBIT A

FINAL ENVIRONMENTAL IMPACT REPORT COYOTE CREEK FLOOD PROTECTION PROJECT

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Santa Clara Valley Water District
February 2025

I. INTRODUCTION

This document presents Findings of Fact (Findings) by the Board of Directors (Board) of the Santa Clara Valley Water District (Valley Water) regarding the Final Environmental Impact Report (Final EIR) for the Coyote Creek Flood Protection Project (CCFPP), for which Valley Water is acting as the California Environmental Quality Act (CEQA) lead agency. (State Clearinghouse No. 2023110513.) The Findings presented herein were prepared in compliance with CEQA and the State's CEQA Guidelines. Because the Final EIR identified significant and unavoidable impacts that would result from implementation of the CCFPP, a Statement of Overriding Considerations is also presented. Additional substantial evidence supporting all Findings made herein is contained in the Final EIR and/or the record of proceedings.

The Findings are organized as follows:

- **Section I** provides an introduction and describes the need for these Findings.
- **Section II** provides the background and context for the project.
- **Section III** describes the Final EIR proposed project, including the project objectives.
- **Section IV** describes the alternatives analyzed in the EIR.
- **Section V** describes the best management practices (BMPs) that would be implemented during Project implementation to avoid or minimize adverse effects on the environment.
- **Section VI** describes the EIR process and lists the comments received on the Draft EIR.
- **Section VII** describes the Final EIR and the Final EIR certification process.
- **Section VIII** summarizes the administrative record upon which the Board based its Findings.
- **Section IX** presents Findings for the proposed project regarding environmental impacts found to be less than significant, environmental impacts that can be mitigated to less than significant, significant environmental impacts that cannot be mitigated to less than significant), and the proposed project's contributions to cumulative impacts.
- **Section X** presents Findings regarding alternatives analyzed in the EIR, alternatives considered but rejected from further analysis, and comments on the Draft EIR and further consideration of an additional alternative.

- **Section XI** presents Findings that no significant new information has been added to the EIR in Draft EIR comments, responses to Draft EIR comments, and Draft EIR revisions made in the Final EIR that would trigger Draft EIR recirculation.
- **Section XII** describes the Mitigation Monitoring and Reporting Program (MMRP) for the Project.
- **Section XIII** presents a Statement of Overriding Considerations for impacts that cannot be mitigated to a less than significant level.
- **Section XIV** contains references cited in these Findings.

The following paragraphs summarize CEQA's requirements for Findings and a Statement of Overriding Considerations. If a proposed project would have significant adverse effects on the environment, CEQA requires the lead agency to prepare findings describing how those effects would be reduced or avoided. Under Public Resources Code Section 21081[a], several findings are possible:

(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations. [See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.] The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project [*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417]. "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." [*Id*.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.] Alternatives and mitigation measures may also be determined to be infeasible if they do not "fully satisfy the objectives associated with a proposed project" or are "undesirable from a policy standpoint." [*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998, 1000.]

If an adopted mitigation measure substantially lessens an environmental impact, a lead agency need not take further steps to mitigate that impact in order to entirely avoid it. See *Save Panoche Valley v. San Benito County* (2013) 217 Cal. App. 4th 503, 528.

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project (CEQA Guidelines Section 15093). For a project that has significant impacts that cannot feasibly be avoided or substantially lessened, a public agency, after adopting proper findings,

may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" [CEQA Guidelines Sections 15093, 15043(b); see also Public Resources Code Section 21081(b)].

II. BACKGROUND[1]

During the 2016 to 2017 winter season, storms caused significant flooding events and unprecedented reservoir spills throughout Santa Clara County, including Anderson Dam. On February 21, 2017, Coyote Creek overtopped its banks at several locations between Montague Expressway and Tully Road, resulting in flooding that caused evacuations and property damage. During that flood event, Coyote Creek experienced the largest flows since the construction of Anderson Dam in 1950. In response to the flooding, the Board accelerated the Mid-Coyote Creek Project, modified project goals, and revised the proposed level of flood risk reduction from a 100-year flood to the February 2017 flood event, which is equivalent to an approximate 20-year flood event. The Board also renamed the Mid-Coyote Creek Project to the CCFPP, extended the project site upstream to Tully Road, and directed staff to move forward with the planning, design, and construction of the project.

In February 2020, pursuant to the Federal Energy Regulatory Commission's (FERC's) jurisdiction over Anderson Dam, and for public health and safety reasons, Valley Water received an order from FERC to start lowering Anderson Reservoir to deadpool (the lowest attainable level in the reservoir using the outlet works), and to further reduce risks to public safety by implementing certain risk reduction measures for dam operation and design. As a part of the Federal Energy Regulatory Commission Order Compliance Project (FOCP), it was determined that approximately 40 percent of the original CCFPP was necessary to be designed and constructed under the FOCP to support the construction of the Anderson Dam Tunnel Project to prevent flooding within urbanized areas of the City of San José associated with increased water releases from the tunnel.

These prioritized elements of the CCFPP are now a separate and independent project under the FOCP referred to as the Coyote Creek Flood Management Measures Project (CCFMMP). The CCFMMP consists of seven spans of floodwalls outside of the Coyote Creek channel, totaling approximately 8,654 linear feet, which are located along Reaches 5 to 7 of Coyote Creek between Old Oakland Road to I-280. The CCFMMP is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15269(c) because it was deemed as an emergency project being carried out under the FOCP to reduce the risk of flooding associated with earthquake-induced dam failure.[2]

The remaining approximately 60 percent of the original CCFPP would continue to be implemented as the revised CCFPP. The CCFPP is proposed along Reaches 4, 5, 6, 7, and 8. Although the CCFMMP and CCFPP are independent, implementation of CCFMMP has been considered in the design of CCFPP, and collectively, both projects provide risk reduction between Montague Expressway to Tully Road up to the flood levels that occurred in February 2017, equivalent to an approximate 20-year event (i.e., 5 percent flood).

[1] See pages 1-1 through 1-5 in Chapter 1, "Introduction" in Attachment 1 to the Final EIR.

[2] Notice of Exemption filed July 28, 2020 (State Clearinghouse Number 2020070520).

Valley Water has prepared the EIR for the CCFPP in compliance with CEQA to evaluate environmental effects of the CCFPP including design, construction, and maintenance of the project. The EIR evaluates the direct, indirect, and cumulative impacts of the project, identifies mitigation measures that are feasible to lessen or avoid significant impacts, and identifies alternatives that would lessen one or more significant impacts of the project.

III. DESCRIPTION OF THE FINAL EIR PROPOSED PROJECT

As discussed in Chapter 2, "Project Description" in Attachment 1 of the Final EIR, Valley Water is proposing to develop, construct, and maintain the CCFPP to implement a series of flood risk reduction improvements (improvements). The underlying purpose of the project is to reduce the risk of flooding in urban areas along approximately 9 miles of Coyote Creek in the City of San José (City). The primary objective of the project is to reduce the risk of flooding to homes, schools, businesses, and transportation infrastructure along Coyote Creek between Montague Expressway and Tully Road (Reaches 4 through 8) from a flood event equivalent to the February 21, 2017, flood – approximately a 20-year flood event (a flood with a 5 percent chance of occurring in any year).

Additional project objectives are to:

- complete the project before the Anderson Dam Seismic Retrofit Project (ADSRP) Stage 2 Diversion is in operation (estimated in 2028);
- design the project to prevent increases in erosion and degradation of Coyote Creek;
- maintain access and minimize impacts to existing and planned recreation facilities; and,
- minimize the need for future operations and maintenance activities.

The proposed project described in the Final EIR (hereinafter "proposed project" or "project") includes implementation of flood risk reduction improvements along and adjacent to Coyote Creek. The project also includes constructing headwalls and wingwalls along the Charcot Avenue Bridge crossing over the Coyote Creek channel and reinforcing the bridge structure. In total, the project includes constructing approximately 17,060 feet of improvements along the 9-mile stretch of Coyote Creek from Montague Expressway to Tully Road. The detailed descriptions for each proposed project component are provided in the Chapter 2, "Project Description" in Attachment 1 of the Final EIR.

The proposed project includes implementation of the following flood risk reduction improvements:

- **Floodwalls:** The project involves three types of floodwall designs: I-Walls, T-Walls, and L-Walls. I-Walls are sheet piles driven into the ground and are used when space for excavation is limited. T-Walls and L-Walls are made of reinforced concrete with concrete foundations; T-Walls have foundations that extend on both sides and are suitable for areas with ample space, while L-Walls have one-sided foundations requiring less space. Concrete floodwalls and casings can have aesthetic treatments, determined with

landowners. Floodwalls would be connected to bridge structures to prevent overtopping onto adjacent land.

- **Passive Barriers:** Passive barriers and floodwalls both manage flood flows within the creek channel. Passive barriers, however, are only deployed during flood events, allowing normal access to roads and open spaces when not in use. This project would only use hinged passive barriers, which automatically rise as hydrostatic pressure increases, remaining hidden underground until activated by flood conditions. Hinged barriers are secured at a buried hinge on the land side and positioned between aluminum wiper walls that prevent water from leaking. These barriers include drainage systems to collect and direct stormwater into the City of San José's existing stormwater system, except for those in Reach 4, which drain through small pipes to creek bank outfalls. When deployed, passive barriers would extend 1 to 9.5 feet above ground, measure 8 to 11 feet in width, and be buried up to 5 feet below the surface.
- **Charcot Avenue Bridge Reinforcement, Headwalls, and Wingwalls:** The Charcot Avenue Bridge would be reinforced with headwalls and wingwalls constructed along its upstream and downstream surfaces to contain flood flows. The reinforced concrete headwalls would be designed to prevent creek flows from overtopping the bridge. These headwalls would connect to angular wingwalls, which would link to floodwalls on either side of the bridge, forming a continuous barrier for flood containment. The bridge's railing would be replaced, maintaining the sidewalk on its upstream side. Reinforcement would involve carbon fiber reinforcement strips added along the bridge deck and soffit, parallel to the creek flow.
- **Berms:** Berms would be constructed using low permeability fill from soil excavated during other flood risk reduction projects and are planned at two locations. They would be placed in areas that allow for access and have enough space for the structure. Site preparation would involve scraping the top few inches of the ground, followed by compacting the soil. The top and side slopes would be covered with erosion control materials. Berms would have side slopes graded to approximately a 1:3.5 ratio and would range from 1 to 13 feet in height and 3 to 24 feet in width at the top.
- **Flap Gates:** Flap gates would be installed in seven manhole vaults to prevent backflow due to increased water surface elevations as a result of the project. These gates would be placed in manhole vaults within the City's stormwater system, inland of existing creek outfalls. Heavy construction equipment would not be needed for installation of the six flap gates in existing manhole vaults; hand tools and equipment would be used, and workers would lower them into the manhole vaults for installation. One flap gate would need a new manhole vault, requiring excavation of a 10-foot square area in an existing stormwater pipeline. The installation method for this new gate would be the same as for the existing vaults.

IV. ALTERNATIVES ANALYZED IN EIR

CEQA Guidelines Section 15126.6(a) requires EIRs to evaluate a reasonable range of alternatives to the proposed project, focusing on alternatives that appear to be feasible, would meet the project objectives, and would avoid or substantially lessen at least one of the proposed project's significant environmental effects. EIRs must also analyze the No Project Alternative pursuant to CEQA Guidelines Section 15126.6 to provide decision-makers the information

necessary to compare the relative impacts of approving the project and not approving the project.

The Draft EIR analyzed one alternative in addition to the No Project Alternative in Chapter 5, "Alternatives," which sets forth the objectives of the project, summarizes the project's significant environmental impacts, discusses the alternatives considered but eliminated from further analysis, describes the alternatives evaluated in detail, and compares the impacts of the alternatives evaluated to the impacts of the project. The alternatives are described in Chapter 5, in Section 5.5, "Alternatives Description and Impact Analysis," in Attachment 1 of the Final EIR. The alternatives analyzed, the No Project Alternative and Alternative 1, are summarized below.

IV.A NO PROJECT ALTERNATIVE

Under the No Project Alternative, the CCFPP would not proceed, existing environmental conditions and Valley Water operations would be maintained, and the CCFMMP construction would be completed. Under the No Project Alternative, Valley Water would not construct the flood risk reduction improvements described in Chapter 2, "Project Description," in Attachment 1 of the Final EIR along the various reaches of Coyote Creek. As a result, while the CCFMMP would be in place, flooding within the areas along Coyote Creek would occur in the future to some extent when flows reach levels equivalent to those of the 2017 flood event – a 20-year flood event. The No Project Alternative would fail to achieve most of the project objectives related to flood risk reduction, and the community would continue to experience flooding in the future.

IV.B ALTERNATIVE 1 – ELEVATING OR ACQUIRING THREE RESIDENTIAL PROPERTIES ALONG BROOKWOOD AVENUE INSTEAD OF CONSTRUCTING FLOODWALLS

Alternative 1 would include implementation of the project with the exception of the construction of a floodwall in Reach 7 (see R7-FW11 on Figure 2-21 in Chapter 2, "Project Description" in Attachment 1 of the Final EIR). Floodwall R7-FW11 is designed as being approximately 469 linear feet and 8 feet above ground. Instead of constructing this floodwall, Alternative 1 would consist of Valley Water elevating or acquiring three properties located along Brookwood Avenue along the east bank of Coyote Creek in Reach 7. These properties are listed below:

- 311 Brookwood Avenue - elevate by 8 feet or demolish and restore,
- 315 Brookwood Avenue - elevate by 8 feet or demolish and restore, and
- 321 Brookwood Avenue - elevate by 7 feet or demolish and restore.

Alternative 1 would include implementing one of two scenarios: 1) raising the 3 properties above the 2-year flood elevation by 7 or 8 feet (elevation scenario); or 2) acquiring the properties, demolishing the residences, and restoring riparian habitat on the sites (acquisition scenario).

V. BEST MANAGEMENT PRACTICES

During Project implementation, Valley Water would implement a range of BMPs to avoid or minimize adverse effects on the environment. These measures are presented in in Section 2.6, "Valley Water Best Management Practices" of Chapter 2, "Project Description," in Attachment 1 of the Final EIR. The measures include Valley Water BMPs generally used by Valley Water for construction projects from the 2014 *Best Management Practices Handbook* (Valley Water 2014), BMPs included in Valley Water's *2019-2023 Stream Maintenance Program* [SMP] *Manual* (SMP Manual, Valley Water 2019), BAAQMD BMPs for reducing GHG emissions (BAAQMD 2022) specifically from construction activities, and Valley Habitat Plan (VHP) conditions and avoidance and minimization measures (AMMs) from the VHP conditions to reduce specific biological impacts (Santa Clara Valley Habitat Agency 2012).[3]

Additionally, Valley Water prepared plans for the FOCP to specifically avoid impacts on two special status species: monarch butterfly and Crotch's bumblebee. Protocols established in these plans would be implemented as part of the project.

For monarch butterfly, Valley Water would implement the monarch butterfly avoidance protocol established in the U.S. Fish and Wildlife Service-approved FOCP *Milkweed Survey Plan* (Valley Water, 2020c) through the completion of project construction, or until the monarch butterfly is added to the VHP as a covered species.

During construction of the project, Valley Water would also implement protocols established in the California Department of Fish and Wildlife (CDFW)-approved FOCP Crotch's Bumblebee Avoidance Plan (Valley Water 2024) through completion of project construction, or until the Crotch's bumblebee is added to the VHP as a covered species. Specific protocols include measures to survey for Crotch's bumblebees and their nests, avoid active nests and individuals if they are detected, and minimize impacts on the species' floral resources.

Relevant BMPs and VHP conditions and AMMs have been incorporated into the Project (see Chapter 2, "Project Description" in Attachment 1 of the Final EIR) and are discussed within the context of each resource topic evaluation in the EIR impact analyses. Table 2 summarizes the relevant Handbook and SMP BMPs and VHP conditions. Full definitions and details for the BMPs are provided in Appendix B in Attachment 1 of the Final EIR.;

[3] Valley Water would also pay applicable VHP impact fees for project activities, including fees for effects on riparian habitats.

TABLE 2
RELEVANT BMPs AND VHP CONDITIONS

BMP/VHP Condition No.	SMP/BMP/VHP Condition Description
Aesthetics	
Handbook BMPs	**Description**
BI-8: Choose Local Ecotypes of Native Plants and Appropriate Erosion-Control Seed Mixes	Would evaluate native plant species planting and seed options ecologically appropriate for erosion control
WQ-9: Use Seeding for Erosion Control, Weed Suppression, and Site Improvement	Would prevent erosion by promptly seeding disturbed areas with native or sterile hybrid seeds, including applying erosion control seed mixes to exposed soils near streams
WQ-11: Maintain Clean Conditions at Work Sites	Would maintain a clean work site, prevent debris from entering storm drains or waterways, and ensure proper storage and removal of materials to protect
Stream Maintenance Program (SMP) Manual BMPs	**Description**
GEN-19: Work Site Housekeeping	Would reduce impacts on terrestrial resources by ensuring that work sites are clean and maintained
Air Quality	
Handbook BMPs	**Description**
AQ-1: Use Dust Control Measures	Would install the BAAQMD-prescribed dust control measures for all construction projects
AQ-2: Avoid Stockpiling Odorous Materials	Would restrict the handling, storage, and disposal of odorous materials within 1,000 feet of sensitive land uses
SMP Manual BMPs	**Description**
GEN-29: Dust Management	Would implement the BAAQMD-required dust control measures
Biological Resources	
Handbook BMPs	**Description**
AQ-1: Use Dust Control Measures	Would install the BAAQMD-prescribed dust control measures for all construction projects
BI-4: Minimize Adverse Effects of Pesticides on Non-target Species	Would ensure pesticides are managed according to guidelines to minimize environmental impact on non-target species and habitats
BI-5: Avoid Impacts to Nesting Migratory Birds	Would protect nesting birds and their nests from abandonment, loss, damage, or destruction
BI-6: Avoid Impacts to Nesting Migratory Birds from Pending Construction	Would require nesting exclusion devices be installed to prevent potential establishment or occurrence of nests in areas where construction activities would occur
BI-7: Minimize Impacts to Vegetation from Survey Work	Would move survey cross-sections to avoid cutting dense riparian vegetation and minimize cutting of woody vegetation
BI-8: Choose Local Ecotypes of Native Plants and Appropriate Erosion-Control Seed Mixes	Would evaluate native plant species planting and seed options ecologically appropriate for erosion control
BI-10: Avoid Animal Entry and Entrapment	Would prevent wildlife from entering and becoming trapped in construction pipes, structures, or excavations by requiring closures, inspections, and securing of sites.

BMP/VHP Condition No.	SMP/BMP/VHP Condition Description
BI-11: Minimize Predator Attraction	Would reduce the likelihood of predation on native species
HM-1: Comply with all Pesticide Application Instructions	Would ensure that pesticides are only used after evaluating their environmental, economic, and public health impacts, and that all use aligns with approved product specifications
HM-2: Minimize Use of Pesticides	In all cases where some form of pest control is deemed necessary, evaluate alternative pest control methods and pesticides
HM-5: Comply with Restriction on Herbicide Use in Upland Areas	Would reduce impact on water quality, and aquatic ecosystems and species by restricting the application of pre-emergence herbicides in upland areas within 72 hours of significant predicted rainfall (over 0.5 inch in 24 hours with more than 50% probability)
HM-6: Comply with Restrictions on Herbicide Use in Aquatic Areas	Would ensure regulatory compliance for the use of herbicides near water bodies to protect aquatic ecosystems and species by preventing harmful runoff and safeguard sensitive species
HM-7: Restrict Vehicle and Equipment Cleaning to Appropriate Locations	Would limit vehicle and equipment cleaning to approved areas to contain runoff of contaminants
HM-8: Ensure Proper Vehicle and Equipment Fueling and Maintenance	Would prevent spills and contamination of waterbodies by prohibiting fueling or servicing equipment in waterways or floodplains and by requiring containment measures for equipment that cannot be relocated
HM-9: Ensure Proper Hazardous Materials Management	Would ensure that hazardous materials are properly stored and handled, and the quality of water resources is protected
HM-10: Utilize Spill Prevention Measures	Would prevent and manage accidental chemical and fuel spills through personnel training, onsite spill response resources, and immediate cleanup in compliance with regulations
HM-12: Incorporate Fire Prevention Measures	Would prevent fire hazards by requiring spark arrestors on equipment, ensuring fire suppression tools are available during high fire danger periods, and restricting activities like welding and smoking to reduce ignition risks
WQ-1: Conduct Work from Top of Bank	Would reduce the effect of machinery on streambed and water quality
WQ-3: Limit Impact of Pump and Generator Operations and Maintenance	Would reduce impacts to water quality and aquatic species
WQ-4: Limit Impacts from Staging and Stockpiling Materials	Would reduce runoff and erosion and reduce impacts on instream biota and water quality
WQ-5: Stabilize Construction Entrances and Exits	Would reduce runoff and erosion and reduce impacts on instream biota and water quality
WQ-6: Limit Impact of Concrete Near Waterways	Would reduce impacts to stream pH levels by isolating fresh concrete
WQ-8: Minimize Hardscape in Bank Protection Design	Would reduce downstream or adjacent bank scour and erosion
WQ-9: Use Seeding for Erosion Control, Weed Suppression, and Site Improvement	Would prevent erosion by promptly seeding disturbed areas with native or annual, sterile hybrid seeds, including applying erosion control seed mixes to exposed soils to the ordinary high-water mark in streams
WQ-11: Maintain Clean Conditions at Work Sites	Would maintain a clean work site, prevent debris from entering storm drains or waterways, and ensure proper storage and removal of materials to protect

BMP/VHP Condition No.	SMP/BMP/VHP Condition Description
WQ-15: Prevent Water Pollution	Would protect water supply through long-term protections of water for beneficial use
WQ-16: Prevent Stormwater Pollution	Would reduce impacts to water quality from stormwater pollution
WQ-17: Manage Sanitary and Septic Waste	Would prevent sanitary overflow and spillage from entering a watercourse
SMP Manual BMPs	**Description**
ANI-1: Surface Barrier Applications to Prevent Burrowing	Would prevent animal conflicts from burrowing in specific areas of flood improvements
ANI-5: Slurry Mixture Near Waterways	Would reduce impacts on terrestrial resources by ensuring that slurry does not enter waterways
GEN-1: In-channel Work Window	Would reduce impacts on special-status species and reduce scour or erosion from channel confinement during higher flows
GEN-2: Instream Herbicide Application Work Window	Would limit application of herbicides to prevent runoff to nearby watercourse and impacts to aquatic species
GEN-4: Minimize the Area of Disturbing	Would reduce impacts on terrestrial and aquatic habitats and species
GEN-16: In-channel Minor Activities	Would add protection from short-term disruptions for in-channel maintenance or disturbance
GEN-17: Employee/Contractor Training	Would reduce impacts on biological resources because all appropriate Valley Water staff and contractors would receive annual training on SMP BMPs
GEN-20: Erosion and Sediment Control Measures	Would reduce impacts on aquatic resources by ensuring that erosion and sediment discharge into waterways and riparian vegetation is minimized
GEN-21: Staging and Stockpiling of Materials	Would reduce impacts to water quality by preventing sediment-laden water from being released back into waterways
GEN-22: Sediment Transport	Would reduce impacts to water quality by preventing increased sediment levels in the waterways
GEN-23: Stream Access	Would reduce impacts on aquatic resources by using existing access to streams where possible
GEN-24: On-Site Hazardous Materials Management	Would reduce the potential for release of hazardous materials
GEN-25: Existing Hazardous Materials	Would reduce hazardous materials from entering the creek
GEN-26: Spill Prevention and Response	Would reduce the release of chemicals, fuels, lubricants, and non-storm drainage water into channels, drains, or on the ground
GEN-28: Fire Prevention	Would prevent wildfires by ensuring that all earthmoving and portable equipment with internal combustion engines are equipped with spark arrestors and that work crews have fire suppression equipment
GEN-29: Dust Management	Would implement the BAAQMD-required dust control measures
GEN-30: Vehicle and Equipment Maintenance	Would reduce impacts on aquatic resources by maintaining vehicles in authorized areas

BMP/VHP Condition No.	SMP/BMP/VHP Condition Description
GEN-31: Vehicle Cleaning	Would reduce impacts on aquatic resources by maintaining vehicles in authorized areas
GEN-32: Vehicle and Equipment Fueling	Would reduce impacts on aquatic resources by preventing accidental spills
REVEG-1: Seeding	Would reduce erosion and water quality impacts and promote native species
REVEG-2: Planting Material	Would reduce the potential for nonnative vegetation species to occur and reduce impacts on native vegetation
SED-1: Groundwater Management	Would reduce mismanagement of groundwater supplies
SED-2: Prevent Scour Downstream of Sediment Removal	Would reduce the potential for scour by enforcing grading zones
VEG-1: Minimize Local Erosion Increase from In-channel Vegetation Removal	Would minimize the potential for localized erosion by protecting the toe of bank
VEG-2: Nonnative Invasive Plant Removal	Would reduce occurrences of invasive plant species
Valley Habitat Plan (VHP) Conditions	**Description**
Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species	Would reduce the impacts on protected species
Condition 3: Maintain Hydrologic Conditions and Protect Water Quality	Would affect water supply through long-term protections of sources of water for beneficial use and add protection from short-term disruptions for in-channel maintenance or disturbance.
Condition 4: Avoidance and Minimization for In-stream Projects	Would reduce impacts to water quality from construction-related pollution
Condition 5: Avoidance and Minimization Measures for Instream Operations and Maintenance	Would add protection from short-term disruptions for in-channel maintenance or disturbance
Condition 11: Stream and Riparian Setbacks	Would minimize and avoid impacts on aquatic and riparian land cover types, covered species, and wildlife corridors
Condition 12: Wetland and Pond Avoidance and Minimization	Would minimize potential impacts on these habitats and associated species
Cultural Resources	
Handbook BMPs	**Description**
CU-1: Accidental Discovery of Archaeological Artifacts or Burial Finds	Would formalize response and handling of accidental discovery so as to minimize the potential for disturbing previously recorded or newly discovered prehistoric or historic archaeological resources
Geology, Soils, and Seismicity	
Handbook BMPs	**Description**
AQ-1: Use Dust Control Measures	Would install the BAAQMD-prescribed dust control measures for all construction projects
BI-8: Choose Local Ecotypes of Native Plants and Appropriate Erosion-Control Seed Mixes	Would evaluate native plant species planting and seed options ecologically appropriate for erosion control

BMP/VHP Condition No.	SMP/BMP/VHP Condition Description
WQ-4: Limit Impacts from Staging and Stockpiling Materials	Would reduce runoff and erosion and reduce impacts on instream biota and water quality
WQ-5: Stabilize Construction Entrances and Exits	Would reduce runoff and erosion and reduce impacts on instream biota and water quality
WQ-9: Use Seeding for Erosion Control, Weed Suppression, and Site Improvement	Would prevent erosion by promptly seeding disturbed areas with native or sterile hybrid seeds, including applying erosion control seed mixes to exposed soils near streams
SMP Manual BMPs	**Description**
GEN-20: Erosion and Sediment Control Measures	Would reduce impacts on aquatic resources by ensuring that erosion and sediment discharge into waterways and riparian vegetation is minimized
GEN-21: Staging and Stockpiling of Materials	Would reduce impacts to water quality by preventing sediment-laden water from being released back into waterways
REVEG-1: Seeding	Would reduce erosion and water quality impacts and promote native species
VHP Conditions	**Description**
Condition 3: Maintain Hydrologic Conditions and Protect Water Quality	Would affect water supply through long-term protections of sources of water for beneficial use and add protection from short-term disruptions for in-channel maintenance or disturbance.
Condition 4: Avoidance and Minimization for In-stream Projects	Would reduce impacts to water quality from construction-related pollution
Condition 5: Avoidance and Minimization Measures for Instream Operations and Maintenance	Would add protection from short-term disruptions for in-channel maintenance or disturbance
Condition 11: Stream and Riparian Setbacks	Would minimize and avoid impacts on aquatic and riparian land cover types, covered species, and wildlife corridors
Hazards and Hazardous Materials	
Handbook BMPs	**Description**
AQ-1: Use Dust Control Measures	Would install the BAAQMD-prescribed dust control measures for all construction projects
HM-7: Restrict Vehicle and Equipment Cleaning to Appropriate Locations	Limits vehicle and equipment cleaning to approved areas to contain runoff of contaminants
HM-8: Ensure Proper Vehicle and Equipment Fueling and Maintenance	Would prevent spills and contamination of waterbodies by prohibiting fueling or servicing equipment in waterways or floodplains and by requiring containments measures for equipment that cannot be relocated
HM-9: Ensure Proper Hazardous Materials Management	Would ensure that hazardous materials are properly stored and handled, and the quality of water resources is protected
HM-10: Utilize Spill Prevention Measures	Would prevent and manage accidental chemical and fuel spills through personnel training, onsite spill response resources, and immediate cleanup in compliance with regulations
SMP Manual BMPs	**Description**
GEN-2: Instream Herbicide Application Work Window	Would reduce herbicide impacts on aquatic species
GEN-24: On-Site Hazardous Materials Management	Would reduce the potential for release of hazardous materials

BMP/VHP Condition No.	SMP/BMP/VHP Condition Description
GEN-25: Existing Hazardous Materials	Would reduce hazardous materials from entering the creek
GEN-26: Spill Prevention and Response	Would reduce the release of chemicals, fuels, lubricants, and non-storm drainage water into channels, drains, or on the ground
GEN-30: Vehicle and Equipment Maintenance	Would reduce impacts on aquatic resources by maintaining vehicles in authorized areas
GEN-31: Vehicle Cleaning	Would reduce impacts on aquatic resources by maintaining vehicles in authorized areas
GEN-32: Vehicle and Equipment Fueling	Would reduce impacts on aquatic resources by preventing accidental spills
HM-4: Posting and Notification for Pesticide Use	Would minimize exposure to pesticides by requiring the posting/notification of where pesticide use would be performed
Hydrology and Water Quality	
Handbook BMPs	**Description**
AQ-1: Use Dust Control Measures	Would install the BAAQMD-prescribed dust control measures for all construction projects
BI-8: Choose Local Ecotypes of Native Plants and Appropriate Erosion-Control Seed Mixes	Would evaluate native plant species planting and seed options ecologically appropriate for erosion control
HM-7: Restrict Vehicle and Equipment Cleaning to Appropriate Locations	Limits vehicle and equipment cleaning to approved areas to contain runoff of contaminants
HM-8: Ensure Proper Vehicle and Equipment Fueling and Maintenance	Would prevent spills and contamination of waterbodies by prohibiting fueling or servicing equipment in waterways or floodplains and by requiring containments measures for equipment that cannot be relocated
HM-9: Ensure Proper Hazardous Materials Management	Would ensure that hazardous materials are properly stored and handled, and the quality of water resources is protected
HM-10: Utilize Spill Prevention Measures	Would prevent and manage accidental chemical and fuel spills through personnel training, onsite spill response resources, and immediate cleanup in compliance with regulations
WQ-4: Limit Impacts from Staging and Stockpiling Materials	Would reduce runoff and erosion and reduce impacts on instream biota and water quality
WQ-5: Stabilize Construction Entrances and Exits	Would reduce runoff and erosion and reduce impacts on instream biota and water quality
WQ-9: Use Seeding for Erosion Control, Weed Suppression, and Site Improvement	Would prevent erosion by promptly seeding disturbed areas with native or sterile hybrid seeds, including applying erosion control seed mixes to exposed soils near streams
SMP Manual BMPs	**Description**
GEN-2: Instream Herbicide Application Work Window	Would reduce herbicide impacts on aquatic species
GEN-4: Minimize the Area of Disturbing	Would reduce impacts on terrestrial and aquatic habitats and species
GEN-20: Erosion and Sediment Control Measures	Would reduce impacts on aquatic resources by ensuring that erosion and sediment discharge into waterways and riparian vegetation is minimized
GEN-21: Staging and Stockpiling of Materials	Would reduce impacts to water quality by preventing sediment-laden water from being released back into waterways

BMP/VHP Condition No.	SMP/BMP/VHP Condition Description
GEN-24: On-Site Hazardous Materials Management	Would reduce the potential for release of hazardous materials
GEN-25: Existing Hazardous Materials	Would reduce hazardous materials from entering the creek
GEN-26: Spill Prevention and Response	Would reduce the release of chemicals, fuels, lubricants, and non-storm drainage water into channels, drains, or on the ground
GEN-29: Dust Management	Would implement the BAAQMD-required dust control measures
GEN-30: Vehicle and Equipment Maintenance	Would reduce impacts on aquatic resources by maintaining vehicles in authorized areas
GEN-31: Vehicle Cleaning	Would reduce impacts on aquatic resources by maintaining vehicles in authorized areas
GEN-32: Vehicle and Equipment Fueling	Would reduce impacts on aquatic resources by preventing accidental spills
REVEG-1: Seeding	Would reduce erosion and water quality impacts and promote native species
VHP Condition	**Description**
Condition 3: Maintain Hydrologic Conditions and Protect Water Quality	Would affect water supply through long-term protections of sources of water for beneficial use and add protection from short-term disruptions for in-channel maintenance or disturbance.
Condition 4: Avoidance and Minimization for In-stream Projects	Would reduce impacts to water quality from construction-related pollution
Condition 5: Avoidance and Minimization Measures for In-stream Operations and Maintenance	Would reduce impacts to water quality from construction-related pollution
Condition 11: Stream and Riparian Setbacks	Would minimize and avoid impacts on aquatic and riparian land cover types, covered species, and wildlife corridors
Recreation	
Handbook BMPs	**Description**
TR-1: Use Public Safety Measures	Would require installation of signs, safety fencing, and access to detours (if feasible) that provide adequate warning to the public of the construction work area.
SMP Manual BMPs	**Description**
GEN-36: Public Outreach	Would specify measures to notify the public of Proposed Project measures and allow for public to adjust recreational use to other area facilities
GEN-37: Implement Public Safety Measures	Would specify public safety measures to notify and warn the recreating public of Proposed Project measures and mitigate public safety at recreational facilities and trails
GEN-38: Minimize Noise Disturbances to Residential Areas	Would specify construction and maintenance practices that minimize disturbances to residential areas and recreational facilities and users
GEN-39: Planning for Pedestrians, Traffic Flow, and Safety Measures	Would schedule bicycle and pedestrian facility closures outside the peak morning and afternoon periods in order to minimize the impact of Proposed Project measures on recreational access and use
Transportation	

BMP/VHP Condition No.	SMP/BMP/VHP Condition Description
Handbook BMPs	**Description**
TR-1: Use Public Safety Measures	Would require installation of signs, safety fencing, and access to detours (if feasible) that provide adequate warning to the public of the construction work area.
SMP Manual BMPs	**Description**
GEN-36: Public Outreach	Would specify measures to notify the public of Proposed Project measures and allow for public to adjust recreational use to other area facilities
GEN-37: Implement Public Safety Measures	Would specify public safety measures to notify and warn the recreating public of Proposed Project measures and mitigate public safety at recreational facilities and trails
GEN-39: Planning for Pedestrians, Traffic Flow, and Safety Measures	Would schedule bicycle and pedestrian facility closures outside the peak morning and afternoon periods in order to minimize the impact of Proposed Project measures on recreational access and use
Utilities	
Handbook BMPs	**Description**
WQ-17: Manage Sanitary and Septic Waste	Would prevent sanitary overflow and spillage from entering a watercourse
SMP Manual BMPs	**Description**
GEN-42: Investigation of Utility Line Locations	Would avoid interruptions in utility services by evaluating utility lines prior to maintenance activities

VI. EIR PROCESS

In accordance with Section 15082 of the CEQA Guidelines, Valley Water, as the CEQA lead agency, prepared a Notice of Preparation (NOP). On November 22, 2023, the NOP was circulated to the public; the Governor's Office of Planning and Research; responsible, trustee, and other relevant local, state, and federal agencies; and other interested parties of the public. The 30-day review period for the NOP remained open through December 22, 2023. Valley Water received four comment letters in response to the NOP from the following organizations: CDFW, California Department of Transportation, Native American Heritage Commission, and San Francisco Bay Regional Water Quality Control Board. During the scoping period, Valley Water also held a public scoping meeting in the Franklin McKinley School District, on December 6th at 6:30 p.m. to 8:00 p.m. During the scoping meeting, questions and comments were received regarding several issues, including: recreational impacts at local parks, agency review, tree removal, biological resources, the public involvement process, and construction impacts. The scoping report, which summarizes comments received in response to the NOP and at the scoping meeting, is included in Appendix A of Attachment 1 to the Final EIR.

The Draft EIR was published on July 12, 2024, and was circulated for review and comment by the public and other interested parties, agencies, and organizations for an initial 45-day public review period. A Notice of Completion and a Notice of Availability for the Draft EIR were filed with Governor's Office of Planning and Research. The Notice of Availability, Draft EIR and selected appendices were made available at the following website: www.valleywater.org/public-

review-documents. The Draft EIR and all appendices were also available for review at the following locations:

Santa Clara Valley Water District
5750 Almaden Expressway
San José, CA 95118-3686

City of San José

200 E Santa Clara Street
San José, CA 95113

City of San José Library
East San José Carnegie Library
1102 E Santa Clara St, San Jose, CA 95116

Valley Water encouraged public agencies, organizations, community groups, and all other interested persons to provide written comments on the Draft EIR prior to the end of the public review period. Valley Water conducted an online public meeting on July 25, 2024, to provide information on the proposed project, the EIR process, and how to submit written comments on the Draft EIR.

Valley Water received written comments on the Draft EIR from three agencies and three individuals, containing a total of 87 comments. Copies of the comment letters and responses to all comments are presented in Chapter 2, “Reponses to Comments.” Table 3 lists all agencies and individuals that submitted written comments on the Draft EIR during the comment period, and the date of each written comment letter.

TABLE 3
LIST OF COMMENTERS

Agency/Organization/Individual	Letter/Email Dated
California Department of Transportation	August 22, 2024
California Department of Fish and Wildlife	August 26, 2024
San Francisco Bay Regional Water Quality Control Board	August 26, 2024
Rob Kleinschmidt	July 26, 2024
Libby Lucas	August 5, 2024
Libby Lucas	August 5, 2024
Libby Lucas	August 6, 2024
Libby Lucas	August 22, 2024
Libby Lucas	August 26, 2024
Katja Irvin	August 26, 2024
Libby Lucas	August 29, 2024

VII. FINAL EIR AND CERTIFICATION PROCESS

Valley Water released the Final EIR and posted the Final EIR on its website. Prior to considering adoption of these Findings, pursuant to CEQA Guidelines Section 15090, on March 11, 2025, the Board certified the Final EIR, certifying that:

- The Final EIR was completed in compliance with CEQA;
- The Final EIR was presented to the decision-making body of the lead agency—the Board—and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and,
- The Final EIR reflects the lead agency's independent judgment and analysis.

Following publication of the Final EIR, Valley Water staff recommended that the Board of Directors approve the proposed project described in Chapter 2, "Project Description," in Attachment 1 of the Final EIR.

VIII. ADMINISTRATIVE RECORD

The administrative record upon which the Board's Findings are based includes, but is not limited to, the following:

- The Final EIR;
- The reports and other documents referenced in the Final EIR;
- The Mitigation Monitoring and Reporting Program;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the project prepared by Valley Water or consultants to Valley Water with respect to Valley Water's compliance with the requirements of CEQA and with respect to Valley Water's action on the project;
- All oral, written, and electronic evidence submitted to the Valley Water prior to the close of Valley Water's meetings on the project;
- Any documents expressly cited in these Findings, in addition to those cited above; and
- All documents constituting the record pursuant to Public Resources Code Section 21167.6(e).

The administrative record is located at Valley Water Headquarters, 5750 Almaden Expressway, San José, California. The custodian of the administrative record is the Clerk of the Board for Valley Water.

IX. FINDINGS OF FACT ON IMPACTS OF THE PROPOSED PROJECT

IX.A EFFECTS FOUND TO BE LESS THAN SIGNIFICANT

The EIR concludes that the proposed project will result in either no impact or a less-than-significant impact for the following resource areas. Although findings on less-than-significant impacts are not required by CEQA, the Board nevertheless finds, based on the EIR and the entire record, that the EIR's conclusions regarding these specific impacts are correct and supported by substantial evidence.

- Aesthetics (Section 3.2.4 in Attachment 1 to the Final EIR, pages 3.2-22 through 3.2-40): Impacts on scenic vistas, scenic resources, adverse effects from operations and maintenance, substantially degrade existing visual character or quality of views during construction (AES-1); substantially permanently degrade the existing visual character or quality of public view of the site and its surroundings from development of project elements (AES-2); conflict with zoning and other regulations governing scenic quality (AES-3); and introduce new sources of light and glare (AES-4).
- Air Quality (Section 3.3.4 in Attachment 1 to the Final EIR, pages 3.3-19 through 3.3-30): Conflict with or obstruct implementation of the applicable air quality plan (AIR-1); result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable deferral or state ambient air quality standard (AIR-2); expose sensitive receptors to substantial pollutant concentrations (AIR-3); other construction emissions (such as those leading to odors) adversely affecting a substantial number of people (AIR-4); generate significant operational emissions of criteria air pollutants, ozone precursors, and toxic air contaminants; generate local carbon monoxide hotspots from operational activities; and result in operational sources of odors affecting a substantial number of people. A discussion of why the proposed project would have no impact on the last three listed impacts is provided in Attachment 1 to the Final EIR Section 3.3.22 to 3.3-23, "Impacts Not Discussed Further in the EIR."
- Agriculture and Forestry (Section 3.1.7 in Attachment 1 to the Final EIR, pages 3-5 through 3-6): Conversion of farmland, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; conflict with existing zoning for agriculture use, or with a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; result in the loss of forest land or conversion or forest land to non-forest use; or other changes in the existing environment that could result in conversion of farmland to a nonagricultural use or conversion of forest land to a non-forest use. A discussion of why the proposed project would have no impact on agriculture and forestry resources is provided in Attachment 1 to the Final EIR Section 3.1.7, "Resources Eliminated from Further Analysis."
- Biological Resources (Section 3.4.4 in Attachment 1 to the Final EIR, pages 3.4-65 through 3.4-93): substantial adverse effect on special-status plants (BIO-1); substantial adverse effect on monarch butterfly (BIO-2); substantial adverse effect on Crotch's bumble bee (BIO-3); substantial adverse effect on special-status fish, critical habitat, and essential fish habitat (BIO-4); substantial adverse effect on California red-legged frog and Northwestern pond turtle (BIO-5); substantial adverse effect on Western burrowing owl (BIO-6); substantial adverse effect on protected birds (BIO-7); substantial adverse effect on San Francisco dusky-footed woodrat (BIO-9); substantial adverse effect on riparian habitat or other sensitive natural community (BIO-10); substantial adverse effect

on state or federally protected aquatic resources (waters or wetlands)(BIO-11); substantial interference with fish or wildlife movement or native nursery sites (BIO-12); conflict with local policies and ordinance protecting biological resources (BIO-13); and conflict with an adopted habitat conservation plan (BIO-14).

- Cultural Resources and Tribal Cultural Resources (Section 3.5.5 in Attachment 1 to the Final EIR, pages 3.5-27): Cause a substantial adverse change in the significance of a built environment historical resource listed or eligible for listing in the NRHP, CRHR or a local register (CUL-1).
- Geology, Soils, and Seismicity (Section 3.6.4 in Attachment 1 to the Final EIR, pages 3.6-16 through 3.6-18): Adverse effects from rupture of earthquake, fault, seismic shaking, liquefaction, subsidence, soil, instability, landslides, or expansive soils (GEO-1); and substantial soil erosion or loss of topsoil (GEO-2).
- Greenhouse Gas Emissions and Energy (Section 3.7.4 in Attachment 1 to the Final EIR, pages 3.17-14 through 3.17-18): Direct or indirect construction-generated GHG emissions that may have a significant effect on the environment (GHG/EN-1); conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. (GHG/EN-2); unnecessary, wasteful, or inefficient consumption of energy (GHG/EN-3); conflict with an applicable plan to improve energy efficiency or promote renewable energy (GHG/EN-4; and result in operational greenhouse gas emissions and energy. A discussion of why the proposed project would have no impact from operations is provided in Attachment 1 to the Final EIR on pages 3.7-13 and 3.7-14.
- Hazards and Hazardous Materials (Section 3.8.4 in Attachment 1 to the Final EIR, pages 3.8-27 through 3.8-33):Create a significant hazard to the public or the environment through routine transport, use or disposal of hazardous materials (HAZ-1); impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (HAZ-5); create a significant hazard to construction workers or the public through exposure to Valley Fever during construction activities (HAZ-6); accidental release of hazardous materials associated with asbestos; conflict with an airport land use plan or be located within two miles of an airport; and expose people or structures to a significant risk of loss, injury, or death involving wildfire. A discussion of why the proposed project would have no impacts for the last three listed impacts is provided in Attachment 1 to the Final EIR on page 3.8-26.
- Hydrology and Water Quality (Section 3.9.4 in Attachment 1 to the Final EIR, pages 3.9-27 through 3.9-61): Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (HWQ-1); substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin (HWQ-2); substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite (HWQ-3); substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner that creates or contributes runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (HWQ-4);

substantially alter the existing drainage pattern of the site of area, including through the alteration of the course of a stream or river in a manner that impedes or redirect flood flows (HWQ-5); substantially alter the existing drainage pattern of the site or area, including through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or offsite (HWQ-6); conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (HWQ-7); and, risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. A discussion of why the proposed project would have no impact for the last listed impact is provided in Attachment 1 to the Final EIR on page 3.9-30.

- Land Use (Section 3.10.4 in Attachment 1 to the Final EIR, pages 3.10-34 through 3.10-35): Cause a significant environmental impact not analyzed elsewhere in the Draft EIR due to a conflict with any existing land use plans, policies, or agency regulations adopted for the purpose of avoiding or mitigating an environmental effect (LUP-1); physically divide an established community. A discussion of why the proposed project would have no impact for the last listed impact is provided in Attachment 1 to the Final EIR on page 3.10-34.
- Mineral Resources (Section 3.1.7 in Attachment 1 to the Final EIR, pages 3-6 and 3-7): Result in the loss of availability of known mineral resources or result in the loss of any designated, locally important mineral resource recovery sites. A discussion of why the proposed project would have no impact on mineral resources is provided in Attachment 1 to the Final EIR Section 3.1.7, “Resources Eliminated from Further Analysis.”
- Noise (Section 3.11.4 in Attachment 1 to the Final EIR, page 3.11-81): Result in long-term substantial increases in noise that exceed FTA noise standards (NOI-3); result in long-term operational vibration; expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. A discussion of why the proposed project would have no impact for the last two listed impacts is provided in Attachment 1 to the Final EIR on pages 3.11-50 and 3.11-51.
- Population and Housing (Section 3.1.7 in Attachment 1 to the Final EIR, page 3-7): Induce substantial population growth or displace housing or people. A discussion of why the proposed project would have no impact on population and housing is provided in Final EIR Section 3.1.7, “Resources Eliminated from Further Analysis.”
- Public Services (Section 3.1.7 in Attachment 1 to the Final EIR, page 3-7): Require construction of new or expanded fire protection facilities, police protection facilities, schools, parks, or other public facilities. A discussion of why the proposed project would have no impact on public services is provided in Final EIR Section 3.1.7, “Resources Eliminated from Further Analysis.”
- Recreation (Section 3.12.4 in Attachment 1 to the Final EIR, pages 3.12-12 through 3.12-14): Increased use of existing neighborhood and regional parks such that substantial physical deterioration of the facility would be accelerated (Impact REC-1); include recreational facilities or require the construction or expansion of recreational facilities. A discussion of why the proposed project would have no impact for the last listed impact is provided in Attachment 1 to the Final EIR on page 3.12-12.

- Transportation and Traffic (Section 3.13.4 in Attachment 1 to the Final EIR, pages 3.13-36 through 3.13-40): Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities (TR-1); conflict with CEQA guidelines section 15064.3 (b) during construction (TR-2), substantially increase hazards due to a geometric design feature or incompatible use (TR-3); conflict with CEQA guidelines section 15064.3 (b) during operation. A discussion of why the proposed project would have no impact for the last listed impact is provided in Attachment 1 to the Final EIR on page 3.13-36.
- Utilities (Section 3.14.4 in Attachment 1 to the Final EIR, pages 3.14-6 through 3.14-8): Require or result in the relocation or construction of existing or new utility infrastructure which could cause significant environmental effects (UTL-1); lack sufficient water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (UTL-2); and generate solid waste in excess of permitted capacity of local landfills or fail to comply with statutes or regulations related to reducing solid waste (UTL-3); require new or expanded wastewater treatment or stormwater drainage facilities. A discussion of why the proposed project would have no impact for the last listed impact is provided in Attachment 1 to the Final EIR on pages 3.14-5 and 3.14-6.
- Wildfire (Section 3.1.7 in Attachment 1 to the Final EIR, page 3-8): Impair any emergency response plans or emergency evaluation plans; exacerbate wildfire risks; require the installation or maintenance of associated infrastructure that may exacerbate wildfire risks or result in environmental impacts; or expose people or structures to significant wildfire risks. A discussion of why the Proposed Project would have no impact on wildfire is provided in Final EIR Section 3.1.7, “Resources Eliminated from Further Analysis.”

IX.B SIGNIFICANT IMPACTS THAT CAN BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

IX.B.1 Biological Resources

Impact BIO-8: Substantial Adverse Effect on Special-Status Bats.

Impact (Section 3.4.4 in Attachment 1 to the Final EIR, pages 3.4-79 through 3.4-82)

Special-status species, if present, could be adversely affected by the construction of the CCFPP flood risk reduction improvements. Valley Water would apply BMPs and VHP conditions and AMMs, as appropriate, to minimize impacts. Although impacts to most special-status species would be less than significant (See Section IX.A of these findings, disturbance and other adverse impacts during construction could substantially affect roosting special-status bats. This would be a **significant** impact.

Mitigation (Section 3.4.4 in Attachment 1 to the Final EIR, pages 3.4-80 through 3.4-82)

Valley Water will implement MM BIO 8.1 to reduce effects on special-status bats associated with project construction:

Mitigation Measure BIO-8.1: Minimize Impacts on Special-Status Bats

Valley Water and/or its construction contractor(s) shall implement the following measures to reduce potential effects on special-status bats associated with project construction:

- **Habitat Assessment.** Prior to initiation of project activities, a qualified biologist shall conduct a daytime survey to assess all trees and structures in the construction area to determine if they contain suitable bat roosting habitat (e.g., cavities, crevices, deep bark fissures), noting features with high potential for use by roosting bats. The survey shall identify locations of potential roost habitat features and potential direct and indirect project-related disturbing activities to those features. The daytime survey shall include visual inspection of potential roost features to determine whether there is evidence of use by bats (e.g., urine staining, guano, etc.). If bats are observed, attempts shall be made to identify individuals to species and estimate number of individuals. If special-status bats are identified, CDFW shall be notified.
- **Bat Survey.** Based on the results of the habitat assessment, the qualified biologist shall determine whether a nighttime emergence survey shall be conducted at each potential roost feature. This survey(s) shall require coordination with local law enforcement for safety reasons in the area. Nighttime emergence surveys shall document the number of bats exiting each feature and identification to species, if possible. If special-status bats are identified, CDFW shall be notified.

  In addition, occupancy surveys shall be conducted immediately prior to disturbance of roost features determined by the qualified biologist to have high potential for bat use. If potential roost features are unoccupied, work activities may proceed. The qualified biologist will have the authority to determine if it is necessary to direct and monitor activities relating to disturbance or removal of roost features. Biologist direction may include tiered removal of trees or modification of structures, as described in the following section.
- **Tiered Tree Removal and Structure Modification.** To minimize the likelihood of impacting roosting bats, tiered removal of trees or modification of structures with roost features known or suspected to support bats, based on the results of the habitat and bat surveys described above, shall be conducted at the direction of the qualified biologist. Tiered tree removal or structure modification shall occur over 2 or more days to make these trees/structures less desirable for roosting, and to encourage any bats that could be in residence to relocate to alternate roosts prior to tree felling, or to move to other areas of structures before exiting structures of their own volition at night. Removal or modification of these roost features shall occur under the supervision of a qualified biologist during periods when bats are active and capable of flight, approximately between March 1 to April 1 and September 1 to October 15; outside of bat maternity roosting season (approximately April 15 – August 31), and outside of months of winter torpor (approximately October 15 – February 28), to the extent feasible.

- If removal of trees or disturbance to other roost features during the periods when bats are active and capable of flight is not feasible, and active bat roosts being used for maternity or winter torpor purposes are found within or in the immediate vicinity of planned tree removal or other disturbance, an appropriate no-disturbance buffer shall be established around the roost sites until they are determined by a qualified biologist to be no longer active. Recommended buffers shall follow guidelines from the Caltrans Bat Mitigation Report (H.T. Harvey & Associates 2021, Table 7-1). The qualified biologist shall have the authority to order the cessation of all nearby project activities until an appropriate buffer can be established. If appropriate buffers cannot be maintained, CDFW shall be contacted to determine a site-specific approach for minimizing impacts to roosting bats.
- Trees/structures with roost features known or suspected to support roosting bats shall only be disturbed/removed when no rain is occurring or projected to occur for 3 days, when nighttime winds are projected to be below 11 miles per hour, and when daytime temperatures are at least 50 degrees Fahrenheit.
- For each tree removed that is known or suspected to support roosting bats, tiered tree removal may include some or all the following approaches, as determined by the qualified biologist.
    - Remove all unaffected limbs (those without potential roosting habitat) from the tree and leave the remaining trunk and limbs overnight. Fell the remaining trunk and affected limbs the following day.
    - Remove 30 to 50 percent of palm skirts (dried palm fronds), as appropriate, in a scattered pattern while carefully inspecting for indications of roosting bats. Leave the remaining skirts and trunk overnight. Repeat for 2 or 3 days, as appropriate, until all palm skirts are carefully removed. Fell the remaining trunk on the last day of skirt removal.
    - If logistically feasible, fell affected trees or limbs gently to minimize the likelihood of crushing bats that may be roosting inside. The qualified bat biologist shall inspect all potential roost habitat for bats once the trees are felled.
    - Leave all fallen material on the ground at least 1 night prior to removal from the project area.
    - If bats are detected at any point, work in that area shall cease and the qualified biologist shall be notified. Work shall resume as directed by the qualified biologist.
    - If any compromised bats are found, the qualified bat biologist may collect and deliver the bat(s) to a permitted bat rehabilitator (e.g., Wildlife Center of Silicon Valley, Lindsay Wildlife Museum), as needed.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measure

BIO 8.1 described above is feasible and hereby adopts it. Implementing Mitigation Measure BIO 8.1 would prevent substantial adverse effects associated with disturbance of roosting special-status roosting bats by conducting a roosting habitat assessment, confirming absence through occupancy surveys, or implementing tiered removal of trees or modification of structures known or suspected to support roosting bats. Therefore, with mitigation this impact would be **less than significant with mitigation**.

IX.B2 Cultural Resources

Impact CUL-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource.

Impact (Section 3.5.5 in Attachment 1 to the Final EIR, pages 3.5-27 through 3.5-30)

There is moderate to high probability of encountering unknown site materials or human remains in the southern portions of the Area of Potential Effect (APE) along Coyote Creek Reach 7, and particularly Reach 8. Undiscovered archaeological resources could be inadvertently discovered during project-related, ground disturbing activities, which would occur during construction activities. Operational activities would not impact P-43-000087, which is considered an archaeological resource and Tribal Cultural Resource (TCR); the entire resource is considered eligible for the California Register of Historical Resources (CRHR). Any damage to P-43-000087 or any previously undiscovered archaeological resources would constitute a significant impact to archaeological resources. Valley Water BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) would reduce this impact, but the inadvertent discovery of such resources could result in a substantial adverse change in the significance of archaeological resources that could meet the criteria for National Register of Historic Places (NRHP)/CRHR-eligibility or qualify as unique archeological resources. Therefore, impacts to archaeological resources from construction of the project are **significant**.

Mitigation (Section 3.5.5 in Attachment 1 to the Final EIR, pages 3.5-28 through 3.5-30)

Valley Water will implement MM CUL-2.1, MM CUL 2.2, and MM CUL 2.3 to address this impact.

> **Mitigation Measure CUL 2.1: Preconstruction Cultural Resources Awareness Training**
>
> Valley Water and its construction contractor(s) shall provide a cultural resources awareness training program to all construction personnel within the various construction areas prior to earth moving activities throughout the duration of project construction in areas not previously disturbed by construction. The training shall be conducted in person, or via a video or PowerPoint presentation to be viewed by all construction personnel involved in ground-disturbing activities prior to work on the project. The training shall be developed and conducted in coordination with a qualified archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology, as well as representatives of culturally affiliated California Native American Tribe(s) who have participated in consultation with Valley Water. The program shall include relevant information regarding sensitive cultural resources (including human remains and burials), applicable regulations, protocols for avoidance, and consequences

of violating state laws and regulations. The worker cultural resources awareness program shall also describe appropriate avoidance and minimization measures for resources that have the potential to be located within the project construction area and shall outline what to do and whom to contact if any potential archeological resources, human remains and burials, or artifacts are encountered. The program shall emphasize the requirement of confidentiality and culturally appropriate treatment of any finds of significance to Native Americans, and behaviors consistent with Native American Tribal values. The contractor shall keep a list of all trained workers on site and shall provide training to all new workers who join work after the initial training.

Mitigation Measure CUL 2.2: Prepare a Monitoring and Unanticipated Discoveries Plan

Valley Water shall prepare a Monitoring and Unanticipated Discoveries Plan in consultation with Native American Tribes that have requested monitoring prior to the initiation of project construction. The Monitoring and Unanticipated Discoveries Plan shall provide that a qualified archaeologist shall monitor ground disturbance (e.g., grading, trenching, vegetation clearing and grubbing with a backhoe or other mechanical methods, etc.) in areas not previously disturbed by construction. Valley Water and the construction contractor(s) shall coordinate with Native American Tribes that have requested monitoring to retain a Tribal monitor to work in tandem with the archeological monitor. Monitoring shall take place at locations within 50 feet of known sites and at locations identified as sensitive for cultural resources where excavation below the ground surface would occur. Monitoring shall also occur in areas identified by the archaeological principal investigator that meet high sensitivity potential for buried archaeological deposits in Reaches 7 and 8 only. Protocols for monitoring, such as scheduling, personnel responsibilities, chain of command, and reporting, shall be detailed in the Monitoring and Unanticipated Discoveries Plan.

The Monitoring and Unanticipated Discoveries Plan shall also address the accidental discovery of archaeological resources and incorporate the guidelines of Valley Water BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains), including issuance of a stop work order and establishment of a no work zone in the immediate vicinity of the find. The area of the discovery shall be flagged to delineate the boundary of the sensitive zone. If either an archaeological or Tribal monitor are not present at the time of the discovery, a qualified archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology, shall visit the discovery site as soon as practicable for identification and evaluation pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15064.5. If the archaeologist determines that the archaeological find is not a "historical" or "unique archaeological" resource, and thus not significant, construction may resume. If the archaeologist determines that the archaeological find is significant, the archaeologist shall determine if the find can be avoided and, if so, shall detail avoidance procedures. If the archaeological find cannot be avoided, the archaeologist shall develop an Action Plan within 48 hours which shall include provisions to minimize impacts and, if required, a Data Recovery and Treatment Plan that shall follow the protocols outlined in the Data Recovery and Treatment Plan described in Mitigation Measure CUL 2.3. The Plan shall

specify that if human remains are discovered, procedures for notification of the County Coroner and for the disposition of Native American human remains under Health and Safety Code Section 7050.5 and PRC 5097.5 shall be followed.

Mitigation Measure CUL 2.3: Prepare a Data Recovery and Treatment Plan for Historical Resources That Cannot Be Avoided

The preferred treatment for impacts to archaeological sites, including those identified as Tribal Cultural Resources, is avoidance, as directed under CEQA Guidelines 15126.4(b)(3)(b)(1) and PRC 21084.3. Not all archaeological sites that may be encountered may be able to be avoided. Therefore, Valley Water shall require a Data Recovery and Treatment Plan to be prepared by a qualified archaeologist who meets the U.S. Secretary of the Interior Professional Qualifications Standards for archeology, to address impacts to those archaeological historical resources that cannot be avoided by the project. The Data Recovery and Treatment Plan will be developed consistent with requirements in PRC Section 21083.2 and CEQA Guidelines Section 15126.4(b). The Data Recovery and Treatment Plan shall include a research design to identify research questions as the focus of data recovery efforts and detail the field and laboratory methods to address the questions. The Data Recovery and Treatment Plan shall also include a specific discussion of the methods and level of effort at each site for data recovery excavation, which are an acceptable form of mitigation under Section 15126.4(b)(3)(c) of the CEQA Guidelines. Specific plans for Native American sites shall be prepared in consultation with Native American Tribes who participated in CEQA Tribal consultation. Valley Water shall require that data recovery and treatment be scheduled such that the actions shall be completed in advance of construction involving impacted sites. The Data Recovery and Treatment Plan protocols shall also be used for addressing accidental discoveries as discussed in Mitigation Measure CUL 2.2.

The Data Recovery and Treatment Plan shall specify that if human remains are discovered, procedures for notification of the County Coroner and for the disposition of Native American human remains under Health and Safety Code Section 7050.5 and PRC Section 5097.5 shall be followed.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measures CUL 2.1, CUL 2.2, and CUL 2.3 described above are feasible and hereby adopts them. Implementing Mitigation Measures CUL 2.1 - 2.3 would reduce construction-related impacts on archaeological resources by requiring preparation and implementation of a cultural resources awareness training program for all construction personnel, a Monitoring and Unanticipated Discoveries Plan, and a Data Recovery and Treatment Plan. Therefore, with mitigation the project would not cause a substantial adverse change in the significance of an archaeological resource, and impacts from the project on archeological resources would be **less than significant with mitigation.**

Impact CUL-3: Cause a Disturbance of Human Remains, including Remains Interred Outside of Dedicated Cemeteries.

Impact (Section 3.5.5 in Attachment 1 to the Final EIR, pages 3.5-30 through 3.5-31)

Recorded resource site P-43-000087 (CA-SCL-70/H) within the APE in Reach 8 contains Native American human remains and is adjacent to project construction activities that require excavation. Project construction activities could disturb any remains that might be within the resource due to the close proximity of the recorded site. Further, while there is no indication that any other portions of the APE contain any human remains, encountering previously unidentified human remains is possible during ground-disturbing construction activities. This would be a **significant impact**.

Mitigation (Section 3.5.5 in Attachment 1 to the Final EIR, pages 3.5-30 through 3.5-31)

Valley Water will implement MM CUL 3.1**,** MM CUL 2.1, MM CUL 2.2, and MM CUL 2.3 to reduce construction-related impacts on human remains.

Mitigation Measure CUL 3.1: Avoid Disturbance of Human Remains, including Remains interred Outside of Dedicated Cemeteries

In the event possible human remains are identified during project-related, ground-disturbing activities, Valley Water will require the construction contractor(s) to halt all excavation within 100 feet of the find and to notify the County Coroner to determine the nature of the remains. The Coroner is required to examine all the discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands. If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by telephone within 24 hours of making that determination.

Once notified by the Coroner, the NAHC will identify the person it believes is the Most Likely Descendant (MLD) of the Native American remains. With permission of the legal landowner(s), the MLD may visit the site and make recommendations regarding the treatment and disposition of the human remains and any associated grave goods. This visit should be conducted within 24 hours of the MLD's notification by the NAHC if feasible. If a satisfactory agreement for treatment of the remains cannot be reach, any of the parties may request mediation by the NAHC. Should mediation fail, Valley Water would work with the landowner to reinter the remains and associated items with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Mitigation Measure CUL 2.1: Preconstruction Cultural Resources Awareness Training

Please refer to Impact CUL-2 above for full text of this mitigation measure.

Mitigation Measure CUL 2.2: Prepare a Monitoring and Unanticipated Discoveries Plan

Please refer to Impact CUL-2 above for full text of this mitigation measure.

Mitigation Measure CUL 2.3: Prepare a Data Recovery and Treatment Plan for Historical Resources That Cannot Be Avoided

Please refer to Impact CUL-2 above for full text of this mitigation measure.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measures CUL 3.1, CUL 2.1, CUL 2.2, and CUL 2.3 described above are feasible and hereby adopts them Implementing Mitigation Measures CUL 3.1 in combination with Mitigation Measures 2.1, 2.2, and 2.3, would reduce construction-related impacts on human remains by requiring preparation and implementation of a cultural resources awareness training, an inadvertent monitoring and discovery plan, a treatment plan if necessary, and requiring compliance with state law minimizing disturbance and providing for appropriate treatment and disposition if human remains are encountered during construction. Therefore, with mitigation impacts from the project on disturbing human remains would be **less than significant with mitigation.**

Impact CUL-4: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource, as Defined in PRC Section 21074.

Impact (Section 3.5.5 in Attachment 1 to the Final EIR, pages 3.5-31 through 3.5-32)

At the discretion of Valley Water, P-43-000087 is considered a TCR. In addition, the number of Native American archaeological sites in, and near, the APE and the general moderate to high archaeological sensitivity in Reaches 7 and 8, means it is possible that more TCRs could be identified within the APE. If P-43-000087 extends into portions of the APE that will undergo excavation, the project would cause a substantial adverse change in the significance of P-43-000087 or some other unidentified TCR. Construction-related project impacts on TCRs would be **significant**.

Mitigation (Section 3.5.5 in Attachment 1 to the Final EIR, pages 3.5-31 through 3.5-32)

Valley Water will implement MM CUL 2.1-2.3 and MM CUL 3.1 to address this impact.

Mitigation Measure CUL 2.1: Preconstruction Cultural Resources Awareness Training

Please refer to Impact CUL-2 above for full text of this mitigation measure.

Mitigation Measure CUL 2.2: Prepare a Monitoring and Unanticipated Discoveries Plan

Please refer to Impact CUL-2 above for full text of this mitigation measure.

Mitigation Measure CUL 2.3: Prepare a Data Recovery and Treatment Plan for Historical Resources That Cannot Be Avoided

Please refer to Impact CUL-2 above for full text of this mitigation measure.

Mitigation Measure Cul 3.1: Avoid Disturbances of Human Remains, including Remains interred Outside of Dedicated Cemeteries

Please refer to Impact CUL-3 for full text of this mitigation measure.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measures CUL 2.1, CUL 2.2, CUL 2.3, and 3.1 described above are feasible and hereby adopts them Implementing Mitigation Measures CUL 2.1 - 2.3 and 3.1 would reduce significant construction-related impacts on Tribal Cultural Resources by requiring preparation and implementation of a cultural resources awareness training program, a Monitoring and Unanticipated Discoveries Plan, and a Data Recovery and Treatment Plan, and requiring compliance with state law minimizing disturbance and providing for appropriate treatment and disposition if human remains are encountered during construction, all with tribal participation. Therefore, with mitigation the project would not cause a substantial adverse change in the significance of a tribal cultural resource, and impacts from the project on tribal cultural resources would be **less than significant with mitigation.**

IX.B.3 Geology, Soils, Seismicity

Impact GEO-3: Destruction of Unique Paleontological Resources during Construction.

Impact (Section 3.6.4 in Attachment 1 to the Final EIR, pages 3.6-18 through 3.6-20)

Project-related construction excavation activities, particularly those below 3 feet, could impact paleontological resources wherever Holocene-aged deposits are present. Excavation of paleontological resources could result in adverse effects to these resources. Therefore, impacts from construction on paleontological resources would be **significant**.

Mitigation (Section 3.6.4 in Attachment 1 to the Final EIR, pages 3.6-18 through 3.6-20)

Valley Water will implement MM GEO 3.1 to reduce impacts to paleontological resources from Project-related construction activities.

Mitigation Measure GEO 3.1: Prepare and Implement a Paleontological Mitigation and Monitoring Plan

Valley Water shall retain a Qualified Professional Paleontologist (QPP) as defined by the Society for Vertebrate Paleontology (SVP) Impact Mitigation Guidelines Revision Committee (SVP 2010:10) to update the EIR's formal paleontological records search at the University of California Museum of Paleontology (UCMP) at UC Berkeley. The UCMP records search will be able to determine whether additional fossil material, beyond that available in the published literature, is near or within the project area and inform preparation of a Paleontological Mitigation and Monitoring Plan (PMMP).

Prior to the start of any construction-related excavation activities, defined as construction work conducted more than 3 feet below the ground surface, Valley Water shall retain a qualified paleontologist as defined by the SVP Impact Mitigation Guidelines Revision Committee (SVP 2010:10) to prepare a PMMP to be implemented during ground disturbance for the project. This plan shall identify and map areas of high paleontological

sensitivity, outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, curation, monitoring and salvage report, and paleontological staff qualifications. The requirements of the plan are discussed further below.

Worker Environmental Awareness Program

Valley Water and the construction contractor(s) shall require paleontological resources awareness training, as part of an overall WEAP, for all construction personnel, conducted by a QPP who meets the SVP Professional Qualifications Standards (SVP 2010:10). The training shall be conducted before personnel begin any stages of project construction requiring ground disturbing activities in areas not previously disturbed by construction. The WEAP training shall include information on the physical appearance of fossils that may be encountered and the procedures for notifying paleontological staff should fossils be discovered by construction personnel.

Paleontological Monitoring

The construction contractor(s) shall require excavations or other ground disturbing activity in previously undisturbed areas defined in the PMMP as having high paleontological sensitivity (e.g., soils and/or sediments mapped as Holocene or older) to be monitored on a full-time basis by a Qualified Paleontological Resource Monitor (SVP 2010). If no fossils are observed during the first 50 percent of excavations, which would indicate that the likelihood of uncovering significant paleontological resources from a particular excavation site is lower, paleontological monitoring may be reduced to weekly spot-checking, or eliminated entirely, based on the expert opinion of (i.e., at the discretion of) the QPP (SVP 2010:6).

Salvage of Fossils

If fossils are discovered, the construction contractor(s) shall require the Qualified Paleontological Resource Monitor to recover, or salvage, them. Typically, fossils can be safely salvaged by a single paleontologist so as not to disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammals) require more extensive excavation and longer salvage periods. In the latter case, the Qualified Paleontological Resource Monitor shall have the authority to temporarily re-direct, divert, or halt construction activity in the immediate area to ensure that fossils can be removed in a safe and timely manner.

Preparation and Curation of Recovered Fossils

Once salvaged, the construction contractor(s) shall require the QPP to identify fossils to the lowest possible taxonomic level (e.g., genus and/or species) and to skeletal element, prepare fossils to a curation-ready condition, and curate fossils in a scientific institution with a permanent paleontological collection. All curated fossils shall be accompanied by field notes, photographs, maps, and other relevant data.

Final Monitoring and Salvage Report

Once ground-disturbing activities are complete and fossils have been curated (if applicable), Valley Water and the construction contractors(s) shall require the QPP to prepare a final monitoring and salvage report describing the results of the monitoring program. The report shall include discussion of the locations, durations, and methods of the monitoring, stratigraphic sections, any recovered fossils, the scientific significance of those fossils, and where the fossils were curated.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measure GEO 3.1 described above is feasible and hereby adopts it. Implementation of Mitigation Measure GEO 3.1 would reduce impacts on paleontological resources because it would require the preparation and implementation of a Paleontological Mitigation and Monitoring Plan that would include identification and mapping of areas of high paleontological sensitivity, preparation and implementation of WEAP training, monitoring of excavation during construction, salvage of fossils, and curation protocols should any paleontological resources be discovered during construction. These measures would minimize destruction of unique paleontological resources, and for unique paleontological resources that cannot be preserved, allow for their recovery and curation. Therefore, with mitigation this impact would be to **less than significant with mitigation**.

IX.B.4 Hazards and Hazardous Materials

Impact HAZ-2: Create a Significant Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment.

Impact (Section 3.8.4 in Attachment 1 to the Final EIR, pages 3.8-28 through 3.8-31)

Implementation of Valley Water BMPs AQ-1 (Use Dust Control Measures), HM-7 (Restrict Vehicle and Equipment Cleaning to Appropriate Locations), and HM-10 (Utilize Spill Prevention Measures), and SMP BMPs GEN-24 (On-Site Hazardous Materials Management), GEN-25 (Existing Hazardous Material), GEN-26 (Spill Prevention and Response), and HM-4 (Posting and Notification for Pesticide Use) would minimize the potential for accidental release of hazardous materials into the environment during both construction and operations and maintenance activities. Although compliance with existing regulations and implementation of BMPs would reduce the potential for accident or upset conditions to expose workers or the public to hazardous materials during construction activities, the risk of a significant hazard to the public or the environment from an accidental release of hazardous materials remains during construction and would be a **significant** impact.

Mitigation (Section 3.8.4 in Attachment 1 to the Final EIR, pages 3.8-29 through 3.8-31)

To reduce this impact, Valley Water will implement MM HAZ 2.1 and MM HAZ 2.2.

Mitigation Measure HAZ 2.1: Ensure Worker Safety in Areas with Elevated Concentrations of Lead

To ensure worker safety in areas with elevated lead concentrations in or adjacent to Watson Park where ground disturbance activities would occur, Valley Water and/or its contractor(s) shall require Personal Protective Equipment (PPE) that meets California Division of Occupational Safety and Health (Cal/OSHA) requirements for protection from lead exposure during project construction to maintain exposure levels below those established by the Cal/OSHA.

Mitigation Measure HAZ 2.2: Develop and Implement a Hazardous Materials Management Plan

To minimize potential impacts to workers, the public or the environment from hazardous materials, Valley Water and/or its contractor(s) shall develop and implement a Hazardous Materials Management Plan (HMMP) for areas where project excavation activities would occur. The HMMP shall establish procedures to manage potentially contaminated soil and/or groundwater encountered as part of project construction. The HMMP shall identify proper protocols to implement upon uncovering suspected contamination, segregation and containment of contaminated materials, and testing and handling of potentially hazardous materials. The HMMP shall also identify potential licensed disposal facilities and their acceptance criteria.

<u>Implement Recommendations of Phase I and II Environmental Site Assessments and Hazardous Substance Liability Assessments</u>

The HMMP shall include the following recommendations from the Phase I and II Environmental Site Assessments (ESAs) and Hazardous Substance Liability Assessments (HSLAs) for the safety of workers, the public, and the environment as follows.

- Conduct air quality monitoring for soil and groundwater vapor (volatile organic compounds) at excavations that are 3 feet or more below ground surface depth at project improvement site R7-FW12 prior to workers entering excavated area(s).

- Coordinate with the Kellogg's facility prior to construction and obtain and implement their Risk Management Plan requirements for emergency evacuation alerts, procedures, communications, and evacuation routes in the event of an accident at the facility when workers are present at project improvement site R6-FW8.

- Conduct shallow soil sampling at project improvement sites R4-FW2 and R4-FW1 prior to ground disturbing activities to determine if hazardous materials are present.

- Contact DTSC and the City prior to conducting any ground disturbing activities within or adjacent to Watson Park.

- Comply with Watson Park institutional controls including the following (AECOM 2018):

    - Communication with City staff

    - Before initiating construction and or architectural/design work at the site, City's archived as-built construction specifications and drawings for the site shall be referenced.

- All engineering work performed at the Site shall be under the direction and supervision of a registered professional engineer licensed in California, with expertise in hazardous substance site cleanup,
- All geological work performed at the Site shall be under the direction and supervision of a registered professional geologist licensed in California, with expertise in hazardous substance site cleanup,
- After the City of San José Department of Public Works Environmental Services Project Manager has reviewed construction plans for the project and ensures that the necessary actions and or notifications indicated in the Site Management Plan have been completed, he/she will provide a work authorization form to the contractor and the City's or property owner's project manager. The form will identify City personnel to be contacted in the case that burn ash is encountered (at which time the excavation activities will cease).
- A Quality Control program will be implemented to ensure that staff working on a specific project is aware of the building restrictions and the procedures to ensuring that no one becomes exposed to burn ash present at the site.
    - California Department of Toxic Substances Control (DTSC) will receive notification at least seven days in advance of proposed construction projects or field activities at the site. The DTSC shall be permitted to collect duplicate samples (or request split samples) for any soil sampling performed in the course of future field activities.

- If vehicles are located within project improvement site R6-FW7 and R8-FW13, coordinate with property owner prior to construction to remove them and examine soil underneath the vehicles for evidence of leaks. Test soil for presence of hazardous materials if evidence of leaks on ground surface are found.
- Conduct soil quality investigations at all 44 properties prior to ground disturbing activities.

<u>Soil and/or Groundwater Testing and Proper Disposal of Potentially Contaminated Soils or Groundwater</u>

The HMMP shall include procedures to be conducted if soil and/or groundwater suspected of being contaminated (on the basis of visual, olfactory, or other evidence) are exposed during site grading, excavation, or dewatering activities or identified in sampling of soil or groundwater, including those discussed below.

Valley Water and/or its contractor(s) shall stop work and test the excavated soil and/or groundwater prior to removal to determine whether hazardous levels of contaminants are present prior to continuing construction activities. The presence of known or

suspected contaminated soil and/or groundwater shall require testing and investigation procedures to be conducted and supervised by a hazardous materials specialist who meets federal and state regulatory requirements related to the handling and disposal of hazardous materials. The test results shall be compared against SFBRWQCB Tier 1 Environmental Screening Levels (ESLs); (San Francisco Bay Regional Water Quality Control Board [SFBRWQCB] 2019) and Human Health Risk Assessment (HHRA) DTSC Note 3 Industrial ESLs, EPA Regional Screening Levels (RSLs) for Residential Soil, and Construction Worker ESLs for Cancer and Non-cancer risk (if available) for the protection of human health, groundwater quality, and terrestrial receptors. If hazardous levels of contaminants (as defined by federal and state regulations) are present, Valley Water shall report findings to federal, state, and local agencies for further direction on clean up actions required. The materials shall be excavated and/or remediated as directed by federal, state, and local regulatory agencies and taken to a permitted hazardous waste facility for disposal. The required handling, storage, and disposal methods will depend on the types and concentrations of hazardous materials identified in the soil and/or groundwater. Any site investigations or remedial actions shall comply with applicable federal, state, and local hazardous materials and waste disposal regulations.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measures HAZ 2.1 and HAZ 2.2 described above are feasible and hereby adopts them. Implementation of Mitigation Measures HAZ 2.1 and HAZ 2.2 would reduce significant impacts from accidental release of hazardous materials by requiring the use of personal protective equipment during construction activities in areas which are known to have high lead concentrations, and preparation and implementation of an HMMP that establishes procedures to manage potentially contaminated soil and/or groundwater encountered as part of project construction. HMMP protocols and procedures would include halting construction activities and testing of soil and/or groundwater in areas suspected of contamination, implementing proper disposal of contaminated soil and/or groundwater, and implementing recommended measures to test air, soil, and groundwater in areas as documented in Phase I and II ESAs and HSLAs. Therefore, with mitigation the project would not create a significant hazard to the public or the environment from an accidental release of hazardous materials, and this impact would be **less than significant with mitigation**.

Impact HAZ-3: Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials within 0.25 mile of Existing or Proposed Schools.

Impact (Section 3.8.4 in Attachment 1 to the Final EIR, pages 3.8-31 through 3.8-32)

Valley Water would implement BMPs AQ-1 (Use Dust Control Measures), HM-7 ((Restrict Vehicle and Equipment Cleaning to Appropriate Locations), HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), HM-9 (Ensure Proper Hazardous Materials Management), and HM-10 ((Utilize Spill Prevention Measures), as well as SMP BMPs GEN-24

(On-Site Hazardous Materials Management), GEN-25 (Existing Hazardous Material), GEN-26 (Spill Prevention and Response), and HM-4 (Posting and Notification for Pesticide Use) which would minimize potential impacts from the accidental release of hazardous materials during construction and operations and maintenance activities. Although compliance with existing regulations and implementation of BMPs would reduce the potential for accident or upset conditions to schools to hazardous emissions or materials during construction activities, the risk for accidental release of hazardous emissions or materials remains during construction and is a **significant impact.**

Mitigation (Section 3.8.4 in Attachment 1 to the Final EIR, page 3.8-32)

To reduce this impact, Valley Water will implement MM HAZ 2.2.

> **Mitigation Measure HAZ 2.2: Develop and Implement a Hazardous Materials Management Plan**
>
> Please refer to Impact HAZ-2 above for full text of this mitigation measure.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measure *HAZ 2.2* described above is feasible and hereby adopts it. Implementation of Mitigation Measure HAZ 2.2 would reduce significant impacts from accidental release of hazardous emissions or materials in the project area by requiring t by requiring preparation and implementation of an HMMP that establishes procedures to manage potentially contaminated soil and/or groundwater encountered as part of project construction. HMMP protocols and procedures would include halting construction activities and testing of soil and/or groundwater in areas suspected of contamination, b implementing proper disposal of contaminated soil and/or groundwater, and implementing recommended measures to test air, soil, and groundwater in areas as documented in Phase I and II ESAs and HSLAs. Therefore, with mitigation the project would not create a significant hazard to schools from an accidental release of hazardous emissions or materials, and this impact would be **less than significant with mitigation**.

Impact HAZ-4: Be Located on a Site Which is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5.

Impact (Section 3.8.4 in Attachment 1 to the Final EIR, pages 3.8-32 through 3.8-33)

Watson Park is within and adjacent to the project area and is reported to contain lead concentrations that impose land use restrictions on the site and adjacent parcels are enforced by DTSC and the City. BMPs AQ-1 and HM-7 to HM-10 would implement measures for proper handling, storage, and disposal of hazardous materials, including contaminated soil encountered during construction work at Watson Park. Nevertheless, due to the presence of a hazardous material site listed on the Cortese List within the project area, this impact is **significant**.

Mitigation (Section 3.8.4 in Attachment 1 to the Final EIR, pages 3.8-32 through 3.8-33)

To reduce this impact, Valley Water will implement MM HAZ 2.2.

> **Mitigation Measures: Mitigation Measure HAZ 2.2: Develop and Implement a Hazardous Materials Management Plan**
>
> Please refer to Impact HAZ-2 above for full text of this mitigation measure.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measure HAZ 2.2 described above is feasible and hereby adopts it. Implementation of Mitigation Measure HAZ 2.2 applicable to Watson Park would reduce significant hazardous waste impacts from construction work in Watson Park and adjacent properties by requiring preparation and implementation of an HMMP that establishes procedures to manage potentially contaminated soil and/or groundwater encountered as part of project construction. HMMP protocols and procedures would include halting construction activities and testing of soil and/or groundwater in areas suspected of contamination, implementing proper disposal of contaminated soil and/or groundwater, contacting DTSC and the City prior to conducting any ground disturbing activities, and complying with all institutional controls. Therefore, with mitigation, the presence of a hazardous material site listed on the Cortese List within and directly adjacent to the project area would not create a significant hazard to the public or the environment, and this impact would be **less than significant with mitigation**.

IX.B.5 Noise and Vibration

Impact NOI-2: Generate Excessive Ground Vibration or Groundborne Noise Levels from Construction Activities.

Impact (Section 3.11.4 in Attachment 1 to the Final EIR, pages 3.11-73 through 3.11-81)

Due to the proximity of improvements and the type of construction equipment that would be used, vibration levels would exceed the applied criteria of 0.20 in/sec peak particle velocity (PPV) (vibration damage for non-engineered timber and masonry structures), 0.08 in/sec PPV (vibration damage for historic/weakened structures), and 75 vibration decibels (VdB) (vibration annoyance) at Noise Sensitive Receptor (NSR 11), which is a school (refer to Tables 3.11.17 and 3.11.18 in Attachment 1 of the Final EIR). Project construction activities would not result in excessive vibration levels that could lead to adverse effects related to human response at existing nearby residential receptors; however, because pile driving could occur in proximity to existing structures, exceeding Federal Transit Administration (FTA) and City structural damage criteria as well as result in potential disturbance to nearby institutional uses, the temporary vibration impact would be **significant**.

Mitigation (Section 3.11.4 in Attachment 1 to the Final EIR, pages 3.11-68, and 3.11-79 through 3.11-81)

Valley Water will implement MM NOI 1.2 and MMs NOI 2.1-2.2 to reduce this impact.

Mitigation Measure NOI 1.2: Use Alternative Impact Equipment for Pile Driving

Valley Water shall require its construction contractor to use a silent hydraulic pile driver for all construction activity that would require the use of a pile driver located within the noise or vibration impact distances to existing structures that could cause structural damage (i.e., within 95 feet of pile driving from normal structures and within 178feet from weakened structures). Based on the analysis conducted above[4] and summarized in Table 3.11.15, this measure applies to the following flood risk reduction improvement sites:

- Reach 4
  - R4-FW1
  - R4-FW2
  - R4-FW3
  - R4-FW4
- Reach 6
  - R6-FW5
  - R6-FW7
  - R6-FW8
  - R6-FW9
  - R6-FW10
  - R6-FW20
- Reach 7
  - R7-PB5 FW1
  - R7-FW12
  - R7-FW11
  - R7-FW18
- Reach 8
  - R8-FW13
  - R8-FW14

Mitigation Measure NOI 2.1: Implement Alternative Construction Methods to Reduce Vibration

Valley Water and/or its construction contractor shall implement alternative methods/equipment and for all construction activities that require the use of vibration-inducing equipment (e.g., vibratory rollers, dozers, loaded trucks) within the vibration impact distances to existing structures that could cause structural damage (i.e., within 26 feet from normal structures and within 48 feet from weakened structures). Valley Water shall verify that the alternative method/equipment is shown on the construction plans prior to the beginning of construction. Based on the analysis conducted in this EIR

[4] "Above" in this context refers to the noise and vibration analysis in Section 3.11 of Attachment 1 of the Final EIR.

and summarized in Tables 3.11.17 and 3.11.18, this measure applies to work at all improvement sites except sites and areas located beyond 48 feet from nearby structures.

Alternative methods/equipment shall include, but are not limited to, the following:

- For compaction activities, the use of a static roller in lieu of a vibratory roller shall be implemented.
- For grading and earthwork activities, off-road equipment shall be limited to 100 horsepower or less, unless it is determined that such equipment is not available or would not adequately complete the necessary construction activity.
- For earthwork, small dozers (e.g., CAT D1, D2, D3) shall be used and remain as far away from existing structures as possible.

Mitigation Measure NOI 2.2: Develop and Implement a Vibration Control Plan

Prior to commencement of construction activities, Valley Water or its construction contractor shall prepare a construction vibration monitoring plan/program that ensures and demonstrates that construction vibration would not result in structural damage or disturbance to nearby receptors (i.e., school uses). The plan shall be prepared and implemented by a qualified acoustical consultant or structural engineer, for review and approval by the City of San José. The plan shall include the following:

- Pre-construction surveys to identify any pre-existing structural damage to buildings that may be affected by project-generated vibration.
- Identification of minimum setback requirements for different types of ground-vibration-producing activities (e.g., pile driving) for the purpose of preventing damage to nearby structures and preventing adverse effects on people. Factors to be considered include the nature of the vibration-producing activity, local soil conditions, and the fragility/resiliency of the nearby structures. Initial setback requirements (identified in Mitigation Measure NOI 1.2 and NOI 2.1) can be reduced if a project- and site-specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage to buildings or structures would occur.
- Phasing of pile-driving and high-impact activities so as not to occur simultaneously with other construction activities, shall be determined. The total vibration level produced could be significantly less when each vibration source is operated at separate times.
- Development of a vibration monitoring and construction contingency plan, which shall identify where monitoring would be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and require photo, elevation, and crack surveys to document conditions before and after demolition and construction activities. Construction contingencies shall be identified for when vibration levels approach the limits. If vibration levels approach limits, suspend construction, and

implement contingencies to either lower vibration levels or secure the affected structure.

- Specifically for pile driving located within 20 feet of institutional uses such as schools (e.g., NSR 11), vibration-inducing activities shall occur outside of regular school hours and a minimum of a 10-day notice shall be given.
- Preparation of a construction vibration monitoring report that summarizes the results of all vibration monitoring and submission of the report after the completion of each phase identified in the project construction schedule. The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measures NOI 1.2, NOI 2.1, and NOI 2.2 described above are feasible and hereby adopts them. Implementation of Mitigation Measure NOI 1.2 would require the use of a "silent" hydraulic pile driver which would reduce the potential for structural damage from 95 feet (for conventional structures) to 4 feet and from 178 feet (for weakened structures) to 9 feet (Giken 2023). Considering the location of all proposed construction activities and nearby structures, pile driving would not occur within 4 feet of any existing structure of conventional construction. The only structure identified as potentially weakened is the residences identified as NSR 23, and proposed construction activity at that location is well beyond 9 feet from the structure. The use of a silent pile driver would eliminate the potential for structural damage at existing structures. Regarding human perception, a silent pile driver would reduce the impact distance from 430 feet to 20 feet and NSR 11 (a school) is located within 20 feet. The use of a silent pile diver, while known to be available in California, could potentially be limited based on manufacture supply and availability at the time of construction; thus, it cannot be guaranteed to be available in all instances that this mitigation requires.

Implementation of Mitigation Measure NOI 2.1 would require alternative methods or equipment to be implemented that can substantially reduce vibration levels. Mitigation Measure NOI 2.2 would require the preparation and implementation of a vibration control plan, which would include site-specific evaluation of nearby structures, monitoring, and verification of vibration levels to ensure no damage occurs, as well as appropriate noticing and scheduling of said activities. These measures would minimize ground vibration and groundborne noise levels at sensitive receptors (including structures) from construction activities and would ensure that construction activity would not result in structural damage or disturbance to nearby sensitive uses. Therefore, with implementation of the additional mitigation measures NOI 2.1 and 2.2, ground vibration and groundborne noise levels from construction activities would not be excessive, and this impact would be reduced to **less than significant with mitigation.**

IX.B.6 Transportation and Traffic

Impact TR-4: Result in Inadequate Emergency Access.

Impact (Section 3.13.4 in Attachment 1 to the Final EIR, pages 3.13-38 through 3.13-40)

Due the temporary nature of construction activities, dispersed improvement locations, and the low number of daily vehicle trips, construction of the project would not substantially increase traffic levels to the extent of affecting emergency response times or access on roadways in the project area and vicinity. Further, Valley Water BMP TR-1 (Incorporate Public Safety Measures) would improve safety by requiring fences, barriers, lights, flagging, guards, and signs to be installed as determined appropriate by the City to provide adequate warning to the public of construction activities and of any temporary access limitations on local roads. However, temporary lane closures during construction of passive barriers on roads could still result in increased response times and inadequate emergency access, and this impact would be **significant**.

Mitigation (Section 3.13.4 in Attachment 1 to the Final EIR, pages 3.13-39 and 3.13-40)

Valley Water will implement MM TR 4.1 to reduce this impact.

> **Mitigation Measure TR 4.1: Implement a Traffic Safety Plan and Coordinate with Local Emergency Service Providers.**
>
> The construction contractor(s) shall develop a traffic safety and management plan for portions of the City of San José that would be affected by construction traffic. Before the start of construction-related activities involving high volumes of traffic, the plan shall be submitted for review to the City of San José. A fundamental goal of the Traffic Safety Plan shall be to minimize construction-related delays to the greatest extent feasible. The plan shall include the following elements:
>
> - posting warnings about the potential presence of slow-moving vehicles;
> - using traffic control personnel when appropriate; and,
> - placing and maintaining barriers and installing traffic control devices necessary for safety, as specified in Caltrans's California Manual on Uniform Traffic Control Devices (2014) and in accordance with county requirements.
>
> Before project construction begins, the contractor(s) shall train construction personnel in appropriate safety measures as described in the Traffic Safety Plan and shall document and report implementation of the plan to Valley Water and the City of San José. The plan shall include the prescribed locations for staging equipment and parking trucks and vehicles. Provisions shall be made for overnight parking of haul trucks to avoid causing traffic or circulation congestion.
>
> Before project construction begins, Valley Water and/or its construction contractor(s) shall provide notification of project construction and potential delays and closure of Jackson Street to all appropriate emergency service providers in the City of San José.

Valley Water and/or its construction contractor(s) shall coordinate with emergency service providers throughout the construction period to maintain emergency access through construction areas to the extent possible. Coordination shall include notice of when temporary road closures are anticipated.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measure TR 4.1 described above is feasible and hereby adopts it. Implementation of Mitigation Measure TR-4.1 would reduce the impact related to inadequate emergency access at any of the improvement sites by requiring a Traffic Safety Plan focused on minimizing construction-related traffic delays, and coordination with emergency service providers. Coordination will include notice of when temporary road closures are anticipated. With implementation of this mitigation measure, temporary delays for emergency responders would not result in inadequate emergency access, and this impact would be **less than significant with mitigation**.

IX.C SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

IX.C.1 Noise and Vibration

Impact NOI-1: Substantial Temporary Construction-Related Increase in Noise Levels in Excess of FTA and City of San José Standards.

Impact (Section 3.11.4 in Attachment 1 to the Final EIR, pages 3.11-51 through 3.11-70)

Based on the review conducted of project feature locations and existing noise-sensitive receptors, daytime construction activity would exceed FTA criteria for residential (i.e., 90 dBA L_{eq}) and non-residential uses (i.e., 100 dBA L_{eq}); however, nighttime construction activity would not exceed FTA criteria for residential or non-residential uses.

The City's General Plan considers significant construction noise impacts to occur if a project located within 500 feet of residential use or 200 feet of commercial uses would involve substantial noise generating activity continuing for more than 12 months.

Maximum construction noise levels were evaluated in the Final EIR, and it was determined that excessive noise levels could occur during construction, leading to disturbance or annoyance at nearby receptors. However, due to the short-term nature of the construction activities (i.e., less than 12 months at any location) and considering that construction would occur during the less sensitive times of the day, the temporary substantial increases in noise would not result in adverse health effects to nearby sensitive receptors and nighttime construction would not result in substantial temporary increases at nearby receptors. Nonetheless, daytime construction activity could exceed FTA criteria for residential and nonresidential uses located near construction activities at 15 sensitive receptors, exposing them to excessive noise levels during construction activities. This impact would be **significant.**

Mitigation (Section 3.11.4 in Attachment 1 to the Final EIR, pages 3.11-67 through 3.11-70)

To reduce impacts from construction activities Valley Water will implement MM NOI 1.1, 1.2, 1.3, and 1.4.

Mitigation Measure NOI 1.1: Develop and Implement a Construction Noise Control Plan

Prior to commencement of any construction activity, Valley Water, in coordination with its construction contractors, and a qualified acoustical professional shall prepare a Construction Noise Control Plan, that demonstrates with substantial evidence, based on finalized project-specific information (e.g., specific equipment profiles, construction locations), that all available noise reducing measures, including alternatives to conventional construction equipment and methods, have been implemented to the extent feasible and allowable, considering site-specific physical constraints (e.g., topography, proximity of construction to receptors), while still meeting the construction objectives of the project. The Construction Noise Control Plan shall be consistent with San José General Plan's provisions for a construction noise logistics plan. Measures that shall be included for all construction activities include, but are not limited to, the following:

- Ensure that construction activities are phased such that no one location/receptor is exposed to construction noise for more than 12 months.
- Construction scheduling and phasing shall be designed so that impact equipment (e.g., pile drivers, pneumatic hammers) are used during daytime hours only.
- Housing of stationary equipment (e.g., generators) in sound-attenuating enclosures if equipment would operate within a clear line-of-sight of offsite sensitive receptors.
- Provide clear signage to be posted at all construction sites and equipment staging areas throughout the duration of all construction activities, reminding equipment operators and construction crews of the onsite best practices that shall be followed to reduce noise, including but not limited to:
    - Limiting drop heights (truck loading/unloading, material movement) to the heights necessary to achieve the task.
    - All inactive equipment shall not idle for more than five minutes.

Mitigation Measure NOI 1.2: Use Alternative Impact Equipment for Pile Driving

- Please refer to Impact NOI-2, previously described in Subsection IX.B.5 for full text of this mitigation measure.

Mitigation Measure NOI 1.3: Use of Temporary Sound Barriers

Valley Water shall require its construction contractor to use temporary sound barriers to attenuate noise, such as temporary noise curtains, sound walls, or similar products that provide a barrier to attenuate construction noise, during all daytime construction activities that are located within 50 feet of a residential structure or within 10 feet of a nonresidential structure. Exceptions to this measure could include physical site constraints such as proximity to private property or topography surrounding the creek,

making it physically impossible to site temporary sound barriers. Such conditions shall be evaluated on a site-specific basis and determinations made prior to commencement of construction activities, in coordination with and subject to Valley Water review. The temporary sound barrier shall be located between the project construction noise sources and receptors to shield the receptors from construction noise. The installation of any temporary sound barrier shall meet all the following criteria:

- be installed as close as possible to the boundary of the construction site within the direct line of sight path of the nearby sensitive receptor(s);
- shall consist of durable, flexible composite material featuring a noise barrier layer bound to sound-absorptive material on one side; and
- shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot, such that a minimum of 10 dBA reduction is achieved on the receiving side of the sound barrier.

Mitigation Measure NOI 1.4: Establish Construction Noise Coordinator

Valley Water and/or its construction contractor(s) shall designate a construction noise coordinator and post that person's telephone number conspicuously around the construction sites. This coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and coordinating implementation of the appropriate measures to reduce the noise issue, which may include measures identified in Mitigation Measures NOI 1.1, NOI 1.2, and NOI 1.3, or other measures deemed appropriate by the noise coordinator in consultation with Valley Water and its construction contractor, that specifically address the nature of the noise complaint and associated noise source and affected receptor. Examples include, but are not limited to, relocation of onsite equipment away from the affected receptor, shielding the noise source with onsite equipment/trailers/barriers, altering construction methods, or altering timing of specific construction activity. In all cases, the noise complaint coordinator shall establish the root cause of the complaint and seek to resolve it with the most appropriate feasible remedy given the noise source and affected party's specific complaint.

Finding

Specific economic, legal, social, technological, or other considerations make infeasible the provision of mitigation measures or project alternatives identified in the Final EIR. The Board finds that Mitigation Measures NOI 1 .1, NOI 1.2, NOI 1.3, and NOI 1.4 described above are feasible and hereby adopts them. Implementation of the abovementioned mitigation measures would substantially reduce exposure of sensitive receptors to noise from construction activities; however, because use of temporary sound barriers would likely not be feasible in all locations where needed, applicable construction noise thresholds would likely continue to be exceeded at some sensitive receptors. In addition, the availability to use a silent pile diver, while known to be available in California, could potentially be limited based on manufacture supply at the time of construction. The mitigation measures provided above include all feasible measures available to reduce construction noise, and no additional feasible mitigation has been identified to further reduce this impact. Therefore, even with all feasible mitigation project construction would

continue to generate increased noise levels exceeding FTA and City of San José standards, and impacts from construction generated noise would remain **significant and unavoidable**.

IX.D NOT CUMULATIVELY CONSIDERABLE CONTRIBUTIONS TO CUMULATIVE IMPACTS

The EIR found that, for the following significant cumulative impacts, the proposed project would not add cumulatively considerable contributions, without the need for mitigation measures. Although findings on impacts that are less-than-cumulatively considerable and therefore less than significant without mitigation are not required by CEQA, the Board nevertheless finds, based on the EIR and the entire record, that the EIR's conclusions regarding these specific impacts are correct and supported by substantial evidence.

- Aesthetics (Section 4.4.2 in Attachment 1 to the Final EIR, page 4-19): Cumulative impacts on aesthetics (Cumulative Impact AES).
- Air Quality (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-20 to 4-21): Cumulative impacts on air quality (Cumulative Impact AIR).
- Biological Resources (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-21 through 4-29): Cumulative impacts on special-status species, except bats (Cumulative Impact BIO-1); cumulative impacts on sensitive habitats and wildlife movement (Cumulative Impact BIO-2); cumulative impacts related to policies, ordinances, or habitat conservation plans protecting biological resources (Cumulative Impact BIO-3).
- Greenhouse Gas Emissions and Energy (Section 4.4.2 in Attachment 1 to the Final EIR, page 4-32): Cumulative impacts on greenhouse gas emissions (Cumulative Impact GHG/EN).
- Hydrology and Water Quality (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-34 to 4-44): Cumulative impacts to surface or groundwater quality (Cumulative Impact HWQ-1); cumulative impacts to groundwater supplies or recharge (Cumulative Impact HWQ-2); cumulative impacts to hydrology and water quality from increases in surface runoff (Cumulative Impact HWQ-3); cumulative impacts to hydrology from redirecting flood flows (Cumulative Impact HWQ-4); and cumulative impacts to hydrology that would result in substantial erosion or siltation (Cumulative Impact HWQ-5).
- Land Use and Planning (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-44 to 4-45): Cumulative Impacts to land use and planning (Cumulative Impact LUP).
- Recreation (Section 4.4.2 in Attachment 1 to the Final EIR, page 4-47): Cumulative impacts to recreation (Cumulative Impact REC).
- Utilities (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-49 to 4-50): Cumulative impacts to utilities and service systems (Cumulative Impact UTL).

IX.E CUMULATIVELY CONSIDERABLE CONTRIBUTIONS TO CUMULATIVE IMPACTS

IX.E.1 Biological Resources

Cumulative Impact BIO-1: Cumulative Impacts on Special-Status Species

Impact and Project Contribution (Attachment 1 to the Final EIR Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-21 through

As concluded under Impact BIO-1, implementation of proposed project, specifically removal of trees containing large cavities and crevices and modification of structures such as the Charcot Avenue Bridge in Reach 4, would remove or disturb potential roosting habitat which would have a significant impact on special status bats, which would be a significant impact. Cumulative projects, projects, plans, and programs (such as Valley Water's watershed improvements, dam safety, and seismic retrofit projects as well as the Pacheco Reservoir Expansion Project, among others), when combined with impacts of the proposed project, could have a substantial adverse effect on local populations of bats. Therefore, cumulative impacts on special-status species bats would be significant, and the project's contribution to cumulative impacts on special-status species bats would be **cumulatively considerable**.

Mitigation (Section 4.4.2 in Attachment 1 to the Final EIR, page 4-25)

Valley Water will implement MM BIO 8.1 to reduce the proposed project's contribution to cumulative impacts on special-status terrestrial species.

> **Mitigation Measure BIO 8.1: Minimize Impacts on Special-Status Bats** (see Impact BIO-8 for description)

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that MM BIO 8.1 described above is feasible and has adopted the mitigation measure. This measure would reduce the project's contribution to cumulative impacts on special-status bat species by conducting a roosting habitat survey, confirming absence through occupancy surveys, or implementing tiered removal of trees or modification of structures known or suspected to support roosting bats. With implementation of this mitigation measure, the project would result in a less than cumulatively considerable incremental contribution to a significant cumulative impact related to special-status bats. Therefore, the project's incremental contribution to this cumulative impact would be **not cumulatively considerable with mitigation**.

IX.E.2 Cultural Resources

Cumulative Impact CUL: Cumulative Impacts to Cultural and Tribal Cultural Resources

Impact and Project Contribution (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-29 to 4-30)

As concluded under Impacts CUL-2, CUL-3, and CUL-4, project construction could disturb and/or adversely impact site P-43-000087, as well as unknown archeological or tribal cultural resources, in addition to human remains which would be significant impacts. Cumulative projects, plans, and programs (such as Valley Water's watershed improvements, Pacheco Reservoir Expansion Project, dam safety, and seismic retrofit projects, as well as non-Valley Water projects), when combined with impacts of the project, could cause significant cumulative impacts on archeological or tribal cultural resources, in addition to human remains, during construction. The project's incremental contribution to this significant cumulative impact would be **cumulatively considerable**.

Mitigation (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4.29 to 4-30)

Valley Water will implement MMs CUL 2.1 through CUL 2.3 and CUL 3.1 to reduce the project's contribution to cumulative impacts on archeological or tribal cultural resources, in addition to human remains.

> **Mitigation Measure CUL 2.1: Preconstruction Cultural Resources Awareness Training** (see Impact CUL-2 for description)
>
> **Mitigation Measure CUL 2.2: Prepare a Monitoring and Unanticipated Discoveries Plan** (see Impact CUL-2 for description)
>
> **Mitigation Measure CUL 2.3: Prepare a Data Recovery and Treatment Plan for Historical Resources That Cannot Be Avoided** (see Impact CUL-2 for description)
>
> **Mitigation Measure CUL 3.1: Avoid Disturbances of Human Remains, including Remains interred Outside of Dedicated Cemeteries** (see Impact CUL-3 for description)

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that MMs CUL 2.1 through 2.3 and CUL 3.1 are feasible and has adopted them. The Board finds that implementation of MMs CUL 2.1 through 2.3 and CUL 3.1 as part of the project, would reduce significant construction-related impacts to archeological and tribal cultural resources, as well as human remains by requiring cultural resources awareness training for all construction personnel, preparing and implementing a Monitoring and Unanticipated Discoveries Plan, preparing and implementing a Data Recovery and Treatment Plan, and requiring compliance with state law minimizing disturbance and providing for appropriate treatment and disposition if human remains are encountered during construction, all with tribal participation. Therefore, with mitigation the project's incremental contribution to this cumulative impact would be **not cumulatively considerable with mitigation**.

IX.E.4 Geology and Soils

Cumulative Impact GEO: Cumulative Impacts of Geology, Soil, and Seismicity

Impact and Project Contribution (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-30 to 4-31)

As concluded under Impact GEO-3, implementation of the proposed project could result in the disturbance of paleontological resources, which would be a significant impact. Cumulative projects and planned improvements within Valley Water watersheds, and residential, commercial, industrial, and recreation-area developments could cause significant cumulative impacts on paleontological resources, when combined with the impacts of the project during construction. Therefore, the project's incremental contribution to this significant cumulative impact would be **cumulatively considerable**.

Mitigation (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-31 to 4-32)

Valley Water will implement MM GEO 3.1 to reduce the project's contribution to cumulative impacts on paleontological resources.

> **Mitigation Measure GEO 3.1: Prepare and Implement a Paleontological Mitigation and Monitoring Plan** (see Impact GEO-3 for description)

Finding

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. The Board finds that MM GEO 3.1 is feasible and has adopted it. This measure would reduce the project's contribution to cumulative impacts on paleontological resources by implementing a Paleontological Mitigation and Monitoring Plan that would include identification and mapping areas of high paleontological sensitivity, preparation and implementation of Worker Environmental Awareness Program training, monitoring of excavation during construction, salvage of fossils, and curation protocols should any paleontological resources be discovered during construction. These measures would minimize destruction of unique paleontological resources, and for unique paleontological resources that cannot be preserved, allow for their recovery and curation. This mitigation measure would reduce the project's incremental impact to less-than-significant levels. Therefore, with mitigation the project's incremental contribution to this cumulative impact would be **not cumulatively considerable with mitigation**.

IX.E.5 Hazards and Hazardous Materials

Cumulative Impact HAZ: Cumulative Impacts from Hazards and Hazardous Materials

Impact and Project Contribution (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-33 to 4-34)

As concluded under Impacts HAZ-2, HAZ-3, and HAZ-4, the proposed project could result in significant impacts from the accidental release of hazards and/or hazardous materials; emission

of or handling of hazardous materials within one-quarter mile of a school; and being located on a hazardous materials site. Cumulative projects, plans, and programs, such as Valley Water's watershed improvements, Pacheco Reservoir Expansion Project, dam safety, and seismic retrofit projects as well as non-Valley Water projects, could cause significant impacts if their construction or operational timeframe coincides with the proposed project's construction. Therefore, cumulative hazards and hazardous materials impacts would be significant, and the project's contribution to cumulative hazards and hazardous materials impacts would be **cumulatively considerable**.

Mitigation (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-33 to 4-34)

Valley Water will implement MM HAZ 2.1 and HAZ 2.2 to reduce the project's contribution to cumulative impacts of hazardous materials.

> **Mitigation Measure HAZ 2.1: Soil Testing and Proper Disposal of Potentially Contaminated Soils** (see Impact HAZ-2 for description)
>
> **Mitigation Measure HAZ 2.2: Develop and Implement a Hazardous Materials Management Plan** (see Impact HAZ-2 for description)

Finding

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. The Board finds that MM HAZ 2.1 and HAZ 2.2 are feasible and has adopted them. This measure would reduce the project's contribution to cumulative impacts from hazards and hazardous materials by requiring the use of personal protective equipment during construction activities in areas which are known to have high lead concentrations, and preparation and implementation of an HMMP that establishes procedures to manage potentially contaminated soil and/or groundwater encountered as part of project construction. HMMP protocols and procedures would include halting construction activities and testing of soil and/or groundwater in areas suspected of contamination, implementing proper disposal of contaminated soil and/or groundwater, contacting the DTSC and the City prior to conducting any ground disturbing activities, and complying with all institutional controls. Therefore, with mitigation the project would not create a significant hazard to the public or the environment from accidental release of hazardous materials, hazardous emissions of hazardous materials near schools, or the presence of a hazardous material site listed on the Cortese List within and directly adjacent to the project area. With the implementation of mitigation measures, the project would result in a less than cumulatively considerable incremental contribution to a significant cumulative impact related to hazards and hazardous materials. Therefore, the project's incremental contribution to this cumulative impact would be **not cumulatively considerable with mitigation**.

IX.E.6 Noise

Cumulative Impact NOI-1: Cumulative Impacts from Construction Noise

Impact and Project Contribution (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-45 to 4-46)

As concluded under Impact NOI-1, the proposed project would result in significant noise impacts during construction and exceed local and applicable federal noise standards, which would be a significant impact. Cumulative projects, plans, and programs, in the vicinity of the project (e.g., development projects in the City) may be within the range of attenuation that could result in significant cumulative impacts related to noise during construction if the cumulative projects are under construction at the same time as the project. Therefore, the project's incremental contribution to this significant cumulative impact would be **cumulatively considerable**.

Mitigation (Section 4.4.2 in Attachment 1 to the Final EIR, page 4-46)

Valley Water will implement MM NOI 1.1 through NOI 1.4 to reduce the project's contribution to cumulative noise impacts.

> **Mitigation Measure NOI 1.1: Develop and Implement a Construction Noise Control Plan** (see Impact NOI-1 for description)
>
> **Mitigation Measure NOI 1.2: Use Alternative Impact Equipment for Pile Driving** (see Impact NOI-1 for description)
>
> **Mitigation Measure NOI 1.3: Use of Temporary Sound Barriers** (see Impact NOI-1 for description)
>
> **Mitigation Measure NOI 1.4: Establish Construction Noise Coordinator** (see Impact NOI-1 for description)

Finding

Specific economic, legal, social, technological, or other considerations make infeasible the provision of mitigation measure or project alternatives identified in the Final EIR. The Board finds that MMs NOI 1.1 through NOI 1.4 are feasible and has adopted them. The Board finds that even with the implementation of MMs NOI 1.1 through NOI 1.4 as part of the project, noise levels may exceed the local and applicable federal noise standards, and even with the implementation of mitigation measures, the project would result a cumulatively considerable incremental contribution to significant cumulative impacts from noise during construction. Implementation of the abovementioned mitigation measures would substantially reduce exposure of sensitive receptors to noise from construction activities; however, because use of temporary sound barriers would likely not be feasible in all locations where needed, applicable construction noise thresholds would likely continue to be exceeded at some sensitive receptors. In addition, the availability to use a silent pile diver, while known to be available in California, could potentially be limited based on manufacture supply at the time of construction. The mitigation measures provided above include all feasible measures available to reduce construction noise, and no additional feasible mitigation has been identified to further reduce this impact. Therefore, even with all feasible mitigation project construction would continue to

generate increased noise levels exceeding FTA and City of San José standards Therefore, this impact would remain **cumulatively considerable**.

Cumulative Impact NOI-2: Cumulative Impacts from Construction Vibration

Impact and Project Contribution (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-46 to 4-47)

As concluded under Impact NOI-2, the proposed project would result in significant vibration impacts during construction and exceed local and applicable federal noise standards, which would be a significant impact. Cumulative projects, plans, and programs, in the vicinity of the project (e.g., development projects in the City) may be within the range of attenuation that could result in cumulative impacts related to vibration during construction if the cumulative projects are under construction at the same time as the project. Therefore, the project's incremental contribution to this significant cumulative impact would be **cumulatively considerable**.

Mitigation (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-46 to 4-47)

Valley Water will implement MM NOI 1.2, NOI 2.1, and NOI 2.2 to reduce the project's contribution to cumulative vibration impacts.

> **Mitigation Measure NOI 1.2: Use Alternative Impact Equipment for Pile Driving** (see Impact NOI-1 for description)
>
> **Mitigation Measure NOI 2.1: Use Alternative Impact Equipment for Pile Driving** (see Impact NOI-2 for description)
>
> **Mitigation Measure NOI 2.2: Use of Temporary Sound Barriers** (see Impact NOI-2 for description)

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The Board finds that Mitigation Measures NOI-1.2, NOI 2.1, and NOI 2.2 described above are feasible and has adopted them Mitigation Measure NOI 1.2 would require the use of a "silent" hydraulic pile driver which would reduce the potential for structural damage from 95 feet (for conventional structures) to 4 feet and from 178 feet (for weakened structures) to 9 feet (Giken 2023) The use of a silent pile driver would eliminate the potential for structural damage at existing structures. The use of a silent pile diver, while known to be available in California, could potentially be limited based on manufacture supply and availability at the time of construction; thus, it cannot be guaranteed to be available in all instances that this mitigation requires. Mitigation Measure NOI 2.1 would require alternative methods or equipment to be implemented that can substantially reduce vibration levels. Mitigation Measure NOI 2.2 would require the preparation and implementation of a vibration control plan, which would include site-specific evaluation of nearby structures, monitoring, and verification of vibration levels to ensure no damage occurs, as well as appropriate noticing and scheduling of said activities. Implementation of Mitigation Measure NOI 1.2 with implementation of the additional mitigation measures NOI 2.1 and NOI 2.2 would reduce vibration levels within attenuation distances from sensitive receptors and structures and

reduce significant impacts of construction vibration, such that the project would result in a less than cumulatively considerable incremental contribution to significant cumulative vibration impacts. Therefore, the project's incremental contribution to this cumulative impact would be **not cumulatively considerable with mitigation**.

IX.E.7 Transportation and Traffic

Cumulative Impact TR: Cumulative Impacts to Transportation and Traffic

Impact and Project Contribution (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-48 to 4-49)

As concluded under Impact TR-4, due to temporary lane closures during construction of passive barriers on roads, the project would have a significant impact on emergency response times and emergency access. Cumulative projects and planned improvements within Valley Water watersheds, and residential, commercial, industrial, and recreation-area developments could cause significant cumulative impacts on emergency response times and access, when combined with the impacts of the project during construction. Therefore, the project's incremental contribution to this significant cumulative impact would be **cumulatively considerable**.

Mitigation (Section 4.4.2 in Attachment 1 to the Final EIR, pages 4-48 to 4-49)

Valley Water will implement MM TR 4.1 to reduce the project's contribution to cumulative impacts on emergency response times and access.

> **Mitigation Measure TR 4.1: Implement a Traffic Safety Plan and Coordinate with Local Emergency Service Providers** (see Impact TR-4 for description)

Finding

Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. The Board finds that MM TR 4.1 is feasible and has adopted it. This measure would reduce the impact related to inadequate emergency access at any of the improvement sites by requiring a Traffic Safety Plan focused on minimizing construction-related traffic delays, and coordination with emergency service providers. Coordination will include notice of when temporary road closures are anticipated. With implementation of this mitigation measure, temporary delays for emergency responders would not result in inadequate emergency access. This mitigation measure would reduce the project's incremental impact to less-than-significant levels. Therefore, the project's incremental contribution to this cumulative impact would be **not cumulatively considerable with mitigation**.

X. FINDINGS ON ALTERNATIVES

X.A FINDINGS REGARDING THE ALTERNATIVES ANALYZED IN EIR

The EIR alternatives are described in Section IV of these Findings. The No Project Alternative would avoid direct significant impacts on biological, cultural, geological, hazardous, and transportation resources, unlike the project, which reduces these impacts to less than significant with mitigation. It would also avoid significant construction-related noise and vibration impacts, including significant and unavoidable noise impacts (Impact NOI-1). However, it would not enhance flood protection or public safety along Coyote Creek, leaving a higher risk of significant, unavoidable impacts from potential flooding, as detailed in Section 5.5.1 of Attachment 1 of the Final EIR. This alternative would fail to meet the project's primary objective of flood risk reduction, as well as the project objective to complete the project before the ADSRP Stage 2 Diversion is operational. Also, continued risk of flooding could cause substantial indirect long-term adverse environmental and other impacts to the local area flooded, including loss of life and property, that the project would otherwise mitigate or prevent.

Compared to the project, Alternative 1 would have one of two scenarios: either elevating the three residences above flood elevations or acquiring the three residences along the east bank of the creek within the northern area of Reach 7 and restoring the parcels to riparian habitat. Unlike the project, Alternative 1 would not construct floodwalls at this location.

The construction duration for work under either scenario under Alternative 1 on the three properties at Brookwood Avenue is anticipated to be shortened; however, it is likely that Alternative 1 would result in the same amount of haul trips associated with transporting materials to and from the acquired residential properties. In general, many of the impacts described for the project would be the same under Alternative 1. However, Alternative 1 would lessen the amount of construction noise on sensitive noise receptors in the vicinity of either scenario and would reduce the removal of trees and sensitive riparian habitat on the creek bank, reducing the project's significant impacts related to noise and vibration, biological resources, and water quality. However, Alternative 1 would result in increased cost for acquisition and maintenance of the properties and inability to meet the project's schedule objective due to additional time needed to acquire and permit either elevating the residences or demolishing and restoring riparian habitat on the parcels.

Overall, Alternative 1 would lessen some project impacts related to water quality, biological resources, and noise and vibration, although it would not avoid or substantially lessen any significant impacts compared to the project. Nevertheless, Alternative 1 is considered the environmentally superior alternative because it would lessen the severity of some project impacts related to noise and vibration. Alternative 1 does, however, have the disadvantages noted above of increased costs and inability to meet the project's schedule objective. Alternative 1 would not meet the project objective to complete the project before the ADSRP Stage 2 Diversion is operational.

Table 4 summarizes impacts of the alternatives and compares project impacts with the impacts of each of the alternatives evaluated in the EIR. Project impacts fall into the following categories:

- No impact (NI),
- Less-than-significant impact (LTS),
- Less-than-significant impact with mitigation (LTSM), and
- Significant and unavoidable impact (SU) because no feasible mitigation measures are available to reduce impacts to a less than significant level.

Table 4 compares the magnitude of impacts of the alternatives to those of the proposed project, with a “+” indicating that the alternative would have a greater adverse impact than the proposed project; a “-” indicating that the alternative would have a less adverse impact than the proposed project; or an “=” indicating that the alternative would have the same level of impact as the project.

In addition to the project impacts compared in Table 5-2, the project would have significant cumulative impacts from noise and vibration (significant and unavoidable). The No Project Alternative would avoid these impacts. Alternative 1 would reduce some cumulative impacts related to biological resources, and noise and vibration, but they would remain significant (significant and unavoidable for noise and vibration). Alternative 1 would reduce some cumulative impacts related to water quality, biological resources, and noise and vibration, but they would remain significant (significant and unavoidable for noise and vibration).

TABLE 4
Detailed Comparison of selected Proposed Project, No Project Alternative, and Alternative 1 Impacts

Impact	Level of Impacts with Mitigation		
	Project	No Project	Alternative 1
Aesthetics			
Impact AES-1: Substantially degrade the existing visual character or quality of public views of the site and its surroundings temporarily during construction.	LTS	NI (-)	LTS (=)
Impact AES-2: Substantially permanently degrade the existing visual character or quality of public views of the site and its surroundings from development of project elements.	LTS	NI (-)	LTS (-)
Impact AES-3: Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality.	LTS	NI (-)	LTS (=)
Impact AES-4: Introduce New Sources of Light and Glare.	LTS	NI (-)	LTS (=)
Air Quality			
Impact AIR-1: Conflict with Applicable Air Quality Plan from Construction Activities.	LTS	NI (-)	LTS (=)
Impact AIR-2: Result in Cumulatively Considerable Net Increase of Any Criteria Pollutant from Construction Activities.	LTS	NI (-)	LTS (=)
Impact AIR-3: Expose Sensitive Receptors to Substantial Pollutant Concentrations.	LTS	NI (-)	LTS (=)
Impact AIR-4: Other Construction Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People.	LTS	NI (-)	LTS (=)
Biological Resources			
Impact BIO-1: Substantial Adverse Effect on Special-status Plants.	LTS	NI (-)	LTS (-)
Impact BIO-2: Substantial Adverse Effect on Monarch Butterfly.	LTS	NI (-)	LTS (-)
Impact BIO-3: Substantial Adverse Effect on Crotch's Bumble Bee.	LTS	NI (-)	LTS (-)
Impact BIO-4: Substantial Adverse Effect on Special-Status Fish, Critical Habitat, and Essential Fish Habitat.	LTS	NI (-)	LTS (-)
Impact BIO-5: Substantial Adverse Effect on California Red-Legged Frog and Northwestern Pond Turtle.	LTS	NI (-)	LTS (-)
Impact BIO-6: Substantial Adverse Effect on Western Burrowing Owl.	LTS	NI (-)	LTS (-)
Impact BIO-7: Substantial Adverse Effect on Other Protected Birds.	LTS	NI (-)	LTS (-)
Impact BIO-8: Substantial Adverse Effect on Special-status Bats.	LTSM	NI (-)	LTSM (-)

TABLE 4
Detailed Comparison of selected Proposed Project, No Project Alternative, and Alternative 1 Impacts

Impact	Level of Impacts with Mitigation		
	Project	No Project	Alternative 1
Impact BIO-9: Substantial Adverse Effect on San Francisco Dusky-footed Woodrat.	LTS	NI (-)	LTS (-)
Impact BIO-10: Substantial Adverse Effects on Riparian Habitat or Other Sensitive Natural Community.	LTS	NI (-)	LTS (=)
Impact BIO-11: Substantial Adverse Effect on State or Federally Protected Aquatic Resources (Waters or Wetlands).	LTS	NI (-)	LTS (=)
Impact BIO-12: Substantial Interference with Fish or Wildlife Movement or Native Nursery Sites.	LTS	NI (-)	LTS (=)
Impact BIO-13: Conflict with Local Policies and Ordinances Protecting Biological Resources.	LTS	NI (-)	LTS (-)
Impact BIO-14: Conflict with an Adopted Habitat Conservation Plan.	LTS	NI (-)	LTS (=)
Cultural Resources and Tribal Cultural Resources			
Impact CUL-1: Cause a Substantial Adverse Change in the Significance of a Built Environment Historical Resource listed or eligible for listing in the NRHP, CRHR or a local register.	LTS	NI (-)	LTS (=)
Impact CUL-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource.	LTSM	NI (-)	LTSM (=)
Impact CUL-3: Cause a Disturbance of Human Remains, including Remains Interred Outside of Dedicated Cemeteries.	LTSM	NI (-)	LTSM (=)
Impact CUL-4: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource, as Defined in PRC Section 21074.	LTSM	NI (-)	LTSM (=)
Geology, Soils, and Seismicity			
Impact GEO-1: Adverse Effects from Rupture of a Known Earthquake Fault, Seismic Ground Shaking, Liquefaction, Subsidence, Soil, Instability, Landslides, or Expansive Soils.	LTS	NI (-)	LTS (=)
Impact GEO-2: Result in Substantial Soil Erosion or Loss of Topsoil.	LTS	NI (-)	LTS (=)
Impact GEO-3: Destruction of Unique Paleontological Resources during Construction.	LTSM	NI (-)	LTSM (=)
Greenhouse Gas Emissions and Energy			

TABLE 4
Detailed Comparison of selected Proposed Project, No Project Alternative, and Alternative 1 Impacts

Impact	Level of Impacts with Mitigation		
	Project	No Project	Alternative 1
Impact GHG/EN-1: Direct or Indirect Construction-Generated GHG Emissions that may have a Significant Effect on the Environment.	LTS	NI (-)	LTS (=)
Impact GHG/EN-2: Conflict with any Applicable Plan, Policy, or Regulation of an Agency Adopted for the Purpose of Reducing GHG Emissions.	LTS	NI (-)	LTS (=)
Impact GHG/EN-3: Unnecessary, Wasteful, or Inefficient Consumption of Energy.	LTS	NI (-)	LTS (=)
Impact GHG/EN-4: Conflict with an Applicable Plan to Improve Energy Efficiency or Promote Renewable Energy.	LTS	NI (-)	LTS (=)
Hazards and Hazardous Materials			
Impact HAZ-1: Create a Significant Hazard to the Public or the Environment Through the Routine Transport, Use, or Disposal of Hazardous Materials.	LTS	NI (-)	LTS (=)
Impact HAZ-2: Create a Significant Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment.	LTSM	NI (-)	LTSM (=)
Impact HAZ-3: Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials within 0.25 mile of Existing or Proposed Schools.	LTSM	NI (-)	LTSM (=)
Impact HAZ-4: Be Located on a Site Which is included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5.	LTSM	NI (-)	LTSM (=)
Impact HAZ-5: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	NI	NI (=)	NI (=)
Impact HAZ-6: Create a significant hazard to construction workers or the public through exposure to Valley Fever during Construction Activities.	LTS	NI (-)	LTS (=)
Hydrology and Water Quality			
Impact HWQ-1: Violate any Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface or Ground Water Quality.	LTS	SU (+)	LTS (=)
Impact HWQ-2: Substantially Decrease Groundwater Supplies or Interfere Substantially with Groundwater Recharge Such that the Project May Impede Sustainable Groundwater Management of the Basin.	LTS	SU (+)	LTS (=)

TABLE 4
Detailed Comparison of selected Proposed Project, No Project Alternative, and Alternative 1 Impacts

Impact	Level of Impacts with Mitigation		
	Project	No Project	Alternative 1
Impact HWQ-3: Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River or Through the Addition of Impervious Surfaces, in a Manner Which Would Substantially Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- or Offsite.	LTS	SU (+)	LTS (=)
Impact HWQ-4: Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River in a Manner that Creates or Contributes Runoff Water Which Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Substantial Additional Sources of Polluted Runoff.	LTS	SU (+)	LTS (=)
Impact HWQ-5: Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River in a Manner that Impedes or Redirects Flood Flows.	LTS	SU (+)	LTS (=)
Impact HWQ-6: Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River or Through the Addition of Impervious Surfaces, in a Manner Which Would Result in Substantial Erosion or Siltation On- or Offsite.	LTS	SU (+)	LTS (=)
Impact HWQ-7: Conflict with or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan.	LTS	SU (+)	LTS (=)
Land Use and Planning			
Impact LUP-1: Cause a Significant Environmental Impact Not Analyzed Elsewhere in this EIR Due to a Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect.	LTS	NI (-)	LTS (=)
Noise and Vibration			
Impact NOI-1: Substantial Temporary Construction-Related Increase in Noise Levels in Excess of FTA and City of San José Standards.	SU	NI (-)	SU (=)
Impact NOI-2: Generate Excessive Ground Vibration or Groundborne Noise Levels from Construction Activities.	LTSM	NI (-)	LTSM (=)

TABLE 4
Detailed Comparison of selected Proposed Project, No Project Alternative, and Alternative 1 Impacts

Impact	Level of Impacts with Mitigation		
	Project	No Project	Alternative 1
Impact NOI-3: Result in Long-Term Substantial Increases in Noise that Exceed FTA Noise Standards.	LTSM	NI (-)	LTSM (=)
Recreation			
Impact REC-1: Increase in Use of Existing Neighborhood and Regional Parks or Other Recreational Facilities Such that Substantial Physical Deterioration of the Facilities Would Occur or be Accelerated.	LTS	NI (-)	LTS (=)
Transportation and Traffic			
Impact TR-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities.	LTS	NI (-)	LTS (=)
Impact TR-2: Conflict with CEQA Guidelines Section 15064.3(b) during Construction.	LTS	NI (-)	LTS (=)
Impact TR-3: Substantially Increase Hazards Due to a Geometric Design Feature or Incompatible Use.	LTS	NI (-)	LTS (=)
Impact TR-4: Result in Inadequate Emergency Access.	LTSM	NI (-)	LTSM (=)
Utilities and Service Systems			
Impact UTL-1: Require or Result in the Relocation or Construction of Existing or New Utility Infrastructure Which Could Cause Significant Environmental Effects.	LTS	NI (-)	LTS (=)
Impact UTL-2: Lack Sufficient Water Supplies to Serve the Project and Reasonably Foreseeable Future Development During Normal, Dry, and Multiple Dry Years.	LTS	NI (-)	LTS (=)
Impact UTL-3: Generate Solid Waste Potentially Exceeding Permitted Capacity of Local Landfills or Fail to Comply with Statutes and Regulations Related to Reducing Solid Waste.	LTS	NI (-)	LTS (=)

Notes:

- No impact (NI)
- Less-than-significant impact (LTS)
- Less than significant impact with mitigation (LTSM)
- Significant and unavoidable impact (SU)

Table 4 compares the magnitude of impacts of the alternatives to those of the proposed project, with a "+" indicating that the alternative would have a greater adverse impact than the proposed project; a "-" indicating that the alternative would have a less adverse impact than the proposed project; or an "=" indicating that the alternative would have the same level of impact as the project.

Based on the above analysis as well as information in the Final EIR, the Board finds the following with regard to the alternatives analyzed in the EIR:

- The EIR describes a reasonable range of alternatives to the project as proposed.
- The Board has evaluated the comparative merits of the proposed project and alternatives and will consider the proposed project for approval.
- The Board rejects the No Project Alternative because it fails to meet the project's primary objective of flood risk reduction, as well as the project objective to complete the project before the ADSRP Stage 2 Diversion is operational. The Board further rejects the No Project Alternative because it is undesirable from a policy standpoint, and therefore infeasible, in that continued risk of flooding would cause substantial indirect long-term adverse environmental and other impacts to the local area flooded.
- The Board rejects Alternative 1, the environmentally superior alternative, because it would not avoid or substantially lessen any significant impacts compared to the project. The Board further rejects Alternative 1 because it would not meet the project objective to complete the project before the ADSRP Stage 2 Diversion is operational. The Board further rejects Alternative1 because it is undesirable from a policy standpoint, and therefore infeasible, in that it fails to meet the project's schedule objective and has increased costs compared to the project.

X.B ADDITIONAL ALTERNATIVES CONSIDERED BUT REJECTED FROM FURTHER CONSIDERATION

Various other alternatives to the project were developed and dismissed, as described in Section 5.4 of Attachment 1 of the Final EIR. These alternatives to the project were eliminated because they:

- were not substantially different from one of the considered alternatives;
- failed to meet most of the basic project objectives;
- would be infeasible to implement or operate; and/or,
- would not avoid or lessen one or more significant environmental impacts.

Those alternatives that were considered and dismissed from further consideration are discussed below.

- **Alternative with Replacement of Charcot Avenue Bridge.** This alternative considered replacing the Charcot Avenue Bridge with a new bridge constructed at an elevation that would be well above the flood surface elevation of the 20-year storm, along with floodwalls north and south of the bridge, as is proposed by the project. However, the effort to construct a new bridge was deemed logistically and economically infeasible due to the length of environmental permitting required beyond schedule limitations required to meet project objectives, and cost to acquire and maintain the new footprint of the bridge structure and surrounding areas after construction. Further, this alternative would result in more significant environmental impacts than the project, including the extent of construction area impacts and disruption of traffic, and it would not reduce any of the project's significant effects.

- **Alternative with Vegetative Berm at Edge of William Street Park.** This alternative considered the construction of a 1,200-foot-long and 4-foot-high vegetated berm along the western edge of William Street Park. This alternative was originally included as part of the preferred alternative by Valley Water in the 2022 Planning Study Report (PSR) (Valley Water 2022). However, since the time of the publication of the 2022 PSR, discussions with the City of San José and the public revealed that this alternative was undesirable because it would obscure the view of the park from the street and adjacent areas. This alternative would result in more significant environmental impacts than the project, including the extent of construction area impacts and greater visual impacts, and it would not reduce any of the project's significant effects.
- **Alternative with Berms Around Large Parcels of Land Upstream to Create Storage and Reduce Anderson Dam Peak Flows.** This alternative considered using approximately 96 acres of land adjacent to Coyote Creek upstream of the project to create a detention basin to store peak flows released from Anderson Dam. However, due to high groundwater levels, excavation of a detention basin in order to function as a flood reduction facility is not technically feasible since the depth required would not be achievable. Further, areas identified for potential detention basin(s) typically flood days before peak flows would be released from Anderson Dam, resulting in no available storage for the released peak flows to reduce flood risk downstream in the project reaches (Valley Water 2022). Therefore, this alternative was considered technically infeasible.
- **Alternative with Floodwalls in Backyards of All Frequently Flooded Properties.** This alternative considered construction of floodwalls on the creek-side of all properties flooded in the 2017 flood event. This alternative was eliminated from further consideration because it was deemed logistically and economically infeasible due to the disruption to residents, length of construction permitting required beyond schedule limitations required to meet project objectives, and cost to acquire and maintain the new footprint of floodwalls in locations beyond those needed to reduce the flood risk for all residences affected by flooding in 2017. Further, this alternative would result in more significant environmental impacts than the project, including the extent of construction area impacts, and it would not reduce any of the project's significant effects.

The Board hereby rejects these four alternatives for the reasons discussed above. Participants in the scoping process did not suggest other alternatives to the proposed project.

X.C POTENTIAL ALTERNATIVES SUGGESTED IN PUBLIC COMMENTS ON DRAFT EIR AND AFTER DRAFT EIR RELEASE

As noted in Final EIR Chapter 2, "Responses to Comments," some Draft EIR commenters requested consideration of additional alternatives. More specifically, one commenter requested consideration of retention measures along different reaches of Coyote Creek and tributaries to Coyote Creek to provide upstream storage of flood water on adjacent lands; another commenter suggested floodwalls only on one bank of Coyote Creek and leaving the other bank for untouched riparian habitat.

As noted in Final EIR Chapter 2, Valley Water has met CEQA requirements for a reasonable range of alternatives. In response to the comments suggesting the upstream storage on adjacent lands, no alternatives for upstream storage on adjacent lands were considered in the EIR because those were found to be infeasible early in the alternatives formulation process due many more years required for extensive property acquisition, review, and permitting; these alternatives would therefore not meet the project's schedule objective (Valley Water 2022). The suggestion for an alternative design to include floodwalls on one bank only was not considered as a viable alternative to the proposed project because it would not meet the primary project objective of flood risk reduction, as it would not protect all areas susceptible to current flooding.

The Board hereby rejects these two alternatives for the reasons discussed above.

XI. EIR RECIRCULATION NOT REQUIRED

XI.A LEGAL REQUIREMENTS FOR EIR RECIRCULATION

A lead agency is required to recirculate a Draft EIR for additional public review when "significant" new information is added to the EIR after the initial public review, according to CEQA Guidelines Section 15088.5(a). New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such effect, including a feasible project alternative that the project proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR, according to CEQA Guidelines Section 15088.5(b).

XI.B WHY DRAFT EIR COMMENTS, RESPONSES, AND REVISIONS DO NOT TRIGGER DRAFT EIR RECIRCULATION

No significant new information has been added to the EIR in Draft EIR comments, responses to Draft EIR comments, and Draft EIR revisions made in the Final EIR that would trigger a Draft EIR recirculation under CEQA Guidelines Section 15088.5(a) because:

- They did not disclose a new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented.
- They did not disclose a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- They did not disclose a feasible Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the adverse environmental impacts of the Project.
- They did not otherwise result in major revisions to the Draft EIR that precluded meaningful public review and comment on a substantial, adverse project impact environment, a feasible mitigation measure, or an alternative not proposed or implemented.

Instead, only minor changes were made to the Draft EIR in response to public comments and to amplify, clarify, and update certain information. The changes and new information provided in the Final EIR include:

- clarifications to the Draft EIR analysis in response to comments received,
- minor revisions to mitigation measures in response to comments received,
- corrections of typographic and editorial errors, and
- other Valley Water-initiated changes to the project description and impact analyses.

This new information does not include identification of new or substantially increased significant impacts associated with the proposed project or mitigation measures that are considerably different from those previously analyzed that would clearly lessen the project's significant impacts.

The Board finds that the new information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR and is not "significant" within the meaning of CEQA Guidelines Section 15088.5. The Board further finds that incorporating the new information and corrections does not deprive the public of a meaningful opportunity to comment on the Project or its effects, and that no information has been added to the Final EIR that would warrant recirculation pursuant to Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5. This finding is based upon all the information presented in the Final EIR and the record of proceedings.

XII. MITIGATION MONITORING AND REPORTING PROGRAM

The Board hereby finds that an MMRP has been prepared for the EIR and has been adopted concurrently with these Findings [Public Resources Code Section 21081.6(a)(1)]. Valley Water will use the MMRP to track implementation of EIR mitigation measures adopted in these Findings.

XIII. STATEMENT OF OVERRIDING CONSIDERATIONS

As mentioned in Section I of these Findings, for a project that has significant impacts that cannot feasibly be avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." [CEQA Guidelines Sections 15093, 15043(b); see also Public Resources Code Section 21081(b).]

As described in these Findings, Valley Water has reduced the project's significant impacts to the extent feasible. The significant unavoidable impacts of the proposed project are as follows:

- **Impact NOI-1:** Cause substantial temporary construction-related increase in noise levels in excess of FTA and City of San José standards.
- **Cumulative Impact NOI-1**: Cause cumulatively considerable temporary construction-related increase in noise levels in excess of FTA and City of San José standards

In determining whether to approve the project, the Board has weighed the economic, legal, social, technological, environmental, and other benefits of the project against its unavoidable significant environmental impact. The project's benefits, supported by substantial evidence in the EIR and elsewhere in the administrative record, include the benefits provided by achieving the following project objectives (see page 2-7 in Chapter 2 in Attachment 1 of the Final EIR) to:

- Reduce the risk of flooding to homes, schools, businesses, and transportation infrastructure along Coyote Creek between Montague Expressway and Tully Road (Reaches 4 through 8) from a flood event equivalent to the February 21, 2017, flood – approximately a 20-year flood event (a flood with a 5 percent chance of occurring in any year). The reduced risk of flooding would protect lives and property from flood impacts that would otherwise occur. The flood risk reduction achieved by the project is documented in the Impact HWQ-5 analysis (which analyzes flood flows impacts) on pages 3.9-35 through 3.9-50 of Attachment 1 of the Final EIR, and in the Cumulative Impact HWQ-4 analysis (which analyzes cumulative flood flows impacts) on pages 4-37 through 4-41 of Attachment 1 of the Final EIR.

- Complete the project before the Anderson Dam Seismic Retrofit Project (ADSRP) Stage 2 Diversion is in operation (estimated in 2028). Without the project, ADSRP Stage 2 diversion operations during certain-sized storms could increase flood risks to lives and property due to higher flows allowed by the Stage 2 Diversion system (up to 6,000 cfs) (Valley Water 2025). After implementation of the project improvements, combined with the improvements constructed under the CCFMMP, the extent of flooding during ADSRP construction (including Stage 2 Diversion system operations) would be significantly reduced and restricted to within the Coyote Creek channel and surrounding open space areas. Further, the areal extent of flooding downstream of project improvements would also be reduced.

In consideration of the above-listed project benefits, the Board hereby finds that the benefits of the project outweigh its direct and cumulatively considerable unavoidable significant direct and cumulative construction noise impacts, which are considered "acceptable." Each benefit set forth above constitutes an overriding consideration warranting approval of the project, independent of the other benefits.

XIV. REFERENCES CITED

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EXHIBIT B
COVERSHEET

FINAL ENVIRONMENTAL IMPACT REPORT
COYOTE CREEK FLOOD PROTECTION PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

No. of Pages: 43

Exhibit Attachments: None

EXHIBIT B

FINAL ENVIRONMENTAL IMPACT REPORT COYOTE CREEK FLOOD PROTECTION PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Santa Clara Valley Water District
February 2025

I. INTRODUCTION

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. It provides for the monitoring of mitigation measure implementation required of the Santa Clara Valley Water Valley District (Valley Water) for the Coyote Creek Flood Protection Project (project), as set forth in the Environmental Impact Report (EIR) and Findings of Fact.

Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies "to adopt a reporting or monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment."

An MMRP is required for the proposed project because the EIR identified significant impacts and identified mitigation measures to reduce most of those impacts to less than significant levels. The Valley Water Board of Directors adopted these mitigation measures when it adopted CEQA Findings of Fact concurrently with the adoption of this MMRP.

I.A PURPOSE

This MMRP has been prepared to facilitate the process to allow for mitigation measures to be implemented and completed according to schedule. The MMRP may be modified by Valley Water in response to changing conditions or circumstances.

Table 1 describes the individual mitigation measures and, for each measure, identifies the timing, responsibility for implementation, and responsibility for oversight. The order in which mitigation measures are presented (by resource category) follows the sequence in the EIR.

I.B ROLES AND RESPONSIBILITIES

Valley Water and/or its contractors are responsible for taking all actions necessary to implement the mitigation measures and to complete monitoring that confirms each mitigation measure has been successfully completed. Valley Water is responsible for oversight and compliance verification.

TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
Biological Resources					
Impact BIO-8: Substantial Adverse Effect on Special-Status Bats	MM BIO 8.1	**Minimize Impacts on Special-Status Bats**. Valley Water and/or its construction contractor(s) shall implement the following measures to reduce potential effects on special-status bats associated with project construction: • **Habitat Assessment**. Prior to initiation of project activities, a qualified biologist shall conduct a daytime survey to assess all trees and structures in the construction area to determine if they contain suitable bat roosting habitat (e.g., cavities, crevices, deep bark fissures), noting features with high potential for use by roosting bats. The survey shall identify locations of potential roost habitat features and potential direct and indirect project-related disturbing activities to those features. The daytime survey shall include visual inspection of potential roost features to determine whether there is evidence of use by bats (e.g., urine staining, guano, etc.). If bats are observed, attempts shall be made to identify individuals to species and estimate number of individuals. If special-status bats are identified, CDFW shall be notified. • **Bat Survey.** Based on the results of the habitat assessment, the qualified biologist shall determine whether a nighttime emergence survey shall be conducted at each potential roost feature. This survey(s) shall require coordination with local law enforcement for safety reasons in the area. Nighttime emergence surveys shall document the number of bats exiting each feature and identification to species, if possible. If special-status bats are identified, CDFW shall be notified. In addition, occupancy surveys shall be conducted immediately prior to disturbance of roost features determined by the qualified biologist to have high potential for bat use. If potential roost features are unoccupied, work activities may proceed. The qualified biologist will have the authority to determine if it is necessary to direct and monitor activities relating to disturbance or removal of roost features. Biologist direction may include tiered removal of trees or modification of structures, as described in the following section. • **Tiered Tree Removal and Structure Modification.** To minimize the likelihood of impacting roosting bats, tiered removal of trees or modification of structures with roost features known or suspected to support bats, based on the results of the habitat and bat surveys described above, shall be conducted at the direction of the qualified biologist. Tiered tree removal or structure modification shall occur over 2 or more days to make these trees/structures less desirable for roosting, and to encourage any bats that could be in residence to relocate to alternate roosts prior to tree felling, or to move to other areas of structures before exiting structures of their own volition at night. Removal or modification of these roost features shall occur under the supervision of a qualified biologist during periods when bats are active and capable of flight, approximately between March 1 to April 1 and September 1 to October 15; outside of bat maternity roosting season (approximately April 15 – August 31), and outside of months of winter torpor (approximately October 15 – February 28), to the extent feasible. • If removal of trees or disturbance to other roost features during the periods when bats are active and capable of flight is not feasible, and active bat roosts being used for maternity or winter torpor purposes are found within or in the immediate vicinity of planned tree removal or other disturbance, an appropriate no-disturbance buffer shall be established around the roost sites until they are determined by a qualified biologist to be no longer active. Recommended buffers shall follow guidelines from the Caltrans Bat Mitigation Report (H. T. Harvey & Associates 2021, Table 7-1). The qualified biologist shall have the authority to order the cessation of all nearby project activities until an appropriate buffer can be	Conduct habitat assessment prior to initiation of project construction activities. Bat surveys and tiered tree removal shall be conducted during construction at the direction of the qualified biologist.	Valley Water (lead) and/or construction contractors	Valley Water

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
		established. If appropriate buffers cannot be maintained, CDFW shall be contacted to determine a site-specific approach for minimizing impacts to roosting bats. • Trees/structures with roost features known or suspected to support roosting bats shall only be disturbed/removed when no rain is occurring or projected to occur for 3 days, when nighttime winds are projected to be below 11 miles per hour, and when daytime temperatures are at least 50 degrees Fahrenheit. • For each tree removed that is known or suspected to support roosting bats, tiered tree removal may include some or all the following approaches, as determined by the qualified biologist. o Remove all unaffected limbs (those without potential roosting habitat) from the tree and leave the remaining trunk and limbs overnight. Fell the remaining trunk and affected limbs the following day. o Remove 30 to 50 percent of palm skirts (dried palm fronds), as appropriate, in a scattered pattern while carefully inspecting for indications of roosting bats. Leave the remaining skirts and trunk overnight. Repeat for 2 or 3 days, as appropriate, until all palm skirts are carefully removed. Fell the remaining trunk on the last day of skirt removal. o If logistically feasible, fell affected trees or limbs gently to minimize the likelihood of crushing bats that may be roosting inside. The qualified bat biologist shall inspect all potential roost habitat for bats once the trees are felled. o Leave all fallen material on the ground at least 1 night prior to removal from the project area. o If bats are detected at any point, work in that area shall cease and the qualified biologist shall be notified. Work shall resume as directed by the qualified biologist. o If any compromised bats are found, the qualified bat biologist may collect and deliver the bat(s) to a permitted bat rehabilitator (e.g., Wildlife Center of Silicon Valley, Lindsay Wildlife Museum), as needed.			
Cultural Resources					
Impact CUL-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource **Impact CUL-3:** Cause a Disturbance of Human Remains, including Remains Interred Outside of Dedicated Cemeteries **Impact CUL-4:** Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource, as Defined in PRC Section 21074	MM CUL 2.1	**Preconstruction Cultural Resources Awareness Training**. Valley Water and its construction contractor(s) shall provide a cultural resources awareness training program to all construction personnel within the various construction areas prior to earth moving activities throughout the duration of project construction in areas not previously disturbed by construction. The training shall be conducted in person, or via a video or PowerPoint presentation to be viewed by all construction personnel involved in ground-disturbing activities prior to work on the project. The training shall be developed and conducted in coordination with a qualified archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology, as well as representatives of culturally affiliated California Native American Tribe(s) who have participated in consultation with Valley Water. The program shall include relevant information regarding sensitive cultural resources (including human remains and burials), applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The worker cultural resources awareness program shall also describe appropriate avoidance and minimization measures for resources that have the potential to be located within the project construction area and shall outline what to do and whom to contact if any potential archeological resources, human remains and burials, or artifacts are encountered. The program shall emphasize the requirement of confidentiality and culturally appropriate treatment of any finds of significance to Native Americans, and behaviors consistent with Native American Tribal values. The contractor shall keep a list of all trained workers on site and shall provide training to all new workers who join work after the initial training.	Conduct training prior to earth moving activities throughout the duration of the project construction in areas not previously disturbed by construction.	Valley Water (lead) and/or its contractors	Valley Water

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
Impact CUL-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource. **Impact CUL-3**: Cause a Disturbance of Human Remains, including Remains Interred Outside of Dedicated Cemeteries **Impact CUL-4**: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource, as Defined in PRC Section 21074	MM CUL 2.2	**Prepare a Monitoring and Unanticipated Discoveries Plan**. Valley Water shall prepare a Monitoring and Unanticipated Discoveries Plan in consultation with Native American Tribes that have requested monitoring prior to the initiation of project construction. The Monitoring and Unanticipated Discoveries Plan shall provide that a qualified archaeologist shall monitor ground disturbance (e.g., grading, trenching, vegetation clearing and grubbing with a backhoe or other mechanical methods, etc.) in areas not previously disturbed by construction. Valley Water and the construction contractor(s) shall coordinate with Native American Tribes that have requested monitoring to retain a Tribal monitor to work in tandem with the archeological monitor. Monitoring shall take place at locations within 50 feet of known sites and at locations identified as sensitive for cultural resources where excavation below the ground surface would occur. Monitoring shall also occur in areas identified by the archaeological principal investigator that meet high sensitivity potential for buried archaeological deposits in Reaches 7 and 8 only. Protocols for monitoring, such as scheduling, personnel responsibilities, chain of command, and reporting, shall be detailed in the Monitoring and Unanticipated Discoveries Plan. The Monitoring and Unanticipated Discoveries Plan shall also address the accidental discovery of archaeological resources and incorporate the guidelines of Valley Water BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains), including issuance of a stop work order and establishment of a no work zone in the immediate vicinity of the find. The area of the discovery shall be flagged to delineate the boundary of the sensitive zone. If either an archaeological or Tribal monitor are not present at the time of the discovery, a qualified archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology, shall visit the discovery site as soon as practicable for identification and evaluation pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15064.5. If the archaeologist determines that the archaeological find is not a "historical" or "unique archaeological" resource, and thus not significant, construction may resume. If the archaeologist determines that the archaeological find is significant, the archaeologist shall determine if the find can be avoided and, if so, shall detail avoidance procedures. If the archaeological find cannot be avoided, the archaeologist shall develop an Action Plan within 48 hours which shall include provisions to minimize impacts and, if required, a Data Recovery and Treatment Plan that shall follow the protocols outlined in the Data Recovery and Treatment Plan described in Mitigation Measure CUL 2.3. The Plan shall specify that if human remains are discovered, procedures for notification of the County Coroner and for the disposition of Native American human remains under Health and Safety Code Section 7050.5 and PRC 5097.5 shall be followed.	Prepare Monitoring and Unanticipated Discoveries Plan prior to construction activities.	Valley Water	Valley Water
Impact CUL-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource. **Impact CUL-3**: Cause a Disturbance of Human Remains, including Remains Interred Outside of Dedicated Cemeteries **Impact CUL-4**: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource, as Defined in PRC Section 21074	MM CUL 2.3	**Prepare a Data Recovery and Treatment Plan for Historical Resources that Cannot be Avoided**. The preferred treatment for impacts to archaeological sites, including those identified as Tribal Cultural Resources, is avoidance, as directed under CEQA Guidelines 15126.4(b)(3)(b)(1) and PRC 21084.3. Not all archaeological sites that may be encountered may be able to be avoided. Therefore, Valley Water shall require a Data Recovery and Treatment Plan to be prepared by a qualified archaeologist who meets the U.S. Secretary of the Interior Professional Qualifications Standards for archeology, to address impacts to those archaeological historical resources that cannot be avoided by the project. The Data Recovery and Treatment Plan will be developed consistent with requirements in PRC Section 21083.2 and CEQA Guidelines Section 15126.4(b). The Data Recovery and Treatment Plan shall include a research design to identify research questions as the focus of data recovery efforts and detail the field and laboratory methods to address the questions. The Data Recovery and Treatment Plan shall also include a specific discussion of the methods and level of effort at each site for data recovery excavation, which are an acceptable form of mitigation under Section 15126.4(b)(3)(c) of the CEQA Guidelines. Specific plans for Native American sites shall be prepared in consultation with Native American Tribes who participated in CEQA Tribal consultation. Valley Water shall require that data recovery and treatment be scheduled such that the actions shall be completed in advance of construction involving impacted sites. The Data Recovery and Treatment Plan protocols shall also be used for addressing accidental discoveries as discussed in Mitigation Measure CUL 2.2.	Prepare Data Recovery and Treatment Plan for Historical Resources that Cannot be Avoided prior to construction activities near those historical resources.	Valley Water	Valley Water

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
		The Data Recovery and Treatment Plan shall specify that if human remains are discovered, procedures for notification of the County Coroner and for the disposition of Native American human remains under Health and Safety Code Section 7050.5 and PRC Section 5097.5 shall be followed.			
Impact CUL-3: Cause a Disturbance of Human Remains, including Remains Interred Outside of Dedicated Cemeteries **Impact CUL-4**: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource, as Defined in PRC Section 21074	MM CUL 3.1	**Avoid Disturbances of Human Remains, including Remains interred Outside of Dedicated Cemeteries**. In the event possible human remains are identified during project-related, ground-disturbing activities, Valley Water will require the construction contractor(s) to halt all excavation within 100 feet of the find and to notify the County Coroner to determine the nature of the remains. The Coroner is required to examine all the discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands. If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by telephone within 24 hours of making that determination. Once notified by the Coroner, the NAHC will identify the person it believes is the Most Likely Descendant (MLD) of the Native American remains. With permission of the legal landowner(s), the MLD may visit the site and make recommendations regarding the treatment and disposition of the human remains and any associated grave goods. This visit should be conducted within 24 hours of the MLD's notification by the NAHC if feasible. If a satisfactory agreement for treatment of the remains cannot be reach, any of the parties may request mediation by the NAHC. Should mediation fail, Valley Water would work with the landowner to reinter the remains and associated items with appropriate dignity on the property in a location not subject to further subsurface disturbance.	Implement avoidance measures during construction activities.	Valley Water (lead) and/or contractors	Valley Water (lead) and/or contractors
Geological Resources					
Impact GEO-3: Destruction of Unique Paleontological Resources During Construction	MM GEO 3.1	**Prepare and Implement a Paleontological Mitigation and Monitoring Plan**. Valley Water shall retain a Qualified Professional Paleontologist (QPP) as defined by the SVP Impact Mitigation Guidelines Revision Committee (SVP 2010:10) to update the EIR's formal paleontological records search at the UCMP at UC Berkeley. The UCMP records search will be able to determine whether additional fossil material, beyond that available in the published literature, is near or within the project area and inform preparation of a Paleontological Mitigation and Monitoring Plan (PMMP). Prior to the start of any construction-related excavation activities, defined as construction work conducted more than 3 feet below the ground surface, Valley Water shall retain a qualified paleontologist as defined by the SVP Impact Mitigation Guidelines Revision Committee (SVP 2010:10) to prepare a PMMP to be implemented during ground disturbance for the project. This plan shall identify and map areas of high paleontological sensitivity, outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, curation, monitoring and salvage report, and paleontological staff qualifications. The requirements of the plan are discussed further below. <u>Worker Environmental Awareness Program</u> Valley Water and the construction contractor(s) shall require paleontological resources awareness training, as part of an overall WEAP, for all construction personnel, conducted by a QPP who meets the SVP Professional Qualifications Standards (SVP 2010:10). The training shall be conducted before personnel begin any stages of project construction requiring ground disturbing activities in areas not previously disturbed by construction. The WEAP training shall include information on the physical appearance of fossils that may be encountered and the procedures for notifying paleontological staff should fossils be discovered by construction personnel. <u>Paleontological Monitoring</u> The construction contractor(s) shall require excavations or other ground disturbing activity in previously undisturbed areas defined in the PMMP as having high paleontological sensitivity (e.g., soils and/or sediments mapped as Holocene or older) to be monitored on a full-time basis by a Qualified Paleontological Resource Monitor (SVP 2010). If no fossils are observed during the first 50 percent of excavations, which would indicate that the likelihood of uncovering significant paleontological resources from a particular excavation site is lower, paleontological monitoring may	Prepare mitigation and monitoring plan prior to the start of Project construction. Implement plan during project construction for work conducted more than 3 feet below the ground surface.	Valley Water	Valley Water

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
		be reduced to weekly spot-checking, or eliminated entirely, based on the expert opinion of (i.e., at the discretion of) the QPP (SVP 2010:6). Salvage of Fossils If fossils are discovered, the construction contractor(s) shall require the Qualified Paleontological Resource Monitor to recover, or salvage, them. Typically, fossils can be safely salvaged by a single paleontologist so as not to disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammals) require more extensive excavation and longer salvage periods. In the latter case, the Qualified Paleontological Resource Monitor shall have the authority to temporarily re-direct, divert, or halt construction activity in the immediate area to ensure that fossils can be removed in a safe and timely manner. Preparation and Curation of Recovered Fossils Once salvaged, the construction contractor(s) shall require the QPP to identify fossils to the lowest possible taxonomic level (e.g., genus and/or species) and to skeletal element, prepare fossils to a curation-ready condition, and curate fossils in a scientific institution with a permanent paleontological collection. All curated fossils shall be accompanied by field notes, photographs, maps, and other relevant data. Final Monitoring and Salvage Report Once ground-disturbing activities are complete and fossils have been curated (if applicable), Valley Water and the construction contractors(s) shall require the QPP to prepare a final monitoring and salvage report describing the results of the monitoring program. The report shall include discussion of the locations, durations, and methods of the monitoring, stratigraphic sections, any recovered fossils, the scientific significance of those fossils, and where the fossils were curated.			
Hazards and Hazardous Materials					
Impact HAZ-2: Create a Significant Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials in the Environment	MM HAZ 2.1	**Ensure Worker Safety in Areas with Elevated Concentrations of Lead**. To ensure worker safety in areas with elevated lead concentrations in or adjacent to Watson Park where ground disturbance activities would occur, Valley Water and/or its contractor(s) shall require PPE that meets Cal/OSHA requirements for protection from lead exposure during project construction to maintain exposure levels below those established by the Cal/OSHA.	Require personal protective equipment (PPE) during construction activities.	Valley Water (lead) and/or its contractors	Valley Water
Impact HAZ-2: Create a Significant Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials in the Environment **Impact HAZ-3:** Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials within 0.25 mile of Existing or Proposed Schools **Impact HAZ-4:** Be located on a Site Which is Included on a List of Hazardous Materials Sites Compiled Pursuant to	MM HAZ 2.2	**Develop and Implement a Hazardous Materials Management Plan**. To minimize potential impacts to workers, the public or the environment from hazardous materials, Valley Water and/or its contractor(s) shall develop and implement a Hazardous Materials Management Plan (HMMP) for areas where project excavation activities would occur. The HMMP shall establish procedures to manage potentially contaminated soil and/or groundwater encountered as part of project construction. The HMMP shall identify proper protocols to implement upon uncovering suspected contamination, segregation and containment of contaminated materials, and testing and handling of potentially hazardous materials. The HMMP shall also identify potential licensed disposal facilities and their acceptance criteria. Implement Recommendations of Phase I and II Environmental Site Assessments and Hazardous Substance Liability Assessments The HMMP shall include the following recommendations from the Phase I and II Environmental Site Assessments (ESAs) and Hazardous Substance Liability Assessments (HSLAs) for the safety of workers, the public, and the environment as follows. • Conduct air quality monitoring for soil and groundwater vapor (volatile organic compounds) at excavations that are 3 feet or more below ground surface depth at project improvement site R7-FW12 prior to workers entering excavated area(s).	Develop plan prior to construction activities and implement plan during construction activities.	Valley Water (lead) and/or its contractors	Valley Water

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
Government Code Section 65962.5		• Coordinate with the Kellogg's facility prior to construction and obtain and implement their Risk Management Plan requirements for emergency evacuation alerts, procedures, communications, and evacuation routes in the event of an accident at the facility when workers are present at project improvement site R6-FW8. • Conduct shallow soil sampling at project improvement sites R4-FW2 and R4-FW1 prior to ground disturbing activities to determine if hazardous materials are present. • Contact DTSC and the City prior to conducting any ground disturbing activities within or adjacent to Watson Park. • Comply with Watson Park institutional controls including the following (AECOM 2018): o Communication with City staff o Before initiating construction and or architectural/design work at the site, City's archived as-built construction specifications and drawings for the site shall be referenced. • All engineering work performed at the Site shall be under the direction and supervision of a registered professional engineer licensed in California, with expertise in hazardous substance site cleanup, • All geological work performed at the Site shall be under the direction and supervision of a registered professional geologist licensed in California, with expertise in hazardous substance site cleanup, • After the City of San José Department of Public Works Environmental Services Project Manager has reviewed construction plans for the project and ensures that the necessary actions and or notifications indicated in the Site Management Plan have been completed, he/she will provide a work authorization form to the contractor and the City's or property owner's project manager. The form will identify City personnel to be contacted in the case that burn ash is encountered (at which time the excavation activities will cease). • A Quality Control program will be implemented to ensure that staff working on a specific project is aware of the building restrictions and the procedures to ensuring that no one becomes exposed to burn ash present at the site. o DTSC will receive notification at least seven days in advance of proposed construction projects or field activities at the site. The DTSC shall be permitted to collect duplicate samples (or request split samples) for any soil sampling performed in the course of future field activities. • If vehicles are located within project improvement site R6-FW7 and R8-FW13, coordinate with property owner prior to construction to remove them and examine soil underneath the vehicles for evidence of leaks. Test soil for presence of hazardous materials if evidence of leaks on ground surface are found. • Conduct soil quality investigations at all 44 properties prior to ground disturbing activities. <u>Soil and/or Groundwater Testing and Proper Disposal of Potentially Contaminated Soils or Groundwater</u> The HMMP shall include procedures to be conducted if soil and/or groundwater suspected of being contaminated (on the basis of visual, olfactory, or other evidence) are exposed during site grading, excavation, or dewatering activities or identified in sampling of soil or groundwater, including those discussed below. Valley Water and/or its contractor(s) shall stop work and test the excavated soil and/or groundwater prior to removal to determine whether hazardous levels of contaminants are present prior to continuing construction activities. The presence of known or suspected contaminated soil and/or groundwater shall require testing and investigation procedures to be conducted and supervised by a hazardous materials specialist who meets federal, and state regulatory requirements related to the handling and disposal of hazardous materials. The test results shall be compared against			

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
		SFBRWQCB Tier 1 ESLs; (SFBRWQCB 2019) and Human Health Risk Assessment (HHRA) DTSC Note 3 Industrial ESLs, EPA Regional Screening Levels (RSLs) for Residential Soil, and Construction Worker ESLs for Cancer and Non-cancer risk (if available) for the protection of human health, groundwater quality, and terrestrial receptors. If hazardous levels of contaminants (as defined by federal and state regulations) are present, Valley Water shall report findings to federal, state, and local agencies for further direction on clean up actions required. The materials shall be excavated and/or remediated as directed by federal, state, and local regulatory agencies and taken to a permitted hazardous waste facility for disposal. The required handling, storage, and disposal methods will depend on the types and concentrations of hazardous materials identified in the soil and/or groundwater. Any site investigations or remedial actions shall comply with applicable federal, state, and local hazardous materials and waste disposal regulations.			
Noise and Vibration					
Impact NOI-1: Substantial Temporary Construction -Related Increase in Noise Levels in Excess of FTA and City of San José Standards	MM NOI 1.1	**Develop and Implement a Construction Noise Control Plan**. Prior to commencement of any construction activity, Valley Water, in coordination with its construction contractors, and a qualified acoustical professional shall prepare a Construction Noise Control Plan, that demonstrates with substantial evidence, based on finalized project-specific information (e.g., specific equipment profiles, construction locations), that all available noise reducing measures, including alternatives to conventional construction equipment and methods, have been implemented to the extent feasible and allowable, considering site-specific physical constraints (e.g., topography, proximity of construction to receptors), while still meeting the construction objectives of the project. The Construction Noise Control Plan shall be consistent with San José General Plan's provisions for a construction noise logistics plan. Measures that shall be included for all construction activities include, but are not limited to, the following: • Ensure that construction activities are phased such that no one location/receptor is exposed to construction noise for more than 12 months. • Construction scheduling and phasing shall be designed so that impact equipment (e.g., pile drivers, pneumatic hammers) are used during daytime hours only. • Housing of stationary equipment (e.g., generators) in sound-attenuating enclosures if equipment would operate within a clear line-of-sight of offsite sensitive receptors. • Provide clear signage to be posted at all construction sites and equipment staging areas throughout the duration of all construction activities, reminding equipment operators and construction crews of the onsite best practices that shall be followed to reduce noise, including but not limited to: • Limiting drop heights (truck loading/unloading, material movement) to the heights necessary to achieve the task. • All inactive equipment shall not idle for more than five minutes.	Develop plan prior to Project construction, and implement plan during construction activities.	Valley Water (lead) and/or its contractors	Valley Water

Impact NOI-1: Substantial Temporary Construction -Related Increase in Noise Levels in Excess of FTA and City of San José Standards
 	
Impact NOI-2: Generate Excessive Ground Vibration or Groundborne Noise Levels from Construction Activities
	MM NOI 1.2	**Use Alternative Impact Equipment for Pile Driving**. Valley Water shall require its construction contractor to use a silent hydraulic pile driver for all construction activity that would require the use of a pile driver located within the noise or vibration impact distances to existing structures that could cause structural damage (i.e., within 95 feet of pile driving from normal structures and within 178 feet from weakened structures). Based on the analysis conducted above and summarized in Table 3.11.15, this measure applies to the following flood risk reduction improvement sites:
		• Reach 4
		  ○ R4-FW1
		  ○ R4-FW2
		  ○ R4-FW3
		  ○ R4-FW4
		• Reach 6
		  ○ R6-FW5
		  ○ R6-FW7
		  ○ R6-FW8
			Require use of alternative equipment during construction activities at sites specified in the mitigation measure.	Valley Water contractor	Valley Water

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
		○ R6-FW9 ○ R6-FW10 ○ R6-FW20 • Reach 7 ○ R7-PB5 FW1 ○ R7-FW12 ○ R7-FW11 ○ R7-FW18 • Reach 8 ○ R8-FW13 ○ R8-FW14			
Impact NOI-1: Substantial Temporary Construction -Related Increase in Noise Levels in Excess of FTA and City of San José Standards	MM NOI 1.3	**Use of Temporary Sound Barriers**. Valley Water shall require its construction contractor to use temporary sound barriers to attenuate noise, such as temporary noise curtains, sound walls, or similar products that provide a barrier to attenuate construction noise, during all daytime construction activities that are located within 50 feet of a residential structure or within 10 feet of a nonresidential structure. Exceptions to this measure could include physical site constraints such as proximity to private property or topography surrounding the creek, making it physically impossible to site temporary sound barriers. Such conditions shall be evaluated on a site-specific basis and determinations made prior to commencement of construction activities, in coordination with and subject to Valley Water review. The temporary sound barrier shall be located between the project construction noise sources and receptors to shield the receptors from construction noise. The installation of any temporary sound barrier shall meet all the following criteria: • be installed as close as possible to the boundary of the construction site within the direct line of sight path of the nearby sensitive receptor(s); • shall consist of durable, flexible composite material featuring a noise barrier layer bound to sound-absorptive material on one side; and • shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot, such that a minimum of 10 dBA reduction is achieved on the receiving side of the sound barrier.	Use temporary sound barriers during construction activities, when necessary, as determined by the criteria in the mitigation measure.	Valley Water contractor	Valley Water
Impact NOI-1: Substantial Temporary Construction -Related Increase in Noise Levels in Excess of FTA and City of San José Standards	MM NOI 1.4	**Establish Construction Noise Coordinator.** Valley Water and/or its construction contractor(s) shall designate a construction noise coordinator and post that person's telephone number conspicuously around the construction sites. This coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and coordinating implementation of the appropriate measures to reduce the noise issue, which may include measures identified in Mitigation Measures NOI 1.1, NOI 1.2, and NOI 1.3, or other measures deemed appropriate by the noise coordinator in consultation with Valley Water and its construction contractor, that specifically address the nature of the noise complaint and associated noise source and affected receptor. Examples include, but are not limited to, relocation of onsite equipment away from the affected receptor, shielding the noise source with onsite equipment/trailers/barriers, altering construction methods, or altering timing of specific construction activity. In all cases, the noise complaint coordinator shall establish the root cause of the complaint and seek to resolve it with the most appropriate feasible remedy given the noise source and affected party's specific complaint.	Designate construction noise coordinator prior to construction activities, and implement construction noise coordinator responsibilities for the duration of Project construction.	Valley Water (lead) and/or its contractors	Valley Water
Impact NOI-2: Generate Excessive Ground Vibration or Groundborne Noise Levels from Construction Activities	MM NOI 2.1	**Implement Alternative Construction Methods to Reduce Vibration.** Valley Water and/or its construction contractor shall implement alternative methods/equipment and for all construction activities that require the use of vibration-inducing equipment (e.g., vibratory rollers, dozers, loaded trucks) within the vibration impact distances to existing structures that could cause structural damage (i.e., within 26 feet from normal structures and within 48 feet from weakened structures). Valley Water shall verify that the alternative method/equipment is shown on the construction plans prior to the beginning of construction. Based on the analysis conducted in this EIR and summarized	Prior to commencement of construction activities involving vibration-inducing equipment within the vibration impact distances to existing structures that could cause structural damage.	Valley Water (lead) and/or its contractor	Valley Water

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
		in Tables 3.11.17 and 3.11.18, this measure applies to work at all improvement sites except sites and areas located beyond 48 feet from nearby structures. Alternative methods/equipment shall include, but are not limited to, the following: • For compaction activities, the use of a static roller in lieu of a vibratory roller shall be implemented. • For grading and earthwork activities, off-road equipment shall be limited to 100 horsepower or less, unless it is determined that such equipment is not available or would not adequately complete the necessary construction activity. • For earthwork, small dozers (e.g., CAT D1, D2, D3) shall be used and remain as far away from existing structures as possible.			
Impact NOI-2: Generate Excessive Ground Vibration or Groundborne Noise Levels from Construction Activities	MM NOI 2.2	**Develop and Implement a Vibration Control Plan.** Prior to commencement of construction activities, Valley Water or its construction contractor shall prepare a construction vibration monitoring plan/program that ensures and demonstrates that construction vibration would not result in structural damage or disturbance to nearby receptors (i.e., school uses). The plan shall be prepared and implemented by a qualified acoustical consultant or structural engineer, for review and approval by the City of San José. The plan shall include the following: • Pre-construction surveys to identify any pre-existing structural damage to buildings that may be affected by project-generated vibration. • Identification of minimum setback requirements for different types of ground-vibration-producing activities (e.g., pile driving) for the purpose of preventing damage to nearby structures and preventing adverse effects on people. Factors to be considered include the nature of the vibration-producing activity, local soil conditions, and the fragility/resiliency of the nearby structures. Initial setback requirements (identified in Mitigation Measure NOI 1.2 and NOI 2.1) can be reduced if a project- and site-specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage to buildings or structures would occur. • Phasing of pile-driving and high-impact activities so as not to occur simultaneously with other construction activities, shall be determined. The total vibration level produced could be significantly less when each vibration source is operated at separate times. • Development of a vibration monitoring and construction contingency plan, which shall identify where monitoring would be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and require photo, elevation, and crack surveys to document conditions before and after demolition and construction activities. Construction contingencies shall be identified for when vibration levels approach the limits. If vibration levels approach limits, suspend construction, and implement contingencies to either lower vibration levels or secure the affected structure. • Specifically for pile driving located within 20 feet of institutional uses such as schools (e.g., NSR 11), vibration-inducing activities shall occur outside of regular school hours and a minimum of a 10-day notice shall be given. • Preparation of a construction vibration monitoring report that summarizes the results of all vibration monitoring and submission of the report after the completion of each phase identified in the project construction schedule. The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.	Develop plan prior to commencement of construction activities, and implement plan during construction activities.	Valley Water (lead) and/or its contractor	Valley Water

EIR Impact Number(s) and Name(s)	Mitigation Measure (MM) Number	Mitigation Measure Description	Timeframe for Implementation	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
Transportation and Traffic					
Impact TR-4: Result in Inadequate Emergency Access	MM TR 4.1	**Implement a Traffic Safety Plan and Coordinate with Local Emergency Service Providers**. The construction contractor(s) shall develop a traffic safety and management plan for portions of the City of San José that would be affected by construction traffic. Before the start of construction-related activities involving high volumes of traffic, the plan shall be submitted for review to the City of San José. A fundamental goal of the Traffic Safety Plan shall be to minimize construction-related delays to the greatest extent feasible. The plan shall include the following elements: • posting warnings about the potential presence of slow-moving vehicles; • using traffic control personnel when appropriate; and, • placing and maintaining barriers and installing traffic control devices necessary for safety, as specified in Caltrans's California Manual on Uniform Traffic Control Devices (2014) and in accordance with county requirements. Before project construction begins, the contractor(s) shall train construction personnel in appropriate safety measures as described in the Traffic Safety Plan and shall document and report implementation of the plan to Valley Water and the City of San José. The plan shall include the prescribed locations for staging equipment and parking trucks and vehicles. Provisions shall be made for overnight parking of haul trucks to avoid causing traffic or circulation congestion. Before project construction begins, Valley Water and/or its construction contractor(s) shall provide notification of project construction and potential delays and closure of Jackson Street to all appropriate emergency service providers in the City of San José. Valley Water and/or its construction contractor(s) shall coordinate with emergency service providers throughout the construction period to maintain emergency access through construction areas to the extent possible. Coordination shall include notice of when temporary road closures are anticipated.	Develop plan prior to the start of construction activities affecting traffic on City of San José roadways. Implement plan during construction activities.	Valley Water contractor	Valley Water

TABLE 2

MONITORING AND REPORTING PROGRAM FOR VALLEY WATER BMPs

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
AQ-1:	**Use Dust Control Measures.** The following BAAQMD Dust Control Measures will be implemented: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads not surfaced with aggregate base shall be limited to 15 miles per hour.1 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour for more than 30 minutes. 7. All trucks and equipment, including their tires, shall be washed prior to leaving the site. 8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted wood chips, mulch, or gravel. 9. Publicly visible signs shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints phone number shall also be visible to ensure compliance with applicable regulations.	Implement BAAQMD dust control measures during construction.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for implementing the BAAQMD Dust Control Measures.	Valley Water
AQ-2:	**Avoid Stockpiling Odorous Materials.** Materials with decaying organic material, or other potentially odorous materials, will be handled in a manner that avoids impacting residential areas and other sensitive receptors, including: 1. Avoid stockpiling potentially odorous materials within 1,000 feet of residential areas or other odor sensitive land uses; and 2. Odorous stockpiles will be disposed of at an appropriate landfill.	Implement odor control measures during construction.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for handling materials with decaying organic material or other potentially odorous materials in a manner that avoids impacting residential areas and other sensitive receptors.	Valley Water
BI-4:	**Minimize Adverse Effects of Pesticides on Non-target Species**. "Pesticides" refers to any herbicide, insecticide, rodenticide, algaecide, fungicide, or any combination of substances intended to prevent, destroy, or repel any pest. Pesticides will be handled, stored, transported, and used in compliance with any established directions and in a manner that minimizes negative environmental effects on non-target species and sensitive habitats. The proposed project plan for handling, storing, transporting and using pesticides must be reviewed and approved by both of the following subject matter experts: 1. District's Pest Control Advisor (a State-certified Qualified Applicator) – the plan will be reviewed, and modified as deemed appropriate, for compliance with: District policy, label restrictions and any advisories published by the California Department of Pesticide Regulation, the Santa Clara County Division of Agriculture, and the USEPA bulletin Protecting Endangered Species, Interim Measures for Use of Pesticides in Santa Clara County (USEPA 2000). 2. Qualified District Biologist (as defined in the Environmental Monitoring and Assessment Program [EMAP]-30264) – the plan will be reviewed, and modified as deemed appropriate, for compliance with: District policy, approved environmental review documents, project permits, and avoidance of all known listed	Review and approve the proposed project plan for handling, storage, transportation, and use of pesticides before any pesticide use begins. Initiate modifications to the pesticide plan immediately upon identification that modifications are required. Implement the pesticide plan during handling, storage, transportation, and use of pesticides	Valley Water is responsible for preparing and implementing the pesticide control plan. The Valley Water Pest Control Advisor and/or Qualified Biologist are responsible for reviewing and modifying the pesticide plan.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
	(Threatened or Endangered) and sensitive species. Information sources for determination of all known locations of species that may be harmed by pesticides include the District's Geographic Information System (GIS) and California Natural Diversity Database (CNDDB). Either the District's Pest Control Advisor or the Qualified District Biologist may modify the proposed pesticide plan, such as establishing buffer areas or prohibiting the use of pesticides outright, based on site-specific data, current regulatory requirements, and District policy. The purchase of all pesticides must be approved by the District's Pest Control Advisor to ensure compliance with the District's Control and Oversight of Pesticide Use policy and appropriate regulatory agency reporting requirements.			
BI-5:	**Avoid Impacts to Nesting Migratory Birds.** Nesting birds are protected by state and federal laws. The District will protect nesting birds and their nests from abandonment, loss, damage, or destruction. Nesting bird surveys will be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of birds, bird nests, or nesting migratory birds. Inactive bird nests may be removed with the exception of raptor nests. Birds, nests with eggs, or nests with hatchlings will be left undisturbed.	Complete nesting bird surveys and relocate inactive bird nests prior to any activity that could result in the abandonment, loss, damage, or destruction of birds, bird nests, or nesting migratory birds. Implement protection measures for nesting birds and their nests during activities that could disturb nests.	Valley Water is responsible for retaining a qualified biologist. The construction contractor(s) are responsible for complying with nesting bird protection measures. The qualified biologist is responsible for conducting the nesting bird surveys, relocating inactive nests, and recommending nest protection measures.	Valley Water
BI-6:	**Avoid Impacts to Nesting Migratory Birds from Pending Construction.** Nesting exclusion devices may be installed to prevent potential establishment or occurrence of nests in areas where construction activities would occur. All nesting exclusion devices will be maintained throughout the nesting season or until completion of work in an area makes the devices unnecessary. All exclusion devices will be removed and disposed of when work in the area is complete.	Install nesting exclusion devises prior to construction during the nesting bird season. Maintain nesting exclusion devices throughout the nesting season or until the completion of work in an area makes the devices unnecessary. Remove and dispose of exclusion devices when work in the area is complete.	Construction contractor and qualified biologist are responsible for installing, maintaining, and removing nesting exclusion devices. Qualified biologist is responsible for overseeing installation of nest protection measures.	Valley Water
BI-7:	**Minimize Impacts to Vegetation from Survey Work.** Survey cross-sections will be moved, within acceptable tolerances, to avoid cutting dense riparian vegetation and minimize cutting of woody vegetation, taking advantage of natural breaks in foliage. If the cross-section cannot be moved within the established acceptable tolerances to avoid impacts to dense riparian or woody vegetation, the survey section will be abandoned.	Comply with minimization efforts to reduce impacts to riparian forests.	The construction contractor(s) are responsible for complying with minimization measures.	Valley Water
BI-8:	**Choose Local Ecotypes Of Native Plants and Appropriate Erosion-Control Seed Mixes.** Whenever native species are prescribed for installation, the following steps will be taken by a qualified biologist or vegetation specialist: 1. Evaluate whether the plant species currently grows wild in Santa Clara County; and, 2. If so, the qualified biologist or vegetation specialist will determine if any need to be local natives, i.e. grown from propagules collected in the same or adjacent watershed, and as close to the project site as feasible. Also, consult a qualified biologist or vegetation specialist to determine which seeding option is ecologically appropriate and effective, specifically: 1. For areas that are disturbed, an erosion control seed mix may be used consistent with the Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams, Design Guide 5, 'Temporary Erosion Control Options.'	Evaluate and determine plant species in seed mixes prior to application of erosion- control seed mixes.	Valley Water is responsible for retaining a qualified biologist or vegetation specialist. Construction contractor(s) are responsible for ensuring that only qualified biologist or vegetation specialist erosion-control seed mixes are utilized. Qualified biologist or vegetation specialist is responsible for evaluating plant species in erosion seed mixes, determining the need for local natives, and consulting on the appropriate seeding options.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
	2. In areas with remnant native plants, the qualified biologist or vegetation specialist may choose an abiotic application instead, such as an erosion control blanket or seedless hydro-mulch and tackifier to facilitate passive revegetation of local native species. 3. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable. 4. If a gravel or wood mulch has been used to prevent soil compaction, this material may be left in place [if ecologically appropriate] instead of seeding. Seed selection shall be ecologically appropriate as determined by a qualified biologist, per *Guidelines and Standards for Land Use Near Streams, Design Guide 2: Use of Local Native Species*.			
BI-10:	**Avoid Animal Entry and Entrapment.** All pipes, hoses, or similar structures less than 12 inches diameter will be closed or covered to prevent animal entry. All construction pipes, culverts, or similar structures, greater than 2-inches diameter, stored at a construction site overnight, will be inspected thoroughly for wildlife by a qualified biologist or properly trained construction personnel before the pipe is buried, capped, used, or moved. If inspection indicates presence of sensitive or state- or federally-listed species inside stored materials or equipment, work on those materials will cease until a qualified biologist determines the appropriate course of action. To prevent entrapment of animals, all excavations, steep-walled holes or trenches more than 6- inches deep will be secured against animal entry at the close of each day. Any of the following measures may be employed, depending on the size of the hole and method feasibility: 1. Hole to be securely covered (no gaps) with plywood, or similar materials, at the close of each working day, or any time the opening will be left unattended for more than one hour; or 2. In the absence of covers, the excavation will be provided with escape ramps constructed of earth or untreated wood, sloped no steeper than 2:1, and located no farther than 15 feet apart; or 3. In situations where escape ramps are infeasible, the hole or trench will be surrounded by filter fabric fencing or a similar barrier with the bottom edge buried to prevent entry.	Close, cover, or secure pipes, hoses, or similar materials or excavations, holes, and trenches at the end of each work day during construction. Inspect pipes, hoses, excavations, holes, and trenches and on-site pipe, hoses, or similar materials that are stored or left on- site overnight prior to initiation of daily construction activities.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for closing, covering, or securing all pipes, hoses, or similar structures and excavations, holes, and trenches. A qualified biologist is responsible daily inspections for entrapped animals and for determining the appropriate course of action if sensitive or state- or federally-listed species are entrapped on- site.	Valley Water
BI-11:	**Minimize Predator-Attraction.** Remove trash daily from the worksite to avoid attracting potential predators to the site.	Remove trash from the worksite daily.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for removing trash from the worksite.	Valley Water
CU-1:	**Accidental Discovery of Archaeological Artifacts or Burial Remains.** If historical or unique archaeological artifacts are accidentally discovered during construction, work in affected areas will be restricted or stopped until proper protocols are met. Work at the location of the find will halt immediately within 30 feet of the find. A “no work” zone shall be established utilizing appropriate flagging to delineate the boundary of this zone. A Consulting Archaeologist will visit the discovery site as soon as practicable for identification and evaluation pursuant to Section 21083.2 of the Public Resources Code and Section 15126.4 of the California Code of Regulations. If the archaeologist determines that the artifact is not significant, construction may resume. If the archaeologist determines that the artifact is significant, the archaeologist will determine if the artifact can be avoided and, if so, will detail avoidance procedures. If the artifact cannot be avoided, the archaeologist will develop within 48 hours an Action Plan which will include provisions to minimize impacts and, if required, a Data Recovery Plan for recovery of artifacts in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. If burial finds are accidentally discovered during construction, work in affected areas will be restricted or stopped until proper protocols are met. Upon discovering any burial site as evidenced by human skeletal remains, the County Coroner will be immediately notified and the field crew supervisor shall take immediate steps to secure and protect such remains from vandalism during periods when work crews are absent. No further excavation or disturbance within 30 feet of the site or any nearby area reasonably suspected to overlie adjacent remains may be made except as authorized by the County Coroner, California Native American Heritage Commission, and/or the County Coordinator of Indian Affairs.	Immediately halt construction within 30 feet upon discovery of an archeological resource or human remains. Contact a qualified archaeologist immediately upon discovery of an archaeological find. Identify and evaluate the archaeological discovery prior to re-initiation of work within 30 feet of the find. If the artifact is significant and cannot be avoided, develop an Action within 48 hours. Notify the County Coroner immediately upon discovery of human remains.	Valley Water is responsible for retaining a qualified biologist and for approving the Action Plan. Construction contractor(s) are responsible for halting work within 30 feet of a find, establishing a “no work” zone with appropriate flagging, and notifying the County Coroner upon discovering a burial site. A qualified archaeologist is responsible for evaluating the archaeological artifact and preparing an Action Plan if the artifact cannot be avoided.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
HM-1:	**Comply with All Pesticide Application Restrictions and Policies.** Pesticide products are to be used only after an assessment has been made regarding environmental, economic, and public health aspects of each of the alternatives by the District's Pest Control Advisor (PCA). All pesticide use will be consistent with approved product specifications. Applications will be made by, or under the direct supervision of, State Certified applicators under the direction of, or in a manner approved by the PCA. Refer to Q751D02, Control and Oversight of Pesticide Use.	Valley Water's PCA assessment of environmental, economic, and public health aspects of the pesticides prior to pesticide application during construction and maintenance. Compliance with product specifications during pesticide application.	Valley Water's PCA is responsible for assessing the environmental, economic, and public health aspects of the pesticides and for supervising pesticide application. Valley Water and the construction contractor(s) are responsible for retaining a State Certified applicator. State Certified applicator is responsible for complying with product specifications during pesticide application.	Valley Water
HM-2:	**Minimize Use of Pesticides.** In all cases, where some form of pest control is deemed necessary by the PCA; evaluate alternative pest control methods and pesticides. Refer to Q751D02: Control and Oversight of Pesticide Use.	Evaluate alternative pest control methods prior to pest control activities during construction and maintenance.	Valley Water is responsible for evaluating alternative pest control methods and pesticides.	Valley Water
HM-3:	**Post Areas Where Pesticides Will be Used.** Posting of areas where pesticides are to be used shall be performed in compliance with Q751D02: *Control and Oversight of Pesticide Use*. Posting shall be performed in compliance with the label requirements of the product being applied. In addition, the District shall provide posting for any products applied in areas used by the public for recreational purposes, and areas readily accessible to the public, regardless of whether the label requires such notification (the posting method may be modified to avoid destruction of bait stations or scattering of rodenticide), including: 1. Sign postings shall notify staff and the general public of the date and time of application; the product's active ingredients, and common name; and, the time of allowable re-entry into the treated area. 2. A District staff contact phone number shall be posted on the sign. 3. Signs shall not be removed until after the end of the specified re-entry interval. 4. Right-to-know literature on the product shall be made available upon request to anyone in the area. Notification will take into account neighbors with specific needs prior to treatment of an adjacent area to ensure such needs are met. Such requests are maintained by the District under Q751D02.	Following posting requirements as outlined with with Q751D02: *Control and Oversight of Pesticide Use*	Valley Water is responsible for complying with pest control posting and labeling requirements.	Valley Water
HM-4:	**Comply with All Pesticide Usage Requirements.** All projects that propose ongoing use of pesticides will comply with all provisions of Q751D02: Control and Oversight of Pesticide Use, including, but not necessarily limited to the following: 1. All pest control methods will be performed only after a written Pest Control Recommendation for use has been prepared by the District's PCA in accordance with requirements of the California Food and Agricultural Code. 2. F751D01 – Pest Control Recommendation & Spray Operators Report will be completed for each pesticide application.	Prepare a Pest Control Recommendation & Spray Operators Report prior to pesticide application. Implement the Pest Control Recommendation & Spray Operators Report during pesticide application during construction and maintenance.	Valley Water's PCA is responsible for preparing the Pest Control Recommendation & Spray Operators Report. Valley Water is responsible for complying with the requirements in the Pest Control Recommendation & Spray Operators Report.	Valley Water
HM-5:	**Comply with Restrictions on Herbicide Use in Upland Areas.** Consistent with provisions of Q751D02: Control and Oversight of Pesticide Use, application of pre emergence (residual) herbicides to upland areas will not be made within 72 hours of predicted significant rainfall. Predicted significant rainfall for the purposes of this BMP will be described as local rainfall greater than 0.5 inch in a 24-hour period with greater than a 50% probability of precipitation according to the National Weather Service.	No application of pre-emergence (residual) herbicides to upland areas within 72 hours of predicted significant rainfall during construction and maintenance.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) responsible for ensuring that pre- emergence herbicides are not applied within 72 hours of predicted significant rainfall.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
HM-6:	**Comply with Restrictions on Herbicide Use in Aquatic Areas.** Consistent with provisions of Q751D02: Control and Oversight of Pesticide Use, only herbicides and surfactants registered for aquatic use will be applied within the banks of channels within 20 feet of any water present. Furthermore, aquatic herbicide use will be limited to June 15th through October 31st with an extension through December 31 or until the first occurrence of any of the following conditions; whichever happens first: 1. local rainfall greater than 0.5 inches is forecasted within a 24-hour period from planned application events according to the National Weather Service; or 2. when steelhead begin upmigrating and spawning in the 14 steelhead creeks, as determined by a qualified biologist (typically in November/December). 3. If rain is forecast then application of aquatic herbicide will be rescheduled.	Schedule aquatic herbicide application between June 15th through October 31st, with an extension through December 31st if the conditions for an extension are met. Reschedule aquatic herbicide application if rain is forecast.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for complying with aquatic herbicide application scheduling restrictions and rescheduling application if rain is forecast.	Valley Water
HM-7	**Restrict Vehicle and Equipment Cleaning to Appropriate Locations.** Vehicles and equipment may be washed only at approved areas. No washing of vehicles or equipment will occur at job sites.	Locate vehicle and equipment cleaning outside of waterways and floodplains during construction and maintenance unless necessary.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for complying with vehicle and equipment cleaning locations.	Valley Water
HM-8:	**Ensure Proper Vehicle and Equipment Fueling and Maintenance.** No fueling or servicing will be done in a waterway or immediate flood plain, unless equipment stationed in these locations is not readily relocated (i.e., pumps, generators). 1. For stationary equipment that must be fueled or serviced on-site, containment will be provided in such a manner that any accidental spill will not be able to come in direct contact with soil, surface water, or the storm drainage system. 2. All fueling or servicing done at the job site will provide containment to the degree that any spill will be unable to enter any waterway or damage riparian vegetation. 3. All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented. 4. All equipment used in the creek channel will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use. 5. If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location will be done in a channel or flood plain.	Locate vehicle and equipment fueling outside of waterways and floodplains during construction and maintenance unless necessary. Inspect equipment for leaks each day prior to initiation of work in a creek channel. Complete required vehicle or equipment maintenance, repairs, or other necessary actions to prevent or repair leaks prior to use.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for ensuring no fueling or servicing is done in a waterway or floodplain, providing containment for stationary equipment, maintaining clean vehicles and equipment, inspecting equipment for leaks, and performing only necessary emergency repairs in the field.	Valley Water
HM-9:	**Ensure Proper Hazardous Materials Management**. Measures will be implemented to ensure that hazardous materials are properly handled and the quality of water resources is protected by all reasonable means. 1. Prior to entering the work site, all field personnel will know how to respond when toxic materials are discovered. 2. Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage. 3. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials will not contact soil and not be allowed to enter surface waters or the storm drainage system. 4. All toxic materials, including waste disposal containers, will be covered when they are not in use, and located as far away as possible from a direct connection to the storm drainage system or surface water. 5. Quantities of toxic materials, such as equipment fuels and lubricants, will be stored with secondary containment that is capable of containing 110% of the primary container(s).	Implement hazardous materials management measures throughout construction and maintenance. Train field personnel, construction workers, and maintenance staff in toxic materials response prior to their commencement of work.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for training field personnel, storing chemicals in watertight containers with secondary containment, preventing contact of hazardous materials with soil and water, covering toxic materials when not in use, storing toxic materials with secondary containment, and complying with State and federal regulations for waste discharge.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
	6. The discharge of any hazardous or nonhazardous waste as defined in Division 2, Subdivision 1, Chapter 2 of the California Code of Regulations will be conducted in accordance with applicable State and federal regulations. 7. In the event of any hazardous material emergencies or spills, personnel will call the Chemical Emergencies/Spills Hotline at 18005105151.			
HM-10:	**Utilize Spill Prevention Measures.** Prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water following these measures: 1. Field personnel will be appropriately trained in spill prevention, hazardous material control, and clean up of accidental spills; 2. Equipment and materials for cleanup of spills will be available on site, and spills and leaks will be cleaned up immediately and disposed of according to applicable regulatory requirements; 3. Field personnel will ensure that hazardous materials are properly handled and natural resources are protected by all reasonable means; 4. Spill prevention kits will always be in close proximity when using hazardous materials (e.g., at crew trucks and other logical locations), and all field personnel will be advised of these locations; and, 5. The work site will be routinely inspected to verify that spill prevention and response measures are properly implemented and maintained.	Implement spill prevention measures during construction and maintenance. Train field personnel, construction workers, and maintenance staff in spill prevention, hazardous material control, and cleanup of accidental spills prior to their commencement of work. Routine inspection of work sites to verify that spill prevention and response measures are properly implemented and maintained.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for training field personnel, ensuring the availability of spill cleanup equipment and materials, handling hazardous materials properly, maintaining spill prevention kits, and conducting routine inspections of the work site.	Valley Water
HM-11	**Ensure Workers Safety in Areas with High Mercury Levels.** To ensure worker safety is protected in areas with elevated mercury concentrations in exposed surfaces, personal protective equipment will be required during project construction to maintain exposure below levels established by the California Division of Occupational Safety and Health (Cal/OSHA).	Require field personnel, construction workers, and maintenance staff in areas with elevated mercury concentrations to wear appropriate personal protective equipment meeting Cal/OSHA standards.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for enforcing worker safety.	Valley Water
HM-12:	**Incorporate Fire Prevention Measures.** 1. All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors. 2. During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site. 3. An extinguisher shall be available at the project site at all times when welding or other repair activities that can generate sparks (such as metal grinding) is occurring. 4. Smoking shall be prohibited except in designated staging areas and at least 20 feet from any combustible chemicals or vegetation.	Implement fire preventative measures throughout construction and maintenance.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for equipping all earthmoving and portable equipment with spark arrestors, ensuring that appropriate fire suppression equipment is available during the high fire danger period, having an extinguisher available during welding or other spark-generating activities, and enforcing smoking prohibitions in designated areas.	Valley Water
HM-13:	**Avoid Impacts from Naturally Occurring Asbestos.** The District will comply with and implement BAAQMD dust control measures and notification requirements when working in serpentine soils.	Implement BAAQMD dust control measures during construction and maintenance.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for implementing the dust control measures and notification requirements.	Valley Water
WQ-1:	**Conduct Work from Top of Bank.** For work activities that will occur in the channel, work will be conducted from the top of the bank if access is available and there are flows in the channel.	Complete construction and maintenance activities in the channel from the top of the bank whenever access is available and there are flows in the channel.	Construction contractor(s) are responsible for conducting work from the top of the bank.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
WQ-3:	**Limit Impact of Pump and Generator Operation and Maintenance.** Pumps and generators will be maintained and operated in a manner that minimizes impacts to water quality and aquatic species. 1. Pumps and generators will be maintained according to manufacturers' specifications to regulate flows to prevent dry-back or washout conditions. 2. Pumps will be operated and monitored to prevent low water conditions, which could pump muddy bottom water, or high water conditions, which creates ponding. 3. Pump intakes will be screened to prevent uptake of fish and other vertebrates. Pumps in steelhead creeks will be screened according to NMFS criteria. 4. Sufficient back-up pumps and generators will be onsite to replace defective or damaged pumps and generators.	Routinely maintain and monitor pumps and generators during construction and maintenance. Screen pump intakes during use. Immediately replace defective pumps or generators.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for maintaining and monitoring pumps and generators, following manufacturers' specifications, screening pump intakes, ensuring sufficient back-up equipment is onsite, and replacing defective pumps or generators.	Valley Water
WQ-4:	**Limit Impacts From Staging and Stockpiling Materials.** 1. To protect on-site vegetation and water quality, staging areas should occur on access roads, surface streets, or other disturbed areas that are already compacted and only support ruderal vegetation. Similarly, all equipment and materials (e.g., road rock and project spoil) will be contained within the existing service roads, paved roads, or other pre-determined staging areas. 2. Building materials and other project-related materials, including chemicals and sediment, will not be stockpiled or stored where they could spill into water bodies or storm drains. 3. No runoff from the staging areas may be allowed to enter water ways, including the creek channel or storm drains, without being subjected to adequate filtration (e.g., vegetated buffer, swale, hay wattles or bales, silt screens). 4. The discharge of decant water to water ways from any on-site temporary sediment stockpile or storage areas is prohibited. 5. During the wet season, no stockpiled soils will remain exposed, unless surrounded by properly installed and maintained silt fencing or other means of erosion control. During the dry season; exposed, dry stockpiles will be watered, enclosed, covered, or sprayed with non-toxic soil stabilizers.	Implement staging and stockpiling material management measures during construction and maintenance.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for managing staging and stockpiling materials.	Valley Water
WQ-5:	**Stabilize Construction Entrances and Exits.** Measures will be implemented to minimize soil from being tracked onto streets near work sites: 1. Methods used to prevent mud from being tracked out of work sites onto roadways include installing a layer of geotextile mat, followed by a 4-inch thick layer of 1 to 3inch diameter gravel on unsurfaced access roads. 2. Access will be provided as close to the work area as possible, using existing ramps where available and planning work site access so as to minimize disturbance to the water body bed and banks, and the surrounding land uses.	Stabilize construction entrances and exits prior to and during.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for installing a layer of geotextile mat followed by a 4- inch thick layer of 1 to 3-inch diameter gravel on unsurfaced access roads, and providing access as close to the work area as possible, using existing ramps where available, and planning work site access to minimize disturbance to the water body bed, banks, and surrounding land uses.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
WQ-6:	**Limit Impact of Concrete Near Waterways.** Concrete that has not been cured is alkaline and can increase the pH of the water; fresh concrete will be isolated until it no longer poses a threat to water quality using the following appropriate measures: 1. Wet sacked concrete will be excluded from the wetted channel for a period of four weeks after installation. During that time, the wet sacked concrete will be kept moist (such as covering with wet carpet) and runoff from the wet sacked concrete will not be allowed to enter a live stream. Poured concrete will be excluded from the wetted channel for a period of four weeks after it is poured. During that time, the poured concrete will be kept moist, and runoff from the wet concrete will not be allowed to enter a live stream. Commercial sealants (e.g., Deep Seal, Elasto-Deck Reservoir Grade) may be applied to the poured concrete surface where difficulty in excluding water flow for a long period may occur. If a sealant is used, water will be excluded from the site until the sealant is dry. 1. Dry sacked concrete will not be used in any channel. 2. An area outside of the channel and floodplain will be designated to clean out concrete transit vehicles.	Isolate fresh concrete immediately after installation and for a period of four weeks.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for excluding wet sacked and poured concrete from the wetted channel for four weeks, keeping the concrete moist, preventing runoff from entering live streams, applying commercial sealants if necessary, and designating an area outside of the channel and floodplain for cleaning out concrete transit vehicles.	Valley Water
WQ-8:	**Minimize Hardscape in Bank Protection Design.** Bank repair techniques appropriate to a given site based on hydraulic and other site conditions will be selected. 1. Biotechnical repair methods include construction with living materials; willow wattling; erosion control blankets; brush matting; and, installation of root wads and boulders in banks. 2. The repair will be designed and installed so that it will be self-sustaining and use vegetation that adds structural integrity to the stream bank.	Implement bank repair techniques based on hydraulic and other site conditions during construction and maintenance.	Valley Water's Project engineer is responsible for selecting appropriate bank repair techniques. Construction contractor(s) are responsible for implementing the bank repair techniques in compliance with the Project engineer's recommendation	Valley Water
WQ-9:	**Use Seeding for Erosion Control, Weed Suppression, and Site Improvement.** Disturbed areas shall be seeded with native seed as soon as is appropriate after activities are complete. An erosion control seed mix will be applied to exposed soils down to the ordinary high water mark in streams. 1. The seed mix should consist of California native grasses, (for example Hordeum brachyantherum; Elymus glaucus; and annual Vulpia microstachyes) or annual, sterile hybrid seed mix (e.g., Regreen™, a wheat x wheatgrass hybrid). 2. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable, or have other appropriate erosion control measures in place.	Seed disturbed areas as soon as is appropriate after construction or maintenance activities are complete.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for seeding disturbed areas with native seed, applying an erosion control seed mix, and seeding temporary earthen access roads or implementing other appropriate erosion control measures.	Valley Water
WQ-11:	**Maintain Clean Conditions at Work Sites**. The work site, areas adjacent to the work site, and access roads will be maintained in an orderly condition, free and clear from debris and discarded materials on a daily basis. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust into storm drains or waterways. For activities that last more than one day, materials or equipment left on the site overnight will be stored as inconspicuously as possible, and will be neatly arranged. Any materials and equipment left on the site overnight will be stored to avoid erosion, leaks, or other potential impacts to water quality Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the work site.	Maintain the work site, areas adjacent to the work site, and access roads in an orderly condition daily during construction and maintenance. Store materials and equipment inconspicuously and neatly overnight. Remove construction-related materials after completion of construction or maintenance activities.	Construction contractor(s) are responsible for maintaining clean conditions, ensuring no debris or materials are swept into storm drains or waterways, storing materials and equipment properly overnight, and removing all construction-related materials upon completion of work.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
WQ-14	**Backfill Completed Exploratory Borings.** All borings should be backfilled within 24 hours of termination of testing. Borings will not be left in such a condition as to allow for the introduction of surface waters or foreign materials into them. Borings will be secured such that they do not endanger public health. All borings must be properly destroyed by backfilling with acceptable sealing materials. Acceptable sealing materials are: 1. 27 sack neat cement (four 94-pound bags/55-gallon drum), 2. 10 sack cement sand grout, or 3. hydrated high solids 20 percent bentonite slurry. No soil cuttings may be used for backfilling boreholes. No bentonite chips or pellets may be used to backfill borings. Free fall of sealing material will not be allowed if greater than 30 feet or if more than 3 feet of standing water exists in borehole. A tremie pipe must be used to place the cement sealing material if exploratory boring is over 30 feet deep or if more than 3 feet of standing water exists in borehole. Exploratory borings located in Geologic Setting Zone 4 (bedrock) may be backfilled with borehole cuttings from total depth of the boring up to a depth of 50 feet from the surface grade. The top 50 feet of the borehole must be backfilled with above described sealing materials.	All exploratory borings are required to be backfilled within 24 hours of termination of testing.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for backfilling exploratory borings in compliance with the Project engineer's recommendation.	Valley Water
WQ-15:	**Prevent Water Pollution.** Oily, greasy, or sediment laden substances or other material that originate from the project operations and may degrade the quality of surface water or adversely affect aquatic life, fish, or wildlife will not be allowed to enter, or be placed where they may later enter, any waterway. The project will not increase the turbidity of any watercourse flowing past the construction site by taking all necessary precautions to limit the increase in turbidity as follows: 1. where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases will not exceed 5 percent; 2. where natural turbidity is greater than 50 NTU, increases will not exceed 10 percent; 3. where the receiving water body is a dry creek bed or storm drain, waters in excess of 50 NTU will not be discharged from the project. Water turbidity changes will be monitored. The discharge water measurements will be made at the point where the discharge water exits the water control system for tidal sites and 100 feet downstream of the discharge point for non-tidal sites. Natural watercourse turbidity measurements will be made in the receiving water 100 feet upstream of the discharge site. Natural watercourse turbidity measurements will be made prior to initiation of project discharges, preferably at least 2 days prior to commencement of operations.	Implement measures to prevent water pollution during construction and maintenance to ensure no oily, greasy, or sediment-laden substances enter waterways. Monitor water turbidity changes monitored continuously during operation.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for preventing pollutants from entering waterways, limiting increases in turbidity according to specified thresholds, and conducting water turbidity monitoring at designated points.	Valley Water
WQ-16:	**Prevent Stormwater Pollution.** To prevent stormwater pollution, the applicable measures from the following list will be implemented: 1. Soils exposed due to project activities will be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These measures will be implemented such that the site is stabilized and water quality protected prior to significant rainfall. In creeks, the channel bed and areas below the Ordinary High Water Mark are exempt from this BMP. 2. The preference for erosion control fabrics will be to consist of natural fibers; however, steeper slopes and areas that are highly erodible may require more structured erosion control methods. No non-porous fabric will be used as part of a permanent erosion control approach. Plastic sheeting may be used to temporarily protect a slope from runoff, but only if there are no indications that special-status species would be impacted by the application. 3. Erosion control measures will be installed according to manufacturer's specifications. 4. To prevent stormwater pollution, the appropriate measures from, but not limited to, the following list will be implemented: 1. Silt Fences	Implement stormwater pollution prevention measures during construction and maintenance activities.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for seeding and stabilizing exposed soils, using natural fiber erosion control fabrics, installing erosion control measures according to manufacturer's specifications, implementing appropriate stormwater pollution prevention measures (such as silt fences, straw bale barriers, brush or rock filters, storm drain inlet protection, sediment traps or basins, erosion control blankets or mats, soil stabilization, and straw mulch), and ensuring surface barrier applications are installed correctly.	Valley Water

Measure Number	Valley Water Best Management Practice (BMP)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
	2. Straw Bale Barriers 3. Brush or Rock Filters 4. Storm Drain Inlet Protection 5. Sediment Traps or Sediment Basins 6. Erosion Control Blankets and/or Mats 7. Soil Stabilization (i.e. tackified straw with seed, jute or geotextile blankets, etc.) 8. Straw mulch. 5. All temporary construction-related erosion control methods shall be removed at the completion of the project (e.g. silt fences). 6. Surface barrier applications installed as a method of animal conflict management, such as chain link fencing, woven geotextiles, and other similar materials, will be installed no longer than 300 feet, with at least an equal amount of open area prior to another linear installation.			
WQ-17:	**Manage Sanitary and Septic Waste.** Temporary sanitary facilities will be located on jobs that last multiple days, in compliance with California Division of Occupational Safety and Health (Cal/OSHA) regulation 8 California Code of Regulations 1526. All temporary sanitary facilities will be located where overflow or spillage will not enter a watercourse directly (overbank) or indirectly (through a storm drain).	Install temporary sanitary facilities on the project site prior to and throughout the duration of construction or maintenance activities that last multiple days.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for providing temporary sanitary facilities and ensuring that overflow or spillage does not enter a watercourse.	Valley Water
TR-1:	**Incorporate Public Safety Measures.** Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction, to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof.	Install fences, barriers, lights, flagging, guards, and signs prior construction activities.	Valley Water to coordinate with applicable local agencies on public safety measures. Construction contractor(s) are responsible for installing the necessary safety measures.	Valley Water

TABLE 3

MONITORING AND REPORTING PROGRAM FOR SMP BMPs

Measure Number	Stream Maintenance Program (SMP) BMP (All SMP BMPs would be implemented only for work in and near streams downstream of the reservoir)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
ANI-1:	**Surface Barrier Applications to Prevent Burrowing.** Surface barrier applications installed as a method of animal conflict management, such as chain link fencing, woven geotextiles, and other similar materials, will be installed in an area no longer than 300 feet and only above OHWM. This area may include both inboard and outboard sides of the levee for 300 feet with at least an equal amount of open area prior to another linear installation; and only on one side of levee slopes. Inboard and outboard areas will only have installations set in an alternating pattern, such that no inboard and outboard levee faces would have erosion control blankets along the same levee stationing.	Implement measures to prevent animal burrowing.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Valley Water is responsible for implementing barriers to prevent animals from burrowing within flood improvements.	Valley Water
ANI-5:	**Slurry Mixture near Waterways.** All slurry type mixes used to fill rodent burrows will be prevented from entering any waterway by using appropriate erosion control methods and according to the manufacturer's specifications. If the creek bed is dry or has been dewatered, any material that has entered the channel will be removed.	Implement erosion control methods during slurry use and application.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Valley Water is responsible for applying slurry mixtures to fill rodent burrows and implementing erosion control methods to prevent slurry from entering waterways.	Valley Water
GEN-1:	**In-Channel Work Window.** All ground-disturbing maintenance activities (i.e., sediment removal, bank stabilization, tree removal, and mechanized vegetation management) occurring in the channel (below bankfull) will take place between June 15 and October 15. Requests for work window extensions must be submitted to the regulatory agencies by October 1st, listing the creek names and reaches where a work extension will occur. Work extensions vary per work activity. The agencies will provide a single response within one week. Significant rainfall applies after October 15. An extension through December 31 may apply if the following requirements are met and regulatory agency approval is received: For ground-disturbing activities: 9. Work may continue if no significant rainfall, defined as greater than 0.5 inches per 24 hours within a local watershed, is either forecasted or observed. Following October 15th, maintenance work shall cease for the season if such a rain event is forecasted or observed. 10. In the Pajaro Basin, winterized sites will be visually inspected prior to, and within 48 hours following, each significant rain event (defined as rainfall 0.5 inch or greater within a 24-hour period in the subject watershed) to ensure that winterization measures are properly implemented and maintained. Sediment removal ▪ Extended Work Window: 1. Creeks supporting anadromous fish: An extended work window may occur from October 15 through October 31, or until local rainfall of 0.5 inches or greater falls within the subject watershed within a 24-hour period, whichever occurs first. 2. Creeks not supporting anadromous fish: An extended work window may occur from October 15 through November 30th, or until local rainfall of 0.5 inches or greater falls within the subject watershed within a 24-hour period, whichever occurs first. ▪ Extended Work Window in Lower Quality Areas: 1. Sediment removal work may occur until December 31. 2. Work will only occur on Berryessa Creek (0-88+80; 232+70-236+00; 284+30-288+00), Lower Silver Creek (Reach 3 between Stations 37+40 and 381+19), Thompson Creek (0+00-10+00), Canoas Creek (0+00-390+00), Ross Creek (0+00-86+30), Calabazas Creek (35+00-105+00), and San Tomas Aquino Creek (80+00-100+00) with the following conditions:	Schedule in-channel ground-disturbing maintenance activities between June 15 and October 15. Submit requests for work window extensions annually by October 1st. Halt in-channel ground-disturbing maintenance activities if significant rainfall (greater than 0.5 inches per 24 hours) is forecasted or observed after October 15.	Valley Water is responsible for scheduling and conducting in- channel ground-disturbing maintenance activities within the specified timeframes and conditions and submitting work extension requests to the regulatory agencies. Valley Water is responsible for halting maintenance work prior to predicted significant rainfall.	Valley Water

Measure Number	Stream Maintenance Program (SMP) BMP (All SMP BMPs would be implemented only for work in and near streams downstream of the reservoir)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
	11. Site conditions are dry and access for all construction equipment and vehicles will not impact waterways; and 12. All work will stop if any rainfall is forecast for the next 72 hour period. 1. Work may occur after a significant rainfall event but no later than December 31. 2. Sites must be maintained in a rapidly winterizable state (implement control measures BMP GEN-20). Bank stabilization projects may continue until the approved date stated below. Prior to a forecasted significant rainfall event (0.5 in/24 hrs), all incomplete bank stabilization projects must be winterized. 3. In Creeks Supporting Anadromous Fish 13. An extended work window may occur until October 31st for bank stabilization projects that will be 50% complete by October 15th. 4. In Creeks Not Supporting Anadromous Fish 14. An extended work window may occur until November 30th for projects that will be 50% complete by October 15th. 15. An extended work window may occur until November 30th for new bank stabilization projects that will be completed in five (5) days or less, or until significant rainfall. ▪ Instream hand pruning and hand removal of vegetation will occur year round, except when: 16. Wheeled or tracked equipment needs to access the site by crossing a creek, ponded area, or secondary channel; or 17. Work occurs in streams that support steelhead. In these streams instream vegetation maintenance will cease on December 31 or when local rainfall greater than 0.5 inches is predicted within a 24-hour period of planned activities, whichever happens first. Modification and removal of instream large woody debris will occur at any time of the year, and as further described in the National Marine Fisheries Service (NMFS) Biological Opinion.			
GEN-2:	**Instream Herbicide Application Work Window.** Instream herbicide applications will take place between June 15 and October 15, or until the first occurrence of any of the following conditions; whichever happens first: 18. local rainfall greater than 0.5 inches is forecasted within a 24-hour period from planned application events; or ○ when steelhead begin upmigrating and spawning in the 14 anadromous steelhead creeks, as determined by a qualified biologist (typically in November/December), ▪ A qualified biologist will determine presence/absence of sensitive resources in designated herbicide use areas. Proposed herbicide use will be limited to an aquatic formulation on the District's Approved Pesticide List. Surfactant use would be limited to non-ionic products on the District's Approved Pesticide List. ▪ A qualified fisheries biologist will review the proposed stream reaches for aquatic herbicide application. The fisheries biologist would conduct a pre-construction survey (and any other appropriate data research) to determine whether the proposed herbicide application is consistent with approvals concerning biological resources and determine what BMPs would be instituted for work to proceed. In addition, herbicide application requirements are as follows: ○ No direct application into water. ○ Herbicide application shall not occur when wind conditions may result in drift.	Review and approve the proposed project plan for handling, storage, transportation, and use of pesticides before any pesticide use begins. Initiate modifications to the pesticide plan immediately upon identification that modifications are required. Implement the pesticide plan during handling, storage, transportation, and use of pesticides	Valley Water is responsible for preparing and implementing the pesticide control plan. The Valley Water Pest Control Advisor and/or Qualified Biologist are responsible for reviewing and modifying the pesticide plan.	Valley Water

Measure Number	Stream Maintenance Program (SMP) BMP (All SMP BMPs would be implemented only for work in and near streams downstream of the reservoir)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
GEN-3:	**Avoid Exposing Soils with High Mercury Levels.** Sediment removal and bank stabilization projects in portions of the Guadalupe River watershed affected by historic mercury mining may expose soils containing mercury. 1. In Basin Plan identified creeks in the Guadalupe River Basin, soils that are likely to be disturbed or excavated shall be tested for mercury (Hg). Soils shall be remediated if disturbed or excavated soils exposed to streamflow have a residual sample test exceeding 0.2 mg mercury per kg erodible sediment (dry wt., median). 2. Remediation may be accomplished either by: o treating the site so that contaminated soils excavated for the purpose of bank stabilization shall not be susceptible to erosion; or o further excavating contaminated soils and replacing them with clean fill or other bank stabilization materials that are free from contaminants. o Soils with residual sample mercury concentrations exceeding 0.2 mg mercury per kg erodible sediment (dry wt., median) shall be removed and disposed of in a Class I landfill following established work practices and hazard control measures. Soils with residual sample mercury concentrations less than 0.2 mg mercury per kg erodible sediment (dry wt., median) will remain at the project site. 3. To ensure worker safety during sediment removal and bank stabilization projects with elevated mercury concentrations in the exposed surfaces, personal protective equipment will be required during project construction to maintain exposure below levels established by the Occupational Safety and Health Agency (OSHA).	Require field personnel, construction workers, and maintenance staff in areas with elevated mercury concentrations to follow appropriate safety practices.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for enforcing worker safety.	Valley Water
GEN-4:	**Minimize the Area of Disturbance.** To minimize impacts to natural resources, soil disturbance will be kept to the minimum footprint necessary to complete the maintenance operation.	Minimize soil disturbance during maintenance.	Valley Water is responsible for keeping soil disturbance to the minimum footprint necessary to complete the maintenance operation.	Valley Water
GEN-16:	**In-Channel Minor Activities**. For in-channel minor work activities, work will be conducted from the top of the bank if access is available and there are flows in the channel.	Conduct minor in-channel work from the top of the bank whenever access is available and there are flows in the channel.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Valley Water is responsible for conducting in-channel minor work activities from the top of the bank if access is available and there are flows in the channel.	Valley Water
GEN-17:	**Employee/Contractor Training.** All appropriate District staff and contractors will receive annual training on Stream Maintenance Program BMPs. The training will also include an overview of special-status species identification and habitat requirements. District staff and contractors will receive fact sheets to assist with in-the-field identification of special-status species and their habitats.	Train all appropriate Valley Water staff and contractors annually.	Valley Water is responsible for scheduling and conducting the Stream Maintenance Program BMP training.	Valley Water
GEN-18:	**Paperwork Required On-Site.** 1. Copies of regulatory permits related to the Stream Maintenance Program will be kept on-site and available for review, if requested by regulatory personnel. 2. Copies of the Stream Maintenance Program Manual and this BMP Manual will be kept on-site.	Require copies of regulatory permits onsite.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. The construction contractor(s) are responsible for complying with this requirement.	Valley Water

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GEN-19:	**Work Site Housekeeping.** 1. District employees and contractors will maintain the work site in neat and orderly conditions on a daily basis, and will leave the site in a neat, clean, and orderly condition when work is complete. 2. Slash, sawdust, cuttings, etc. will be removed to clear the site of vegetation debris. As needed, paved access roads and trails will be swept and cleared of any residual vegetation or dirt resulting from the maintenance activity. 3. For activities that last more than one day, materials or equipment left on the site overnight will be stored as inconspicuously as possible, and will be neatly arranged. Any materials and equipment left on the site overnight will be stored to avoid erosion, leaks, or other potential impacts to water quality (see BMPs GEN-24). 4. The District's maintenance crews are responsible for properly removing and disposing of all debris incurred as a result of construction within 72 hours of project completion. 5. All trash that is brought to a project site during maintenance activities (e.g., plastic water bottles, plastic lunch bags, cigarettes) will be collected at the site daily.	Implement housekeeping requirements on all worksites.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. The construction contractor(s) are responsible for complying with this requirement.	
GEN-20:	**Erosion and Sediment Control Measures.** 1. Soils exposed due to maintenance activities will be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These measures will be implemented such that the site is stabilized and water quality protected prior to significant rainfall. The channel bed and areas below the Ordinary High Water Mark (OHWM) are exempt from this BMP. 2. The preference for erosion control fabrics will be to consist of natural fibers; however, steeper slopes and areas that are highly erodible may require more structured erosion control methods. No non-porous fabric will be used as part of a permanent erosion control approach. Plastic sheeting may be used to temporarily protect a slope from runoff, but only if there are no indications that special-status species would be impacted by the application. 3. Erosion control measures will be installed according to manufacturer's specifications. 4. Appropriate measures include, but are not limited to, the following: 1. Silt Fences 2. Straw Bale Barriers 3. Brush or Rock Filters 4. Storm Drain Inlet Protection 5. Sediment Traps 6. Sediment Basins 7. Erosion Control Blankets and Mats 8. Soil Stabilization (i.e. tackified straw with seed, jute or geotextile blankets, etc.) 9. Wood chips 10. Straw mulch 1. All temporary construction-related erosion control methods shall be removed at the completion of the project (e.g. silt fences). 2. Surface barrier applications installed as a method of animal conflict management, such as chain link fencing, woven geotextiles, and other similar materials, will be installed no longer than 300 feet, with at least an equal amount of open area prior to another linear installation; and only on one side of levee slopes.	Implement erosion and sediment control measures during maintenance and construction activities. Seed and stabilize soils during and upon completion of maintenance activities. Remove temporary construction-related erosion control methods at the completion of construction and maintenance activities. Visual inspection of BMPs at each maintenance site daily during and within two business days (48 hours) after each significant rain events.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Valley Water is responsible for implementing erosion and sediment control measures and conducting BMP inspections.	Valley Water

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	Inboard and outboard areas will only have installations set in an alternating pattern, such that no inboard and outboard levee faces would have erosion control blankets along the same levee stationing. 3. Each maintenance site will be visually inspected at least once daily during extended storm events to confirm that BMPs are effective and maintained as necessary. 4. Each maintenance site will be visually inspected within two business days (48 hours) after each significant rain event to determine whether BMPs were effective and identify the need to modify or maintain existing BMPs or include additional BMPs to be protective.			
GEN-21:	**Staging and Stockpiling of Materials.** 1. To protect on-site vegetation and water quality, staging areas should occur on access roads, surface streets, or other disturbed areas that are already compacted and only support ruderal vegetation. Similarly, all maintenance equipment and materials (e.g., road rock and project spoil) will be contained within the existing service roads, paved roads, or other pre-determined staging areas. 2. Building materials and other maintenance-related materials, including chemicals and sediment, will not be stockpiled or stored where they could spill into water bodies or storm drains. Materials will not be stockpiled longer than seven (7) calendar days. 3. No runoff from the staging areas may be allowed to enter water ways, including the creek channel or storm drains, without being subjected to adequate filtration (e.g., vegetated buffer, swale, hay wattles or bales, silt screens). 4. The discharge of decant water to water ways from any on-site temporary sediment stockpile or storage areas is prohibited. 5. Wet material removed from an isolated creek reach may be pulled to the side of the channel (within the channel and below top of bank) and allowed to naturally drain prior to removal from the channel. Pulled material will be removed from the channel prior to deactivation of the site or forecast of rain. 6. During the wet season, no stockpiled soils will remain exposed, unless surrounded by properly installed and maintained (i.e., per manufacturer specifications) silt fencing or other means of erosion control. During the dry season; exposed, dry stockpiles will be watered, enclosed, covered, or sprayed with non-toxic soil stabilizers (GEN-24). 7. All pipes, culverts, or similar structures stored at a site within sensitive species areas, for one or more overnight periods shall be securely capped prior to storage or inspected before the pipe is subsequently moved. If any potential special-status species are observed within a pipe, a District biologist shall be consulted on what steps should be taken to protect the species. If a District biologist is on-site, they may remove the special status species from the pipes and relocate to the nearest appropriate and unaffected habitat.	Implement staging and stockpiling of materials prior to and during all construction and maintenance activities.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Valley Water is responsible for staging and stockpiling materials, ensuring no runoff enters waterways, and managing stockpiles according to specified guidelines.	Valley Water
GEN-22:	**Sediment Transport.** To prevent sediment-laden water from being released back into waterways during transport of spoils to disposal locations, truck beds will be lined with an impervious material (e.g., plastic), or the tailgate blocked with wattles, hay bales, or other appropriate filtration material. Trucks may then drain excess water by slightly tilting the loads and allowing the water to drain out through the applied filter, but only within the active project area of the creek where the sediment is being loaded into the trucks or within an identified vegetated area (swale) that is separated from the creek.	Line truck beds and block tailgate during the transport of spoils to disposal locations.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Valley Water is responsible for lining the truck beds and blocking tailgates.	Valley Water

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GEN-23:	**Stream Access.** District personnel will use existing access ramps and roads to the extent feasible. If necessary to avoid large mature trees, native vegetation, or other significant habitat features, temporary access points will be constructed in a manner that minimizes impacts according to the following guidelines: 1. Temporary access points will be constructed as close to the work area as possible to minimize equipment transport. 2. In considering channel access routes, slopes of greater than 20 percent will be avoided, if possible. 3. Any temporary fill used for access will be removed upon completion of the project and pre- project topography will be restored to the extent possible. 4. When temporary access is removed, disturbed areas will be revegetated or filled with compacted soil, seeded, and/or stabilized with erosion control fabric immediately after construction to prevent future erosion. 5. Personnel will use the appropriate equipment for the job that minimizes impacts and disturbance to the stream bottom. Appropriately tired vehicles, either tracked or wheeled, will be used depending on the site and maintenance activity.	Use existing access roads to the extent feasible during construction and maintenance activities. Establish temporary access roads prior to using new access routes. Remove, revegetate, and/or stabilize temporary access roads upon completion of construction and maintenance.	Valley Water is responsible for establishing temporary access road routes. Valley Water is responsible for using existing access roads to the extent feasible, constructing temporary access roads, and removing temporary access roads.	Valley Water
GEN-24:	**On-Site Hazardous Materials Management.** 1. An inventory of all hazardous materials used (and/or expected to be used) at the worksite and the end products that are produced (and/or expected to be produced) after their use will be maintained by the worksite manager. 2. As appropriate, containers will be properly labeled with a “Hazardous Waste” label and hazardous waste will be properly recycled or disposed of off-site. 3. Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage. 4. Quantities of toxic materials, such as equipment fuels and lubricants, will be stored with secondary containment that is capable of containing 110% of the primary container(s). 5. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials will not contact soil and not be allowed to enter surface waters or the storm drainage system. 6. All toxic materials, including waste disposal containers, will be covered when they are not in use, and located as far away as possible from a direct connection to the storm drainage system or surface water. 7. Sanitation facilities (e.g., portable toilets) will be placed outside of the creek channel and floodplain. Direct connections with soil, the storm drainage system, and surface waters will be avoided. 8. Sanitation facilities will be regularly cleaned and/or replaced, and inspected daily for leaks and spills	Implement hazardous materials management throughout the duration of construction and maintenance.	Valley Water is responsible for implementing hazardous materials management measures for hazardous materials used for maintenance activities. Valley Water is responsible for implementing hazardous materials management measures for hazardous materials used during construction.	Valley Water.
GEN-25:	**Existing Hazardous Materials.** If hazardous materials, such as oil, batteries or paint cans, are encountered at the maintenance sites, the District will carefully remove and dispose of them according to applicable regulatory requirements. District staff will wear proper protective gear and store the waste in appropriate hazardous waste containers until it can be disposed at a hazardous waste facility.	Compliance with regulatory requirements whenever hazardous materials are encountered at the maintenance or construction sites.	Valley Water is responsible for compliance with regulatory requirements during removal and disposal of hazardous materials during maintenance activities. Valley Water is responsible for compliance with regulatory requirements during removal and disposal of hazardous materials during construction.	Valley Water

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GEN-26:	**Spill Prevention and Response.** The District will prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water into channels following these measures: District field personnel will be appropriately trained in spill prevention, hazardous material control, and clean up of accidental spills. 1. Equipment and materials for cleanup of spills will be available on site and spills and leaks will be cleaned up immediately and disposed of according to applicable regulatory requirements. 2. Field personnel will ensure that hazardous materials are properly handled and natural resources are protected by all reasonable means. 3. Spill prevention kits will always be in close proximity when using hazardous materials (e.g., at crew trucks and other logical locations). All field personnel will be advised of these locations. 4. District staff will routinely inspect the work site to verify that spill prevention and response measures are properly implemented and maintained. **Spill Response Measures:** For small spills on impervious surfaces, absorbent materials will be used to remove the spill, rather than hosing it down with water. For small spills on pervious surfaces such as soil, the spill will be excavated and properly disposed rather than burying it. Absorbent materials will be collected and disposed of properly and promptly. If a hazardous materials spill occurs that cannot be contained or cleaned up with the onsite materials, the onsite District field personnel will be responsible for immediately initiating an emergency response sequence by notifying the proper authorities (i.e., District Emergency Response (ER) Team and public fire and hazmat agencies) of the release; taking appropriate defensive steps from a safe distance to secure the site to minimize damage to people, environment, and property (PEP); and deferring all other response activities to public emergency response agencies and/or the District Emergency Response (ER) Team or District ER Contractor. Depending on the nature of the release, the District ER Team's actions will include: urgent (responding within 2 hours of notification) field response site reconnaissance, emergency sequence initiation, defensive containment, release control, incident command; or priority (non 2- hour) field response site reconnaissance and clean-up operations. If a "reportable" spill of petroleum products occurs, the District's Stream Maintenance Implementation Program Manager will be notified and action taken to contact the appropriate safety and cleanup crews. A reportable spill is defined as when: • a film or sheen on, or discoloration of, the water surface or adjoining bank/shoreline is observed; or • a sludge or emulsion is deposited beneath the surface of the water or adjoining banks/shorelines (40 Code of Federal Regulations 110); or when • another violation of water quality standards is observed. A written description of the reportable release must be submitted to the appropriate Regional Water Quality Control Board and the DTSC. This submittal must contain a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. If an appreciable spill has occurred, and results determine that project activities have adversely affected surface water or groundwater quality, a detailed analysis will be performed to the specifications of DTSC to identify the likely cause of contamination. This analysis will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the District or contractors will select and implement measures to control contamination, with a performance standard that surface and groundwater quality will be returned to baseline conditions. These measures will be subject to approval by the District, DTSC, and the Regional Water Quality Control Board.	Train Valley Water field personnel, construction workers, and maintenance staff in spill prevention, hazardous material control, and cleanup of accidental spills prior to their commencement of work. Equipment and materials for cleanup of spills available on site at all times. Clean spills and leaks immediately. Complete routine inspections of the work site to verify that spill prevention and response measures are properly implemented and maintained.	Valley Water is responsible for training field personnel and construction workers, ensuring the availability of spill cleanup equipment and materials, Valley Water is responsible for handling hazardous materials properly, maintaining spill prevention kits, and conducting routine inspections of the work site.	Valley Water

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GEN-27	**Existing Hazardous Sites.** Upon selection of maintenance project locations, the District will conduct a search for existing known contaminated sites, as part of its annual preparation of the Notice of Proposed Work (NPW), on the State Water Resource Control Board's GeoTracker Web site (http://www.geotracker.waterboards.ca.gov). The GeoTracker search will only be performed for the District's ground disturbing activities. For any proposed ground disturbing maintenance sites located within 1,500 feet of any "open" sites where contamination has not been remediated, the District will contact the RWQCB case manager listed in the database. The District will work with the case manager to ensure maintenance activities would not affect cleanup or monitoring activities or threaten the public or environment.	Conduct a search for existing known contaminated sites prior to ground disturbing maintenance activities.	Valley Water is responsible for conducting a search for existing known hazardous sites prior to ground disturbing maintenance activities.	Valley Water
GEN-28:	**Fire Prevention.** 1. All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors. 2. During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site.	All earthmoving and portable equipment with internal combustion engines equipped with spark arrestors at all times. During the high fire danger period (April 1–December 1), appropriate fire suppression equipment made available to work crews at the work site.	Valley Water is responsible for equipping all earthmoving and portable equipment with spark arrestors and ensuring that appropriate fire suppression equipment is available at the work site during the high fire danger period.	Valley Water
GEN-29:	**Dust Management.** The District will implement the Bay Area Air Quality Management District's (BAAQMD) required Dust Control Measures (http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines%20May%202011.ashx?la=en). Current measures stipulated by the BAAQMD Guidelines include the following: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. Water used to wash the various exposed surfaces (i.e., parking areas, staging areas, soil piles, graded areas, etc.) will not be allowed to enter the water way. 5. All vehicle speeds on unpaved roads shall be limited to 15 mph. 6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 7. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. 9. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.	Implement BAAQMD dust control measures during construction.	Valley Water is responsible for including requirements in bid documents, purchase orders, and contracts. Construction contractor(s) are responsible for implementing the BAAQMD Dust Control Measures.	Valley Water
GEN-30:	**Vehicle and Equipment Maintenance.** 1. All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented. 2. All equipment used in the creek channel will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use. 3. Incoming vehicles and equipment (including delivery trucks, and employee and subcontractor vehicles) will be checked for leaking oil and fluids. Vehicles or equipment visibly leaking operational fluids will not be allowed on-site.	Regular vehicle and equipment cleaning and maintenance during construction and maintenance.	Valley Water is responsible for keeping vehicles and equipment clean and maintained.	Valley Water.

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	4. No heavy equipment will operate in a live stream. This will not apply to activities for which no other option exists, such as sediment removal which cannot be conducted from top of bank, etc. In these cases, dewatering will be conducted as necessary, following the protocols in BMPs GEN-33 or GEN-34. 5. No equipment servicing will be done in the creek channel or immediate floodplain, unless equipment stationed in these locations cannot be readily relocated (i.e., pumps and generators). 6. If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location, and that can be performed without releasing any material into the floodway or water, will be conducted in the channel or floodplain. 7. If necessary, all servicing of equipment done at the job site will be conducted in a designated, protected area to reduce threats to water quality from vehicle fluid spills. Designated areas will not directly connect to the ground, surface water, or the storm drain system. The service area will be clearly designated with berms, sandbags, or other barriers. Secondary containment, such as a drain pan, to catch spills or leaks will be used when removing or changing fluids. Fluids will be stored in appropriate containers with covers, and properly recycled or disposed of offsite.			
GEN-31:	**Vehicle Cleaning.** 1. Equipment will be cleaned of any visible sediment or vegetation clumps before transferring and using in a different watershed to avoid spreading pathogens or exotic/invasive species. 2. Vehicle and equipment washing can occur on-site only as needed to prevent the spread of sediment, pathogens or exotic/invasive species. No runoff from vehicle or equipment washing is allowed to enter water bodies, including creek channels and storm drains, without being subjected to adequate filtration (e.g., vegetated buffers, straw wattles or bales, fiber rolls, and silt screens). The discharge of decant water from any on-site wash area to water bodies or to areas outside of the active project site is prohibited. Additional vehicle/equipment washing will occur at the approved wash area in the District's corporation yard.	Regular vehicle and equipment cleaning during construction and maintenance.	Valley Water is responsible for cleaning vehicles and equipment.	Valley Water
GEN-32:	**Vehicle and Equipment Fueling.** 1. No fueling will be done in the channel (top-of-bank to top-of-bank) or immediate floodplain unless equipment stationed in these locations cannot be readily relocated (e.g., pumps and generators). 2. All off-site fueling sites (i.e., on access roads above the top-of-bank) will be equipped with secondary containment and avoid a direct connection to soil, surface water, or the storm drainage system. 3. For stationary equipment that must be fueled on-site, secondary containment, such as a drain pan or drop cloth, will be used to prevent accidental spills of fuels from reaching the soil, surface water, or the storm drain system.	Implement full spill prevention measures during vehicle and equipment fueling during construction and maintenance.	Valley Water is responsible for implementing spill prevention measures during fueling of vehicles and equipment.	Valley Water

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GEN-36:	**Public Outreach.** The public will be informed of stream maintenance work prior to the start of work as part of the preparation of the Notice of Proposed Work (NPW) for all projects in the NPW: 1. Each spring, a newspaper notice will be published with information on the NPW work sites, approximate work dates, and contact information. 2. Neighborhood Work Notices will be distributed as part of the NPW preparation prior to the start of work. 3. Local governments (cities and County) will be notified of scheduled maintenance work. The NPW will be submitted to the public works departments, local fire districts, and the District's Flood Protection and Watershed Advisory Committees. 4. The District will post specific information on individual maintenance projects on the Stream Maintenance Web site: (http://valleywater.org/EkContent.aspx?id=379&terms=stream+maintenance) 5. For high profile projects, at the District's discretion, signs will be posted in the neighborhood to notify the public at least one week in advance of maintenance schedules, trail closures, and road/lane closures as necessary and as possible. Signage used at work sites will include contact information for lodging comments and/or complaints regarding the maintenance activities.	Notify public and local government prior to stream maintenance activities. Publish a newspaper notice annually each spring. Distribute Neighborhood Work Notices prior stream maintenance activities. Post signs prior to maintenance activities, trail closures, and road/lane closures.	Valley Water is responsible for notifying public and local governments, distributing Neighborhood Work Notices, annual newspaper publications, and posting signs.	Valley Water.
GEN-37:	**Implement Public Safety Measures.** The District will implement public safety measures during maintenance as follows: 1. Construction signs will be posted at job sites warning the public of construction work and to exercise caution as appropriate to public accessed areas. 2. Where work is proposed adjacent to a recreational trail, warning signs will be posted several feet beyond the limits of work. Signs will also be posted if trails will be temporarily closed. 3. If needed, a lane will be temporarily closed to allow for trucks to pull into and out of access points to the work site. 4. Temporary fencing, either the orange safety type or chain link, will be installed above repair sites on bank stabilization projects. 5. When necessary, District or contracted staff will provide traffic control and site security.	Implement public safety measures during maintenance activities. Install warning signs and temporary fencing, temporarily close lanes if needed, and provide traffic control and site security as needed during maintenance.	Valley Water is responsible for implementation of public safety measures, installation of warning signs and temporary fencing, temporarily closing lanes if needed, and providing traffic control and site security.	Valley Water
GEN-38:	**Minimize Noise Disturbances to Residential Areas.** The District will implement maintenance practices that minimize disturbances to residential areas surrounding work sites: 1. With the exception of emergencies, work will be conducted during normal working hours. Maintenance activities in residential areas will not occur on Saturdays, Sundays, or District observed holidays except during emergencies, or with approval by the local jurisdiction and advance notification of surrounding residents. 2. Vehicles, generators and heavy equipment will be equipped with adequate mufflers. 3. Idling of vehicles will be prohibited beyond 5 minutes unless operation of the engine is required to operate a 4. necessary system such as a power take-off (PTO).	Restrict work hours to what's approved by the local jurisdiction. Implement noise reduce mentions as feasible.	Valley Water is responsible for implementation of construction timeframe and noise reduction measures.	Valley Water

Measure Number	Stream Maintenance Program (SMP) BMP (All SMP BMPs would be implemented only for work in and near streams downstream of the reservoir)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
GEN-39:	**Planning for Pedestrians, Traffic Flow, and Safety Measures.** 1. Work will be staged and conducted in a manner that maintains two-way traffic flow on public roadways in the vicinity of the work site. If temporary lane closures are necessary, they will be coordinated with the appropriate jurisdictional agency and scheduled to occur outside of peak traffic hours (7:00 – 10:00 a.m. and 3:00 – 6:00 p.m.) to the maximum extent practicable. Any lane closures will include advance warning signage, a detour route and flaggers in both directions. When work is conducted on public roads and may have the potential to affect traffic flow, work will be coordinated with local emergency service providers as necessary to ensure that emergency vehicle access and response is not impeded. 2. Bicycle and pedestrian facility closures will be scheduled outside of peak traffic hours (7:00 – 10:00 a.m. and 3:00 – 6:00 p.m.) to the maximum extent practicable. 3. Public transit access and routes will be maintained in the vicinity of the work site. If public transit will be affected by temporary road closures and require detours, affected transit authorities will be consulted and kept informed of project activities. 4. Adequate parking will be provided or designated public parking areas will be used for maintenance-related vehicles not in use through the maintenance period. 5. Access to driveways and private roads will be maintained. If brief periods of maintenance would temporarily block access, property owners will be notified prior to maintenance activities.	Implement pedestrian, traffic flow, and safety measures during construction and maintenance. Notify property owners prior to construction or maintenance activities if access would be temporarily blocked. Maintain two-way traffic flow on local roadways during construction and maintenance when feasible. Coordinate temporary local roadway lane closures and detours with local jurisdictions and emergency providers and schedule outside of peak traffic hours. Provide signage and flaggers during lane closures or detours. Schedule bicycle and pedestrian facility closures outside of peak traffic hours when feasible. Provide public transit access and parking, and maintain private driveway and road access.	Valley Water is responsible for coordinating with local jurisdiction and emergency service providers. Valley Water is responsible for maintaining two-way traffic flow, establishing temporary lane closures and detours, posting advance warning signage and flaggers, scheduling bicycle and pedestrian facility closures, maintaining public transit access and parking, and maintaining access to driveways and private roads.	Valley Water
GEN-40:	**Discovery of Cultural Remains or Historic or Paleontological Artifacts.** Work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met. 1. Work at the location of the find will halt immediately within 100 feet of the find. A “no work” zone shall be established utilizing appropriate flagging to delineate the boundary of this zone, which shall measure at least 100 feet in all directions from the find. 2. The District shall retain the services of a Consulting Archaeologist or Paleontologist, who shall visit the discovery site as soon as practicable, and perform minor hand-excavation to describe the archaeological or paleontological resources present and assess the amount of disturbance. 3. The Consulting Archaeologist shall provide to the District and the Corps, at a minimum, written and digital-photographic documentation of all observed materials, utilizing the guidelines for evaluating archaeological resources for the California Register of Historic Places (CRHP) and National Register of Historic Places (NRHP). Based on the assessment, the District and Corps shall identify the CEQA and Section 106 cultural- resources compliance procedure to be implemented. 4. If the find appears to not meet the CRHP or NRHP criteria of significance, and the Corps archaeologist concurs with the Consulting Archaeologist’s conclusions, construction shall continue while monitored by the Consulting Archaeologist. The authorized maintenance work shall resume at the discovery site only after the District has retained a Consulting Archaeologist to monitor and the Watershed Manager has received notification from the Corps to continue work. 5. If the find appears significant, avoidance of additional impacts is the preferred alternative. The Consulting Archaeologist shall determine if adverse impacts to the resources can be avoided. 6. When avoidance is not practical (e.g., maintenance activities cannot be deferred or they must be completed to satisfy the SMP objective), the District shall develop an Action Plan and submit it to the Corps within 48 hours of Consulting Archaeologist’s evaluation of the discovery. The action Plan may be submitted via e-mail to (rstradford@spd.usace.army.mil). The Action Plan is synonymous with a data-recovery plan. It shall be prepared in accordance with the current professional standards and State guidelines for reporting the results of the work, and shall describe the services of a Native American Consultant and a proposal for curation of cultural materials recovered from a non-grave context. 7. The recovery effort will be detailed in a report prepared by the archaeologist in accordance with current archaeological standards. Any non-grave artifacts will be placed with an appropriate repository.	In the event that cultural remains and/or paleontological artifacts are discovered, stop work and implement required measures.	Valley Water is responsible for handling cultural resources as required by state and federal law.	Valley Water

Measure Number	Stream Maintenance Program (SMP) BMP (All SMP BMPs would be implemented only for work in and near streams downstream of the reservoir)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
	8. The Consulting Paleontologist will meet the Society for Vertebrate Paleontology's criteria for a "qualified professional paleontologist" (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee 1995). 9. The paleontologist will follow the Society for Vertebrate Paleontology's guidelines for treatment of the artifact. Treatment may include preparation and recovery of fossil materials for an appropriate museum or university collection, and may include preparation of a report describing the finds. The District will be responsible for ensuring that paleontologist's recommendations are implemented. 10. In the event of discovery of human remains (or the find consists of bones suspected to be human), the field crew supervisor shall take immediate steps to secure and protect such remains from vandalism during periods when work crews are absent.) 11. Immediately notify the Santa Clara County Coroner and provide any information that identify the remains as Native American. If the remains are determined to be from a prehistoric Native American, or determined to be a Native American from the ethnographic period, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours of being notified of the remains. The NAHC then designates and notifies within 24 hours a Most Likely Descendant (MLD). The MLD has 24 hours to consult and provide recommendations for the treatment or disposition, with proper dignity, of the human remains and grave goods. 12. Preservation in situ is the preferred option. Human remains shall be preserved in situ if continuation of the maintenance work, as determined by the Consulting Archaeologist and MLD, will not cause further damage to the remains. The remains and artifacts shall be documented and the find location carefully backfilled (with protective geo-fabric if desirable) and recorded in District project files. 13. Human remains or cultural items exposed during maintenance that cannot be protected from further damage shall be exhumed by the Consulting Archaeologist at the discretion of the MLD and reburied with the concurrence of the MLD in a place mutually agreed upon by all parties.			
GEN-42:	**Investigation of Utility Line Locations.** An evaluation of the locations of utility lines that could be affected by maintenance activities will be conducted annually as part of the preparation of the Notice of Proposed Work (NPW). Utilities will be avoided as much as possible. For maintenance areas with the potential for adverse effects on utility services, the following measures shall be implemented: 1. Utility excavation or encroachment permits shall be required from the appropriate agencies. These permits include measures to minimize utility disruption. The District and its contractors shall comply with permit conditions. Such conditions shall be included in construction contract specifications. 2. Utility locations shall be verified through a field survey (potholing) and use of the Underground Service Alert services. 3. Detailed specifications shall be prepared as part of the design plans to include procedures for the excavation, support, and/or fill of areas around utility cables and pipelines. All affected utility services shall be notified of the District's maintenance plans and schedule. Arrangements shall be made with these entities regarding protection, relocation, or temporary disconnection of services. 4. Residents and businesses in the project area shall be notified of planned utility service disruption 2 to 4 days in advance, in conformance with state standards. 5. Disconnected cables and lines shall be reconnected promptly.	Prior to any ground disturbing activities, an investigation of utilities will be conducted and all applicable permits will be obtained.	Valley Water is responsible for coordination with local utility holders.	Valley Water
REVEG-1:	**Seeding.** Sites where maintenance activities result in exposed soil will be stabilized to prevent erosion. Disturbed areas shall be seeded with native seed as soon as is appropriate after maintenance activities are complete. An erosion control seed mix may be applied to exposed soils, and down to the ordinary high water mark (OHWM). 1. The seed mix should consist of California native grasses (e.g., Hordeum brachyantherum, Elymus glaucus, and Vulpia microstachyes) or annual, sterile seed mix.	Stabilize exposed soil after completion of maintenance activities.	Valley Water is responsible for seeding disturbed areas with native seed and applying erosion control seed mix.	Valley Water

Measure Number	Stream Maintenance Program (SMP) BMP (All SMP BMPs would be implemented only for work in and near streams downstream of the reservoir)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
	2. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable, or have other appropriate erosion control measures in place (GEN-20).			
REVEG-2:	**Planting Material.** Revegetation and replacement plantings will consist of locally collected native species. Species selection will be based on surveys of natural areas on the same creek that have a similar ecological setting and/or as appropriate for the site location.	Revegetation and replacement plantings after the completion of maintenance activities and during the appropriate planting season for the selected species.	Valley Water is responsible for collecting and planting locally sourced native species.	Valley Water
SED-1:	**Groundwater Management.** If high levels of groundwater (i.e., visible water) are encountered during excavations in a work area, the water will be pumped out of the work site or left within the work area if the work activity is not causing water quality degradation in a live stream. Water Quality monitoring would need to occur. If necessary to protect water quality, the extracted water will be discharged into specifically constructed infiltration basins, holding ponds, or areas with vegetation to remove sediment prior to the water re-entering a creek. Water discharged into vegetated areas or swales will be pumped in a manner that will not create erosion around vegetation.	If high levels of groundwater are encountered during excavations, manage the water upon detection and throughout the duration of the excavation activities.	Valley Water is responsible for pumping out the water, conducting water quality monitoring, and discharging the water into appropriate areas to prevent erosion and sedimentation.	Valley Water
VEG-1:	**Minimize Local Erosion Increase from In-channel Vegetation Removal.** To minimize the potential effect of localized erosion, the toe of the bank will be protected by leaving vegetation to the maximum extent possible and consistent with the maintenance guidelines or original design requirements.	Minimize vegetation removal at the toe of the bank during in-channel vegetation removal during construction and maintenance.	Valley Water is responsible for complying with maintenance guidelines or original design requirements.	Valley Water
VEG-2:	**Non-native Invasive Plant Removal**. Invasive species (e.g. cape ivy [Delairea odorata/Senecio mikanoides], arundo [Arundo donax]) will be disposed of in a manner that will not contribute to the further spread of the species. Cape ivy removed during a project shall be bagged and disposed of in a landfill. Arundo canes will be prevented from floating downstream or otherwise entering the creek or waterway.	Dispose of invasive species at a landfill or green waste facility after removal during construction and maintenance.	Valley Water is responsible for disposing of invasive species at a landfill or green waste facility, for bagging and disposing of cape ivy in a landfill, and ensuring that arundo canes do not enter the creek or waterway.	Valley Water
HM-4:	**Posting and Notification for Pesticide Use.** Posting of areas where pesticides are used will be performed in compliance with District Policy Ad-8.2 Pesticide Use as follows: 1. Posting will be performed in compliance with the label requirements of the product being applied. 2. In addition, posting will be provided for any products applied in areas used by the public for recreational purposes, or those areas readily accessible to the public, regardless of whether the label requires such notification. In doing this, the District ensures that exposure risk is minimized further by adopting practices that go beyond the product label requirements. (The posting method may be modified to avoid destruction of bait stations or scattering of rodenticide.) 3. These postings will notify staff and the general public of the date and time of application, the product's active ingredients, and common name, and the time of allowable re-entry into the treated area. 4. Signs will not be removed until after the end of the specified re-entry interval. 5. Right-to-know literature on the product will be made available to anyone in the area during the re-entry period. 6. A District staff contact phone number will be posted on the sign, including a cellular phone number. 7. Notification of pesticide activities will be made as required by law. Also, the District will maintain records of neighbors with specific needs relative to notification before treatment of an adjacent area so that such needs are met.	Following posting requirements as outlined within District Policy AD-8.2: Pesticide Use.	Valley Water is responsible for complying with pest control posting and labeling requirements.	Valley Water

TABLE 4

MONITORING AND REPORTING PROGRAM FOR VHP CONDITIONS

Measure Number	Santa Clara Valley Habitat Plan (VHP) Conditions (see Chapter 6, Conditions on Covered Activities and Application Process, of the VHP for a full description of these conditions)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
Condition 1	Avoid Direct Impacts on Legally Protected Plant and Wildlife Species	Throughout construction and maintenance, or as specified under the respective Santa Clara Valley Habitat Plan Avoidance and Minimization Measures	Valley Water	Valley Water
Condition 3	Maintain Hydrologic Conditions and Protect Water Quality	Throughout construction and maintenance, or as specified under the respective Santa Clara Valley Habitat Plan Avoidance and Minimization Measures	Valley Water	Valley Water
Condition 4	Avoidance and Minimization for In-stream Projects	Throughout construction and maintenance, or as specified under the respective Santa Clara Valley Habitat Plan Avoidance and Minimization Measures	Valley Water	Valley Water
Condition 5	Avoidance and Minimization for In-stream Operations and Maintenance	Throughout construction and maintenance, or as specified under the respective Santa Clara Valley Habitat Plan Avoidance and Minimization Measures	Valley Water	Valley Water
Condition 11	Stream and Riparian Setbacks	Throughout construction and maintenance, or as specified under the respective Santa Clara Valley Habitat Plan Avoidance and Minimization Measures	Valley Water	Valley Water
Condition 12	Wetland and Pond Avoidance and Minimization	Throughout construction and maintenance, or as specified under the respective Santa Clara Valley Habitat Plan Avoidance and Minimization Measures	Valley Water	Valley Water

TABLE 5

MONITORING AND REPORTING PROGRAM FOR VHP AMMs

Measure Number	Santa Clara Valley Habitat Plan (VHP) Avoidance and Minimization Measures (AMM)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
1:	Minimize the potential impacts on covered species most likely to be affected by changes in hydrology and water quality.	Implement hydrology and water quality BMPs during construction and maintenance.	Valley Water is responsible for implementing hydrology and water quality measures.	Valley Water
2:	Reduce stream pollution by removing pollutants from surface runoff before the polluted surface runoff reaches local streams.	Implement water quality BMPs during construction and maintenance.	Valley Water is responsible for implementing water quality BMPs.	Valley Water
3:	Maintain the current hydrograph and, to the extent possible, restore the hydrograph to more closely resemble predevelopment conditions.	Implement measures to maintain the current hydrograph and restore it to predevelopment during design, construction and maintenance.	Valley Water's Project engineer is responsible for reviewing design plans. Valley Water is responsible for implementing hydrological management practices.	Valley Water
4:	Reduce the potential for scour at stormwater outlets to streams by controlling the rate of flow into the streams.	Implement flow control measures during construction, maintenance, and operation.	Valley Water is responsible for controlling the rate of flow into streams.	Valley Water
5:	Invasive plant species removed during maintenance will be handled and disposed of in such a manner as to prevent further spread of the invasive species.	Implement invasive species control measures during maintenance.	Construction contractor(s) are responsible for proper handling and disposing of invasive plant species.	Valley Water
6:	Activities in the active (i.e., flowing) channel will be avoided.	Avoid activities in the active (i.e., flowing) channel during construction and maintenance.	Construction contractor(s) are responsible for avoiding activities in the active (i.e., flowing) channel.	Valley Water
7:	Personnel shall prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water into channels.	Implement spill prevention measures during construction and maintenance.	Construction contractor(s) are responsible for implementing spill prevention measures.	Valley Water
8:	Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations).	Provide spill prevention kits during construction and maintenance.	Construction contractor(s) are responsible for maintaining spill prevention kits.	Valley Water
9:	Personnel shall implement measures to ensure that hazardous materials are properly handled and the quality of water resources is protected by all reasonable means when removing sediments from the streams.	Implement hazardous materials handling procedures during construction and maintenance.	Construction contractor(s) are responsible for complying with hazardous materials handling procedures.	Valley Water
11:	Vehicles shall be washed only at approved areas. No washing of vehicles shall occur at job sites.	Vehicle washing only at approved areas and not at job sites during construction and maintenance.	Construction contractor(s) are responsible for washing vehicles in designated areas.	Valley Water
12:	No equipment servicing shall be done in the stream channel or immediate flood plain, unless equipment stationed in these locations cannot be readily relocated (i.e., pumps, generators).	Locate equipment servicing outside the stream channel or immediate floodplain during construction and maintenance.	Construction contractor(s) are responsible for placing equipment servicing areas outside the stream channel or immediate floodplain.	Valley Water
14:	If high levels of groundwater in a work area are encountered, the water is pumped out of the work site. If necessary to protect water quality, the water shall be directed into specifically constructed infiltration basins, into holding ponds, or onto areas with vegetation to remove sediment prior to the water re-entering a creek.	If high levels of groundwater are encountered during excavations, manage the water upon detection and throughout the duration of the excavation activities.	Construction contractor(s) are responsible for managing groundwater dewatering.	Valley Water
26:	Any sediment removed from a project site shall be stored and transported in a manner that minimizes water quality impacts.	Implement sediment control during sediment transport during construction and maintenance.	Construction contractor(s) are responsible for implementing sediment controls during sediment transport,	Valley Water

Measure Number	Santa Clara Valley Habitat Plan (VHP) Avoidance and Minimization Measures (AMM)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
28:	Where practical, the removed sediments and gravels will be re-used.	Reuse sediments and gravels, where practical, during construction and maintenance.	Construction contractor(s) are responsible for re-using removed sediments and gravels where practical.	Valley Water
29:	Existing native vegetation shall be retained by removing only as much vegetation as necessary to accommodate the trail clearing width. Maintenance roads should be used to avoid effects on riparian corridors.	Retain existing native vegetation to the extent feasible during vegetation removal during construction and maintenance. Use of maintenance roads during maintenance.	Construction contractor(s) are responsible for retaining existing native vegetation and using maintenance roads.	Valley Water
30:	Vegetation control and removal in channels, on stream banks, and along levees and maintenance roads shall be limited to removal necessary for facility inspection purposes, or to meet regulatory requirements or guidelines.	Limit vegetation control and removal in channels, on stream banks, and along levees and maintenance roads during construction and maintenance.	Construction contractor(s) are responsible for limiting vegetation control and removal.	Valley Water
31:	When conducting vegetation management, retain as much understory brush and as many trees as feasible, emphasizing shade producing and bank stabilizing vegetation. If riparian vegetation is to be removed with chainsaws, consider using saws currently available that operate with vegetable-based bar oil.	Retain understory brush and trees to the extent feasible during construction and maintenance. Use saws that operate with vegetable- based oil during riparian vegetation removal during construction and maintenance.	Construction contractor(s) are responsible for retaining understory brush and trees, and consider using chainsaws with vegetable-based bar oil for riparian vegetation removal.	Valley Water
32:	In-channel vegetation removal may result in increased local erosion due to increased flow velocity. To minimize the effect, the top of the bank shall be protected by leaving vegetation in place to the maximum extent possible.	Protect the top of the bank during in- channel vegetation removal during construction and maintenance.	Construction contractor(s) are responsible for protecting the top of the bank during in-channel vegetation removal.	Valley Water
33:	Regional Board objectives for temperature change in receiving waters (measured 100 feet downstream of discharge point) shall not be exceeded. Receiving water and discharge water may be monitored for temperature changes after a comparison of ambient temperature to pipeline water temperature suggests the potential for change.	Temperature monitoring during construction and maintenance.	Construction contractor(s) are responsible for monitoring temperature of receiving water and discharge water.	Valley Water
Project Design				
34:	Use the minimum amount of impermeable surface (building footprint, paved driveway, etc.) as practicable.	Minimize impermeable surface during design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
35:	Use pervious materials, such as gravel or turf pavers, in place of asphalt or concrete to the extent practicable.	Maximize pervious materials surface during design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
36:	Use flow control structures such as swales, retention/detention areas, and/or cisterns to maintain the existing (pre-Project) peak runoff.	Consider flow control structures during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
38:	Use flow dissipaters at runoff inlets (e.g., culvert drop-inlets) to reduce the possibility of channel scour at the point of flow entry.	Consider flow dissipaters during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
39:	Minimize alterations to existing contours and slopes, including grading the minimum area necessary.	Minimize alterations to existing contours and slopes during preparation of grading plans.	Valley Water's Project engineer is responsible for reviewing grading plans.	Valley Water
40:	Maintain native shrubs, trees and groundcover whenever possible and revegetate disturbed areas with local native or non-invasive plants.	Maintain native shrubs, trees, and groundcover whenever possible and revegetate disturbed areas during preparation of grading and landscaping plans.	Valley Water's Project engineer is responsible for reviewing grading and landscaping plans.	Valley Water
41:	Combine flow-control with flood control and/or treatment facilities in the form of detention/retention basins, ponds, and/or constructed wetlands.	Combine flow-control with flood control and/or treatment facilities during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
42:	Use flow control structures, permeable pavement, cisterns, and other runoff management methods to ensure no change in post-construction peak runoff volume from pre-project conditions for all covered activities with more than 5,000 square feet of impervious surface.	Consider flow control structures, permeable pavement, cisterns, and other runoff management methods during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water

Measure Number	Santa Clara Valley Habitat Plan (VHP) Avoidance and Minimization Measures (AMM)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
43:	Site characteristics will be evaluated in advance of project design to determine if non-traditional designs, such as bioengineered bank treatments that incorporate live vegetation, can be successfully utilized while meeting the requirements of the project.	Evaluate site characteristics prior to project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
44:	Maintenance of natural stream characteristics, such as riffle-pool sequences, riparian canopy, sinuosity, floodplain, and a natural channel bed, will be incorporated into the project design.	Incorporate measures to maintain natural stream characteristics during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
49:	The project or activity must be designed to avoid the removal of riparian vegetation, if feasible. If the removal of riparian vegetation is necessary, the amount shall be minimized to the amount necessary to accomplish the required activity and comply with public health and safety directives.	Minimize removal of riparian vegetation during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
51:	All projects will be conducted in conformance with applicable County and/or city drainage policies.	Consider County and/or city drainage policies during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
52:	Adhere to the siting criteria described for the borrow site covered activity.	Consider borrow site siting criteria during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
53:	When possible, maintain a vegetated buffer strip between staging/excavation areas and receiving waters.	Incorporate a vegetated buffer strip during preparation of grading plans.	Valley Water's Project engineer is responsible for reviewing grading plans.	Valley Water
56:	Increased water velocity at bank protection sites may increase erosion downstream. Therefore, bank stabilization site design shall consider hydraulic effects immediately upstream and downstream of the work area. Bank stabilization projects will be designed and implemented to provide similar roughness and characteristics that may affect flows as the surrounding areas just upstream and downstream of the project site.	Consider hydrologic effects during bank stabilization design during project design.	Valley Water's Project engineer is responsible for reviewing design plans.	Valley Water
58:	Existing access routes and levee roads shall be used if available to minimize impacts of new construction in special status species habitats and riparian zones.	Consider utilizing existing access routes and levee roads during preparation of construction and design plans.	Valley Water's Project engineer is responsible for reviewing construction and design plans.	Valley Water
Construction				
61:	Minimize ground disturbance to the smallest area feasible.	Minimize ground disturbance during construction.	Valley Water's Project engineer is responsible for reviewing construction and grading plans. Construction contractor(s) are responsible for following construction and grading plans and for minimizing ground disturbance.	Valley Water
62:	Use existing roads for access and disturbed area for staging as site constraints allow. Off-road travel will avoid sensitive communities such as wetlands and known occurrences of covered plants.	Use existing roads for access and disturbed areas for staging during construction.	Valley Water is responsible for designating access routes and staging areas. Construction contractor(s) are responsible for utilizing designated access routes and staging areas.	Valley Water
63:	Prepare and implement sediment erosion control plans.	Prepare sediment erosion control plans prior to construction. Implement erosion control plans during construction.	Construction contractor(s) are responsible for preparing and implementing sediment erosion control plans.	Valley Water
64:	No winter grading unless approved by City Engineer and specific erosion control measures are incorporated.	Schedule grading outside of winter during construction.	Valley Water's Project engineer is responsible for approving winter construction. Construction contractor(s) are responsible for adhering to winter grading restrictions	Valley Water

Measure Number	Santa Clara Valley Habitat Plan (VHP) Avoidance and Minimization Measures (AMM)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
			and incorporating specific erosion control measures as required.	
65:	Control exposed soil by stabilizing slopes (e.g., with erosion control blankets) and protecting channels (e.g., using silt fences or straw wattles).	Stabilize slopes and protect channels during construction.	Construction contractor(s) are responsible for implementing soil stabilization and channel protection measures.	Valley Water
66:	Control sediment runoff using sandbag barriers or straw wattles.	Use sandbag barriers or straw wattles during construction.	Construction contractor(s) are responsible for implementing these sediment runoff control measures.	Valley Water
67:	No stockpiling or placement of erodible materials in waterways or along areas of natural stormwater flow where materials could be washed into waterways.	Locate stockpiles or place erodible materials outside waterways and areas of natural stormwater flow during construction.	Valley Water is responsible for designating stockpile areas. Construction contractor(s) are responsible for utilizing designated stockpile areas.	Valley Water
68:	Stabilize stockpiled soil with geotextile or plastic covers.	Stabilize stockpiled soil with geotextile or plastic covers during construction.	Construction contractor(s) are responsible for implementing soil stabilization measures at stockpiles.	Valley Water
69:	Maintain construction activities within a defined project area to reduce the amount of disturbed area.	Establish construction limits prior construction. Maintain established construction limits during construction.	Valley Water's Project engineer is responsible for reviewing construction and grading plans. Construction contractor(s) are responsible for containing work within designated construction areas.	Valley Water
70:	Only clear/prepare land which will be actively under construction in the near term.	Clear/prepare construction areas prior to start construction at that location.	Construction contractor(s) are responsible for scheduling land clearing/preparation prior to start of construction at that location.	Valley Water
71:	Preserve existing vegetation to the extent possible.	Limit removal and disturbance of existing vegetation during construction.	Valley Water's Project engineer is responsible for reviewing construction and grading plans. Construction contractor(s) are responsible for following construction and grading plans and preserving existing vegetation to the extent feasible.	Valley Water
72:	Equipment storage, fueling and staging areas will be sited on disturbed areas or non-sensitive habitat outside of a stream channel.	Locate equipment storage, fueling, and staging areas are disturbed sites or non- sensitive habitat outside of a stream channel during construction.	Valley Water is responsible for designating equipment storage, fueling, and staging areas. Construction contractor(s) are responsible for utilizing designated equipment storage, fueling, and staging areas.	Valley Water
73:	Avoid wet season construction.	Halt active construction during storm events throughout construction.	Construction contractor(s) are responsible for halting active construction during storm events.	Valley Water
74:	Stabilize site ingress/egress locations.	Stabilize site ingress/egress locations during construction.	Construction contractor(s) are responsible for stabilizing ingress/egress locations.	Valley Water

Measure Number	Santa Clara Valley Habitat Plan (VHP) Avoidance and Minimization Measures (AMM)	Implementation Action and Timeframe	Responsibility for Implementation	Responsibility for Oversight and Compliance Verification
75:	Dispose of all construction waste in designated areas and prevent stormwater from flowing onto or off of these areas.	Establish waste disposal areas prior to construction.	Construction contractor(s) are responsible for establishing and utilizing waste disposal areas.	Valley Water
76:	Prevent spills and clean up spilled materials.	Implement spill prevention and spill response measures during construction.	Construction contractor(s) are responsible for implementing spill prevention and response measures.	Valley Water
77:	Sweep nearby streets at least once a day.	Sweep streets daily during construction.	Construction contractor(s) are responsible for street sweeping.	Valley Water
78:	In-stream projects occurring while the stream is flowing must use appropriate measures to protect water quality, native fish and covered wildlife species at the project site and downstream of the project site.	Implement measures to protect water quality, native fish, and covered wildlife species during in-stream construction.	Valley Water is responsible for implementing protective measures for water quality, native fish, and covered wildlife species.	Valley Water
80:	All personnel working within or adjacent to the stream setback (i.e., those people operating ground-disturbing equipment) will be trained by a qualified biologist in these avoidance and minimization measures and the permit obligations of project proponents working under this Plan.	Train construction workers working within or adjacent to a waterway prior to their commencement of work.	Valley Water is responsible for retaining a qualified biologist. Qualified biologist is responsible for conducting the training. Construction contractor(s) are responsible for ensuring personnel receive the necessary training prior to their start of work.	Valley Water
81:	Temporary disturbance or removal of aquatic and riparian vegetation will not exceed the minimum necessary to complete the work.	Minimize temporary disturbance or removal of aquatic and riparian vegetation during construction.	Valley Water's Project engineer is responsible for reviewing construction and grading plans. Construction contractor(s) are responsible for following construction and grading plans and minimizing disturbance or removal of aquatic and riparian vegetation.	Valley Water
83:	Sediments will be stored and transported in a manner that minimizes water quality impacts. If soil is stockpiled, no runoff will be allowed to flow back to the channel.	Implement sediment control during sediment transport and stockpiling during construction.	Construction contractor(s) are responsible for implementing sediment control measures during sediment transport and stockpiling.	Valley Water
84:	Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) will be used on site to reduce siltation and runoff of contaminants into wetlands, ponds, streams, or riparian vegetation. Fiber rolls used for erosion control will be certified as free of noxious weed seed. Filter fences and mesh will be of material that will not entrap reptiles and amphibians. Erosion control measures will be placed between the outer edge of the buffer and the project site.	Implement erosion control measures during construction.	Construction contractor(s) are responsible for implementing erosion control measures.	Valley Water
85:	Seed mixtures applied for erosion control will not contain invasive nonnative species and will be composed of native species or sterile nonnative species. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives.	Seed mixtures will not contain non-native invasive species and native species seeds will be used.	Construction contractor(s) are responsible for implementing erosion control measures.	Valley Water

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86:	Topsoil removed during soil excavation will be preserved and used as topsoil during revegetation when it is necessary to conserve the natural seed bank and aid in revegetation of the site.	Reuse topsoil during construction.	Construction contractor(s) are responsible for reusing topsoil.	Valley Water
87:	Vehicles operated within and adjacent to streams will be checked and maintained daily to prevent leaks of materials that, if introduced to the water, could be deleterious to aquatic life.	Inspect and maintain vehicles operated within and adjacent to streams daily during construction.	Construction contractor(s) are responsible for inspecting and maintaining vehicles.	Valley Water
88:	Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas.	Park vehicles and equipment on pavement, existing roads, and previously disturbed areas during construction.	Valley Water is responsible for designating parking and equipment staging areas. Construction contractor(s) are responsible for parking vehicles and equipment in designated areas.	Valley Water
89:	The potential for traffic impacts on terrestrial animal species will be minimized by adopting traffic speed limits.	Adopt traffic speed limits prior to construction. Adhere to speed limits during construction.	Valley Water is responsible for designating speed limits in construction areas. Construction contractor(s) are responsible for obeying traffic speed limits.	Valley Water
90:	All trash will be removed from the site daily to avoid attracting potential predators to the site. Personnel will clean the work site before leaving each day by removing all litter and construction- related materials.	Remove trash daily. Clean the construction site prior to the end of each work day.	Construction contractor(s) are responsible for removing trash and cleaning the construction site daily.	Valley Water
91:	To prevent the spread of exotic species and reduce the loss of native species, aquatic species will be netted at the drain outlet when draining reservoirs or ponds to surface waters. Captured native fish, native amphibians, and western pond turtles will be relocated if ecologically appropriate. Exotic species will be dispatched.	Net aquatic species, relocate native fish, and dispatch exotic species during draining of reservoirs or ponds to surface waters.	Valley Water is responsible for retaining a qualified biologist. The qualified biologist is responsible for overseeing netting of aquatic species, relocation of native species, and dispatching of exotic species.	Valley Water
92:	To minimize the spread of pathogens all staff working in aquatic systems (i.e., streams, ponds, and wetlands)—including site monitors, construction crews, and surveyors—will adhere to the most current guidance for equipment decontamination provided by the Wildlife Agencies at the time of activity implementation. Guidance may require that all materials that come in contact with water or potentially contaminated sediments, including boot and tire treads, be cleaned of all organic matter and scrubbed with an appropriate cleansing solution, and that disposable gloves be worn and changed between handling equipment or animals. Care should be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	Adhere to the most current guidance for equipment decontamination provided by the Wildlife Agencies at the time of activity during construction.	Construction contractor(s) are responsible for adhering to the most current guidance for equipment decontamination.	Valley Water
93:	When accessing upland areas adjacent to riparian areas or streams, access routes on slopes of greater than 20% should generally be avoided. Subsequent to access, any sloped area should be examined for evidence of instability and either revegetated or filled as necessary to prevent future landslide or erosion.	Avoid access routes on slopes of greater than 20% during construction.	Valley Water is responsible for designating access routes. Construction contractor(s) are responsible for utilizing designated access routes.	Valley Water
94:	Personnel shall use existing access ramps and roads if available. If temporary access points are necessary, they shall be constructed in a manner that minimizes impacts to streams.	Use existing access ramps and roads if available during construction.	Valley Water is responsible for designating access ramps and roads. Construction contractor(s) are responsible for utilizing designated access ramps and roads.	Valley Water
95:	To prevent inadvertent entrapment of animals during excavation, all excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks.	Cover holes and trenches or provide escape routes at the close of each working day during construction.	Construction contractor(s) are responsible for covering excavated holes or trenches, or providing escape ramps to prevent inadvertent entrapment of animals.	Valley Water

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96:	Isolate the construction area from flowing water until project materials are installed and erosion protection is in place.	Isolate construction area from flowing water until project materials are installed and erosion protection is in place.	Construction contractor(s) are responsible for isolating the construction area from flowing water.	Valley Water
97:	Erosion control measures shall be in place at all times during construction. Do not start construction until all temporary control devices (straw bales, silt fences, etc.) are in place downstream of project site.	Install erosion control measures prior to initiation of construction. Maintain erosion control measures during construction.	Construction contractor(s) are responsible for implementing erosion control measures.	Valley Water
98:	When needed, utilize in-stream grade control structures to control channel scour, sediment routing, and headwall cutting.	Utilize in-stream grade control structures as needed during construction.	Construction contractor(s) are responsible for utilizing in-stream grade control structures.	Valley Water
Post-Construction				
99:	Conduct street cleaning on a regular basis.	Street cleaning on a regular basis during operation.	Construction contractor(s) are responsible for conducting regular street cleaning.	Valley Water
100:	Potential contaminating materials must be stored in covered storage areas or secondary containment that is impervious to leaks and spills.	Store potential contaminating materials in covered storage areas or secondary containment during operation.	Construction contractor(s) are responsible for storing potential contaminating materials in covered storage areas or secondary containment.	Valley Water
101:	Runoff pathways shall be free of trash containers or trash storage areas. Trash storage areas shall be screened or walled.	Remove trash containers or trash storage areas in runoff pathways during operation.	Construction contractor(s) are responsible for keeping runoff pathways free of trash containers or trash storage areas, and for screening or walling trash storage areas.	Valley Water
102:	Immediately after project completion and before close of seasonal work window, stabilize all exposed soil with mulch, seeding, and/or placement of erosion control blankets.	Stabilization of exposed soil to commence upon completion of construction and to be completed before the close of the seasonal work window.	Construction contractor(s) are responsible for stabilizing all exposed soil.	Valley Water
103:	All disturbed soils will be revegetated with native plants and/or grasses or sterile nonnative species suitable for the altered soil conditions upon completion of construction. Local watershed native plants will be used if available. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives. All disturbed areas that have been compacted shall be de-compacted prior to planting or seeding. Cut-and-fill slopes will be planted with local native or non-invasive plants suitable for the altered soil conditions.	Revegetation of disturbed soils to commence upon completion of construction. Implement measures to prevent erosion along streams on site during operation.	Construction contractor(s) are responsible for revegetating disturbed soils, de-compacting compacted areas, planting cut- and-fill slopes, and utilizing erosion control measures.	Valley Water
104:	Measures will be utilized on site to prevent erosion along streams (e.g., from road cuts or other grading), including in streams that cross or are adjacent to the project proponent's property. Erosion control measures will utilize natural methods such as erosion control mats or fabric, contour wattling, brush mattresses, or brush layers. For more approaches and detail, please see the Bank Protection/ Erosion Repair Design Guide in the Santa Clara Valley Water Resources Protection Collaborative's User Manual: Guidelines & Standards for Land Use Near Streams (Santa Clara Valley Water Resources Protection Collaborative 2006)	Implement measures to prevent erosion along streams on site during operation.	Construction contractor(s) are responsible for implementing erosion control measures.	Valley Water
107:	On streams managed for flood control purposes, when stream reaches require extensive vegetation thinning or removal (e.g., when the channel has been fully occluded by willows or other vegetation), removal will be phased so that some riparian land cover remains and provides some habitat value. In addition, vegetation removal will be targeted and focused on removing the least amount of riparian vegetation as possible while still meeting the desired flood control needs. For example, vegetation removal should be focused on shrubby undergrowth at the toe- of-slope that is most likely to increase roughness and create a flooding hazard. Vegetation on the upper banks, particularly mature tree	Schedule vegetation removal in phases during maintenance activities.	Construction contractor(s) are responsible for phasing vegetation removal.	Valley Water

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	canopy, should be maintained to the extent possible to provide habitat for birds and small mammals and shading for the active channel.			
110:	If debris blockages threaten bank stability and may increase sedimentation of downstream reaches, debris will be removed. When clearing natural debris blockages (e.g., branches, fallen trees, soil from landslides) from the channel, only remove the minimum amount of debris necessary to maintain flow conveyance (i.e., prevent significant backwatering or pooling). Non- natural debris (e.g., trash, shopping carts, etc.) will be fully removed from the channel.	Remove debris if debris blockages threaten bank stability and may increase sedimentation of downstream reaches during operation.	Construction contractor(s) are responsible for removing debris blockages that threaten bank stability.	Valley Water
111:	If bank failure occurs due to debris blockages, bank repairs will only use compacted soil, and will be re-seeded with native grasses or sterile nonnative hybrids and stabilized with natural erosion control fabric. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives. If compacted soil is not sufficient to stabilize the slope, bioengineering techniques must be used. No hardscape (e.g., concrete or any sort of bare riprap) or rock gabions may be utilized in streams not managed for flood control except in cases where infrastructure or human safety is threatened (e.g., undercutting of existing roads). Rock riprap may only be used to stabilize channels experiencing extreme erosion, and boulders must be backfilled with soil and planted with willows or other native riparian species suitable for planning in such a manner. If available, local native species will be utilized as appropriate.	Repair and reseed banks upon failure during operation.	Construction contractor(s) are responsible for repairing and reseeding banks that fail.	Valley Water
112:	Pumps and generators shall be maintained and operated in a manner that minimizes impacts to water quality and aquatic species.	Minimize impacts to water quality and aquatic species during operation and maintenance of pumps and generators.	Valley Water is responsible for determining the specifications and procedures for pump and generator maintenance and operations. Valley Water is responsible for maintenance and operation of pumps and generators in compliance with established specifications and procedures.	Valley Water
114:	Erosion control methods shall be used as appropriate during all phases of routine maintenance projects to control sediment and minimize water quality impacts.	Implement erosion control methods during maintenance.	Construction contractor(s) are responsible for implementing erosion control methods.	Valley Water
115:	All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for wildlife by properly trained construction personnel before the pipe is subsequently buried, capped, or otherwise used or moved in anyway.	Inspect inspections for wildlife before using pipes, culverts, or other structures with diameters greater than 4 inches.	Construction contractor(s) are responsible for implementing avoidance measures.	Valley Water