Santa Clara Valley Water District

Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road

Final ~~Draft~~ Initial Study and Mitigated Negative Declaration

~~June 2025~~ February 2026

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Table of Contents

Table of Contents

List of Tables

List of Figures

Appendices

Acronyms and Abbreviations

micrograms per cubic meter	$\mu g/m^3$
American Meteorological Society/Environmental Protection Agency Regulatory Model	AERMOD
Avoidance and Minimization Measure	AMM
Bay Area Air District	BAAD
Bay Area Air Quality Management District	BAAQMD
Water Quality Control Plan for the San Francisco Bay Basin	Basin Plan
Best Management Practice	BMP
Clean Air Act	CAA
California Air ~~Resources Board CARB~~Pollution Control Officers Association	CAPCOA
California Emissions Estimator Model	CalEEMod
California Environmental Protection Agency	Cal/EPA
California Department of Forestry and Fire Protection	CAL FIRE
California Governor's Office of Emergency Services	Cal OES
Division of Occupational Safety and Health	Cal/OSHA
California Department of Transportation	Caltrans
California Stormwater Quality Association	CASQA
California Air Resources Board	CARB
Climate Change Action Plan	CCAP
California Department of Fish and Wildlife	CDFW
California Department of Conservation	CDOC
California Environmental Quality Act	CEC
California Environmental Quality Act	CEQA
California Natural Diversity Database	CNDDB
California Native Plant Society	CNPS
Carbon Monoxide	CO
Carbon Dioxide	CO_2e
~~carbon monoxide~~	~~CO~~

Acronyms and Abbreviations

Certified United Program Agencies ..... CUPA
Clean Water Act ..... CWA
Diameter at Breast Height ..... DBH
California Department of Motor Vehicles ..... DMV
Diesel Particulate Matter ..... DPM
Department of Toxic Substances ..... DTSC
Endangered Species Act ..... ESA
Federal Emergency Management Agency ..... FEMA
Fire Hazard Severity Zone ..... FHSZ
Flood Insurance Rate Map ..... FIRM
Federal Transit Administration ..... FTA
Greenhouse Gases ..... GHG
Habitat Conservation Plan ..... HCP
Hazard Index ..... HI
~~Hazard Quotient ..... HQ~~
Health Risk Assessment ..... HRA
Initial Study ..... IS
Local Responsibility Area ..... LRA
Section 1600 Lake or Streambed Alteration Agreement ..... LSAA
Leaking Underground Storage Tank ..... LUST
~~Maximum Exposed Individual Residence ..... MEIR~~
Migratory Bird Treaty Act ..... MBTA
Maximally Exposed Individual Residence ..... MEIR
Mitigated Negative Declaration ..... MND
Miles Per Hour ..... mph
National Flood Hazard Layer ..... NFHL
National Marine Fisheries Service ..... NMFS
National Pollutant Discharge Elimination System ..... NPDES
Natural Resources Conservation Service ..... NRCS
Nitrogen Oxides ..... NO_x
U.S. Army Corps of Engineers Nationwide Permit 13 ..... NWP 13
California Office of Environmental Health Hazard Assessment ..... OEHHA

Acronyms and Abbreviations

Ordinary High-Water Mark ..... OHWM
Occupational Safety and Health Administration ..... OSHA
Open Space, Parklands, and Habitat ..... OSPH
Professional Geologist ..... PG
~~reactive organic gases~~ ..... ~~ROG~~
Peak Particle Velocity ..... PPV
Reference Exposure Level ..... REL
Reactive Organic Gases ..... ROG
Regional Water Quality Control Board ..... RWQCB
South Coast Air Quality Management District ..... SCAQMD
Santa Clara Valley Habitat Agency ..... SCVHA
San Francisco Bay Area Air Basin ..... SFBAAB
San Jose Fire Department ..... SJFD
Sacramento Metropolitan Air Quality Management District ..... SMAQMD
Stream Maintenance Program ..... SMP
~~San Francisco Bay Regional Water Quality Control Board~~ ..... ~~RWQCB~~
~~San Francisco Regional Water Quality Control Board~~ ..... ~~SFRWQCB~~
~~Santa Clara Valley Water District~~ ..... ~~Valley Water~~
Sulfur Dioxide ..... SO_2
State Responsibility Area ..... SRA
Stormwater Pollution Prevention Plan ..... SWPPP
State Water Resources Control Board ..... SWRCB
U.S. Army Corps of Engineers ~~Nationwide 13 Permit~~ NWP 13 ..... USACE
U.S. Environmental Protection Agency ..... ~~US EPA/EPA~~USEPA
U.S. Geological Survey ..... USGS
Santa Clara Valley Water District ..... Valley Water or District
Santa Clara Valley Habitat Plan ..... VHP
Vehicle Miles Traveled ..... VMT
Volatile Organic Compounds ..... VOC
Wildland–Urban Interface ..... WUI

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1 Introduction

1.1 Organization of This Document

This document is organized to assist the reader in understanding the potential impacts that the Project may have on the environment and to fulfill the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.). Section 1 describes the purpose of the Initial Study (IS) under CEQA, sets forth the public participation process, and summarizes local, state, and federal regulatory requirements applicable to the Project. Section 2, Project Description, describes the location and features of the Project and the environmental setting. Section 3 evaluates the potential impacts of the Project through the application of the CEQA Initial Study Checklist questions. Section 4 provides the list of preparers, and Section 5 supplies the references for sources used in the preparation of the Initial Study. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with CEQA Guidelines Section 15097 and is included as Appendix D to this IS/MND. The MMRP identifies the mitigation measures adopted for the Project and assigns responsibility and timing for their implementation and monitoring.

1.2 Purpose of The Initial Study/Mitigated Negative Declaration

The Santa Clara Valley Water District (Valley Water), acting as the lead agency under CEQA, prepared this IS and draft Mitigated Negative Declaration (MND) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of bank stabilization as proposed at two sites along the Guadalupe River.

This IS was prepared consistent with CEQA, the CEQA Guidelines (Title 14, California Code of Regulations §§ 15000 et seq.), and Valley Water's procedures for implementation of CEQA (Environmental Management System - Environmental Planning Q520D01).

CEQA requires that public agencies such as Valley Water identify the significant adverse impacts and beneficial environmental effects of their actions. Beneficial effects should be encouraged and expanded where possible, and adverse impacts should be avoided or minimized or, in cases where avoidance and minimization are not possible, mitigated. In addition to acting as the CEQA Lead Agency for its projects, Valley Water's mission includes objectives to conduct its activities in an environmentally sensitive manner as a steward of Santa Clara Valley watersheds. Valley Water strives to preserve the natural qualities, scenic beauty, and recreational uses of Santa Clara Valley's waterways by using methods that reflect an ongoing commitment to conserving the environment.

1.3 Decision to Prepare a Mitigated Negative Declaration for This Project

The IS (Section 3) for the Project identifies potentially significant effects on air quality, biological resources, geology and soils, and noise that could result from implementation of the Project. Mitigation measures have been proposed for the Project that would reduce any potential impacts to less than significant levels, and Valley Water has committed to implementing such measures. Accordingly, preparation of an MND for the Project complies with CEQA Guidelines section 15070(b), which indicates that an MND is appropriate when a project's IS identifies potentially significant effects but:

- Revisions to the project were made that would avoid or reduce the effects to a point where clearly no significant effects would occur; and
- There is no substantial evidence that the project, as revised, may have a significant effect on the environment.

1.4 Public Review Process

~~This draft MND will be~~Per CEQA Guidelines section 15105(b), Valley Water circulated a Draft MND to local and state agencies, interested organizations, and ~~individuals who may wish to review and~~to provide comments on the Project description, the proposed mitigation measures, or other aspects of the Project. The ~~publication of this~~Draft MND ~~will commence the~~ was published on June 30, 2025. The 30-day public review period~~, per CEQA Guidelines section 15105(b), beginning on June 26, 2025, and ending~~ ended on July 28, 2025. Upon request, an extension was provided to the California Department of Fish and Wildlife (CDFW) through August 11, 2025.

The Draft MND and supporting documents were~~are~~ posted on the Valley Water website:

https://www.valleywater.org/public-review-documents

A hard copy of the Draft MND and supporting documents ~~are~~ were made available at Valley Water Headquarters building: 5700 Almaden Expressway San Jose, CA 95118-3614.

Written comments or questions regarding the Draft MND ~~should be~~were submitted to Lawrence Truong at the address indicated below ~~no later than~~by July 28, 2025. This~~The~~ final MND ~~along with any~~incorporates all applicable comments received by Valley Water during the public review period and all ~~will be~~were considered by Valley Water prior to the~~a~~ decision on the Project. Responses to all comments received are available in Appendix C (Comment Response Matrix). Text changes between the Draft and Final IS/MND are shown using underline for additions and strikethrough for deletions; double underline indicates text that has been relocated within the document without substantive change.

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1.5 Interagency Coordination and Regulatory Review

The CEQA review process is intended to provide both trustee and responsible agencies with an opportunity to provide input into the Project. A *trustee agency* is a state agency that has jurisdiction by law over natural resources held in trust for the public. A *responsible agency* is any state or local agency that bears some responsibility or discretionary authority for approving or implementing a project or portion thereof. In many instances, a responsible agency must make a discretionary decision to issue a local permit or to grant right-of-way, funding, or resources that are critical to a project's implementation. The responsible agencies for the Project are the Santa Clara Valley Habitat Agency, California Department of Fish and Wildlife (CDFW), and San Francisco Bay Regional Water Quality Control Board (RWQCB). Valley Water will provide the draft IS/MND to these responsible agencies for their review and comment. In addition to state and local agencies, the Project may also require permits or approvals ~~by~~from federal agencies.

The Project will require project-specific permitting or approval from the following federal and state agencies, as summarized below.

- U.S. Army Corps of Engineers (USACE): Nationwide 13 Permit (NWP 13)
- National Marine Fisheries Service (NMFS): Section 7 consultation
- California RWQCB: Clean Water Act (CWA) Section 401 Water Quality Certification or Waste Discharge Requirements (WDR; Discharges to Waters of the State)
- CDFW: Fish and Game Code section 1602 Lake or Streambed Alteration Agreement (LSAA)
- City of San Jose and/or California Department of Transportation (Caltrans) Special Permit for oversized loads

2 Project Description

2.1 Project Background

Valley Water is proposing the Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road (Project). The Project would involve bank stabilization at two locations (Project sites) along the Guadalupe River, where in-stream structures have significant erosion and subsequent damage has occurred at the embankment-, potentially risking impact to neighboring properties.

The in-stream structures are located at the Guadalupe River crossings at Malone Road and Blossom Hill Road in the City of San José. The Project would consist of repairs to address the existing broken concrete slope paving and failed gabion baskets as well as include the removal of vegetation and trees. The repairs would span approximately ~~410~~ 340 linear feet along the length of the channel.

~~Stream maintenance activities are generally covered under Valley Water's Stream Maintenance Program (SMP). However, the Project would require removal of trees with a *diameter at breast height* (dbh) greater than 12 inches, which is greater than what is allowed under the SMP.~~Stream maintenance activities such as vegetation management and bank stabilization are programmatically covered and implemented under Valley Water's Stream Maintenance Program (SMP) (Valley Water 2020) and its Final Environmental Impact Report (EIR) (Horizon 2011). However, because the Project would require removal of trees with a *diameter at breast height* (DBH) greater than 12 inches, which is greater than what is allowed under the SMP, this Project would not meet the criteria for coverage under the SMP and Final EIR; therefore, this project-specific draft MND has been prepared for the Project. Nonetheless, construction and operation of the Project would be implemented consistent with SMP policies and procedures given the nature of the proposed activities.

2.2 Location

The Project sites are located on either Valley Water fee title or easement property within the City of San José, as shown in Figure 2-1. Repair work would occur at the Guadalupe River crossing along the top of the east bank upstream of Malone Road. Primary staging and access would occur along the top of the west bank upstream of Malone Road, supplemented by one other staging area along the top of the east bank upstream of Malone Road. Repair work, staging, and access would also occur at the Guadalupe River crossing along the west bank at Blossom Hill Road. The Guadalupe River crossing locations where Project work would occur are shown in Figure 2-2 and Figure 2-3 . The Project site is categorized as Open Space,

Parklands, and Habitat (OSPH) under the City of San José 2040 General Plan (City of San José 2011).

Adjacent residential neighborhoods and urban development surround both Project sites. The nearest residences to the Malone Road Project site, surrounding the site along Malone Road and Almaden Road, are approximately 50 feet from the Project site boundary (see Figure 2-2). The nearest residences to the Blossom Hill Road Project site are approximately 450 feet northeast of the Project site along Blossom River Drive (see Figure 2-3).

Figure 2-1 Regional Overview

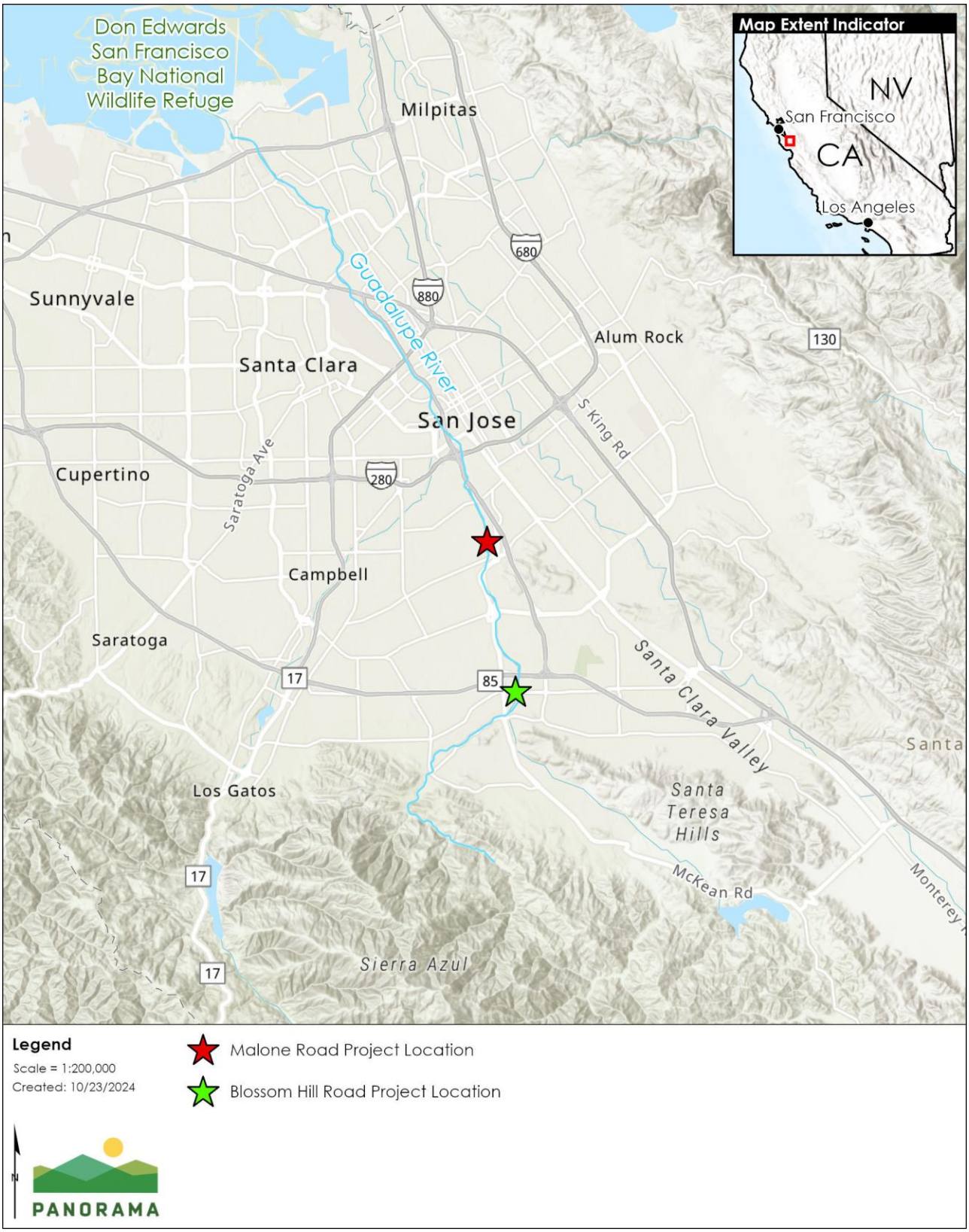
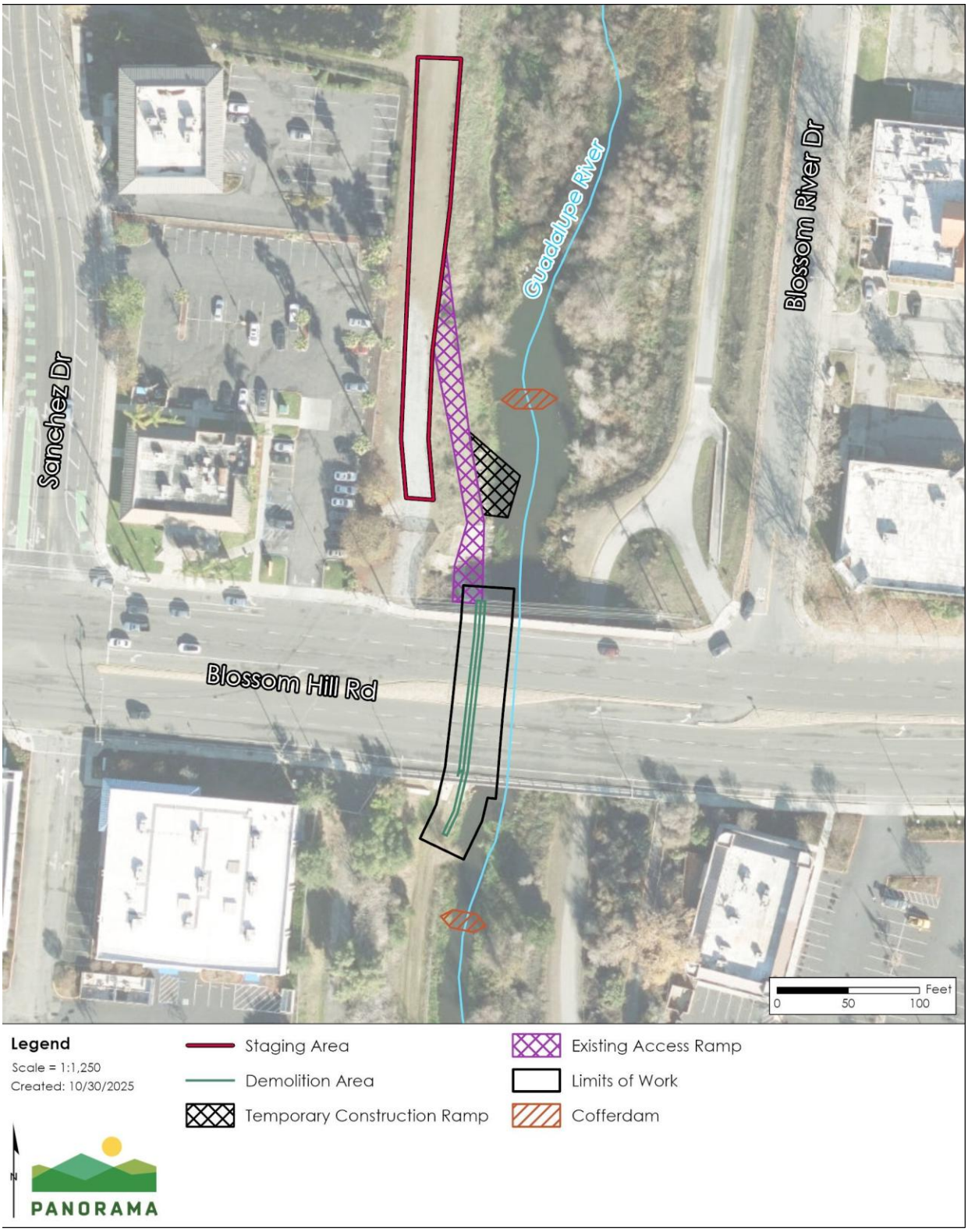


Figure 2-2 Project Location – Malone Road

Figure 2-3 Project Location – Blossom Hill Road



2.3 Project Purpose

The purpose of the Project is to address ongoing erosion of the concrete slope embankment and cutoff wall footing at the Malone Road, as well as the failed gabion baskets at Blossom Hill Road. The ongoing erosion threatens the structural integrity of the embankment. The Project would include repairs to address the existing broken concrete-lined embankment and failed gabion baskets as well as removal of vegetation and trees that are exacerbating erosion.

2.4 Project Activities

2.4.1 Guadalupe River ~~Crossing~~ Upstream of Malone Road

The Guadalupe River crossing upstream of the Malone Road Project site is approximately 10,890 square feet (ft²). The concrete–lined embankment area is approximately 8,050 ft² (~~145~~ 170 linear feet), and the eroding concrete cutoff wall footing area is approximately 460 ft².

A segment of the existing concrete -lined embankment and corresponding footing has eroded along the outside bend of the Guadalupe River, creating a large cavity. The resulting washing away of the underlying earthen material and fill has been exacerbated by high-flow events that typically accompany heavy rainfall. During intense precipitation, increased runoff contributes to the discharge and velocity of the river, strengthening the hydraulic force exerted on the river bank. The continued erosion has compromised the structural integrity of the concrete embankment as well as the adjacent retaining wall at the top of east bank along Almaden Road. Additionally, several trees have grown through the eroded concrete slope paving, further compromising the structural integrity of the concrete embankment.

Project activities would include tree removal, creating an active water bypass system throughout the length of the Project site, and installation of a concrete slope paving with compacted earth backfill utilizing concrete slope protection and footing with embedded rock riprap in the eroded cavity and along the concrete footing. A grade control feature would be installed at the channel bottom to maintain existing channel grade and limit bed degradation and slope toe undermining during high flows. The structure would consist of approximately 10 cubic yards of 1-ton, angular rock placed across the full channel width (approximately 20 feet long by 3 feet wide) and keyed a minimum of 5 feet into the channel bed. After placement, the rock would be covered with native streambed material to maintain existing channel substrate and fish passage conditions.

Valley Water would import approximately 340 cubic yards (CY) of 1-ton rock riprap to armor the new cutoff wall footing against scour. Two 100- to 110-foot-long temporary access ramps would be installed on the west bank to gain access to the channel from the vacant lot at the top of the west bank. In certain areas, where there are existing voids in the channel embankment due to scouring at the failed concrete footing, riprap and slurry mix would be placed to fill the voids below finished grade., ~~as well as,~~Additionally, 1-ton riprap ~~will~~would be placed along the

channel bottom so as to match the bed slope at the upstream transition areas. The ~~upstream~~ Malone Road Project site would require approximately 150 CY of concrete.

2.4.2 Guadalupe River Crossing at Blossom Hill Road

The Guadalupe River crossing at Blossom Hill Road Project site is approximately 4,356 ft^2, and the rock riprap embankment area is approximately 1,360 ft^2 (170 linear feet).

Underneath the Blossom Hill Road bridge, galvanized gabion baskets have eroded, dislodging most of the stones into the channel. As a result, the remaining top baskets have buckled and shifted away from the adjacent maintenance road located under the bridge. Continued flows have worsened erosion conditions, significantly compromising the structural integrity of the maintenance road. The eroded gabion baskets and altered bank structure have limited the establishment of riparian vegetation, and habitat complexity at this site is minimal compared to the Malone Road Project site.

Project activities would include installation of an active dewatering system, debris removal, and replacing the failed gabion basket structure through the rock slope protection method, with two grade control features along the channel bed. The grade control features would be installed at the channel bottom to maintain existing channel grade and limit bed degradation and slope toe undermining during high flows. The structures would consist of approximately 10 CY of 2-ton, angular rock placed across the full channel width (approximately 20 feet long by 3 feet wide) and keyed a minimum of 4 feet into the channel bed. After placement, the rock would be covered with native streambed material to maintain existing channel substrate and fish passage conditions.

Approximately 500 CY of rock riprap would be placed adjacent to the lower maintenance road, ~~10 CY of~~including for rock riprap for the grade control weirs, and ~~60 CY of~~for the channel fill between the grade control weirs. The riprap would largely match the contours of the existing gabion baskets. ~~If necessary, resurfacing of the maintenance road would occur upon completion of the channel repairs, in addition to replacing the existing outer edge of the lower maintenance road with approximately 8 CY of concrete where it interfaces with the rock riprap throughout the length of the repair.~~ Following completion of the channel repairs, the lower maintenance road would be replaced in-kind with approximately 70 CY of new concrete pavement.

2.4.3 Active Dewatering System

Flows at the Malone Road Project site are mainly controlled by upstream dam summer operations, which is influenced by the amount of winter and spring rainfall totals. Historically this reach of the Guadalupe River is dry during the summer months, however the channel has experienced continuous flows during the summer months in recent history. In the event of similar wet conditions, these flows would be diverted by installing a sump pump in the trench with pipes, hoses, and an erosion dissipater and turbidity filter downstream. For the entirety of the Project duration, sump pumps would be installed approximately 50 feet upstream to divert any flows around the Project site as needed. Bypass hoses and/or pipes would be used for

dewatering. Pump sizing for the temporary creek diversion system would be based on representative summer flows, calculated using historical hydrologic data from the past 25 years, to ensure that diversion capacity is adequate under typical and higher-than-average seasonal conditions.

The dewatering system setup would comprise of two earthen cofferdams (approximately 30 CY of gravel bags each), two generators, and up to two 6-inch-to 10-inch sump pumps with approximately 700 feet of bypass pipes and hoses. Earthen cofferdams would be installed up and downstream of the Malone Road Project site, with pipes running through and under the temporary construction ramp and discharging flows. Sheet piling is not proposed. Generators would be placed along the top of the west bank.

The Blossom Hill Road Project site is also controlled by upstream dam operations and may experience running flows during summer months. Similar to the Malone Road Project site, the dewatering setup would include two earthen cofferdams (approximately 30 CY of gravel bags each) upstream and downstream of the Blossom Hill Road Project site, with pipes running through and under the center cell of the bridge to discharge flows downstream of the Project site. Groundwater encountered during excavation activities would be pumped into a Baker tank, or similar equipment, staged along the top of bank for containment prior to disposal.

2.4.4 Vegetation and Debris Removal

The Project site at Malone Road would require the removal of up to 15 trees (black walnut, Oregon ash, almond, Fremont cottonwood, weeping willow, California buckeye, and black locust) that range between 4 and 32 inches DBH for construction of the temporary access ramp and construction of the concrete slope paving embankment. At the Malone Road Project site, the creek contains large woody debris (LWD) that has ensnared approximately 2 CY of other trash and debris within the creek. Per SMP definition, LWD is naturally occurring wood having a diameter of 12-inches and a minimum length of 6-feet that occurs below the ordinary high-water mark. These materials would also be removed as part of tree removal activities. Valley Water would pay applicable Santa Clara Valley Habitat Plan (VHP) land cover fees as compensation to mitigate for any impacts on covered species and their habitats, including ~~serpentine bunchgrass grassland, northern coastal scrub/Diablan sage scrub,~~ mixed riparian forest and woodland~~,~~ and riverine habitats/land cover types.

2.4.5 Site Access and Staging Area

Construction vehicles and equipment would access the Malone Road Project site via Malone Road and Guadalupe River. Staging would be confined to Valley Water fee title properties along the top of the west bank upstream of Malone Road. A secondary staging area may be used upstream of Malone Road Project site to accommodate excess materials and equipment in the event the primary area is not sufficiently large enough. The proposed staging areas are shown in Figure 2-3 . There is currently no ramp access to Guadalupe River within the Malone Road Project site. Valley Water would import material to create two 100- to 110-foot-long

temporary ramps on the west bank to create access to the channel from the vacant lot at top of the west bank.

Construction vehicles and equipment would access the Blossom Hill Road Project site along the west maintenance access road at top of bank and north of the Blossom Hill Road bridge. The Blossom Hill Road Project site can also be accessed north, downstream from the depressed maintenance road south, upstream of the Blossom Hill Road bridge. The proposed staging area is shown in Figure 2-2. Staging would be confined to a Valley Water fee title property along the top of the west bank (APN 458-14-034) downstream of Blossom Hill Road.

2.4.6 Site Preparation

Erosion and sediment control *best management practices* (BMPs) would be implemented prior to any action and would be maintained throughout construction *(*see "Best Management Practices," below*).* A project-specific Stormwater Pollution Prevention Plan (SWPPP) or amendment to an existing SWPPP is necessary because the total Project site is greater than 1 acre in size (1.83 acres). The Project would be required to adhere to National Pollutant Discharge Elimination System (NPDES) Order Number R2-2015-0049. Prior to beginning work, crews would install and implement construction site controls to prevent discharges of pollutants from the construction site.

2.4.7 Site Restoration

Following Project implementation, all temporary work areas would be restored to pre-construction conditions. All construction material and debris would be removed and disposed of at approved facilities. Hydroseeding, or other appropriate erosion control methods, ~~of~~will be applied to all disturbed areas ~~would be applied after~~ construction and before seasonal rain events, with reapplication when necessary for winterization. Table 2.4-1~~Table 2.4-1~~ provides the estimated river bank, streambed, and channel disturbance areas that would occur as result of the Project. Areas of temporary disturbance would be restored to pre-construction conditions through removal of temporary materials and stabilized following construction as specified in Section 2.4.7, Site Restoration.

Table 2.4-1 Estimated Bank, Streambed, and Channel Disturbance by Project Site

Site	Linear Feet (LF) of Bank Affected	Streambed/Channel disturbance (square feet (sf)/acres (ac))	Volume of Fill/Concrete/Riprap (Cubic Yards (CY))
Malone Road	~170LF	Permanent: ~10,890 sf (0.25 ac) Temporary: ~4,510 sf (0.10 ac) for temporary access ramps and cofferdams	Permanent: 340 CY riprap, 150 CY concrete Temporary: 60 CY earthen cofferdams
Blossom Hill Road	~170 LF	Permanent: ~4,356 sf (0.10 ac) Temporary: ~1,858 sf (0.04 ac) for temporary construction ramp and cofferdams	Permanent: 500 CY riprap, 70 CY fill/concrete Temporary: 60 CY earthen cofferdams

Site	Linear Feet (LF) of Bank Affected	Streambed/Channel disturbance (square feet (sf)/acres (ac))	Volume of Fill/Concrete/Riprap (Cubic Yards (CY))
Total	~340 LF	Permanent:~15,246 sf (~0.35 ac) Temporary: 6,368 sf (~0.15 ac)	-

2.4.8 Equipment, Workers, And Truck Trips

Truck trips would include off-site material-hauling trips and employee commute trips between the Project sites and any off-site yards. The Project would require up to 300 truck trips to remove existing debris and bank materials at the Malone Road Project site and up to 150 truck trips to remove existing failed gabion baskets and haul new rock riprap at the Blossom Hill Road Project site. Large deliveries (e.g., excavators, concrete trucks, rock riprap) could require oversized load permits from the City of San José. Oversized loads are not anticipated to use the State Transportation Network (STN) under the jurisdiction of Caltrans; however, in the event oversized loads are required to use the STN, a permit through Caltrans would be obtained. Typically, each site would be staffed with one foreman, four to five workers, one flagger, and one water trucker/sweeper. Equipment to be used under the Project is listed and broken down by Project activity in Table 2.4-2.

Table 2.4-2 Proposed Equipment Use Per Construction Phase

Project activity	Equipment	Amount
Concrete slab/gabion removal	Excavator	2
Concrete slab/gabion removal	Tractors/loaders/backhoes	4
Concrete slab/gabion removal	Dump trucks	10
Concrete slab/gabion removal	Water truck/sweeper	1
Concrete slab/gabion removal	Pickup trucks	4
Grading and excavation	Excavator	2
Grading and excavation	Tractors/loaders/backhoes	4
Grading and excavation	Dump trucks	10
Grading and excavation	Water truck/sweeper	1
Grading and excavation	Pickup trucks	4
Drainage, utilities, and subgrade	Excavator	2
Drainage, utilities, and subgrade	Tractors/loaders/backhoes	4
Drainage, utilities, and subgrade	Dump trucks	1
Drainage, utilities, and subgrade	Water truck/sweeper	1
Drainage, utilities, and subgrade	Pickup trucks	4

Project activity	Equipment	Amount
Finished grading	Excavator	2
Finished grading	Tractors/loaders/backhoes	4
Finished grading	Compactor	1
Finished grading	Truck-mounted crane	1
Finished grading	Concrete trucks	2
Finished grading	Concrete pumper	1
Finished grading	Pickup trucks	4

2.5 Schedule

Construction activities are anticipated to occur between June 15 and October 15 in 2026 or 2027, for approximately 4 months. Construction hours are anticipated to be from 7 a.m. to 7 p.m. Monday through Friday, in compliance with section 20.100.450 of the City of San José's Municipal Code. The construction timeframe would coincide with the historically dry summer months~~.~~, when water levels in the Guadalupe River are typically lower, to reduce potential impacts to water quality and aquatic habitat.

2.6 Operations and Maintenance

Upon completion, the Project is anticipated to have a useful lifespan of approximately 20 years. The Project would not require long-term vegetation maintenance; therefore, an Operations and Maintenance Plan is not applicable. Operations and maintenance activities required for the Project ~~site~~sites would ~~occur under~~be conducted in accordance with Valley Water's SMP.

2.7 Environmental Protection Measures

2.7.1 Best Management Practices

~~BMPs~~The Project would require the implementation of several types of environmental protection measures. These include BMPs, which are standard operating procedures to prevent, avoid, or minimize effects associated with construction and other activities. Valley Water routinely incorporates a wide range of BMPs into projects~~, as described in detail in the~~ based on Valley Water's 2014 Best Management Practices Handbook (herein referred to as "standard BMPs") (Valley Water 2014). ~~The~~Additionally, as discussed in Section 2.1, construction and operation of the Project would be implemented consistent with Valley Water's SMP, which includes a variety of BMPs (herein referred to as "SMP BMPs"), and Valley Water would incorporate relevant ~~to the Project are provided in Table 2.7-1. Additional~~SMP BMPs into the Project. For any project-specific impacts that would not be adequately reduced or avoided by

standard BMPs or SMP BMPs, Project-specific *avoidance and minimization measures* (AMMs) ~~and~~have been developed to reduce or avoid impacts. Lastly, where AMMs would not adequately reduce impacts to less-than-significant levels, Project-specific mitigation measures ~~were~~have been developed to reduce and mitigate impacts associated with Project implementation ~~and not avoidable through standard construction BMPs are identified~~, as presented in Section ~~2.7.3 and throughout Section~~ 3.4 of this IS/MND.

~~All Project BMPs~~All standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures which are further discussed below, would be incorporated into the Project's work plans, and all contractors employed on the Project would be required to ~~adhere to~~comply with them.

2.7.2 Valley Water Standard Best Management Practices

The standard BMPs from Valley Water's 2014 Best Management Practices Handbook (Valley Water 2014) that would be implemented as part of the Project are provided in Table 2.7-1.

Table 2.7-1 Standard BMPs to be Implemented

Resource	Standard BMP	Standard BMP Condition(s)
Air Quality	**AQ-1: Use Dust Control Measures**	The following Bay Area Air ~~Quality Management~~ District (~~BAAQMD~~BAAD) dust control measures would 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 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 (e.g., parking areas, staging areas, soil piles, graded areas, etc.) will not be allowed to enter waterways. 5. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (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), and this requirement shall be clearly communicated to construction workers (such as verbiage in contracts and clear signage at all access points).

Resource	Standard BMP	Standard BMP Condition(s)
		8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications, and all equipment shall be checked by a certified visible emissions evaluator. 9. Correct tire inflation shall be maintained in accordance with manufacturer's specifications on wheeled equipment and vehicles to prevent excessive rolling resistance. 10. Post a publicly visible sign with a telephone number and contact person at the lead agency to address dust complaints; any complaints shall be responded to and take corrective action within 48 hours. In addition, a ~~BAAQMD~~BAAD telephone number with any applicable regulations will be included.
Air Quality	**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: • Avoid stockpiling potentially odorous materials within 1,000 feet of residential areas or other odor sensitive land uses; and • Odorous stockpiles will be disposed of at an appropriate landfill.
Biological Resources	**BI-2: Minimize Impacts to Steelhead**	Minimize potential impacts to salmonids by avoiding routine use of vehicles and equipment in salmonid streams between January 1 and June 15.
Biological Resources	**BI-3: Remove Temporary Fill**	Temporary fill materials, such as for diversion structures or cofferdams, will be removed upon finishing the work or as appropriate. The creek channels and banks will be re-contoured to match pre-construction conditions to the extent possible. Low-flow channels within non-tidal streams will be contoured to facilitate fish passage and will emulate the pre-construction conditions as closely as possible, within the finished channel topography.
Biological Resources	**BI-5: Avoid Impacts to Nesting Migratory Birds**	Nesting birds are protected by state and federal laws. Valley Water 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.
Biological Resources	**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.

Resource	Standard BMP	Standard BMP Condition(s)
Biological Resources	**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.
Biological Resources	**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: Evaluate whether the plant species currently grow wild in Santa Clara County, and 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: For areas that are disturbed, an erosion control seed mix may be used consistent with the Valley Water Guidelines and Standards for Land Use Near Streams, Design Guide 5, 'Temporary Erosion Control Options.' 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. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable. 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*.
Biological Resources	**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

Resource	Standard BMP	Standard BMP Condition(s)
		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: 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 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 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.
Biological Resources	**BI-11: Minimize Predator-Attraction**	Remove trash daily from the worksite to avoid attracting potential predators to the site.
Cultural Resources	**CU-1: Accidental Discovery of Archaeological Artifacts or Burial Remains**[1]	If historical or unique archaeological artifacts, or tribal cultural resources, 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 100 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 or resource is not significant, construction may resume. If the archaeologist determines that the artifact or resource is significant, the archaeologist will determine if the artifact or resource 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 a tribal cultural resource cannot be avoided, the Action Plan will include notification of the appropriate Native American tribe, and consultation with the tribe regarding acceptable recovery options.

[1] Valley Water BMP CU-1 was updated to extend the no-work buffer zone from 30 feet to 100 feet if archeological artifacts, tribal cultural resources, or burial remains are encountered during construction.

Resource	Standard BMP	Standard BMP Condition(s)
		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 100 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.
Hazards and Hazardous Resources	**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.
Hazards and Hazardous Resources	**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). 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. 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. All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented. 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. 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.
Hazards and Hazardous Resources	**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. Prior to entering the work site, all field personnel will know how to respond when toxic materials are discovered.

Resource	Standard BMP	Standard BMP Condition(s)
		Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage. 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. 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. 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). The discharge of any hazardous or non-hazardous 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. In the event of any hazardous material emergencies or spills, personnel will call the Chemical Emergencies/Spills Hotline at 1-800-510-5151.
Hazards and Hazardous Resources	**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 clean-up 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.
Hazards and Hazardous Resources	**HM-12: Incorporate Fire Prevention Measures**	All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors.

Resource	Standard BMP	Standard BMP Condition(s)
		During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site. 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. Smoking shall be prohibited except in designated staging areas and at least 20 feet from any combustible chemicals or vegetation.
Hazards and Hazardous Resources	**HM-13: Avoid Impacts from Naturally Occurring Asbestos**	~~The District~~Valley Water will comply with and implement ~~BAAQMD~~BAAD dust control measures and notification requirements when working in serpentine soils.
Hydrology and Water Quality	**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.
Hydrology and Water Quality	**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

Resource	Standard BMP	Standard BMP Condition(s)
		season; exposed, dry stockpiles will be watered, enclosed, covered, or sprayed with non-toxic soil stabilizers.
Hydrology and Water Quality	**WQ-5: Stabilize Construction Entrances and Exits**	Measures will be implemented to minimize soil from being tracked onto streets near work sites: • 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 3-inch diameter gravel on unsurfaced access roads. 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.
Hydrology and Water Quality	**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 (OHWM) 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). Temporary earthen access roads may be seeded when site and horticultural conditions are suitable or have other appropriate erosion control measures in place.
Hydrology and Water Quality	**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.
Hydrology and Water Quality	**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:

Resource	Standard BMP	Standard BMP Condition(s)
		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.
~~Hydrology and Water Quality~~	~~**WQ-16** **Prevent Stormwater Pollution**~~	~~Suitable erosion control, sediment control, source control, treatment control, material management, and non-stormwater management BMPs will be implemented consistent with the latest edition of the California Stormwater Quality Association "Stormwater Best Management Practices Handbook," which is available at www.cabmphandbooks.com.~~ ~~To prevent stormwater pollution, the applicable measures from the following list will be implemented:~~ ~~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 OHWM are exempt from this BMP.~~ ~~Erosion control fabrics will consist of natural fibers. No non-porous fabric will be used as part of a permanent erosion control approach. Erosion control measures will be installed according to manufacturer's specifications.~~ ~~To prevent stormwater pollution, the appropriate measures from, but not limited to, the following list will be implemented:~~ ~~• Silt Fences~~ ~~• Straw Bale Barriers~~ ~~• Brush or Rock Filters~~ ~~• Storm Drain Inlet Protection~~ ~~• Sediment Traps or Sediment Basins~~ ~~• Erosion Control Blankets and/or Mats~~ ~~• Soil Stabilization (i.e., tackified straw with seed, jute blankets, etc.)~~

Resource	Standard BMP	Standard BMP Condition(s)
		~~• Straw mulch.~~ ~~All temporary construction-related erosion control methods shall be removed at the completion of the projectSurface 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.~~
Hydrology and Water Quality	**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).
Transportation	**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.

~~2.7.2~~2.7.3 Santa Clara Valley Habitat Plan/Natural Community Conservation Planning

Proposed work is within the VHP area, and work is covered by the VHP. The VHP is a joint habitat conservation and natural communities conservation plan developed to serve as the basis for incidental take permits and authorizations pursuant to Section 10 of the federal Endangered Species Act (ESA) and the California Natural Community Conservation Planning Act (SCVHA 2012). Valley Water would adhere to the following VHP conditions, which are further described in Table 2.7-3~~Table 2.7-3~~:

- **Condition 1**: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species
- **Condition 3:** Maintain Hydrologic Conditions and Protect Water Quality[2]
- **Condition 4:** Avoidance and Minimization for In-Stream Projects
- **Condition 5**: Avoidance and Minimization Measures for In-Stream Operations and Maintenance
- **Condition 19**: Plant Salvage when Impacts are Unavoidable
- **Condition 20:** Avoid and Minimize Impacts to Covered Plant Occurrences

[2] Note that compliance with this measure necessitates implementation of measures listed in Chapter 6 of the VHP (http://scv-habitatagency.org/178/Final-Habitat-Plan); these measures are BMPs to protect water quality and avoid other adverse effects, and many overlap or are similar to Valley Water's BMPs.

Table 2.7-2 Santa Clara Valley Habitat Plan Conditions

Condition	Description
Condition 1. Avoid Direct Impacts on Legally Protected Plant and Wildlife Species	Contra Costa goldfields is a federally endangered and California Native Plant Society (CNPS) 1B plant species whose extreme rarity precludes coverage under the Habitat Plan. Because the Habitat Plan does not cover the species, compliance is required on an individual basis. Several wildlife species that occur in the study area are listed as fully protected, as defined under Sections 3511 and 4700 of the California Fish and Game Code. As described in Chapter 1, CDFG cannot issue permits for take. • Golden eagle. • of these species. • Fully protected species that are known or likely to occur in the study area are listed below. • Bald eagle. • American peregrine falcon. • Southern bald eagle. • White-tailed kite. • California condor. • Ring-tailed cat (= ringtail). All migratory bird species and their nests are protected under the Migratory Bird Treaty Act (MBTA).
Condition 3. Maintain Hydrologic Conditions and Protect Water Quality	Protect water quality by preventing and reducing the adverse impacts of stormwater pollutants and increases in peak runoff rate and volume.
Condition 4, Avoidance and Minimization for In-Stream Projects	Identify design requirements and construction practices for in-stream projects to minimize impacts on riparian and aquatic habitat.
Condition 5. Avoidance and Minimization Measures for In-Stream Operations and Maintenance	Identify and apply appropriate AMMs to reduce impacts on stream and riparian land cover types and covered species when conducting operations and maintenance activities.
Condition 19. Plant Salvage when Impacts are Unavoidable	Where impacts on covered plant species cannot be avoided and plants will be removed by approved covered activities, the Implementing Entity has the option of salvaging the covered plants. Salvage of covered plants is conducted in addition to mitigation that may be required for impacts on covered plants.
Condition 20. Avoid and Minimize Impacts to Covered Plant Occurrences	In order to reduce impacts to covered plants, all covered activities will be confined to the minimum area necessary to complete the activity or construction.

2.7.4 Valley Water Stream Maintenance Program Best Management Practices

As discussed under Section 2.1, Valley Water would implement the Project consistent with SMP standard policies and procedures. The relevant SMP BMPs that would be implemented as part of the Project are provided in Table 2.7-3~~Table 2.7-3~~.

Table 2.7-3 Stream Maintenance Program BMPs to be Implemented

SMP BMP	Description
BMP 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. No new instream sediment removal projects and bank protection work will be initiated after 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: • Work may continue if no significant rainfall, defined as greater than 0.5 inches per 24 hours within a local watershed, is either forecasted[3] or observed. Following October 15th, maintenance work shall cease for the season if such a rain event is forecasted or observed. • 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.

[3] Weather Forecasts. No phase of the project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event if that construction phase may cause the introduction of sediments into the stream. Seventy-two-hour weather forecasts from the National Weather Service or other localized and more detailed weather forecast service will be consulted prior to start-up of any phase of the project that may result in sediment runoff to a stream.

SMP BMP	Description
	2. 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: – site conditions are dry and access for all construction equipment and vehicles will not impact waterways; and 3. all work will stop if any rainfall is forecast for the next 72-hour period. Work may occur after a significant rainfall event but no later than December 31. 4. Sites must be maintained in a rapidly winterizable[4] 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 inches/24 hours), all incomplete bank stabilization projects must be winterized. 1. In Creeks Supporting Anadromous Fish – An extended work window may occur until October 31st for bank stabilization projects that will be 50% complete by October 15th. 2. In Creeks Not Supporting Anadromous Fish – An extended work window may occur until November 30th for projects that will be 50% complete by October 15th or until significant rainfall. – 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: – Wheeled or tracked equipment needs to access the site by crossing a creek, ponded area, or secondary channel; or – 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 NMFS Biological Opinion. Work (including large woody debris, encampment cleanup, and burrow filling) within the wetted channel of streams that support steelhead that is being done outside of the in-stream work window must adhere to the following conditions: 1. Pre-activity surveys must be conducted within seven days of the start of work. 2. A qualified biologist must be on site to monitor this in-stream work.

[4] Winterization is the process to maintain work sites with the appropriate BMPs to prevent erosion, Sediment transport, and protect water quality. Winterization occurs upon completion of bank repairs or on incomplete projects after October 15 and prior to significant rainfall, 0.5 inches or greater of local watershed rainfall within 24 hours. Winterization shall be completed prior to the occurrence of such actual significant rainfall.

SMP BMP	Description
BMP 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.
BMP GEN-7: Protection of Burrowing Owls	1. If occupied burrows are identified, a 250-foot radius no work buffer zone will be established around the burrow. The buffer may be modified, with CDFW approval, to take into consideration of paved roads, intervening riparian corridors and levees. 2. No construction work will occur within the 250-foot buffer zone until after the nesting season. 3. After the nesting season, work may occur within the 250-foot buffer zone provided: a. A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction). b. The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities. c. If there is any change in owl foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer. d. If the owls are gone for at least one week, the project proponent may request approval from the Santa Clara County Habitat Agency that a qualified biologist excavate the usable burrows to prevent owls from re-occupying the site. After the usable burrows are excavated, the buffer zone will be removed and construction may continue. e. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active. 4. Routine use of existing Valley Water maintenance roads within the 250-foot buffer will be allowed. However, no construction traffic will be allowed to use the maintenance road during the active nesting period. 5. Exceptions. a. Mowing on levees may occur during the nesting season and within 250 feet of active burrows provided the burrows are marked by a qualified biologist. b. No vehicle mounted mowers will be used within 10 ft of occupied burrows. c. A qualified biologist will monitor the mowing within the buffer zone and stop the mowing if burrowing owls are observed on the surface at the nest or another burrow. d. Areas within 10 feet of the burrows may be mowed using hand equipment when no owls are visible on the surface. e. All mowing activities within the buffer zone will be completed within 30 minutes.
BMP GEN-9: Avoid Impacts to Special-Status Plant Species and Sensitive Natural	A qualified botanist will identify special status plant species and sensitive natural vegetation communities and clearly map or delineate them as needed in order to avoid and/or minimize disturbance, using the CDFW protocols and the California Native Plant Society (CNPS) Botanical Survey Guidelines to formulate the following protocols:

SMP BMP	Description
Vegetation Communities	1. A qualified botanist will use the GIS database, California Natural Diversity Database (CNDDB), and/or other suitable tools to identify special status plants and sensitive natural vegetation communities located within or near work areas. 2. Surveys of areas identified as sensitive natural communities or suitable habitat for special status plant species will be conducted by a qualified botanist prior to commencement of work. 3. Surveys will be conducted during the appropriate time of the year to adequately identify special-status plants that could occur on the site of proposed maintenance activities. 4. The qualified botanist will ensure avoidance and/or minimize impacts by implementing one or more of the following, as appropriate, per the botanist's recommendation: a. Flag or otherwise delineate in the field the special status plant populations and/or sensitive natural community to be protected; b. Allow adequate buffers around plants or habitat; the location of the buffer zone will be shown on the maintenance design drawings and marked in the field with stakes and/or flagging in such a way that exclusion zones are visible to maintenance personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing). c. Time construction or other activities during dormant and/or non-critical life cycle period; d. Store removed sediment off site; and e. Limit the operation of maintenance equipment to established roads whenever possible. 5. No herbicides, terrestrial or aquatic, will be used in areas identified as potential habitat for special status plants species or containing sensitive natural communities, until a qualified botanist has surveyed the area and determined the locations of special status plant species present. 6. If special status plant species or sensitive communities are present, then a qualified botanist will determine if a given type of vegetation management method is ecologically appropriate for a given area. Alternative strategies based on the botanist's recommendations will be coordinated with appropriate staff. 7. All impacts to sensitive natural communities and special status plants identified by the qualified botanist will be avoided and/or minimized.
BMP GEN-12: Protection of Special-Status Amphibian and Reptile Species	1. A District qualified biologist will conduct a desk audit to determine whether suitable special-status amphibian or reptile habitat is present in or adjacent to a maintenance activity based on all available information including the habitats modeled in the Valley Habitat Plan. 2. If Valley Water's Wildlife or Fisheries Biologist determines that a special-status amphibian or reptile could occur in the activity area, a qualified biologist will conduct one daytime and one nighttime survey within a 7-day period preceding the onset of maintenance activities. a. If a special-status amphibian or reptile, or the eggs or larvae of a special status amphibian or reptile, are found within the activity area during a pre-activity survey or during Project activities, the qualified biologist shall notify

SMP BMP	Description
	the Project proponent about the special-status species and conduct the following work specific activities: (1) For minor maintenance activities and for vegetation removal activities that will take less than 1 day, a qualified biologist shall conduct a special status species survey on the morning of and prior to the scheduled work. (a) If no special status species is found, the work may proceed. (b) If eggs or larvae of a special status species are found, a buffer will be established around the location of the eggs/larvae and work may proceed outside of the buffer zone. No work will occur within the buffer zone. Work within the buffer zone will be rescheduled until the time that eggs have hatched and/or larvae have metamorphosed. (c) If an active western pond turtle nest is detected within the activity area, a 50-foot buffer zone around the nest will be established and maintained during the breeding and nesting season (April 1 – August 31). The buffer zone will remain in place until the young have left the nest, as determined by a qualified biologist. (d) If adults or non-larval juveniles of a special status species are found, one of the following two procedures will be implemented: i) If, in the opinion of the qualified biologist, capture and removal of the individual to a safe place outside of the work area is less likely to result in adverse effects than leaving the individual in place and rescheduling the work (e.g., if the species could potentially hide and be missed during a follow-up survey), the individual will be captured and relocated by a qualified biologist (with USFWS and/or CDFW approval, depending on the listing status of the species in question), and work may proceed. ii) If, in the opinion of the qualified biologist, the individual is likely to leave the work area on its own, and work can be feasibly rescheduled, a buffer will be established around the location of the individual(s) and work may proceed outside of the buffer zone. No work will occur within the buffer zone. Work within the buffer zone will be rescheduled. (2) For minor maintenance and vegetation removal activities that will take more than 1 day, the qualified biologist shall conduct a special-status species survey on each morning of and prior to the scheduled work commencing. (a) If eggs or larvae of a special status species are found, a buffer will be established around the location of the eggs/larvae and work may proceed outside of the buffer zone. No work will occur within the buffer zone. Work within the buffer zone will be rescheduled until the time that eggs have hatched and/or larvae have metamorphosed. (b) If an active western pond turtle nest is detected within the activity area, a 50 ft-buffer zone around the nest will be established and maintained during the breeding and nesting season (April 1 – August 31). The buffer zone will remain in place until the young have left the nest, as determined by a qualified biologist.

SMP BMP	Description
	(c) If adults or non-larval juveniles of a special status species are found, the individual will be captured and relocated by a qualified biologist with USFWS and/or CDFW approval, depending on the listing status of the species in question), and work may proceed. (3) For Sediment Removal and Bank Stabilization Projects the wildlife or fisheries biologist in cooperation with the Project proponent shall complete a Site-Specific Species Protection Form for the Project. Elements of the form include: work rescheduling, training work crews, daily surveys, establishment of buffers and buffer fencing, on-site monitoring, habitat modification in advance of work activities, capture and relocation of individual special-status species, methods of documentation, and reporting of results. b. If no special status amphibian or reptile is found within the activity area during a pre-activity survey, the work may proceed. c. During animal conflict management activities, if special status species are found within a burrow proposed for destruction, a qualified biologist will determine an appropriate buffer distance around that burrow to ensure adequate protection of the habitat. The buffer area may include not destroying adjacent burrows as that may damage subterranean networks of the occupied burrow or produce substrate vibrations which could interfere with prey detection mechanisms. If two consecutive follow up surveys are conducted (spaced 30 days apart) in which the burrow is found to be unoccupied, work can proceed as planned. A naturally found back filled burrow known to have been inhabited by a special-status species will be presumed to still be occupied by that species and a clearly delineated buffer demarcation of the burrow area will be in place for the duration of nearby work activities. In rare instances in which destruction of the burrow is not avoidable during animal conflict management, the animal will be relocated to a safe burrow outside the impact area, with USFWS and/or CDFW approval, depending on the listing status of the species in question. A biologist will observe the relocated animal until it is certain that the animal is not in immediate danger of desiccation or predation.
BMP GEN-15: Salvage Native Aquatic Vertebrates from Dewatered Channels	If fisheries or native aquatic vertebrates are present when cofferdams, water bypass structures, and silt barriers are to be installed, a fish and native aquatic vertebrate relocation plan shall be implemented to ensure that fish and native aquatic vertebrates are not stranded. Relocation efforts will be based on Valley Water's Fish Relocation Guidelines (Attachment B). Streams that support a sensitive species (i.e. steelhead) will require a relocation effort and/or initial onsite monitoring by a qualified biologist depending on seasonal conditions: 1. In non-tidal channels, where water is to be diverted, prior to the start of work or during the installation of water diversion structures, native aquatic vertebrates shall be captured in the work area and transferred to another reach as determined by a qualified biologist. Timing of work in streams that supports a significant number of amphibians will be delayed until metamorphosis occurs to minimize impacts to the resource. Capture and relocation of aquatic native vertebrates is not required at individual work sites when site conditions preclude reasonably effective operation of capture gear and equipment.

SMP BMP	Description
	2. Aquatic invertebrates will not be transferred (other than incidental catches) because of their anticipated abundance and colonization after completion of the repair work.
BMP GEN-17: Employee/Contractor Training	All appropriate Valley Water 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. Valley Water staff and contractors will receive fact sheets to assist with in-the-field identification of special-status species and their habitats.
BMP 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 and following the California Stormwater Quality Association (CASQA) Construction Stormwater Best Management Practice Handbook guidelines. 4. Appropriate measures include, but are not limited to, the following: • Silt Fences • Straw Bale Barriers • Brush or Rock Filters • Storm Drain Inlet Protection • Sediment Traps • Sediment Basins • Erosion Control Blankets and Mats • Soil Stabilization (i.e. tackified straw with seed, jute or geotextile blankets, etc.) • Wood chips • Straw mulch 5. Where necessary to minimize soil from being tracked onto streets near work sites, stabilize construction entrances and exits. 6. All temporary construction-related erosion control methods shall be removed at the completion of the Project (e.g., silt fences). 7. 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

SMP BMP	Description
	precautions to limit the increase in turbidity as follows: where natural turbidity is between 0 and 50 NTU, waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses; where natural turbidity is greater than 50 NTU, increases will not exceed 10 percent; 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 work area. 8. Active non-stormwater discharges of sediment, sediment-laden water, and/or construction related materials shall cease immediately. Corrective actions shall be implemented before the next rain event, but no longer than 10 business days after the potential and/or actual discharges are discovered. If more than 10 business days are required for compliance, a rationale shall be recorded. Active non-stormwater discharges and visual increases in turbidity must be immediately reported to the Valley Water's Stream Maintenance Program Implementation Project Manager. 9. 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. 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.

~~2.7.3~~2.7.5 Avoidance and Minimization Measures

AMMs are measures to prevent, avoid, or minimize potentially adverse effects on resources (e.g., cultural, biological, water) associated with construction and other activities. Because the standard BMPs from Valley Water's Best Management Practices Handbook are ~~standardized and~~ intended to apply to a broad range of projects and activities, and because SMP BMPs would not address all Project site-specific impacts, Valley Water has ~~tailored several of the standardized BMPs to apply more directly to the Project. To differentiate them from the standard BMPs, these modified measures are identified as~~developed Project-specific AMMs~~; however, similar~~ to avoid or minimizes potential adverse impacts. Similar to the standard BMPs and SMP BMPs, AMMs would be implemented as part of the Project design (and are therefore not considered mitigation~~.~~). Accordingly, and in addition to the Valley Water BMPs, VHP Conditions, and SMP BMPs listed above, Valley Water would incorporate the Project-specific AMMs provided in Table 2.7-4.

~~Accordingly, and in addition to the Valley Water BMPs and VHP Conditions listed above, Valley Water would incorporate the Project-specific AMMs provided in the list below to avoid or minimize potential adverse environmental effects.~~

~~All AMMs for proposed Project implementation activities would be incorporated into the Project's work plans, and all contractors employed on the proposed Project would be required to adhere to them. Additional environmental measures developed to mitigate specific impacts~~

~~associated with proposed Project implementation and not avoidable through standard construction BMPs or AMMs are further detailed in Section 3 of this IS/MND.~~

Table 2.7-4 Project-specific Avoidance and Minimization Measures

AMM	Description
AMM – BIO-1: Phytophthoras in Native Habitats	All tools, equipment, and clothing and shoes must be sanitized before entering sensitive natural areas. Prior to beginning work, obtain a sanitizing agent from a Valley Water Botanist.
AMM – CR-1: Pre-construction Worker Awareness Training	All earthmoving construction personnel will receive cultural sensitivity awareness training that includes information on the possibility of encountering tribal cultural resources during construction, the types of artifacts likely to be seen based on finds in the site vicinity, and the proper procedures in the event tribal cultural resources are encountered. Worker training will be prepared and presented by a qualified archaeologist with appropriate experience and expertise in teaching non-specialists. The awareness training will be conducted on site at the start of construction and thereafter as required for new construction personnel.
AMM – BIO-2: Crotch's Bumble Bee Avoidance Plan	During construction of the Project, Valley Water would implement the California Department of Fish and Wildlife-approved Federal Energy Regulatory Commission Order Compliance Project's Crotch's Bumble Bee Avoidance Plan (Valley Water 2024), which includes measures to survey for Crotch's bumble bees and their nests, avoid active nests and individuals if they are detected, and minimize impacts on the species' floral resources.
~~AMM – GEN- 1: 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.~~
~~AMM – GEN- 2: Erosion and Sediment Control Measures~~	~~4. 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 OHWM are exempt from this BMP.~~
AMM-GHG-1: Reduce Construction GHG Emissions	• Require all diesel-fueled off-road construction equipment be equipped with USEPA Tier 4 Final compliant engines or better as a condition of contract. Where specific equipment is required and an USEPA-rated Tier 4 version is not available, other lower tiered equipment may be used, so long as it can be demonstrated that acquiring the Tier 4 equipment would not be feasible (defined as not being available in the market or resulting in schedule delays that could be detrimental to completion of the Project). Alternatively, use CARB – approved renewable diesel fuel in off-road construction equipment and on road trucks. • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes (A five-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the Project site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.

AMM	Description
	• Require all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction activity workers and offer meal options onsite or shuttles to nearby meal destinations for construction activity workers. • Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more by weight than the diversion requirement in Title 24. • Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water. • Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.

3 Environmental Evaluation

3.1 Environmental Checklist

Topic	Description
Project title	Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road
Lead Agency name and address	Santa Clara Valley Water District 570 Almaden Expressway San Jose, CA 95118
Contact person	Lawrence Truong, Associate Environmental Planner (408) 630-2916
Project location	Santa Clara County, City of San Jose, along the Guadalupe River crossing upstream of Malone Road (APNs 456-09-003 and 456-18-001), and the Guadalupe River crossing located at Blossom Hill Road (APN 458-14-034).
Project sponsor's name and address	Santa Clara Valley Water District 570 Almaden Expressway San Jose, CA 95118
General Plan description	OSPH under the City of San José 2040 General Plan (City of San José 2011)
Zoning	Malone Road (APNs 456-09-003, 456-187-001, 456-09-002: Single-family Residential (up to five dwelling units per acre) and Single-family Residential (up to eight dwelling units per acre) Blossom Hill Road (APN 458-14-034): High Industrial and Planned Development

Topic	Description
Description of the Project	Valley Water is proposing the Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road (Project). The Project would involve bank stabilization at two crossings along the Guadalupe River, at Malone Road and Blossom Hill Road, where in-stream structures have been significantly eroded and subsequent damage has occurred at the embankment, posing a risk of impacts to neighboring properties. The Project would consist of repairs to address the existing broken concrete-lined channel and failed gabion baskets and would include the removal of vegetation and trees. The repairs would span approximately ~~410~~ 340 linear feet along the length of the channel. After Project completion, there would be no required operation and maintenance activities; thus, operational impacts are not discussed in each section. Operation and maintenance activities required for the Project site would occur under Valley Water's SMP. Please see Section 2, Project Description, for additional information.
Surrounding land uses and setting	The Project is within the City of San José, on undeveloped land along the Guadalupe River. Soils at the Blossom Hill work area are categorized as Urban land — Landelspark complex, 0 to 2 percent slopes. Soils at the Malone Road work area are categorized Urban land - Still complex, 0 to 2 percent slopes, and Urban land — Elpaloalto complex, 0 to 2 percent slopes. Residential areas are adjacent to the work areas.
Other public agencies whose ministerial or discretionary approval may be required	• Santa Clara Valley Habitat Agency • California Department of Fish and Wildlife (CDFW) • California Regional Water Quality Control Board (RWQCB) • Army Corps of Engineers (USACE) • National Marine Fisheries Service (NMFS)
Tribal coordination	Valley Water emailed and mailed Project notification letters describing the Project and location and offering the opportunity of AB 52 consultation to Tribal Chair Charlene Nijmeh of the Muwekma Ohlone Indian Tribe and Chairwoman Quirina Luna Geary of Tamien Nation on October 3, 2024. No request for consultation was received within or after the 30-day response period from the Muwekma Ohlone Indian Tribe. Tamien Nation emailed Valley Water on October 10, 2024, to request a consultation. Valley Water had a meeting with Tamien Nation about the Project via Microsoft Teams on November 26, 2024. Valley Water emailed Tamien Nation requested Project information on December 2, 2024. Valley Water sent follow up emails to Tamien Nation on December 11, 2024 and December 19, 2024, making itself available for any follow up and no further follow up was requested. Valley Water emailed Tamien Nation about the Draft MND on June 26, 2025.

3.2 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by the Project, as indicated by the checklist and described on the following pages.

	Aesthetics		Agriculture and Forestry Resources	X	Air Quality
X	Biological Resources		Cultural Resources		Energy
X	Geology and Soils		Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology and Water Quality		Land Use and Planning		Mineral Resources
X	Noise		Population and Housing		Public Services
	Recreation		Transportation / Traffic		Tribal Cultural Resources
	Utilities and Service Systems		Wildfire		Mandatory Findings of Significance

3.3 Determination

On the basis of this initial evaluation:

____ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

__X__ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

____ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

____ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

___ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lawrence Truong — February 4, 2026

Signature — Date

Lawrence Truong
Associate Environmental Planner
Santa Clara Valley Water District

3.4 Evaluation of Environmental Impacts

3.4.1 Aesthetics

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Figure 3-1 Malone Road Project Site Photo 1: Deep Pool Habitat with Failed Concrete Bank

Figure 3-2 Malone Road Project Site Photo 2: Failed Concrete Lined Bank

Figure 3-3 Blossom Hill Road Project Site Photo 1: Both Bridge Cells Looking Upstream

Figure 3-4 Blossom Hill Road Project Site Photo 2: Rock Gabion and Pool Habitat Under Bridge

Environmental Setting

The two Project sites are located within the City of San José. The existing visual character of the river crossings consists primarily of vegetated areas within open space areas surrounded by residential uses and urban development. There is one eligible scenic highway that traverses the City of San José, Route 280; however, Route 280 is not located in the vicinity of the Project sites (Caltrans 2021). Vegetation types within the Project sites include coyote brush, red willow, Chinese pistache, invasive fig, invasive black locust, poison oak, invasive ash, and invasive walnut, portions of which would be removed under the Project for access and repair activities. Existing views of the Project sites and vicinity are restricted to occasional observation from nearby residential properties and from isolated observation points along the neighboring roadways.

Discussion

a) Have a substantial adverse effect on a scenic vista?

No Impact. The Project activities would not occur near or be visible from a scenic vista or designated scenic highway. Therefore, the Project would not impact a scenic vista or designated scenic highway.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than Significant Impact. There are no designated scenic resources, such as wild and scenic rivers or scenic highways, in the vicinity of either Project site. As stated above, both Project sites are located in predominately open space areas but are only casually visible, due to topography, and are surrounded by residential uses and urban development. Route 280, the nearest eligible scenic highway to either Project site, is approximately 4 miles from the Malone Road Project site and 6 miles from the Blossom Hill Road Project site (Caltrans 2021). Construction at the Blossom Hill Road Project site is approximately 0.06 mile from Sánchez Ponds, 0.10 mile from the Los Alamitos Percolation Ponds, 0.50 mile from the Almaden Lake Park. The Project work is limited, and the aforementioned ponds and lake have limited views of the Project sites. Project work would not impact the visual character of the ponds or lake.

The Project would result in the removal of up to 15 trees as well as vegetation, including invasive species. Valley Water would revegetate any graded areas with native vegetation. Valley Water would recontour the work areas following completion of proposed maintenance and repair, returning each Project site to its previous aesthetic condition. The Project would thus not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings. Therefore, impacts would be less than significant.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. Both Project sites are located in open space areas surrounded by residential uses and urban development. As there is no public access at either Project site, visibility of the Project would be limited. The construction schedule would span June 15, 2026, through October 15, 2026, totaling 4 months, with minimal equipment needed. ~~Due to the proposed~~During construction, Valley Water would implement standard BMP WQ-11 (Maintain Clean Working Conditions at Work Sites) as well as SMP BMP GEN-4 (Minimize the Area of Disturbance) to ensure construction work areas are maintained and minimized. Due to the Project's localized scale, any impacts from degradation to visual character or quality of public views, such as tree removal or temporary views of construction equipment, would not be significant. Valley Water would restore each Project site to its previous aesthetic condition upon completion of the Project.

The Project would not otherwise conflict with the County of Santa Clara or City of San José policies pertaining to scenic resources and would not substantially degrade the existing visual character or quality of public views of the Project sites and their surroundings. Therefore, impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. Existing sources of light and glare in the vicinity of the Project sites include streetlights located along roads, headlights from vehicles traveling at nighttime, and glare from sunlight reflecting off passing or parked vehicles as well as rooftops and sides of surrounding buildings. Further, the Blossom Hill Road Project site, specifically, may experience light and glare from the surrounding urban development.

Because the Project's construction activities would occur during daylight hours, temporary construction lighting equipment would not be necessary. Project construction would include typical construction equipment (e.g., excavator, tractors/loaders/backhoes, dump trucks, water truck/sweeper, pickup trucks) that could create some glare in the immediate vicinity of the Project sites; however, any glare resulting from Project activities would not be substantial and would be temporary. The Project would not result in any new permanent sources of light or glare. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.2 Agriculture and Forestry

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

Environmental Setting

The Project sites are located on Valley Water fee title or easement property. Adjacent residential neighborhoods and urban development surround both Project sites. The Malone Road Project site is zoned Single-family Residential (up to five dwelling units per acre) and Single-family Residential (up to eight dwelling units per acre). The Blossom Hill Road Project site is zoned High Industrial and Planned Development and is located approximately 0.50 mile from Almaden Lake Park. The overall Project site is approximately 0.80 mile from the western end of the Santa Teresa Hills. The Project sites are categorized as OSPH under the City of San José 2040 General Plan and are bounded by residences and urban development (City of San José 2011). No lands in the vicinity of the Project sites are mapped as important farmland or under a Williamson Act Contract (CDOC 2016; CDOC n.d.).

Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. There is no Prime Farmland, Farmland of Statewide Importance, or Unique Farmland within the vicinity of either of the Project site (CDOC 2016). Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and no impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. Work would not occur within a Williamson Act contract parcel or in an area zoned for agricultural use (CDOC n.d.). Additionally, Project activities would not alter the existing land use such as to conflict with existing zoning. Therefore, no impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. As discussed in Section 2.2, Project Location, the Project site is categorized as OSPH under the City of San José 2040 General Plan (City of San José 2011). Accordingly, the Project sites are not located within forest land, timberland, or timberland zoned Timberland Production. Therefore, no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project sites are not located within forest land. Therefore, no impact would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. See discussions under Impact a, c, and d in this section. Project activities would not involve changes to the existing environment that could result in conversion of farmland to non-agricultural use. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.3 Air Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		X		
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

The air quality analysis includes a review of criteria pollutant[5] emissions such as carbon monoxide (CO), nitrogen oxides (NO_x), sulfur dioxide (SO_2), volatile organic compounds (VOC) as reactive organic gases (ROG), particulate matter less than 10 micrometers (coarse particulate, or PM_{10}), and particulate matter less than 2.5 micrometers (fine particulate, or $PM_{2.5}$).

Environmental Setting

The Project sites are located within the San Francisco Bay Area Air Basin (SFBAAB), which encompasses Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda counties. Santa Clara County, which includes the City of San José, is located entirely within the SFBAAB. ~~The BAAQMD~~The Bay Area Air District (BAAD; formerly the Bay Area Air Quality Management District [BAAQMD]) manages air quality in the SFBAAB and is the regional agency primarily responsible for monitoring pollutant concentrations and regulating pollutant emissions. ~~BAAQMD~~BAAD has permitting authority over stationary sources of air emissions and prepares air quality management plans to improve air quality in the basin and achieve state and federal air quality standards. The SFBAAB is currently designated "nonattainment" for state and national (1-hour and 8-hour) ozone standards, for state PM_{10} standards, and for state and national (annual average and 24-hour) $PM_{2.5}$ standards. The SFBAAB is designated "attainment" or "unclassifiable" with respect to the other ambient air quality standards.

Adjacent residential neighborhoods and urban development surround both Project sites. The nearest residences to the Malone Road Project site surround the site at a distance of approximately 50 feet along Malone Road and Almaden Road (from the upstream Cofferdam

[5] Criteria air pollutants refer to those air pollutants for which the USEPA and CARB has established National Ambient Air Quality Standards and California Ambient Air Quality Standards under the Federal CAA.

with Sump Pump). The nearest residences to the Blossom Hill Road Project site are approximately 450 feet northeast along Blossom River Drive (from the temporary cofferdam). The Avana Almaden Apartments are also located 760 feet northwest of the Project site.

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. Air quality plan refers to any clean air plan, ozone plan, or other air quality management plan developed by ~~BAAQMD~~BAAD. The most recent clean air plan adopted by ~~BAAQMD~~BAAD is the 2017 Clean Air Plan, which includes a wide range of control measures designed to decrease emissions of air pollutants such as particulate matter, ozone, and toxic air contaminants; reduce greenhouse gas (GHG) emissions of methane and other "super-GHG" in the near term; and decrease GHG emissions by reducing fossil fuel combustion in the long-term (BAAQMD 2017).

When a lead agency contemplates approving a project where an air quality plan consistency determination is required, ~~BAAQMD~~BAAD recommends that the agency analyze the project with respect to the following questions: (1) Does the project support the primary goals of the air quality plan; (2) Does the project include applicable control measures from the air quality plan; and (3) Does the project disrupt or hinder implementation of any control measures from the air quality plan? If the first two questions are concluded in the affirmative and the third question is concluded in the negative, the ~~BAAQMD~~BAAD considers the project consistent with the air quality plan prepared for the SFBAAB.

The federal Clean Air Act (CAA) requires air districts to create a clean air plan that describes how the jurisdiction will meet air quality standards. These plans must be updated periodically. As stated, the most recently adopted air quality plan for the SFBAAB is the 2017 Clean Air Plan. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors and reduce the transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Clean Air Plan builds upon and enhances ~~BAAQMD's~~BAAD's efforts to reduce emissions of fine particulates and air toxics. The 2017 Clean Air Plan does not include control measures that apply directly to individual development projects. Rather, the control strategy includes measures related to mobile sources, stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-~~greenhouse gas (~~GHG~~)~~ pollutants (BAAQMD 2017).

The Project includes applicable control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of the 2017 Clean Air Plan control measures.

> *Mobile Source Measures*. These measures promote lower emission vehicles and equipment. These measures are aimed at reducing ozone precursor emissions (ROGs and NOx) from mobile sources. Consistent with the California Airborne Toxic Control Measure (Title 13, Section 2485 of the CCR), implementation of Valley Water standard BMP AQ-1 (~~BAAQMD~~Use Dust Control Measures) would limit construction vehicle idling to 5 minutes or less. The Project would also implement the use of Tier 4 emission

standards (MM AQ-2~~)~~ [Construction Exhaust Emissions Reduction Measures]) reducing emissions due to construction equipment and vehicles. Thus, applicable control measures are included in the Project and the Project would not disrupt or hinder implementation of any Mobile Source Measures.

Stationary Source Control Measures. The Stationary Source Control Measures aim to protect public health by reducing emissions of criteria pollutants and TACs. Stationary Source Control Measure 32 (SS32), Emergency Backup Generators, is aimed at reducing emissions of diesel PM from backup generators. The Project does not contain emergency backup generators or other stationary sources; therefore, the Stationary Source Control Measures do not apply.

Land Use and Local Impacts Measures. These measures are aimed at promoting mixed-use, infill development to reduce vehicle travel and emission, as well as protecting people from exposure to air pollution from stationary and mobile sources of emissions. The Land Use and Local Impacts Measures do not apply to the Project because the Project is not a land use development project, would have no effect on land use, and would not induce growth. In addition, the Project would not disrupt or hinder implementation of any Land Use and Local Impacts Measures.

A project that would not support the 2017 Clean Air Plan's goals would not be considered consistent with the plan. On an individual project basis, consistency with ~~BAAQMD's~~BAAD's quantitative thresholds is interpreted as demonstrating support for the 2017 Clean Air Plan's goals. As shown in the discussion under Impact b, the Project would not result in exceedances of ~~BAAQMD's~~BAAD's thresholds for criteria air pollutants and thus would not conflict with the 2017 Clean Air Plan's goal to attain air quality standards. Further, the Project would not result in new land use development that would increase regional emissions sources (e.g., vehicular exhaust, area wide source). Because the Project only involves construction activities, some of which require the use of trucks and heavy equipment for short periods of time over the course of approximately 4 months, no operational impact analysis is required. Therefore, the Project would not conflict with the adopted Clean Air Plan.

Additionally, the Project would support the primary goals of the 2017 Clean Air Plan because the Project's construction emissions are below the ~~BAAQMD~~BAAD CEQA significance thresholds (see Impact b). Accordingly, implementation of the Project would not disrupt implementation of the 2017 Clean Air Plan. Therefore, impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact with Mitigation Incorporated. To determine if the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standards, the Project's construction emissions were estimated utilizing the California Emissions Estimator Model

(CalEEMod) (CAPCOA 2022). The estimated construction emissions were then compared to the ~~BAAQMD~~BAAD CEQA significance thresholds.

During Project construction, the use of heavy construction equipment, truck trips from hauling materials, and truck trips from construction workers traveling to and from the Project sites would emit air pollutants for which the SFBAAB is nonattainment as follows:

- Mobile-source emissions, primarily NO_x, would be generated by equipment such as excavators, bulldozers, loaders, and graders during demolition and excavation activities.
- Paving operations would release fugitive ROG.
- Construction activities would also generate fugitive dust that could contribute particulate matter into the local atmosphere.

Per ~~BAAQMD's~~BAAD's *CEQA Air Quality Guidelines*, the reported PM_{10} and $PM_{2.5}$ emissions are those related to combustion exhaust only (BAAQMD 2022). Fugitive dust emissions would be addressed via implementation of standard BMP AQ-1 (Use Dust Control Measures) and MM AQ-1 (Additional BAAD Dust Control Measures), per ~~BAAQMD's~~BAAD's *CEQA Air Quality Guidelines* (Table 5-2~~) and Valley Water BMPs.~~).

Table 3.4-1 provides the estimated short-term construction emissions that would result from the Project. The average daily construction emissions (i.e., total construction period emissions divided by the number of actual construction days) were compared to the ~~BAAQMD~~BAAD significance thresholds. With implementation of standard BMP AQ-1 (Use Dust Control Measures) and MM AQ-1~~,~~ (Additional BAAD Dust Control Measures), all construction-related emissions would fall below the ~~BAAQMD~~BAAD significance thresholds. Therefore, impacts would be less than significant with mitigation.

As discussed in Impact c, the health risk assessment (HRA) would additionally require implementation of MM AQ-2 (Construction Exhaust Emissions Reduction Measures) to reduce the health impacts to less than significant. Therefore, Table 3.4-1 incorporates MM AQ-1 (Additional BAAD Dust Control Measures) and as well as MM AQ-2 (Construction Exhaust Emissions Reduction Measures) into the construction emissions inventory**.** Due to control technologies implemented in accordance with MM AQ-1 ~~and MM AQ-2 that~~(Additional BAAD Dust Control Measures) and MM AQ-2 (Construction Exhaust Emissions Reduction Measures), which are focused on reducing ROG, NOx, PM_{10}, and $PM_{2.5}$ emissions, mitigated CO emissions would be greater than the unmitigated CO emissions as those control technologies increase CO emissions.

Table 3.4-1 Construction-Related Pollutant Emissions

Project	Pollutant emissions (pounds/day)				
	ROG	**NO_x**	**PM_{10}**	**$PM_{2.5}$**	**CO**
Unmitigated					

Blossom Hill Road	3.07	27.2	0.84	0.77	31.7
Malone Road	3.08	27.7	0.85	0.78	32.0
Project total	**6.14**	**54.9**	**1.69**	**1.55**	**63.7**
Significance threshold	54	54	82	54	—
Significant? (yes or no)	No	No	No	No	No
Mitigated					
Blossom Hill Road	0.82	15.2	0.14	0.13	40.5
Malone Road	0.83	15.8	0.15	0.14	40.8
Project total	**1.66**	**31.0**	**0.29**	**0.27**	**81.3**
Significance threshold	54	54	82	54	—
Significant? (yes or no)	No	No	No	No	No

Note: ~~BAAQMD~~BAAD does not have construction screening thresholds for either CO or SO_2.

Source: Valley Water Guadalupe River Bank Stabilization Air Quality Technical Report (RCH Group 2024a)

In accordance with standard BMP AQ-1 (Use Dust Control Measures), idling times would be minimized by either 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). Clear signage would be provided for construction workers at all access points. ~~All~~Furthermore, in accordance with standard BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), all construction equipment would be maintained and properly tuned in accordance with the manufacturer's specifications. ~~All equipment would be checked by a certified mechanic and determined to be running in proper condition prior to operation.~~

The Project ~~shall~~would also require construction contractors to recycle or salvage a minimum of 65 percent of the non-hazardous construction and demolition waste generated directly from construction and demolition of the Project, per CalGreen Construction Waste Management Requirements.

In addition, for construction projects, regulatory requirements may include, but are not limited to, ~~BAAQMD's~~BAAD's Regulation 6, Rule 1 (General Requirements) and Regulation 6, Rule 6 (Prohibition of Trackout), which require dust-generating operations to limit particulate matter emissions. Rule 6-1 prohibits fugitive emissions on site, and ~~BAAQMD~~BAAD enforcement staff are trained to document visible emissions and fugitive dust using either the opacity or the Ringlemann test methods. For construction sites, Rule 6-1 does not prescribe mitigation measures; however, operators are expected to utilize standard construction management practices to comply with the fugitive dust emissions prohibition. Rule 6-6 prohibits trackout. For construction sites, Rule 6-6 does not prescribe mitigation measures; however, construction

operators are expected to use common operational measures and suppression techniques (e.g., trackout control devices) to minimize trackout.

Using standard fuel consumption estimates, construction activities would require approximately 58,560 gallons of diesel fuel per year (haul trucks and offroad equipment) (CAPCOA n.d.)[6]

Accordingly, with implementation of standard BMPs and MM AQ-1 (Additional BAAD Dust Control Measures) and adherence to regulatory requirements ~~and MM AQ-1~~, impacts would be less than significant with mitigation.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact with Mitigation Incorporated. For purposes of CEQA, ~~BAAQMD~~BAAD considers a sensitive receptor to be land use associated with those segments of the population most susceptible to poor air quality: children, the elderly, and those with pre-existing serious health problems affected by air quality. Examples include residences, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities. ~~BAAQMD~~BAAD considers the relevant zone of influence for an assessment of air quality health risks to be the area within 1,000 feet of a Project site.

Adjacent residential neighborhoods and urban development surround both Project sites. The nearest residences to the Malone Road Project site surround the site at a distance of approximately 50 feet along Malone Road and Almaden Road (from the upstream cofferdam with sump pump). The nearest residences to the Blossom Hill Road Project site are approximately 450 feet northeast along Blossom River Drive (from the temporary cofferdam). The Avana Almaden Apartments are also located 760 feet to the northwest of the Project site. Other sensitive land uses are located further from the Project sites and would experience less significant impacts to air quality.

Because of the potential for sensitive receptors to occur within 1,000 feet of the Project sites, an HRA was conducted following methodologies in California Office of Environmental Health Hazard Assessment (OEHHA)'s *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2015). Estimated emissions concentrations at the receptors were analyzed to the established cancer risk estimates and acceptable reference concentrations for non-cancer health effects.

The Project would constitute a new emission source of diesel particulate matter (DPM) and $PM_{2.5}$ due to construction activities. Studies have demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk.

[6] Fuel usage is estimated using the CalEEMod output for CO2 and a 10.19 kgCO2/gallon (diesel) conversion factor, https://www.eia.gov/environment/emissions/co2_vol_mass.php

Health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Individual cancer risk is the likelihood that a person exposed to air toxic concentrations over a 70-year lifetime would contract cancer, based on the use of standard risk-assessment methodology. The maximally exposed individual residence (MEIR) represents the worst–case risk estimate, based on a theoretical person continuously exposed for a lifetime at the point of highest compound concentration in the air. This is a highly conservative assumption since most people do not remain at home all day and, on average, residents change residences every 11 to 12 years. In addition, this assumption assumes that residents are experiencing outdoor concentrations for the entire exposure period.

The HRA analyzes the incremental cancer risks to sensitive receptors in the vicinity of the Project sites using emission rates (in pounds per hour) from the construction emissions inventory. DPM (reported as combustion exhaust emissions of $PM_{2.5}$) emission rates were input into the USEPA's American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) atmospheric dispersion model to calculate ambient air concentrations of DPM at receptors in the Project vicinity.

For the Malone Road Project site, the nearest residences are located approximately 50 feet surrounding the site along Malone Road and Almaden Road, therefore the MEIR is consistent and interchangeable among these residences (RCH Group 2024a). For the Malone Road Project site, the maximum cancer risk from unmitigated construction emissions for a residential-adult receptor would be 1.74 per million and, for a residential-child receptor, would be 38.8 per million at the MEIR. Thus, the cancer risk due to unmitigated construction activities ~~are~~would be greater than the ~~BAAQMD~~BAAD significance threshold of 10 per million, and the impact would be potentially significant.

However, the maximum cancer risk from mitigated construction emissions for a residential-adult receptor would be 0.31 per million and for a residential-child receptor would be 6.97 per million. Thus, the cancer risk due to mitigated construction activities ~~are~~would be less than the ~~BAAQMD~~BAAD significance threshold of 10 per million. Implementation of MM AQ-2 (Construction Exhaust Emissions Reduction Measures) would reduce cancer risks related to the Project's construction activities from 38.8 to 6.97 per million, less than the ~~BAAQMD~~BAAD significance threshold of 10 per million. Thus, the ~~Project exposing~~Project's potential to expose sensitive receptors to substantial pollutant concentrations at the Malone Road Project site ~~is~~would be less than significant impact with mitigation.

For the Blossom Hill Road Project site, the MEIR is located within the Avana Almaden Apartments to the northwest of the Project site (RCH Group 2024). In this area the maximum cancer risk from unmitigated construction emissions for a residential-adult receptor would be 0.03 per million and for a residential-child receptor would be 0.64 per million. Thus, the cancer risks due to unmitigated construction activities ~~are~~would be less than the ~~BAAQMD~~BAAD threshold of 10 per million, and impacts would therefore be less than significant. Therefore, although MM AQ-2 ~~is not~~(Construction Exhaust Emissions Reduction Measures) would not be

required for the Blossom Hill Road Project site, implementation of the mitigation measure would further reduce potential health impacts.

Both acute (short-term) and chronic (long-term) adverse health impacts unrelated to cancer are measured against a hazard index (HI), which is defined as the ratio of the predicted incremental exposure concentration from the Project to a reference exposure level (REL) that could cause adverse health effects on a specific target organ (e.g., nervous system, respiratory system, cardiovascular system, etc.) within the human body. The REL are published by OEHHA based on epidemiological research. For the Project, the DPM concentration is divided by the REL for DPM (i.e., 5 micrograms per cubic meter ($\mu g/m^3$)) to determine the HI with potential effects on the respiratory system. The health impact is considered to be significant if the HI for DPM is greater than 1.0." Of note, there is a cancer potency factor and a chronic HI, but no acute HI, associated with DPM (OEHHA n.d.). The chronic REL for DPM was established by the California OEHHA as 5 $\mu g/m^3$ (OEHHA 2015). Thus, the annual concentration of DPM cannot exceed 5.0 $\mu g/m^3$, which would result in a chronic HI of greater than 1.0 (i.e., DPM annual concentration/5.0 $\mu g/m^3$). The unmitigated chronic HI would be 0.06 (for the Malone Road Project site) and less than 0.01 (for the Blossom Hill Road Project site). The mitigated chronic HI would be 0.01 (for the Malone Road Project site) and less than 0.01 (for the Blossom Hill Road Project site) and thus, the chronic HI would be below the project-level threshold of 1, and the impacts to public health from Project emissions would be less than significant with mitigation.[7]

Dispersion modeling also estimated the exposure of sensitive receptors to Project-related concentrations of $PM_{2.5}$. ~~BAAQMD's~~BAAD's *CEQA Air Quality Guidelines* requires inclusion of $PM_{2.5}$ exhaust and fugitive dust emissions in this analysis (BAAQMD 2022). Unmitigated annual $PM_{2.5}$ concentration due to construction (combustion exhaust and fugitive dust) would be 0.36 $\mu g/m^3$ for the Malone Road Project site (above the ~~BAAQMD~~BAAD significance threshold of 0.3 $\mu g/m^3$) and 0.01 $\mu g/m^3$ for the Blossom Hill Road Project site. With implementation of MM AQ-2~~,~~ (Construction Exhaust Emissions Reduction Measures), mitigated annual $PM_{2.5}$ concentration due to construction (combustion exhaust and fugitive dust) would be 0.13 $\mu g/m^3$ for the Malone Road Project site and less than 0.01 $\mu g/m^3$ for the Blossom Hill Road Project site and, thus, the annual $PM_{2.5}$ concentration would fall below the ~~BAAQMD~~BAAD significance threshold of 0.3 $\mu g/m^3$. Therefore, impacts would be less than significant with mitigation incorporated.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Construction-related odors from the use of diesel-powered construction equipment may be evident in the immediate vicinity of the Project sites but would disperse rapidly and are unlikely to be perceptible at adjacent parcels. Although excavation of decaying organic material is not expected during construction, implementation of standard

[7] MM AQ-2 (Construction Exhaust Emissions Reduction Measures) would be required to reduce the cancer risk but would also reduce the chronic HI.

BMP AQ-2 (~~Reduce Construction Exhaust Emissions~~Avoid Stockpiling Odorous Materials) would ensure that nearby residences ~~are~~would not be adversely affected by any stockpiled materials. As similar to odors from the use of diesel-powered construction equipment, diesel fumes generated during monthly testing of the standby generators are unlikely to be perceptible beyond the Project sites. The potential for Project construction to generate odors affecting a substantial number of people would be less than significant.

~~Best Management Practices~~

~~The following measures would be implemented per BAAQMD's *CEQA Air Quality Guidelines*, Table 5-2, and Valley Water BMPs):~~

~~BMP AQ-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.~~
- ~~All haul trucks transporting soil, sand, or other loose material off-site shall be covered.~~
- ~~All visible mud or dirt trackout 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.~~
- ~~Water used to wash the various exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, etc.) will not be allowed to enter waterways.~~
- ~~All vehicle speeds on unpaved roads shall be limited to 15 mph.~~
- ~~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.~~
- ~~Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.~~

Mitigation Measures

MM-AQ-1: Additional BAAD Dust Control Measures

The following additional ~~BAAQMD~~BAAD Dust Control Measures ~~will~~shall be implemented (per ~~BAAQMD~~BAAD CEQA Air Quality Guidelines, Table 5-2):

- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

- 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 layer of wood chips, mulch, or gravel.

MM-AQ-2: Construction Exhaust Emissions Reduction Measures

The applicant shall implement the following measures during construction to further reduce construction exhaust emissions:

- All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall utilize diesel engines that are EPA certified "Tier 4 Final" emission standards for particulate matter and be equipped with California Air Resources Board (CARB)-certified Level 3 Diesel Particulate Filters. Prior to the issuance of any demolition/construction permits, the construction contractor shall submit specifications of the equipment to be used during construction and Valley Water shall confirm this requirement is met.[8]
- Equipment such as air compressors, concrete/industrial saws, forklifts, light stands, manlifts, pumps, and welders shall be electric or alternative-fueled (i.e., non-diesel), where feasible. Pole power shall be utilized at the earliest feasible point in time and shall be used to the maximum extent feasible in lieu of generators. If stationary construction equipment, such as diesel-powered generators, must be operated continuously, such equipment must be Tier 4 Final construction equipment or better and located at least 100 feet from air quality sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses) whenever possible.
- At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export with a gross vehicle weight rating of at least 14,001 pounds) that meet CARB's 2010 engine emissions standards or newer, cleaner trucks.

[8] EPA and CARB have implemented regulations and a tiering system to reduce emissions from off-road equipment with increasing combustion efficiency (i.e., decreasing emissions) where Tier 1 is the least efficient (greatest emissions) and Tier 4 is the most efficient (least emissions). The regulations have been implemented over time such that Tier 1 was phased out in the 1990s and Tier 2 was required, followed by implementation of Tier 3 and Tier 4 by 2015 with a phase out of Tier 2.

3.4.4 Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special--status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X		

Environmental Setting

The Project sites are located within the City of San José in Santa Clara County, on undeveloped land near the south end of the ~~City. The Malone Road Project site is surrounded by residential properties.~~city. The Project sites are categorized as OSPH under the City of San José 2040 General Plan and are bounded by residences and urban development (City of San José 2011), with the Malone Road Project site primarily surrounded by residential properties and roadways detailed in Section 3.4.17: Transportation. The Blossom Hill Road Project site is approximately 0.06 mile from Sánchez Ponds, 0.10 mile from the Los Alamitos Percolation Ponds, 0.50 mile from the Almaden Lake Park, and approximately 0.80 mile from the Santa Teresa Hills. ~~The Project sites are categorized as OSPH under the City of San José 2040 General Plan and are~~

~~bounded by residences and urban development (City of San José 2011) The Malone Road Project site is zoned Single-Family Residential (up to five dwelling units per acre) and Single-Family Residential (up to eight dwelling units per acre). The Blossom Hill Road Project site is zoned High Industrial and Planned Development (City of San José 2011).~~

~~Soil types ultimately play a large role in influencing distributions of habitats and wildlife. Soils at the Malone Road work area are categorized as Urban land — Still complex, 0 to 2 percent slopes, and Urban land — Elpaloalto complex, 0 to 2 percent slopes. Soils at the Blossom Hill work area are categorized as Urban land — Landelspark complex, 0 to 2 percent slopes (NRCS n.d.).~~

San José's latitude and location on the west coast of California create a Mediterranean climate. The wet season extends from November through March, and the dry season, when rain is limited, occurs May through October. The wet season is categorized as cool but mild whereas the dry season is characterized by consistent warm sunny days. The average mid-summer high temperature ranges from 80 to 85 degrees Fahrenheit, with lows consistently between 55- and 60 degrees Fahrenheit. High temperatures during mid-winter months range between 55 and 60 degrees Fahrenheit, with nighttime temperatures ranging between 40 and 45 degrees Fahrenheit (Miller and Null 2015). The average yearly precipitation in San José is 14.9 inches (U.S. Climate Data, n.d.).

Baseline human disturbance at the Project sites is moderate, ~~and~~with the Project sites ~~are characterized~~being undeveloped but directly adjacent to and surrounded by urban development and residential uses.

Soil types largely influence distributions of habitats and wildlife in a given location. Soils at the Malone Road Project site are categorized as Urban land — Still complex, 0 to 2 percent slopes, and Urban land — Elpaloalto complex, 0 to 2 percent slopes. Soils at the Blossom Hill Project site are categorized as Urban land — Landelspark complex, 0 to 2 percent slopes (NRCS n.d.). The habitat land cover types and covered species as determined by the VHP to be located within the Project sites and/or within a 1-mile radius of the Project sites are described below. These land cover zones include Serpentine Fee Zones, Wetland Fee zones, Plant Survey Areas, and known occurrences of covered plants survey areas.[9] Of these, mixed riparian forest and woodland, is considered sensitive by the CDFW.

1. ~~**Serpentine bunchgrass grassland**: Occurs near the Malone Road Project site. Dominated by smooth lessingia (*Lessingia micradenia* var. *glabrata)*, fragrant fritillary (*Fritillaria liliacea*), Metcald canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), most beautiful jewelflower (*Streptanthus glandulosus* ssp. *glandulous*), Tiburon paintbrush (*Castilleja affinis* subsp. *neglecta*), and Coyote~~

[9] Although Valley Water is not seeking VHP coverage for the project, as described in MM BIO-1, Valley Water may compensate for impacts to habitat via the VHP's in-lieu fee program, if approved by the Valley Habitat Agency. As such, VHP land cover zones at the Project sites are identified.

~~ceanothus (*Ceanothus ferrisae).* Scattered Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchelli*), which is listed as endangered under the federal ESA, occurs in rocky outcrops adjacent to but outside of the survey area (CDFW 2024).~~

~~2.~~1. **Mixed riparian forest and woodland:** Occurs near the Malone Road Project site. The canopy of this landcover type is typically dominated by Fremont cottonwood forest and woodland (*Populus fremontii – Fraxinus velutina – Salix gooddingii*) Alliance, California sycamore (*Platanus racemosa*), and Goodding's willow - red willow riparian woodland and forest (*Salix gooddingii – Salix laevigata*) Alliance. Shrubs include willows (*Salix* spp.) (Santa Clara County 2006; CDFW 2024).

~~3.~~2. **Willow riparian forest and scrub:** Occurs within the Malone Road Project and Blossom Hill Road Project sites. The dominant canopy species in this habitat include ~~Black~~Goodding's black willow (*Salix gooddingii*), red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), and narrowleaf willow (*Salix exigua*). In addition, Fremont cottonwood, white alder (*Alnus rhombifolia*), bigleaf maple~~,~~ (*Acer macrophyllum*), California sycamore (*Platanus racemosa*), and coast live oak (*Quercus agrifolia*) are often found in these communities (Santa Clara County 2006; CDFW 2024).

~~4.~~3. **Open water aquatic (pond):** Occurs near the Blossom Hill Road Project site. The Blossom Hill Road Project site is approximately 0.06 mile from Sanchez Ponds, 0.50 mile from the Almaden Lake Park, and 0.10 mile from the Los Alamitos Percolation Ponds (CDFW 2024).

~~5.~~4. **Urban suburban:** A developed land cover type represented by the adjacent residential area and horticultural landscaping (CDFW 2024).

~~6.~~5. **Ranchlands and natural lands:** Occurs near the Malone Road Project site and Blossom Hill Road Project site. Ranchlands and natural lands are typically dominated by natural land cover types including grassland, oak woodland, and chaparral (Willdan Financial Services 2012; CDFW 2024).

~~7.~~6. **Agricultural and valley floor lands:** Occurs within the Malone Road Project site and Blossom Hill Road Project site. Agricultural and valley floor lands are typically dominated by cultivated agricultural land cover types such as grain, row crop, hay and irrigated pasture, disked/short term fallowed, orchards, and vineyard (Willdan Financial Services 2012; CDFW 2024).

~~8.~~7. **Small vacant sites under 10 acres:** Occurs near the Malone Road Project site. This land type is typical of undeveloped sites (Willdan Financial Services 2012; CDFW 2024).

~~9.~~8. **Bay checkerspot butterfly (wildlife survey area)**: Occurs within the Malone Road survey area but not within the Malone Road Project site (BIOS_Admin 2023).

~~10.~~9. **Tricolored blackbird (wildlife survey area):** Occurs within the wildlife survey area, including the Blossom Hill Road Project site (CDFW 2021).

Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact. Impacts to special-status species may be direct or indirect. Direct impacts would include the take (i.e., injury, harassment, killing) of species if any are present within the Project sites during construction. Indirect impacts would include the degradation of suitable habitat for species. Specifically, bank stabilization activities often necessitate the operation of heavy equipment within the stream bed (after dewatering). Movement of heavy equipment may compact the substrate, potentially killing benthic invertebrates, embedding gravel within finer sediments, and otherwise altering habitat conditions.~~Several special status species were determined to have possibly extirpated from the Project sites or vicinity and, thus, would not be adversely impacted by the Project. These species include the Northern California legless lizard, western ridged mussel, robust spineflower, California tiger salamander, and the Congdon's tarplant.~~

A one-mile buffer around each Project site was applied to establish the study area for determining the likelihood of presence of species identified as a candidate sensitive, or special-status species by the CDFW, USFWS, or in any local or regional policies, plans, or regulations. ~~Multiple species that meet these criteria are assumed to be present within 1 mile of the Project sites, as listed in Table 3.4-2.~~

Several special-status species have historic or county-level records but no recent documented extant occurrences in the immediate vicinity of the Project sites based on current CNDDB and CNPS records and regional status reviews. These species include northern California legless lizard (*Anniella pulchra*), California tiger salamander (*Ambystoma californiense*), robust spineflower (*Chorizanthe robusta* var. *robusta*), and Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*). Documented occurrences are historic and presumed extirpated or possibly extirpated. The closest Northern California legless lizard record dates to 1949 (possibly extirpated), while the nearest California tiger salamander records are from 1895 (extirpated) and 1992 (possibly extirpated). The closest robust spineflower record is from 1882 (possibly extirpated), and the nearest Congdon's tarplant record is from 1908 (extirpated). Given the historic nature of these records and the lack of high-quality, suitable habitat within the Project site footprints, these species are not expected to occur or be adversely affected by the Project.

Species that have the potential to occur within one-mile of the Project sites are listed in Table 3.4-2 and are discussed further below.

Table 3.4-2 One-mile Radius of Species of Special Concern and State and/or Federally Listed as Candidate, Sensitive, or Special Status

Category	Species [a]
CDFW ~~s~~Species of Special Concern	~~• Obscure bumble bee~~ ~~•~~ Yellow rail ~~• Hoary bat~~ ~~• Chaparral ragwort~~ ~~• American peregrine falcon (delisted)~~ ~~• Burrowing owl~~ ~~• Great blue heron~~ ~~• Snowy egret~~ ~~• Great egret~~ • ~~Black-crowned night heron~~ (*Coturnicops noveboracensis*; SSC)
CNPS Rare Plant	• Chaparral ragwort (*Senecio aphanactis*; CRPR 1B.2)
State and/or federally listed as threatened or endangered, candidate, sensitive, or special status	• Burrowing owl (*Athene cunicularia*; SCE, SSC) • Crotch's ~~bumblebee~~bumble bee (*Bombus crotchii*; SCE) ~~• Western bumblebee~~ ~~• Steelhead~~ • Northwestern pond turtle (*Actinemys marmorata*; FPT, SSC) • Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchellii*; FE, CRPR 1B.1) • Steelhead – Central California Coast DPS (*Oncorhynchus mykiss irideus pop. 9*; FT, SSC) • Western ~~pond turtle~~bumble bee (*Bombus occidentalis*; SCE)

Source: (CDFW 2024)

~~As stated in the SMP, bank stabilization activities often necessitate the operation of heavy equipment within the stream bed (after dewatering).~~

Status:
FE: Federal Endangered
FT: Federal Threatened
FPT: Federal Proposed Threatened
SE: California State Endangered
SCE: State Candidate Endangered
SSC: California Department of Fish and Wildlife Species of Special Concern

California Rare Plant Rank (CRPR):
1B: Plants rare, threatened, or endangered in California or elsewhere
0.1: Seriously threatened in California
0.2: Moderately threatened in California

Based on site conditions and previous development as flood control areas, the Project sites provide limited habitat for these species listed in Table 3.4-2. Additional discussion for each species is provided below.

- **Yellow rail** (*Coturnicops noveboracensis*) is a California Species of Special Concern (SSC). The closest known occurrence of this species in the region dates to 1895. The Project sites lack wet meadow or marsh habitat necessary to support yellow rail, and the potential for this species to occur is therefore low.
- **Chaparral ragwort** (*Senecio aphanactis*) is ranked CRPR 1B.2. Suitable habitat types (chaparral, cismontane woodland, coastal scrub) needed for chaparral ragwort are lacking in the Project area; therefore, the potential for this species to occur on or directly adjacent to the Project sites is low.
- **Burrowing owl** (*Athene cunicularia*) is an SSC, designated as a state candidate for listing as endangered. Burrowing owl is unlikely to be present because the Project sites are within a disturbed riparian corridor in an urbanized area of San José, and the adjacent uplands are disturbed and previously modified for flood control, and open grassland habitat is absent. Therefore, their potential to occur at the Project sites is low.
- **Crotch's bumble bee** and **western bumble bee** are both listed as state candidate endangered species. The Project sites lack the diverse floral resources and suitable undisturbed or structurally complex habitats needed to support nesting or overwintering by Crotch's bumble bee or western bumble bee; while transient individuals could occasionally forage within the area, the potential for breeding or long-term occupancy is limited. The closest known occurrence of western bumble bee dates to 1979, with no recent documented extant occurrences in the immediate Project vicinity. Conversely, a recent occurrence of Crotch's bumble bee was documented in 2024, approximately 0.8 miles north of the Blossom Hill Road Project site. Given the historic nature of the closest known western bumble bee record and absence of recent occurrences in the region, the proximity of the recent Crotch's bumble bee observation, and the limited habitat suitability at the Project sites, western bumble bee is presumed absent, and the potential for Crotch's bumble bee to occur is considered low.
- **Northwestern pond turtle** (*Actinemys marmorata*) is a federally proposed threatened species and a SSC. The creek channel provides aquatic and dispersal habitat for northwestern pond turtle, which has been recently documented in the Guadalupe River; however, suitable upland nesting and basking areas are limited; therefore, the Project sites are unlikely to support a resident population, but the species has moderate potential to occur within the creek channel.
- **Santa Clara Valley dudleya** (*Dudleya setchellii*) is listed as federally threatened, ranked California Rare Plant Rank (CRPR) 1B.1. Serpentine bunchgrass grassland occurs near the Malone Road Project site; however, due to the Project sites having been extensively previously disturbed during installation of the existing flood protection infrastructure, the absence of relatively undisturbed serpentine soils within the Project sites, and the lack of known occurrences of Santa Clara Valley dudleya on or directly adjacent to the Project sites, suitable habitat is presumed to be absent. Therefore, the potential for this species to occur on or directly adjacent to the Project sites is low.

- **Central California Coast steelhead distinct population segment** (*Oncorhynchus mykiss irideus pop. 9*) is listed as federally threatened and considered an SSC Central California Coast steelhead may occasionally use the creek channel as a migratory corridor; however, the creek and adjacent areas are highly urbanized and modified. The Project sites do not provide suitable spawning habitat and provide low quality rearing habitat.

Although these special-status species are anticipated to have a limited, if any, presence within the Project sites, the potential remains for the Project to result in direct or indirect impacts to these species if any individuals were to occur within the Project sites. As discussed in Section 2.7, Valley Water would implement applicable standard BMPs, SMP BMPs, and AMMs into the Project's work plan. Several of these measures are designed to avoid or minimize any potential impacts on sensitive and biological resources, including species identified as candidate, sensitive, or special, should they be encountered during construction. Specifically, Valley Water would implement the following standard BMPs as part of Project implementation: BMP BI-2 (Minimize Impacts to Steelhead),~~Movement of heavy equipment may compact the substrate, potentially killing benthic invertebrates, embedding gravel within finer sediments, and otherwise altering habitat conditions.~~ ~~California tiger salamander, Santa Clara Valley dudleya, burrowing owl, and western pond turtle are listed as threatened under the federal ESA as well as being covered species under the VHP. Of those four species, California tiger salamander was determined to be unlikely or highly unlikely to occur in or near the Project sites. The Project sites were previously developed as flood control areas and would not be expected to provide the high-quality habitat necessary for the Santa Clara Valley dudleya, burrowing owl, or western pond turtle to complete their life cycle.~~

~~Valley Water would implement~~ BMP BI-3 (Remove Temporary Fill), BMP BI-5 (Avoid Impacts to Nesting Migratory Birds), BMP BI-6 (Avoid Impacts to Nesting Migratory Birds Pending Construction), BMP BI-7 (Minimize Impacts to Vegetation from Survey Work), BMP BI-8 (Choose Local Ecotypes of Native Plants and Appropriate Erosion-control Seed Mixes), BMP BI-10 (Avoid Animal Entry and Entrapment), ~~and~~ BMP BI-11 (Minimize Predator Attraction~~), through which any potential~~).

Valley Water would also implement the following SMP BMPs as part of Project implementation to reduce impacts ~~on biological resources, including species identified as a candidate, sensitive, or~~ to special~~-species would be avoided or minimized should they be encountered during construction.~~-status species: BMP ~~BI-5 requires that nesting bird surveys be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of active nests.~~GEN-1 (In-Channel Work Window), BMP ~~BI-8 requires consultation with a qualified biologist or vegetation specialist.~~GEN-4 (Minimize the Area of Disturbance), BMP ~~BI-10 requires secure animal entry to prevent entrapment of animals.~~GEN-7 (Protection of Burrowing Owls), BMP ~~BI-11 requires removal of trash~~GEN-9 (Avoid Impacts to Special-Status Plant Species and Sensitive Natural Vegetation Communities), BMP GEN-12 (Protection of Special-Status Amphibian and Reptile Species), BMP GEN-15 (Salvage Native Aquatic

Vertebrates from ~~worksites to avoid predator attraction.~~ Dewatered Channels), BMP GEN-17 (Employee/Contractor Training), and BMP GEN-20 (Erosion and Sediment Control Measures).

Additionally, Valley Water would implement AMM BIO -1~~, which requires that all tools, equipment, and clothing and shoes be sanitized before entering sensitive natural areas. Prior to the commencement of any work, a sanitizing agent would be obtained from a Valley Water botanist. 1~~ (Phytophthoras in Native Habitats) and AMM BIO-2 (Crotch's Bumble Bee Avoidance Plan). With implementation of ~~these~~the Valley Water's standard BMPs, SMP BMPs, and project-specific AMMs as part of the Project design, impacts to species identified by the CDFW or USFWS as candidate, sensitive, or special-status species in any local or regional plans, policies, or regulations would be less than significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated. VHP land cover zones (including Serpentine Fee Zones, Wetland Fee zones, Plant Survey Areas, and known occurrences of covered plants) that occur within or nearby the Malone Road Project site include ~~serpentine bunchgrass grassland,~~ open water aquatic, and mixed riparian forest and woodland, willow riparian forest and scrub, Bay checkerspot butterfly wildlife survey area, tricolored blackbird wildlife survey area, urban lands, ranchlands and natural lands, agricultural and valley floor lands, and vacant land (CDFW 2024). Of these, mixed riparian forest and woodland, is considered sensitive by the CDFW, as mentioned above. Additionally, the Malone Road Project site has known occurrences of Santa Clara Valley dudleya nearby but outside of the study area~~, which is covered under the VHP.~~. Valley Water would implement SMP BMP GEN-4 (Minimize Area of Disturbance) and SMP BMP GEN-9 (Avoid Impacts to Special-Status Plant Species and Sensitive Natural Vegetation Communities) to reduce impacts to both sensitive habitats and plant species. Additionally, AMM-~~BIO1~~BIO-1 (Phytophthoras in Native Habitats), which would be employed to avoid introduction of plant pathogens into these habitats/land cover types, would require all equipment, tools, vehicles, and personal protective equipment to be cleaned and disinfected prior to commencement of work. Nonetheless, the potential loss of ~~serpentine bunchgrass grassland,~~ open water aquatic, and mixed riparian forest and woodland, willow riparian forest and scrub, Bay checkerspot butterfly wildlife survey area, tricolored blackbird wildlife survey area, urban lands, ranchlands and natural lands, agricultural and valley floor lands, and vacant lands as well as Santa Clara Valley dudleya could occur as a result of the Project's proposed excavation of the existing earth embankment for repair work (CDFW 2024). Given the natural rarity and loss of native/natural serpentine habitats across the county in recent decades, even a small amount of loss of these habitats from the Project activities would be considered significant.

The work areas are within the VHP, and Section 2.3.4 (In-Stream Operations and Maintenance) of the VHP identifies maintenance activities as a covered activity. The VHP was adopted to address cumulative impacts on biological resources of foreseeable development until 2063

through implementation of conservation measures to adequately offset the impacts of covered activities. Projects covered under the VHP can compensate for permanent or temporary impacts to covered species and their habitats through payment of land cover fees to help fund the VHP's Conservation Program, which ensures the conservation of certain species and habitats in the region. ~~Mitigation Measure BIO-4 (Payment of VHP Fees) requires Valley Water to pay applicable VHP land cover fees as compensation to mitigate for Project impacts on covered species and their habitats, including serpentine bunchgrass grassland, open water aquatic, mixed riparian forest and woodland, and covered species Santa Clara Valley dudleya.~~

~~Accordingly, implementation of Mitigation Measure BIO-4 (Payment of VHP Fees) would reduce impacts to VHP covered land cover zones and species. These fees would be used to implement the conservation strategy resulting in the protection, restoration, and enhancement of land cover zones and species, which promotes recovery for listed species and prevention of listing for non-listed species.~~ Mitigation Measure BIO-1 (Riparian Tree and Sensitive Habitat Compensation/Restoration) would reduce impacts associated with tree removal and habitat loss by requiring in-lieu fee compensatory payment under the VHP-covered land cover zones.[10] Alternatively, in the event there is insufficient in-lieu Santa Clara VHP land cover fees, Valley Water would revegetate or replant trees on Valley Water fee title properties. Therefore, impacts on riparian habitat or other any other sensitive natural communities identified in local or regional plans, policies, regulations or by the CDFW or USFWS would be less than significant with mitigation incorporated.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The Blossom Hill Project site is located in the vicinity of several bodies of water; however, none of these water bodies are considered a state or federally protected wetland. Potential impacts to the ponds, which are covered under the VHP, are discussed above, in Impact b. Thus, the Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, and coastal wetlands) through direct removal, filling, hydrological interruption, or other means. No impact would occur.

[10] The VHP was adopted to address cumulative impacts on biological resources of foreseeable development until 2063 through implementation of conservation measures and/or payment of in-lieu fees to adequately offset the impacts of covered activities. Project sponsors can compensate for permanent or temporary impacts to covered species and sensitive habitats through payment of land cover fees to help fund the VHP's Conservation Program, which ensures the conservation of certain species and habitats in the region. These fees would be used to implement the conservation strategy resulting in the protection, restoration, and enhancement of land cover zones and species, which promotes recovery for listed species and prevention of listing for non-listed species.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. ~~Valley Water would implement BMP BI-5 (Avoid Impacts to Nesting Migratory Birds), BMP BI-6 (Avoid Impacts to Nesting Migratory Birds Pending Construction), BMP BI-10 (Avoid Animal Entry and Entrapment), and BMP BI-11 (Minimize Predator Attraction) to avoid and minimize any potential Project impacts on biological resources should any of the species be encountered during construction. BMP BI-5 requires that nesting bird surveys be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of active nests. BMP BI-10 requires secure animal entry to prevent entrapment of animals. BMP BI-11 requires removal of trash from worksites to avoid predator attraction. The proposed Project would consist of erosion repair activities at the Malone Road and Blossom Hill Road Project sites, including the installation of an active dewatering system, debris removal and tree removal, and replacing the failed gabion basket structure through rock slope protection, with two grade control features along the channel bed. Proposed construction activities are anticipated to occur between June 15, 2026, and October 15, 2026, for 4 months. Project activities may temporarily displace some wildlife around the Project site. However, interference would be minor and temporary and would not substantially interfere with the movement of or impede the use of nursery sites for native wildlife. Therefore~~The Project would include installation of an active dewatering system, removal of debris, LWD, and trees, installation of a concrete slope paving with compacted earth backfill utilizing concrete slope protection and footing with embedded rock riprap in the eroded cavity and along the concrete footing, and replacement of the failed gabion basket structure with rock slope protection, including two grade control features along the channel bed. Given that the Project would temporarily involve in-stream work and impacts along a riparian corridor, the Project has the potential to temporarily interfere with the movement of native resident and migratory fish and wildlife and use of wildlife corridors or nursery sites, should these species be encountered during construction. Construction is anticipated to occur between June 15 and October 15 and would be completed in approximately 4 months, after which both the affected riparian corridor and in-stream areas would no longer interfere with species migration or movement. As such, impacts would be temporary and short term. Furthermore, Valley Water would implement several standard BMPs to reduce potential impacts to species movement and migration, including BMP BI-2 (Minimize Impacts to Steelhead), BMP BI-3 (Remove Temporary Fill), BMP BI-5 (Avoid Impacts to Nesting Migratory Birds), BMP BI-6 (Avoid Impacts to Nesting Migratory Birds from Pending Construction), BMP BI-10 (Avoid Animal Entry and Entrapment), and BMP BI-11 (Minimize Predator Attraction). Various SMP BMPs would also be implemented, including BMP GEN-1 (In-Channel Work Window), BMP GEN-7 (Protection of Burrowing Owls), and BMP GEN-15 (Salvage Native Aquatic Vertebrates from Dewatered Channels), as well as project-specific AMM BIO-1 (Phytophthoras in Native Habitats). Given the temporary nature of potential migratory and movement impacts and because implementation of these BMPs and AMMs would minimize interference with the movement of fish and wildlife and the use of nursery sites, impacts would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact with Mitigation Incorporated. The Project would be consistent with City of San José General Plan policies governing landscaping and tree protection (City of San José 2011). The Project would not impact heritage trees (City of San José 2014).

The Malone Road Project site would require the removal of up to 15 trees (black walnut, Oregon ash, almond, Fremont cottonwood, weeping willow, California buckeye, and black locust) that range between 4 to 32 inches DBH for construction of the access ramp and the concrete embankment.

~~Projects covered under the VHP can compensate for permanent or temporary impacts to covered species and their habitats through payment of land cover fees that help fund the VHP's Conservation Program, which ensures the conservation of certain species and habitats in the region. Mitigation Measure BIO-4 (Payment of VHP Fees) requires Valley Water to pay applicable VHP land cover fees as compensation to mitigate for Project impacts on covered species and their habitats~~

~~Implementation of MM BIO-4 (Payment of VHP Fees), which requires payment of impact fees in accordance with the VHP, would mitigate impacts on land cover zones and covered species identified as representing important ecosystems in the VHP area . These fees would be used to implement the conservation strategy resulting in the protection, restoration, and enhancement of land cover zones and covered species, which promotes recovery for listed species and prevention of listing for non-listed species.~~ Because tree removal would occur within areas subject to CDFW jurisdiction, the Project would require a LSAA pursuant to Fish and Game Code section 1600 et seq. For VHP compliance, implementation of MM BIO-1 (Riparian Tree and Sensitive Habitat Compensation and Restoration) would mitigate impacts on riparian trees and land cover zones. These measures would ensure consistency with local and state policies protecting biological resources. Therefore, impacts related to conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, would be less than significant with mitigation incorporated.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than Significant with Mitigation Incorporated. The Project sites are located within the boundaries of the Santa Clara Valley Habitat Conservation Plan (HCP)/Natural Community Conservation Planning. ~~The~~Although the Project is considered a covered activity under the VHP (Santa Clara Valley Habitat Agency, n.d.). Accordingly, Valley Water would comply with all applicable VHP conditions during Project implementation as described in Section 2, Project Description. ~~Additionally, implementation of MM BIO-4 (Payment of VHP Fees), which requires payment of impact fees in accordance with the VHP, would mitigate impacts on natural communities identified as representing important ecosystems in the VHP area. The~~ To mitigate for impacts due to removal of trees and sensitive habitats, under MM-BIO-1 (Riparian

Tree and Sensitive Habitat Compensation and Restoration), Valley Water will opt to pay in-lieu fees under the VHP's in-lieu fee program or coordinate with the applicable agencies to develop a mitigation plan that would provide for habitat restoration. Therefore, the Project would not conflict with any provisions of an adopted HCP/NCCP or other approved local, regional, or state HCP. Therefore, impacts would be mitigated to less than significant with mitigation incorporated.

Mitigation Measures

~~**MM BIO-4 Payment of VHP Fees**~~

~~**Valley Water would pay applicable VHP land cover fees as compensation to**~~ **MM BIO-1: Riparian Tree and Habitat Compensation and Restoration**

To mitigate for ~~Project~~ impacts related to riparian tree removal and habitat disturbance, Valley Water shall implement one of the following options:

1. Valley Water shall coordinate with the Valley Habitat Agency to compensate for riparian tree removal and habitat impacts through the VHP's in-lieu fee program.
2. In the event there is insufficient in-lieu fees under the Santa Clara VHP, Valley Water, in coordination with the CDFW and the RWQCB shall develop a detailed mitigation and monitoring plan with revegetation or replanting of trees on ~~covered species and their habitats.~~ Valley Water fee title properties to offset riparian and sensitive vegetation impacts. This plan shall be prepared in consultation with the agencies through the LSAA and Section 401 Water Quality Certification processes and shall be implemented as part of those permit requirements. The final plan shall be subject to agency approval. The specific mitigation ratios, methods, and monitoring protocols will be established through negotiation with the permitting agencies to ensure compliance with permit conditions and achieve successful habitat restoration outcomes.

3.4.5 Cultural Resources

Environmental Impacts	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	

Environmental Impacts	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Environmental Setting

~~The two proposed Project sites are located on undeveloped land along Guadalupe River: one site at Malone Road and a separate site at Blossom Hill Road, both within the City of San José. As discussed in Section 3.4.7, soils at the Malone Road Project site are categorized as Urban land – Still complex, 0 to 2 percent slopes, and Urban land – Elpaloalto complex, 0 to 2 percent slopes (NRCS n.d.). Soils at the Blossom Hill work area are categorized as Urban land – Landelspark complex, 0 to 2 percent slopes. None of the soils are classified as expansive, and County geohazards mapping shows both Project site fall outside defined zones of compressible soil hazard (County of Santa Clara 2021).~~

According to the CEQA Guidelines section 15064.5, historical resources include properties listed in or eligible for listing in the California Register of Historical Resources as well as those listed in or eligible for listing in the National Register of Historic Places. Additionally, properties designated under a local preservation ordinance or identified in a local historical resources inventory are presumed significant unless substantial evidence suggests otherwise. Furthermore, any resource that has not been previously identified but is evaluated and determined to meet the California Register criteria is also considered a historical resource.

Panorama Environmental conducted a Cultural Resource Investigation, which identified no historic properties within either of the Project sites. Three historic properties were identified within approximately 0.5 mile of the Malone Road Project site. One historic property is a McDonalds Drive-in Restaurant with original tile and golden arches, located at 2434 Almaden Expressway. The second historic property is a Spanish Colonial Revival property located at 660 Willow Glen Way. The third historic property is the Dr. Ernesto Galarza House, located at 1031 Franquette Avenue. There are no historic properties within 0.5 mile of the Blossom Hill Road Project site (City of San José 2020b). Four heritage trees (cedar and a Fremont poplar) are located within 0.5 mile of the Malone Road Project site and one heritage tree (evergreen maple) is located within 0.5 mile of the Blossom Hill Road Project site (City of San José 2020a).

Discussion

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

No Impact. The City of San José maintains a database of historic properties linked to the City's GIS system, which provides a listing and mapping of historic resources that have been documented and evaluated. A search using San José's publicly available Historic Resources

Inventory data layer showed no historic properties, as identified by the City of San José, within either of the Project sites (City of San José 2020b). As stated above, three historic properties were identified within 0.5 mile of the Malone Road Project site; however, there would be no impacts to these properties due to the limited scope of Project activities and the distance of the Project site from these properties. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource, and no impact would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less than Significant Impact. Erosion repair activities at the Project sites would include the installation of an active dewatering system, debris removal and tree removal, replacement of the failed gabion basket structure through rock slope protection, with two grade control features along the channel bed, and excavation work. The Project sites were previously disturbed by the flood protection work involved in the creation of the existing facilities, including previous ground disturbance. Accordingly, the potential for the discovery of unanticipated prehistoric resources at either the surface level or below ground is low.

Valley Water would implement BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) and AMM-CR-1 (Pre-construction Worker Awareness Training) to avoid or minimize any potential Project impacts on archeological resources if unknown resources are encountered during construction. BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) would require Valley Water to immediately stop any work should any historical or either unique archaeological artifacts or tribal cultural resources be discovered during construction until proper protocols are met. These protocols would include establishing a "no work" zone of 100 feet around the find and consulting with a qualified archeologist to determine if the artifact is significant. If the artifact is determined to be significant, the archeologist would determine whether the artifact can be avoided and, if so, would detail the avoidance procedures. If the artifacts cannot be avoided, the archeologist would develop an action plan that would minimize impacts and, if required, include a data recovery plan for recovery of artifacts.

AMM CR-1 (Pre-construction Worker Awareness Training) would minimize potentially significant impacts from the accidental discovery of undocumented archaeological resources by training construction personnel to identify the types of artifacts that could be encountered along with the proper procedures should tribal cultural resources be encountered.

With implementation of BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) and AMM-CR-1 (Pre-construction Worker Awareness Training), impacts on archaeological resources would be less than significant.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact. Due to the Project sites having been extensively previously disturbed during installation of the existing flood protection infrastructure, there is a very low

likelihood of encountering human remains during construction. While unlikely, discovery of human remains during construction activities is possible.

Valley Water would implement standard precautionary measures for the accidental discovery of unknown finds consistent with BMP CU-1 (Accidental Discovery of Archeological Artifacts, Tribal Cultural Resources, or Burial Remains). In the event human remains or burial sites are discovered, Valley Water would stop any work and immediately notify the County Coroner. No further excavation or disturbance of the Project site would be allowed within 100 feet of the remains unless otherwise authorized by the County Coroner, California NAHC, and/or the County Coordinator of Indian Affairs. Incorporation of BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) would minimize potentially significant impacts from the accidental discovery of undocumented burial remains.

To further avoid impacts from the disturbance of previously undiscovered human remains, Valley Water would implement AMM CR-1 (Pre-construction Worker Awareness Training). All earthmoving construction personnel would receive cultural sensitivity awareness training that includes information on the possibility of encountering tribal cultural resources during construction, the types of artifacts likely to be seen based on previous finds in the Project site, and the proper procedures in the event tribal cultural resources are encountered. Worker training would be prepared and presented by a qualified archaeologist with appropriate experience and expertise in teaching non-specialists. The awareness training would be conducted on site at the start of construction and thereafter as required for new construction personnel.

With implementation of BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) and AMM CR-1 (Pre-construction Worker Awareness Training), impacts associated with the disturbance of human remains would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.6 Energy

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?				X

Environmental Setting

There were more than 35 million registered vehicles in California in 2023 (DMV n.d.) and 23.6 billion gallons of gasoline and 3.6 billion gallons of diesel (including offroad diesel) sold in 2022, the latest years for which there are data (CEC n.d.-b; CEC n.d.-a). Gasoline accounts for most of California's transportation energy sources, and most equipment on site would be powered by petroleum and diesel. These fuels are commercially provided and would be available to the Project via commercial outlets and wholesalers.

Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact. During construction, the Project would require the use of construction vehicles to deliver personnel and materials to the Project site, for work site preparation and excavation, to remove existing debris and bank materials, to remove existing failed gabions baskets, and to install new rock rip-rap. Construction would be temporary, lasting 4 months. Once construction is complete, no new regular consumption of energy resources would be required. Although no mitigation measures are necessary to reduce this impact to a less-than-significant level, implementation of BMP AQ-2 (Avoid Stockpiling Odorous Materials) would reduce the Project's impacts by requiring minimization of idling times and requiring all equipment be maintained and tuned properly. As a result, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy, and impacts would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project would include bank stabilization activities at two locations within the City of San José and does not include any energy-consuming features. Therefore, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.7 Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X
ii) Strong seismic ground shaking?		X	
iii) Seismic-related ground failure, including liquefaction?		X	
iv) Landslides?			X
b) Result in substantial soil erosion or the loss of topsoil?		X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and, potentially, result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?		X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?		X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X		

Environmental Setting

The Project sites are located on the floor of the Santa Clara Valley, a major structural depression bounded to the east by the Hayward fault, Calaveras fault, and allied structures and to the west by a complex fault system east of the San Andreas trend. This includes the Sargent and Berrocal faults and is sometimes referred to as the *foothills fault system* or the *range-front faults* ~~(Stanley et al. 2002; Langenheim, Schmidt, and Jachens 1997)~~(Stanley et al. 2002; Langenheim et al. 1997).

Regional geologic mapping published by the U.S. Geological Survey (USGS) shows the Malone Road Project site as situated on natural levee deposits of Holocene age. These range from sandy and clayey silt to sandy and silty clay and represent sediment deposited by spreading floodwaters adjacent to active streams (Wentworth et al. 1999). The Blossom Hill Road Project site is mapped as situated on bedrock identified as mélange of the Upper Cretaceous – Lower Tertiary Franciscan complex Central belt. This comprises a matrix of sheared argillite and

metasandstone containing blocks of blueschist, amphibolite, chert, and/or mafic igneous rocks (Wentworth et al. 1999).

Geohazards mapping issued by the County of Santa Clara pursuant to the state's Alquist-Priolo Earthquake Fault Zoning Act and Seismic Hazards Mapping Act shows both work areas well outside the County's identified earthquake fault zones and landslide hazard areas. However, both Project sites are located within County-defined zones of liquefaction hazard (County of Santa Clara 2021). Moreover, like the rest of the Bay Area, the Project site vicinity and greater Santa Clara County are subject to some degree of risk from strong seismic ground shaking. Recent USGS studies suggest that there is an aggregate 72-percent probability of one or more earthquake events with a magnitude of 6.7 or greater occurring in the Bay Area over the next two decades. The probability of at least one magnitude 6.7 or greater earthquake occurring on the major faults closest to the Project site vicinity is as follows (USGS 2016):

- Hayward fault: 33 percent
- Calaveras fault system: 26 percent
- San Andreas fault: 22 percent

Soils at the Malone Road Project site are classified as Urban land— Still complex, 0 to 2 percent slopes, and Urban land — Elpaloalto complex, 0 to 2 percent slopes. Soils at the Blossom Hill Project site are categorized as Urban land — Landelspark complex, 0 to 2 percent slopes (NRCS n.d.). None of the soils are classified as expansive, and County geohazards mapping shows both Project sites as outside defined zones of compressible soil hazard (County of Santa Clara 2021). Table 3.4-3~~Table 3.4-3~~ summarizes the characteristics of soil units mapped at the two work areas.

Table 3.4-3 Soils in Work Areas

Soil unit	Characteristics
Urban land-Landelspark complex, 0 to 2 percent slopes	Consists of 70% Urban land, 20% Landelspark and similar soils, and 10% minor components Urban land Disturbed and human-transported material on alluvial fan surfaces Landelspark Well-drained soils of alluvial fans, formed in alluvium derived from sedimentary and/or metavolcanic rock; ~~nonsaline~~non-saline to very slightly saline; calcium carbonate content 2% maximum; not identified as expansive 0 – 1 inch: slightly decomposed plant material 1 – 4 inches: sandy loam 4 – 10 inches: sandy clay loam 10 – 19 inches: sandy clay loam 19 – 23 inches: very gravelly sand 23 – 35 inches: silty clay loam 35 – 55 inches: clay loam 55 – 79 inches: sandy clay loam
Urban land-Still complex, 0 to 2 percent slopes	Consists of 70% Urban land, 25% Still and similar soils, and 5% minor components Urban land Disturbed and human-transported material on floodplains and alluvial fan surfaces Still Well-drained soils of floodplains and alluvial fans, formed in alluvium derived from metamorphic and sedimentary rocks and/or alluvium derived from metavolcanic rock; non-saline to very slightly saline; not identified as expansive 0 – 2 inches: sandy loam 2 – 12 inches: very fine sandy loam 12 – 20 inches: silt loam 20 – 33 inches: silt loam 33 – 37 inches: loam 37 – 51 inches: loam 51 – 62 inches: loam 62 – 72 inches: loam

Soil unit	Characteristics
Urban land-Elpaloalto complex, 0 to 2 percent slopes	Consists of 70% Urban land, 23% Elpaloalto and similar soils, and 7% minor components Urban land Disturbed and human-transported material on alluvial fan surfaces Elpaloalto Well-drained soils of alluvial fans, formed in alluvium derived from metamorphic and sedimentary rock and/or alluvium derived from metavolcanic rock; non-saline to slightly saline; not identified as expansive 0 – 8 inches: slightly decomposed plant material 8 – 17 inches: clay loam 17 – 26 inches: silty clay loam 26 – 35 inches: silty clay loam 35 – 47 inches: silty clay loam 47 – 71 inches: silty clay loam 71 – 94 inches: silty clay loam

Source: (NRCS n.d.)

Discussion

a) Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

No Impact. Both Project sites are located well outside identified earthquake fault zones and are therefore not considered to be at risk of surface fault rupture. Therefore, no impact related to surface fault rupture is anticipated.

ii. Strong seismic ground shaking?

Less than Significant Impact. As discussed above, the improvements constructed by the Project are likely to be exposed to strong seismic ground shaking during their anticipated 20-year lifespan. However, the Project would replace existing areas of degraded and structurally compromised bank stabilization with new facilities constructed in accordance with the recommendations of site-specific geotechnical investigations. Accordingly, the Project is expected to increase the seismic resistance of bank stabilization along the Guadalupe River. Moreover, because the Project focuses exclusively on bank stabilization to protect areas of existing development, it would have no potential to directly or indirectly increase populations in the site vicinities (see Section 3.4.14) and no potential to lead to other new construction in the vicinity of the Project sites. As a result, the Project would have no potential to expose additional people or other new (non-Project) structures to seismic ground shaking hazards. Rather, the Project would be expected to increase the seismic resistance of bank stabilization along the Guadalupe River. Although seismic ground

shaking has the potential to affect the Project sites, the Project activities would not increase the potential for substantial adverse effects, including the risk of loss, injury, or death from seismic ground shaking. Impacts would be less than significant, and overall, the Project would be beneficial relative to strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact. As noted above, both Project sites are located in County-defined zones of identified liquefaction hazard. Thus, given the likelihood of the South Bay region experiencing at least one large earthquake over the next two decades, it is reasonably foreseeable that Project improvements could be subject to risks associated with substrate liquefaction. There may also be some existing potential for lateral spreading, which refers to slope or ground failure caused by liquefaction. However, as discussed in a(ii) above, the Project would replace existing degraded and compromised bank stabilization with repaired facilities constructed in accordance with the recommendations of site-specific geotechnical investigations. The repaired Project facilities would thus be expected to more effectively withstand the effects of liquefaction than the existing facilities, increasing the seismic resistance of bank stabilization along the Guadalupe River to both liquefaction and lateral spreading hazard. Additionally, as noted above, the Project would have no potential to increase populations or lead to new construction in the site vicinities and, thus, would not result in exposure of additional people or new (non-Project) structures to seismic ground shaking hazards. Rather, as noted above, the Project would be expected to increase the seismic resistance of bank stabilization along the Guadalupe River. Although liquefaction, and possibly also lateral spreading, has the potential affect the Project sites, the Project activities would not directly or indirectly increase the risk of substantial adverse effects related to these hazards, including the risk of loss, injury, or death from related to liquefaction or lateral spreading. Impacts would be less than significant, and overall, the Project would be beneficial relative to strong seismic ground shaking.

iv. Landslides

No Impact. The Project sites are located on nearly flat topography at some distance from the range fronts bounding the Santa Clara Valley. The sites are also outside the landslide hazard zones identified by the County of Santa Clara (County of Santa Clara 2021). Accordingly, Project facilities are not considered to be at risk from landslides in general or from seismically induced landslides. Additionally, as discussed above, the Project would have no potential to increase populations or add new structures in the vicinity of the Project sites. In view of these factors, no impact related to landslides is anticipated.

b) Result in substantial soil erosion or the loss of topsoil?

Soil Erosion: Less than Significant Impact. The Project would require ground disturbance for demolition/removal of the existing bank protection and installation of the replacement features and, thus, would have some potential to result in accelerated soil erosion. Materials laydown and equipment movement could also result in ground disturbance which could potentially accelerate soil erosion. However, the total area of disturbance would be limited (the Guadalupe

River crossing upstream of the Malone Road Project site is approximately 0.25 acre; and the Guadalupe River crossing at Blossom Hill Road Project site is approximately 0.1 acre). Moreover, the Project would incorporate ~~BMPs per~~ Valley Water's ~~Best Management Practices Handbook (~~standard BMPs, including standard BMP BI-8 (Choose Local Ecotypes of Native Plants and Appropriate Erosion-Control Seed Mixes), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), and BMP WQ-9 (Use Seeding for ~~all~~Erosion Control, Weed Suppression, and Site Improvement). Valley Water ~~projects) as well as project specific AMMs, consistent with standard requirements of Valley Water's SMP. These~~ would ~~include~~also implement SMP BMPs to reduce the ~~following:~~

- ~~AMM GEN-4.~~ potential for erosion and loss of topsoil, including SMP BMP GEN-4 (Minimize the Area of Disturbance
- ~~BMP WQ-17. Prevent Stormwater Pollution/AMM~~) and BMP GEN-20~~.~~ (Erosion and Sediment Control Measures

~~AMM GEN-4~~). In combination, these standard BMPs and SMP BMPs would ~~help to~~ ensure that unnecessary ground disturbance is avoided, and ~~BMP WQ-17/AMM GEN-20 would~~ require precautions to reduce the potential for erosion and control sediment mobility where disturbance is necessary for construction. Given the limited area of disturbance and implementation of these ~~protective~~ measures, impacts related to the potential for Project activities to result in soil erosion are expected to be less than significant.

Loss of Topsoil: Less than Significant Impact. The majority of the disturbance required for Project construction would occur in areas that have already been significantly altered for previous channelization and bank protection of the Guadalupe River as well as for roadway construction and, thus, are not expected to preserve an intact topsoil profile. As a result, ~~no~~the impact related to loss of topsoil ~~is anticipated~~would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Potential issues related to liquefaction and slope stability (landslide hazards) are discussed in previous items above. Lateral spreading is also discussed above since it is a liquefaction-related phenomenon. The following discussion focuses on compressible soils and the potential for excavation cuts to become unstable. It also addresses the potential for the Project to induce on- or off-site subsidence and collapse.

Compressible Soils: No Impact. Compressible soils are clay and/or organic material–rich soils that are prone to compaction or subsidence when a load is applied. Compressible soils can be problematic since they may necessitate remedial measures or specialized designs. As noted above, neither of the Project sites are within the hazard zone for compressible soils defined by the County of Santa Clara (County of Santa Clara 2021). Therefore, no impact with regard to compressible soils is anticipated.

Unstable Excavation Cuts: Less than Significant Impact. Minor excavation would likely be necessary for removal of the existing bank protection infrastructure and installation of the Project improvements. Any excavation carries some risk of instability, and removal of trees from the banks could also result in localized instability. These risks would be effectively minimized by adherence to the recommendations of site-specific geotechnical investigations conducted for the Project and the design criteria laid out in Attachment A of Valley Water's SMP, which reflect prevailing best practices. With these strictures in place, the potential for the Project to create unstable conditions related to excavation would be less than significant.

Subsidence: No Impact. The term *subsidence* refers to a sinking or decrease in elevation of the ground surface, most commonly in response to excessive groundwater withdrawals. While subsidence has been widely recognized as a concern in Santa Clara County for decades, it has largely been arrested within the county as a result of improved groundwater management practices and reliance on an increased proportion of surface water supply (Valley Water n.d.-c; Valley Water 2019). The Project would not increase the use of groundwater and would not alter groundwater management practices in any way. Therefore, the Project would not impact on- or offsite subsidence.

Collapse: No Impact. In the geotechnical context, *collapse* usually refers to a sudden decrease in volume resulting from wetting or loading of metastable soils with an open texture (collapsible soils), which can result in structural damage. No potential for collapsible soils has been identified at the Project sites, and the Project improvements would be constructed in accordance with the recommendations of site-specific geotechnical investigations that take site-specific soil constraints into account. No impact associated with collapse is anticipated on or off the Project sites.

d) Be located on expansive soil, creating substantial direct or indirect risks to life or property?

Less than Significant Impact. Table 3.4-3~~Table 3.4-3~~, above provides an overview of soils mapped by the Natural Resources Conservation Service (NRCS) at each of the Project sites. None of these soils are explicitly identified as expansive by NRCS's online Web Soil Survey tool, but where clay-rich soils are involved, some may in fact be expansive, particularly since available mapping is regional rather than site-specific in scale. However, the Project would be limited to replacement and improvement of existing bank protection infrastructure and, thus, would not increase the extent of infrastructure exposed to expansive soil hazards; rather, it would increase the integrity of bank protection in the Project areas. Additionally, as discussed in other items above, the Project would adhere to recommendations of site-specific geotechnical investigations conducted for the Project. Finally, the Project would have no potential to increase area populations or result in additional new construction off-site and, thus, would not increase overall regional exposure to hazards related to expansive soils. Impacts related to the potential for presence of expansive soils are evaluated as less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project would focus exclusively on replacement of failing bank stabilization components along two reaches of the Guadalupe River and would not involve septic tanks or other alternative wastewater systems. Therefore, no impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Unique paleontological resources: Less than Significant Impact with Mitigation Incorporated. Paleontological (fossil) resources include preserved remains of past plants and animals as well as animal burrows, traces, tracks, and trackways. They are protected under federal and state regulations, including CEQA, because of their potential to provide scientifically important information and are generally considered important because of both their value as heritage resources and their informational potential. With that in mind, the Society of Vertebrate Paleontology (SVP) defines *significant paleontological resources* as including "fossils and fossiliferous deposits… consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information." The SVP limits the definition of *paleontological resources* to materials more than about 5,000 years old (SVP 2010).

This analysis generally follows the SVP's methods, which were specifically developed to assist lead agencies in complying with CEQA protections for paleontological resources. The term *unique paleontological resource or site*, which is not defined in the CEQA Guidelines, can be construed to refer to *significant paleontological resources* as defined by the SVP. Because fossil materials may be buried in sediment or rock units below the ground surface, their presence or absence cannot be determined with certainty in advance of the Project activities. Evaluating the potential for impacts on paleontological resources therefore becomes a risk analysis that addresses two questions:

- What is the likelihood that scientifically important (significant) paleontological resources are present in the Project area?
- If present, would such resources be disturbed, damaged, or destroyed as a result of Project activities?

The likelihood that significant fossil resources are present is evaluated based on the documented track record of the geologic units in the Project area with regard to fossil finds. Units that have produced important fossil finds in the past are considered likely to contain additional materials and are accordingly considered sensitive for paleontological resources. The potential for loss of paleontological resources is directly related to the paleontological sensitivity of the affected geologic units and the extent of project-related ground disturbance, particularly disturbance involving previously undisturbed substrate materials. In this context, mitigation approaches for paleontological resources impacts—for example, SVP's standard protocol (SVP 2010)—also focus on risk reduction and on reducing loss of information in the event fossil resources are discovered activities.

As discussed above, the Malone Road Project site is situated on natural levee deposits of Holocene age (less than about 11,000 years old). The Blossom Hill Road Project site is mapped as situated on bedrock assigned to the Upper Cretaceous – Lower Tertiary Franciscan (Wentworth et al. 1999).

In general, Holocene age materials are not considered highly sensitive for paleontological resources, in large part because the upper portion of the Holocene record is too young to contain materials that qualify as fossils per the SVP's definition. The University of California Museum of Paleontology online collections database does, however, contain several records for fossil localities in the Holocene of Santa Clara County. These include invertebrate finds from Mayfield and Charlston Sloughs in the Palo Alto area and a site in Sunnyvale as well as pollen from Triangle Marsh on Coyote Slough. Unspecified finds have also been made at sites along the Guadalupe River and Alum Creek (UCMP n.d.).

Additionally, the 2005 discovery of Columbian mammoth (*Mammuthus columbi*) remains in Holocene-mapped strata along Valley Water's Guadalupe River right-of-way near Mineta International Airport (UCMP 2005) indicates that Holocene-mapped materials in the Santa Clara Valley area may have previously unrecognized potential to contain significant fossil materials; added caution is therefore warranted for projects involving Holocene-mapped materials. In addition, surface-exposed Holocene strata are presumed based on well-documented regional geologic relationships to be underlain at depth by older units of Pleistocene age. Pleistocene strata throughout California are treated as paleontologically sensitive because they have historically produced a wealth of significant fossil finds.

The paleontological sensitivity of the Franciscan complex mélange mapped at the Blossom Hill Road Project is uncertain. The unit's high-grade metamorphic rock components are unlikely to contain significant fossil materials, but there is potential for fossil remains in chert blocks and possibly also in the sheared argillite and metasandstones of the mélange matrix. If any such materials are present, their significance remains undetermined.

At both Project sites, excavation and other ground disturbance could result in loss of scientifically important paleontological resources, with the potential for significant impacts. To address the potential for significant impacts to paleontological resources concern, Valley Water would implement MM GEO-1 (Worker Awareness Training for Paleontological Resources) and MM GEO-2~~. These MMs require~~ (Stop Work, Evaluation, and Treatment in the ~~implementation~~Event of a Paleontological Find). Implementation of these mitigation measures ~~to~~would ensure that, should any fossil finds be made, they would be recovered and curated in a manner consistent with discipline-standard procedures, thereby avoiding or minimizing the loss of heritage resources and associated scientific information (SVP 1996; SVP 2010). ~~With implementation of these measures~~Therefore, impacts related to the potential for destruction of a unique paleontological resource or site would be ~~reduced to a~~ less than significant ~~level~~with mitigation incorporated.

Unique geologic features: No Impact. The Project sites are located in a densely developed urbanized setting, and no unique geologic features are recognized at or in close proximity to either site. There would be no impact on unique geologic features.

Mitigation Measures

MM GEO-1 Worker Awareness Training for Paleontological Resources

Prior to groundbreaking, Valley Water shall retain qualified staff to develop and present in-person worker awareness training for paleontological resources. As used here, *qualified staff* refers to an individual who satisfies one or both of the following criteria:

- A qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP 2010), who is experienced in delivering training to non-specialists
- A California-licensed professional geologist (PG) who has expertise in South San Francisco Bay Area stratigraphy and paleontology and is experienced in delivering training to nonspecialists

Training shall be concise and substantive. It shall include information on the possibility of encountering fossils during construction; the types of fossils that may be seen and how to recognize them; and proper procedures in the event fossils are encountered. All field management and supervisory personnel and construction workers involved with ground-disturbing activities shall be required to take this training prior to beginning work on the Project. Upon completion of the training, workers shall be required to sign a form stating that they attended the training and that they understand and will comply with the information presented. Training shall be presented bilingually in English and Spanish as well as other languages, as needed, when indicated as appropriate by the contractor.

MM GEO-2 Stop Work, Evaluation, and Treatment in the Event of a Paleontological Find

Should vertebrate remains or other potentially significant fossil resources, as defined by SVP, be discovered during Project activities, all work in the immediate vicinity of the discovery shall cease, the find shall be protected in place, and the contractor shall be required to notify their pre-designated Valley Water contact before the end of the work day. Valley Water shall detail qualified staff—i.e., staff meeting the criteria for a qualified professional paleontologist as defined by SVP (SVP 2010)—to evaluate the find and recommend appropriate follow-up treatment consistent with current prevailing discipline practice and current SVP guidelines (SVP 2010). Work may continue in other parts of the Project sites while evaluation (and, if needed, treatment) takes place so long as, in the judgment of the qualified staff, the find can be adequately protected. Valley Water would be responsible for ensuring that the recommendations of the qualified staff regarding treatment and reporting are implemented.

3.4.8 Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Environmental Setting

CEQA allows lead agencies to identify thresholds of significance applicable to a project that are supported by substantial evidence. *Substantial evidence* is defined in the CEQA statute to mean "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts" (14 CCR § 15384(b)). Substantial evidence can be in the forms of technical studies, agency staff reports or opinions, expert opinions supported by facts, and prior CEQA assessments and planning documents. ~~BAAQMD~~BAAD does not have an adopted threshold of significance for construction GHG emissions. Therefore, to establish additional context in which to consider the order of magnitude of the Project's GHG emissions, this analysis accounts for the following considerations by other government agencies and associations about what levels of GHG emissions constitute a cumulatively considerable incremental contribution to climate change:

- Sacramento Metropolitan Air Quality Management District (SMAQMD) established thresholds, including 1,100 metric tons of carbon dioxide (CO_2e) per year for construction and 10,000 direct metric tons of CO_2e per year from operations (SMAQMD 2018).
- A threshold of 1,100 metric tons of CO_2e per year for construction activities is used by several air districts in the State (e.g., SMAQMD, PCAPCD, SCAQMD) for determining the significance of project-level GHG emissions.

The Project's GHG emissions were compared to the 1,100 metric tons of CO_2e per year threshold for construction activities (i.e., offroad equipment and haul trucks). The Project is not a typical land residential or commercial land use project as it is considered a temporary construction project. Thus, the land use project design elements significance threshold does not apply.

~~BAAQMD's~~BAAD's *CEQA Air Quality Guidelines* states that "because construction emissions are temporary and variable, the Air District has not developed a quantitative threshold of significance for construction-related GHG emissions. However, the Lead Agency should quantify and disclose GHG emissions that would occur during construction." Furthermore, ~~BAAQMD~~BAAD does recommend that a lead agency make a determination on the significance of these construction generated GHG emission impacts in relation to meeting AB 32 GHG

reduction goals, as required by Public Resources Code section 21082.2. ~~BAAQMD~~BAAD also recommends that projects incorporate BMPs in order to minimize GHG emissions for projects using construction equipment (based on ~~BAAQMD's~~BAAD's CEQA Air Quality Guidelines, Table 6-1). Consistent with ~~BAAQMD~~BAAD guidance, Valley Water has incorporated BMP GHG-1 to reduce construction related GHG emissions as components of the Project.

In conclusion, this analysis uses the 1,100 metric tons of CO_2e per year significance threshold to assess potential GHG construction emissions impacts from the Project. Project emissions of less than 1,100 metric tons of CO_2e per year would indicate that the Project's contribution to global climate change would be less than cumulatively considerable.

Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. Construction of the Project would generate GHG emissions from the combustion of fossil fuels associated with construction equipment, material hauling, and worker trips. Construction-related emissions were estimated using CalEEMod (California Emissions Estimator Model Version 2022.1) (CAPCOA n.d.). As shown in Table 3.4-4, the estimated total construction GHG emissions is 597 metric tons of CO_2e. As indicated, 30-year amortized annual construction-related GHG emissions would be approximately 20 metric tons of CO_2e, which is below the significance threshold of 1,100 metric tons of CO_2e per year (RCH Group 2024a). Construction emissions were amortized over 30 years, consistent with SCAQMD's Interim CEQA GHG Significance Threshold for Stationary Sources (SCAQMD 2008). Therefore, the Project's impacts related to direct or indirect GHG emissions would be less than significant.

Table 3.4-4 Estimated Construction Greenhouse Gas Emissions (metric tons)

Category	Greenhouse gas emissions (metric tons of CO_2e)
Malone Road	289
Blossom Hill Road	308
Project total	**597**
30-Year amortized	**19.9**
Significance threshold	1,100
Significant? (Yes or No)	No

Source Air Quality Technical Report Valley Water Guadalupe River Bank Stabilization Project: (RCH Group 2024a)

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. In 2021, Santa Clara Valley Water published its *Climate Change Action Plan* (CCAP) (Valley Water 2021). The CCAP is a District-wide plan to reduce GHG emissions

that are not applicable to individual projects. State plans for reducing GHG emissions include CARB's 2017 Scoping Plan for achieving the 2030 GHG emissions reduction target outlined in SB 32 (40 percent below 1990 levels by 2030) and CARB's 2022 Scoping Plan for achieving carbon neutrality by 2045 and 85 percent below 1990 levels (CARB 2022). CARB's scoping plans rely on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies, such as SB 100, which requires electricity providers to increase procurement from eligible renewable energy resources to 60 percent by 2030 and 100 percent by 2045 (CARB 2022).

Valley Water's CCAP provides goals, strategies, and possible actions to reduce its GHG emissions and address the ways that Valley Water is vulnerable to climate change impacts in each of Valley Water's mission areas, including water supply, flood protection, and ecosystem stewardship. The CCAP sets seven goals to guide Valley Water's response to climate change (Valley Water 2021). Project construction consistency with the CCAP is demonstrated, based on the following items:

- Construction equipment and fleets would reduce emissions through the use of engine electrification (including hybrid equipment), the use of renewable fuels where possible, and reduced idling time/equipment operation time. These actions would reduce GHG emissions from Project construction equipment fleet.
- Project construction would utilize haul routes that are optimized to minimize GHG emissions.

The 2022 Scoping Plan is implemented at the state level, and compliance at a specific plan or project level is not addressed therein. The Project would use vehicles and equipment that would meet current standards at the time of construction and operation and would not conflict with the statewide programs designed to address GHG emissions reduction goals. The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions and, therefore impacts from GHG emissions would be less than significant.

The Project would be consistent with the applicable strategies in the 2022 Scoping Plan, adopted for the purposes of reducing GHG emissions by addressing incremental contributions to climate change. Thus, the Project's incremental contribution to climate change from GHG emissions would not be cumulatively considerable.

Further, the Project would ensure that GHG emissions are minimized through implementation of ~~BMPs. With implementation of BMP~~ project-specific AMM-GHG-1 (Reduce Construction GHG Emissions), ~~Project~~which would ensure that construction activities would utilize fuel efficient equipment and trucks consistent with state regulations and would be consistent with state regulations intended to reduce the inefficient, wasteful, or unnecessary consumption of energy, such as anti-idling and emissions regulations. With implementation of ~~BMP~~ AMM-GHG-1, Project construction activities would be consistent with SB 32, AB 1279, the 2022 Scoping Plan, the Valley Water CCAP, and Climate Smart San José and would not conflict with these GHG-reduction policies and plans. Therefore, the Project would not conflict with an

applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and impacts would be less than significant.

~~Best Management Practices~~

~~Consistent with BAAQMD guidance, Valley Water has incorporated the following best management practices to reduce construction related GHG emissions into the Project design:~~

~~BMP GHG-1 GHG Reduction~~

- ~~Require all diesel-fueled off-road construction equipment be equipped with USEPA Tier 4 Final compliant engines or better as a condition of contract. Where specific equipment is required and an USEPA-rated Tier 4 version is not available, other lower tiered equipment may be used, so long as it can be demonstrated that acquiring the Tier 4 equipment would not be feasible (defined as not being available in the market or resulting in schedule delays that could be detrimental to completion of the project). Alternatively, use CARB – approved renewable diesel fuel in off-road construction equipment and on road trucks.~~
- ~~Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes (A five-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the project site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.~~
- ~~Require all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.~~
- ~~Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction activity workers and offer meal options onsite or shuttles to nearby meal destinations for construction activity workers.~~
- ~~Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more by weight than the diversion requirement in Title 24.~~
- ~~Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water.~~
- ~~Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.~~

Mitigation Measures

No mitigation measures would be required.

3.4.9 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) 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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the Project site?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☑	☐

Environmental Setting

According to the provisions in Government Code section 65962.5, commonly referred to as the Cortese List, the California Environmental Protection Agency (Cal/EPA) makes available resources for information on the location of hazardous materials release sites. A Project site's location within or near a Cortese List site has implications for compliance with CEQA. The following resources were reviewed to identify any Cortese List sites relevant to the Project:

- List of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) EnviroStor database

- List of Leaking Underground Storage Tank (LUST) Sites from the State Water Resources Control Board (SWRCB) GeoTracker database
- List of solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit
- List of "active" Cease and Desist Orders and Cleanup and Abatement Orders from SWRCB
- List of hazardous waste facilities subject to corrective action identified by DTSC

According to reports retrieved from the EnviroStor database, there are four hazardous waste sites within 0.5 mile of the Malone Road Project site. These sites include a certified school cleanup site (1610 Bird Avenue), two inactive tiered permit inactive sites (1982 Angela Street and 335 Turtle Creek Court), and one inactive school investigation site (2222 Unified Way) (DTSC n.d.). According to the GeoTracker database, there are eight closed LUST cleanup sites and no groundwater contaminant plumes within 0.5 mile of the Malone Road Project site (SWRCB n.d.-a). There are no "active" Cease and Desist Orders and Cleanup and Abatement Orders from SWRCB within 1 mile of the Malone Road Project site (SWRCB n.d.-b). There are no solid waste disposal sites in the vicinity of the Malone Road Project site with waste constituents exceeding hazardous waste levels, as identified by the SWRCB (EPA n.d.).

According to the EnviroStor database, no active hazardous waste sites are located within 0.5 mile of the Blossom Hill Road Project site (DTSC n.d.). According to the GeoTracker database, there are 11 closed case LUST Cleanup Sites, one closed cased Cleanup Program Site, one open but inactive Cleanup Program Site, and two open cleanup program sites (5775 Winfield Boulevard and 5305 Almaden Expressway). No groundwater contaminant plumes are located within 0.5 mile of the Blossom Hill Road Project site (SWRCB n.d.-a). There is one gasoline service station located at 1099 Blossom Hill Road, approximately 0.25 mile west of the Blossom Hill Project site, that has an "active" Cease and Desist Order and Cleanup and Abatement Orders from SWRCB (SWRCB n.d.-b). There are no solid waste disposal sites in the vicinity of the Blossom Hill Road Project site with waste constituents above hazardous waste levels as identified by the SWRCB (EPA n.d.).

Sensitive Receptors

Sensitive receptors located in the vicinity of the Project sites include residential properties. The nearest residences to the Malone Road Project site surround the site along Malone Road and Almaden Road at a distance of approximately 50 feet. The nearest residences to the Blossom Hill Road Project site are approximately 450 feet northeast of the Project site along Blossom River Drive.

Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. The Project sites are on vacant, undeveloped land that are adjacent to residential and urban development. Because the Project site is vacant and undeveloped under

existing conditions, no substantial hazards or hazardous materials are expected to be present; regardless, Valley Water consulted the SWRCB's Geotracker database. No groundwater contaminant plumes were identified within 0.5 mile of the Project sites.

The Project site would not require long-term use, storage, treatment, disposal, or transport of hazardous materials. During construction, diesel fuel and oil may be used. Additionally, the handling of hazardous materials such as fuels, lubricating fluids, and solvents for use with construction equipment on site may occur. Accidental spills or improper use, storage, transport, or disposal of these hazardous materials could result in a public hazard or the transport of hazardous materials to underlying soils and groundwater. Although these hazardous materials could pose a hazard, as described above, the Project would be required to comply with extensive state and federal regulations so that substantial risks would not occur. All storage, handling, and disposal of these materials would be done in accordance with regulations established by DTSC, EPA, Occupational Safety and Health Administration (OSHA), California Governor's Office of Emergency Services (Cal OES), Certified United Program Agencies (CUPA), and Cal/OSHA.

The Project would include implementation of ~~the following~~ Valley ~~Water~~Water's standard BMPs to reduce the risk and hazards posed by their usage~~:~~, including standard BMP HM-7 (Restrict Vehicle and Equipment Cleaning to Appropriate Locations), BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), ~~and~~BMP HM-10 (Utilize Spill Prevention Measures), and BMP HM-13 (Avoid Impacts from Naturally Occurring Asbestos). Implementation of these BMPs and compliance with applicable regulations would avoid and minimize a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, impacts would be less than significant.

b) 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?

Less than Significant Impact. Project construction vehicles may require emergency maintenance that could result in the release of oil, diesel, transmission fluid, or other materials. However, these materials would not be used in quantities or be stored in a manner that would pose a significant hazard to the public or environment. Although there are several sites with documented hazardous substance releases within 0.5 mile of the Project sites, none of these releases would be an environmental concern for the Project. As previously discussed, Valley Water would implement standard BMPs, including BMP HM-8~~,~~ (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9~~, and~~ (Ensure Proper Hazardous Materials Management), BMP HM-10~~, listed above, would be incorporated for~~ (Utilize Spill Prevention Measures), as part of the Project. These measures dictate the storage requirements and handling procedures for hazardous materials as well as fueling and spill cleanup procedures. Implementation of these BMPs would avoid and minimize 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. Therefore, impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The Project sites are not located within one-quarter mile of an existing or proposed school. The closest school to the Malone Road Project site is approximately 0.36 mile northwest. The closest schools to the Blossom Hill Road Project site are approximately 0.70 mile west and approximately 0.70 mile southeast. Therefore, the Project would not create hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1-quarter mile of an existing or proposed school. No impact would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. Neither of the Project sites is located within a site included on a list of hazardous materials sites provided by Cal/EPA per Government Code section 65962.5. Therefore, the Project would not create a significant hazard to the public or the environment as a result of being located on a hazardous materials site, and no impact would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the Project site?

No Impact. There are two public airports in the City of San José: Reid Hillview Airport and the San José International Airport. The nearest airport is the San José International Airport, located approximately 4.5 miles northwest of the Malone Road Project site and approximately 7.4 miles northwest of the Blossom Hill Road Project site (Windus 2007; City of San José Planning Division 2013). Reid Hillview Airport is approximately 4 miles northeast of the Malone Road Project site and 6 miles northeast of the Blossom Hill Road Project site. Neither of the Project sites are located within an airport land use plan area and, therefore, the Project would not result in a safety hazard or excessive noise for people residing or working near the Project sites. No impact would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project would consist of bank stabilization activities, with most Project activities occurring on Valley Water fee title or easement property and off public roadways. As discussed in Section 3.4.9, due to the limited number of vehicles required for the Project and the temporary nature of construction activities, the Project would not impair or physically interfere with an adopted emergency response or evacuation plan. Therefore, impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than Significant Impact. The Project sites are located in open space areas surrounded by residential uses and urban development. The Project would not expose people or structures to a significant risk of loss, injury, or death due to wildland fires. As a standard safety practice, Valley Water would have fire prevention equipment on site, including fire extinguishers and shovels. Valley Water's standard BMP HM-12 (Incorporate Fire Prevention Measures) would be incorporated to reduce fire risk associated with Project construction. Additionally, a water truck would be present during all dust-generating activities and could also be used for fire suppression activities, if necessary. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.10 Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
c) 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:				
i. result in substantial erosion or siltation on- or off-site;			X	
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				X
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv. impede or redirect flood flows?			X	

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	X

Environmental Setting

The Project sites are in the Guadalupe River Watershed, which spans 170 square miles and encompasses the Guadalupe River (Valley Water, n.d.-a). The headwaters of the 170-square-mile Guadalupe River Watershed originate in the Santa Cruz Mountains, with major tributaries including Los Gatos Creek, Guadalupe Creek, and Alamitos Creek (of which Calero Creek is a tributary). Valley Water owns the following reservoirs in this watershed: Lexington Reservoir and Vasona Lake on Los Gatos Creek, Guadalupe Reservoir on Guadalupe Creek, Almaden Reservoir on Alamitos Creek, and Calero Reservoir on Calero Creek. Valley Water operates the Almaden-Calero Canal, which enables the transfer of water from Almaden Reservoir to Calero Reservoir. The San José Water Company owns and operates the Lake Elsman reservoir, located on Los Gatos Creek above Lexington Reservoir (Valley Water, n.d.-b).

Project work would occur along the Guadalupe River. The Blossom Hill Road Project site is approximately 0.06 mile from Sánchez Ponds, 0.10 mile from the Los Alamitos Percolation Ponds, and 0.50 mile from the Almaden Lake Park. There are no waterbodies apart from the Guadalupe River near the Malone Road Project site. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) identifies of the following beneficial uses supported by the Gudalupe River: groundwater recharge (GWR), preservation of rare and endangered species (RARE), fish spawning (SPWN), warm freshwater habitat (WARM), cold freshwater habitat (COLD), migration of aquatic organisms (MIGR), water contact recreation (REC-1), non-contact recreation (REC-2), and wildlife habitat (WILD).

According to Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) Viewer, the Malone Road Project site is located in FIRM 06085C0242H, and the Blossom Hill Road Project site is located between two Flood Insurance Rate Maps (FIRMs): 06085C0263H and 06085C0401H. According to the California Department of Water Resources, both Project sites contain 100-year floodplains, with no base flood elevation determined (FEMA 2020). A 100-year floodplain is an area determined by FEMA to have a 1 percent probability of flooding in any given year.

Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The Project would fall under the jurisdiction of the San Francisco Bay RWQCB. The Basin Plan, adopted in accordance with the statewide water quality policy,

designates water quality standards for most inland surface waters, including surface drainages such as creeks, swales, streams, and rivers.

Project activities would include the creation of an access ramp, installing a sump pump to divert any nuisance flows, creation of an active dewatering system, removing damaged concrete slope paving and failed gabion baskets, grading and excavation, and installation of riprap. LWD and any trash caught by the LWD would be removed as part of tree removal. Construction activities have the potential to cause erosion of surface soils and sedimentation of water bodies, including the Guadalupe River. Additionally, fluids such as fuel or oils from equipment could impair water quality of nearby water bodies if an accidental release were to occur. Project activities would occur during the dry season; however, isolated rain events may occur. If a dry season rain event is forecasted, Valley Water would temporarily stop work to ensure any stormwater could pass through the system and would reinitiate work once the sites have adequately dried.

To minimize potential impacts to water quality standards and waste discharge requirements, and to reduce the risk and hazards from construction equipment and activities to water bodies and nearby waterways, Valley Water would implement ~~the following~~standard BMPs~~:~~, including BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), BMP HM-10 (Utilize Spill Prevention Measures), BMP WQ-3 (Limit Impact of Pump and Generator Operation and Maintenance), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-11 (Maintain Clean Conditions at Work Sites), BMP WQ-15 (Prevent Water Pollution), ~~WQ-16 (Prevent Stormwater Pollution), and~~and BMP WQ-17 (Manage Sanitary and Septic Waste). Valley Water would also implement various SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), BMP GEN-4 (Minimize Area of Disturbance), and BMP GEN-20 (Erosion and Sediment Control Measures). Furthermore, because the Project would be implemented in accordance with SMP procedures, Valley Water would implement water quality monitoring consistent with the methods described in Attachment G (Water Quality Monitoring Plan) of the SMP Manual. Specifically, Valley Water staff would collect and analyze surface water and sediment samples upstream and downstream of the Project sites for total mercury and methyl mercury during in-channel construction activities. Monitoring results would be evaluated against Basin Plan mercury water quality objectives. In the event that exceedances are detected, Valley Water would implement adaptive management measures such as modifying dewatering methods, turbidity controls, or work sequencing to reduce mobilization of mercury-laden sediments. Adaptive management under the SMP involves evaluating monitoring data, identifying the likely cause of exceedances or performance issues, and adjusting construction or dewatering practices in coordination with regulatory agencies to ensure compliance with water quality objectives.

Additionally, the Project would be required to adhere to the RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Number R2-2015-0049. Prior to beginning work, crews would install and implement construction site controls to prevent discharges of pollutants from the construction sites.

In addition, implementation of standard BMPs WQ-4 (Limit Impacts from Staging and Stockpiling Materials), WQ-5 (Stabilize Construction Entrances and Exits), WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement), and WQ-11 (Maintain Clean Conditions at Work Sites), and ~~WQ-16 (Prevent Stormwater Pollution~~SMP BMP GEN-20 (Erosion and Sediment Control Measures) would reduce or prevent erosion caused by construction activities. Standard waste collection and good housekeeping practices would also be observed. Following Project implementation, all work areas would be restored to match pre-construction conditions. All construction material and debris would be removed and disposed of at approved facilities. Hydroseeding of all disturbed areas would be applied after construction and before seasonal rain events, with reapplication when necessary for winterization.

With incorporation of the BMPs discussed above, restoration of work areas, and adherence to the RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Number R2-2022-0049, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. ~~Therefore, impacts would be less than significant.~~The Project, as such, would not impact currently supported beneficial uses of the Guadalupe River. Therefore, impacts would be less than significant. In addition, as identified in Section 3.1, Valley Water would pursue applicable regulatory permits with the RWQCB, including water quality certification in compliance with Section 401 of the Clean Water Act, to ensure compliance with the Basin Plan requirements.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. The Project consists of repairs to address the damaged concrete-lined channel and failed gabion baskets as well as the removal of overgrown vegetation that is exacerbating erosion. The Project would involve the creation of an active dewatering system, which would divert and return water to the river just downstream of the Blossom Hill Road Project site. Any groundwater encountered during drilling and excavation activities would be pumped into a Baker Tank, or similar equipment, located along the top of bank for containment prior to disposal. The Project would not draw from a groundwater aquifer and would not deplete groundwater supplies or interfere with groundwater recharge, and there would be no impact.

c) 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:

i. result in a substantial erosion or siltation on- or off-site?

Less than Significant Impact. The Project would include erosion repair activities at the Malone Road Project site and the Blossom Hill Road Project site, including the installation of an active

dewatering system, debris removal and tree removals, and replacing the failed gabion basket structures through rock slope protection, with two grade control features along the channel bed.

Flows at the Malone Road Project site are mainly controlled by upstream dam summer operations and have experienced continuous flows during the summer months in recent history, as discussed in Chapter 2: Project Description. Flows would be diverted by a sump pump fitted with pipes, hoses, and an erosion dissipater and turbidity filter downstream of the Project sites. For the entirety of the Project duration, the sump pump would divert any nuisance flows around the Project site as needed. The Blossom Hill Road Project site may experience running flows during summer months. The diversion system at this Project site would consist of an earthen berm along with a portable dam structure installed within 50 feet upstream and 50 feet downstream of the Project site. This would effectively accomplish an active bypass along the center cell of Blossom Hill Road bridge. The active bypass setup would divert and return water to the river just downstream of the Blossom Hill Road Project site. To ensure that the temporary creek diversion system is adequately designed, Valley Water would size sump pumps and diversion infrastructure using representative summer flow data based on the past 25 years of hydrologic records. This approach would ensure that the system's diversion capacity would accommodate typical and higher-than-average summer flow conditions, thereby maintaining a dry work area and minimizing potential downstream impacts such as turbidity or sedimentation.

Although Project activities may increase erosion, as detailed above~~; therefore~~, the ~~following~~implementation of Valley Water standard BMPs would be ~~implemented~~ incorporated into the Project to reduce or prevent erosion caused by Project construction~~:~~, including standard BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement), and BMP WQ-11 (Maintain Clean Conditions at Work Sites~~), and WQ-16 (Prevent Stormwater Pollution~~). Valley Water would also implement SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), BMP GEN-4 (Minimize Area of Disturbance), and BMP GEN-20 (Erosion and Sediment Control Measures). Additionally, standard waste collection and good housekeeping practices would be observed. If a dry season rain event is forecasted, Valley Water would temporarily stop work to ensure any stormwater can pass through the system and would reinitiate work once the sites have adequately dried.

Following Project implementation, all work areas would be restored to match pre-construction conditions. All construction material and debris would be removed and disposed of at approved facilities. Hydroseeding of all disturbed areas would be applied after construction and before seasonal rain events, with reapplication when necessary for winterization.

Given the incorporation of the BMPs discussed above and planned restoration of work areas, along with the temporary nature of the Project, the Project is not expected to 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 a substantial erosion or siltation on or off site. Therefore, impacts would be less than significant.

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No Impact. The Project's erosion repair activities involve bank stabilization at two sites where in-stream structures along the Guadalupe River have experienced erosion and subsequent damage to the embankment and potential neighboring properties. The Project would not alter the drainage pattern of the river; it would, however, stabilize and reinforce the river's concrete embankment that provides needed flood protection for properties located along the Guadalupe River. Therefore, implementation of the Project would not increase the rate or amount of surface water runoff, and no impact would occur.

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. As discussed above, the Project would require the use of equipment that uses fuels and lubricants. ~~For this reason,~~ Valley Water standard BMPs would be incorporated to reduce the risk and hazards to water bodies from construction equipment and activities in and near waterways. These ~~BMPs~~ include standard BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), BMP HM-10 (Utilize Spill Prevention Measures), BMP WQ-3 (Limit Impact of Pump and Generator Operation and Maintenance), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-11 (Maintain Clean Conditions at Work Sites), and BMP WQ-15 (Prevent Water Pollution~~), and WQ-16 (Prevent Stormwater Pollution).~~). Additionally, SMP BMP GEN-20 (Erosion and Sediment Control Measures) would be implemented to further reduce the potential for runoff.

Additionally, to minimize and reduce erosion potential associated with construction-related activities that would disturb soils, such as excavation, vegetation removal, and grading, Valley Water would implement ~~the following~~standard BMPs~~: BMPs~~, including BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement), and BMP WQ-11 (Maintain Clean Conditions at Work Sites), ~~and WQ-16 (Prevent Stormwater Pollution~~as well as various SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), BMP GEN-4 (Minimize Area of Disturbance), and BMP GEN-20 (Erosion and Sediment Control Measures).

The Project would also be required to adhere to the RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Number R2-2022-0049. Prior to beginning work, crews would install and implement construction site controls to prevent discharges of pollutants from the construction sites. Further, Project work would be avoided during dry

season rain events and reinitiated once the Project sites have dried. Therefore, implementation of the Project would not create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and impacts would be less than significant.

iv. impede or redirect flood flows?

Less than Significant Impact. As discussed above in Impact c(i), the Project would not impede or redirect flood flows as Project activities would address the existing damaged concrete-lined channel and failed gabion baskets as well as remove vegetation and trees. The Malone Road Project site is expected to have minimal flows during summer; however, any flows would be diverted using a sump pump with pipes, hoses, an erosion dissipater, and a turbidity filter. This setup would operate throughout the Project duration. The Blossom Hill Road Project site may experience running flows during summer months. The Blossom Hill Road diversion system would include an earthen berm along with a portable dam structure installed 50 feet upstream and 50 feet downstream of the Project site, creating an active bypass along the center cell of Blossom Hill Road bridge. The active bypass would divert and return water to the river just downstream of the Blossom Hill Road Project site. Once repair activities are completed, the Project sites would continue to function as they were originally designed, providing erosion control, flood protection, and infrastructure protection. Therefore, the Project would not impede or redirect flood flows, and impacts would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. As discussed in the SMP, portions of the Guadalupe River (extending approximately 0.5 mile inland from the river mouths) could be impacted by tsunamis; however, as described in Section 3.4.7, Hydrology and Geomorphology, of the Valley Water SMP EIR, bank stabilization activities would not exacerbate tsunami conditions in areas that would be susceptible to tsunamis. In addition, no large bodies of water are present at either Project site that could create seiche hazards. Further, bank stabilization activities would reduce the potential for impacts of mudflow. As stated above, the Project would be constructed outside the boundary of the 100-year floodplain at both Project sites, as indicated by the FEMA FIRMs. A 100-year floodplain is a geographic area having a 1 percent chance of being flooded in any given year (FEMA 2020). Project activities would be temporary and occur during the dry season (June 15 and October 15), when chances of rainfall and flooding are relatively low.

Project activities would repair the damaged concrete slope paving and failed gabion baskets as well as remove overgrown vegetation and trees, all conditions that, if left un-remediated, could exacerbate impacts from a significant flooding event. Once completed, bank stabilization and repair activities would reduce the potential for flow impacts from flood or tsunami hazards. Therefore, impacts associated with the release of pollutants in flood hazard, tsunami, or seiche zones from implementation of the Project would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project is located within the Santa Clara Valley groundwater basin, which is subject to Valley Water's 2021 Groundwater Management Plan, designed to sustainably maintain and manage groundwater (Valley Water 2021). Implementation of an erosion control plan and Valley Water's BMPs, both of which have been developed to be consistent with the Basin Plan, have been incorporated into the Project. The Project would reduce flooding and erosion and would therefore not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.11 Land Use and Planning

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

Environmental Setting

The Project sites are categorized as OSPH under the City of San José 2040 General Plan and are bounded by residences and urban development (City of San José 2011). The area surrounding the Malone Road Project site is zoned Single-family Residential (up to five dwelling units per acre) and Single-family Residential (up to eight dwelling units per acre). The area surrounding the Blossom Hill Road Project site is zoned High Industrial and Planned Development (City of San José 2011).

Discussion

a) Physically divide an established community.

No Impact. The Project consists of bank repair and stabilization activities along an existing river bank area. Project activities would also include minimal vegetation and tree removal along with restoration of the work areas once construction is complete. Therefore, construction of the Project would not physically divide an established community, and no impact would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. As discussed above, the Project is located in an area categorized as OSPH by the City of San José 2040 General Plan. The Project would not introduce new land uses or result in land use changes. As a result, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact, and no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.12 Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Environmental Setting

The Malone Road Project site does not contain soils types known to hold key mineral resources. The Malone Road Project site is located in an area classified as flood plains and alluvial plain landform, with a typical soil profile comprised of the following types (Survey Staff, NRCS n.d.-a):

Map Unit 130:

- A1: 0 to 2 inches: sandy loam
- A2: 2 to 12 inches: very fine sandy loam
- Bw1: 12 to 20 inches: silt loam
- Bw2: 20 to 33 inches: silt loam
- 2Ab1: 33 to 37 inches: loam
- 2Ab2: 37 to 51 inches: loam
- 2Bwb1: 51 to 62 inches: loam
- 2Bwb2: 62 to 72 inches: loam

Map Unit 131:

- Oi: 0 to 8 inches: slightly decomposed plant material
- A: 8 to 17 inches: clay loam

- Bw1: 17 to 26 inches: silty clay loam
- Bw2 - 26 to 35 inches: silty clay loam
- Bw3: 35 to 47 inches: silty clay loam
- Bw4: 47 to 71 inches: silty clay loam
- C: 71 to 94 inches: silty clay loam

The Blossom Hill Road Project site does not contain soil types known to hold key mineral resources. The Blossom Hill Road Project site is located on an alluvial fan landform with a typical soil profile comprised of the following types (Survey Staff, NRCS n.d.-b):

Map Unit 170:

- Oi: 0 to 1 inch: slightly decomposed plant material
- A1: 1 to 4 inches: sandy loam
- A2: 4 to 10 inches: sandy clay loam
- A3: 10 to 19 inches: sandy clay loam
- C: 19 to 23 inches: very gravelly sand
- Ab1: 23 to 35 inches: silty clay loam
- Ab2: 35 to 55 inches: clay loam
- AB: 55 to 79 inches: sandy clay loam

Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The Project sites are within areas that are not known to have mineral resources associated with their respective soil types. Mineral resources that are of local or state importance would not be impacted by activities at either the Malone Road or Blossom Hill Road Project sites as the soils at both sites mainly contain loam, silt, and clay combinations. Therefore, the Project would not cause a loss of a known mineral resource, and no impact would occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project sites are not within a mineral resource area, and the Project would not therefore result in loss of a locally important mineral resource recovery site. Implementation of the Project would not conflict with applicable Resource Conservation Elements of the Santa Clara County General Plan. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.13 Noise

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) 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 two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Environmental Setting

Noise-sensitive receptors as defined in the Envision San José 2040 General Plan include residences, hotels, motels, hospitals, and residential care facilities (City of San José 2011). The nearest noise-sensitive receptors to the Malone Road Project site are residences surrounding the site to the west (as close as approximately 50 feet away). The nearest noise-sensitive receptors to the Blossom Hill Road Project site are residences (approximately 450 feet northeast of the site).

To quantify existing ambient noise levels, the Valley Water Guadalupe River Bank Stabilization Noise Technical Report included seven short-term (10-minute) noise measurements in and around the Project sites. Noise levels ranged from 49 to 66 dB L_{eq} (5-minute L_{eq}) at the noise-sensitive receptor areas proximate to the Malone Road Project site and 55 to 63 dB L_{eq} (5-minute L_{eq}) at noise-sensitive receptor and commercial areas near the Blossom Hill Road Project site. The major source of ambient noise at both sites was existing traffic noise (RCH Group 2024b).

Because heavy equipment noise is unavoidable, particularly for infrastructure projects such as the Project, jurisdictions typically provide noise ordinance and regulatory exemptions for specific, short-term, and temporary construction activities. The Project sites are located within the City of San José; the General Plan provides the following standards for noise:

- Chapter 20.100.450 (Hours of construction within 500 feet of a residential unit): A) Unless otherwise expressly allowed in a development permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.

- Sections 10.16.010 and 10.16.020 prohibit disturbing the peace and define disturbing noises (e.g., vehicle exhaust systems and revving engines), respectively.
- Without limiting the scope of section 20.100.310, no applicant or agent of an applicant shall suffer or allow any construction activity on a site subject to a development permit or other planning approval located within 500 feet of a residential unit at any time when that activity is not allowed under the development permit or planning approval. This section is applicable whenever a development permit or other planning approval is required for construction activity.

Discussion

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact with Mitigation Incorporated. Construction activities are anticipated to occur in 2026 or 2027 between June 15 and October 15 for 4 months. Construction is expected to occur between 7 a.m. and 7 p.m., Monday through Friday, and typically would include 8-hour workdays (consistent with section 20.100.450 of the San José Municipal Code).

Construction activities would require the use of numerous pieces of noise-generating equipment, such as excavating machinery (e.g., excavators, loaders) and other construction equipment (e.g., tractors, backhoes, compactors, dump trucks). The noise levels generated by construction equipment would vary greatly depending upon factors such as the type and specific model of the equipment, the operation being performed, the condition of the equipment, and the prevailing wind direction.

As discussed above, the nearest noise-sensitive receptors to Project construction activities would be the residences adjacent to the Malone Road Project site (as close as approximately 50 feet). The nearest noise-sensitive receptors to Project construction activities would be residences approximately 450 feet northeast of the Blossom Hill Road Project site. Construction noise levels would range from 77 to 84 dB, L_{max} at 50 feet and 48 to 55 dB L_{max} at 450 feet (RCH Group 2024b).

Construction would result in a temporary increase in ambient noise levels in the vicinity of both Project sites. As discussed above, noise generally attenuates at a rate of 6 to 7.5 dB per doubling of distance. Based on the terrain at the Malone Road Project site (a "soft site"), an attenuation of 7.5 dB was used in the noise attenuation calculations. However, there would be a significant amount of noise attenuation occurring at the Malone Road Project site because work occurring on the river bank would be well below street level, meaning the line of site between construction equipment and the nearest residences would be obscured. Therefore, the noise analysis conservatively assumed the depth of work occurring at the Malone Road Project site would provide an additional 12 dB noise reduction at the nearest residence. After accounting for shielding from the depth of the river bank, the noise levels from construction at the Malone

Road Project site at the nearest residence were predicted to be 46 to 72 dB L_{max} when construction equipment is used in the in-stream structure. (RCH Group 2024b).

For the Blossom Hill Road Project site, work would also occur below street level although not at the same depth as the river bank at the Malone Road Project site. The noise analysis conservatively assumed the depth of work occurring at the Blossom Hill Road Project site would provide an additional 5 dB noise reduction at the nearest apartment complex building. After accounting for shielding from the terrain, the noise levels from construction activities at the nearest residences were predicted to be 29 to 55 dB, L_{max}, when construction equipment is used in the in-stream structure. These noise levels would be masked by existing traffic noise from Blossom Hill Drive and Blossom Hill Road and would likely not be noticeable to residents since existing traffic noise levels from Blossom Hill Drive and Blossom Hill Road ranged from 55 to 78 dB L_{max} nearby the residences (RCH Group 2024b).

As discussed above, construction is required to comply with the San José Noise Ordinance and would only occur between 7 a.m. and 7 p.m., Monday through Friday. However, a minimum of two generators would be used at each site where active dewatering would be required. These generators could potentially be used for 24 hours per day, which would generate noise outside the allowable hours of construction noise per the San José Noise Ordinance. Note that no other construction equipment would be used for active dewatering activities outside of the permitted construction hours of 7 a.m. to 7 p.m.

This analysis conservatively assumes two generators would be operating simultaneously side by side on a trailer at bank level elevation, thus no attenuation from topographic shielding between nearby residents and the generators was assumed. The use of generators during nighttime hours (7 p.m. to 7 a.m.) could result in potential annoyance to noise-sensitive receptors proximate to the Malone Road Project site. This analysis uses a significance threshold of 55 dB, L_{max}, the maximum noise level in allowed decibels at the property line according to the San Jose Municipal Code, Part 7, Chapter 20.30.700, at the nearest residential property line during nighttime hours (7 p.m. to 7 a.m.) to determine if nighttime use of the generators would be a potentially significant impact. Noise levels from the generators exceeding 55 dB, L_{max}, at the nearest property line could potentially cause sleep disruption. For the Blossom Hill Road Project site, the noise produced by the generators is predicted to be 37 dB, L_{max}, at 450 feet[11] (RCH Group 2024b). This would be well below the 55 dB, L_{max}, significance threshold and this would not result in any significant impacts from nighttime noise. For the Malone Road Project site, the noise produced by the generators is predicted to be 61 dB, L_{max}, at 50 feet (RCH Group 2024b). It should be noted that these are estimates based on current equipment specifications. This noise level would exceed the 55 dB, L_{max}, significance threshold. Thus, the use of the

[11] This analysis assumes the two generators would be operating simultaneously side by side. Thus, the noise level from two generators operating simultaneously would result in a 3 dB increase from the noise of a single generator.

generators during nighttime hours would result in a significant impact at the Malone Road Project site. Implementation of Mitigation Measure NOI-1 would attenuate noise from the generators by approximately 20 dB, to 41 dB, L_{max}, through the use of four-sided noise barriers or sound blankets around the generators; Thus, noise levels would fall below the 55 dB, L_{max}, threshold (RCH Group 2024b). Therefore, impacts from an increase in ambient noise levels would be less than significant with mitigation incorporated. Once bank stabilization work is completed, there would be no change to conditions at either Project site that would result in an increase in ambient noise levels in the vicinity of either Project site. Therefore, impacts from a substantial temporary or permanent increase in ambient noise levels in the Project site vicinity in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, would be less than significant with mitigation incorporated.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Construction activities have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and operations involved. In most cases, groundborne vibration generated by typical construction equipment does not result in adverse effects on people or structures. At the highest levels of vibration, damage to structures is primarily architectural (e.g., loosening and cracking of plaster or stucco coatings) and rarely results in structural damage. For vibration, a *peak particle velocity* (PPV) threshold of 0.5 inch per second (in./sec) or greater can cause architectural damage and minor structural damage. The Federal Transit Administration (FTA) therefore recommends a significance threshold of 0.5 inches/second PPV for evaluating potential impacts to residential and commercial structures from groundborne vibration (FTA 2006)

Depending on the construction activity location, several pieces of heavy equipment could be operated as close as 50 feet from the nearest residence at the Malone Road Project site. Other work at both Project sites would occur at distances much greater than 50 feet from off-site structures. Groundborne vibration from proposed heavy equipment operation was estimated to be between approximately 0.01 and 0.06 inches/second PPV, which falls below the FTA's significance threshold of 0.5 inches/second at 50 feet (RCH Group 2024b). The Project would not generate excessive groundborne vibration or groundborne noise levels, and the impact would thus be less than significant.

c) 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 two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not within the vicinity of a public airport or private airstrip or within an airport land use plan. The nearest airport is the San José International Airport, located approximately 4.5 miles northwest of the Malone Road Project site and approximately 7.4 miles northwest of the Blossom Hill Road Project site. At this distance, the Project would not expose

people residing or working in the Project area to excessive noise levels. Therefore, no impact would occur.

Mitigation Measures

MM-NOI-1 Generator Noise Attenuation

If generators are used during nighttime hours (7 p.m. to 7 a.m.) at the Malone Road Project site, Valley Water shall install four-sided noise barriers/sound blankets around the generators.

3.4.14 Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Environmental Setting

The Project is on Valley Water fee title or easement property. Adjacent residential neighborhoods and urban development surround both Project sites.

Discussion

a) Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project would consist of erosion repair at the Malone Road Project site and the Blossom Hill Road Project site. ~~Work at neither Project site would require the extension of roads~~No road extensions or other infrastructure improvements would be required at either location. As a result, the Project would not induce direct or indirect population growth within the area. Because the Project would not involve new infrastructure such as extension of roads or new homes, businesses, or other buildings, the Project would not induce any population growth. Therefore, no impact would occur.

b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project would consist of erosion damage repair, with work contained within the Malone Road Project site and Blossom Hill Road Project site. Workers on the Project would be local to the region and commute to the Project sites daily, and housing accommodations would not be required. Therefore, the Project would not displace any people and would not necessitate the construction of replacement housing, and no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.15 Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Environmental Setting

The Project sites are within the City of San José.

Fire Protection

The San Jose Fire Department (SJFD) serves 1.2 million residents over 200 square miles and responds to roughly 109,000 service calls annually (City of San José, n.d.-a). SJFD currently operates 34 fire stations in the city (City of San José, n.d.-c). The closest fire station to the Malone Road Project site is Fire Station 37, located approximately 0.65 mile southwest of the Project site at 2191 Lincoln Avenue in San José. The closest fire station to the Blossom Hill Road Project site

is Fire Station 17, located approximately 0.85 mile southwest of the Project site at 5170 Coniston Way in San José.

Police Protection
The San José Police Department (SJPD) employs approximately 1,700 employees and consists of four bureaus comprised of 11 divisions (San José Police Department, n.d.). The SJPD has over 70 specialized units and assignments throughout San José (San José Police Department, n.d.). SJPD headquarters is located at 201 West Mission Street.

Schools
San José has 22 school districts with a total of 682 schools (GreatSchools.org, n.d.-a). The Malone Road Project site and Blossom Hill Road Project site are located within the San José Unified School District (GreatSchools.org, n.d.-b; n.d.-b). The closest school to the Malone Road Project site is Galarza Elementary School, approximately 0.36-mile northwest of the Project site. The closest schools to the Blossom Hill Road Project site are Almaden Elementary School, approximately 0.70 mile west of the Project site and Allen at Steinbeck Elementary School, approximately 0.70 mile southeast of the Project site.

Parks
The City of San José Parks, Recreation, and Neighborhood Services Department consists of nine regional parks, 207 neighborhood parks, and 290 park playgrounds (City of San José, n.d.-b). Parks within 1 mile of the Malone Road Project site include Robert Antonio Balermino Park, River Glen Park, and Roy Avenue Park. Parks within 1 mile of the Blossom Hill Road Project site include Chris Hotts Park, Leif Erikson Park, and Almaden Lake Park.

Other Public Facilities
The library closest to the Malone Road Project site is the Willow Glen Branch Library, approximately 1.10 miles northwest of the Project site. The closest library to the Blossom Hill Road Project site is Pearl Avenue Branch Library, approximately 1.14 miles north of the Project site.

Discussion

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire Protection, Police Protection, Schools, Parks, Other Public Facilities?

No Impact. Construction and operation of the Project would not result in the need for expanded police protection services or fire protection services. Construction of the Project would be short term and temporary, lasting 4 months. Therefore, the Project would not require new or additional police and fire protection. No impact would occur.

As discussed in Section 3.4.14, the Project would not include population-inducing components. Therefore, the Project would not result in an increased demand for school services, parks, or other public facilities, and no public facilities would need to expand in order to accommodate the Project. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.16 Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Baseline Site conditions

The Project sites are closed to the public and serve only flood control and maintenance functions. No recreational amenities, trails, or public access points occur within or adjacent to either site, and existing recreational use is limited to nearby city parks outside the Project boundaries.

Environmental Setting

Public access to the Malone Road Project site and Blossom Hill Road Project site is prohibited, and there are no recreational trails or other facilities within the immediate vicinity of either Project site. As noted in Section 3.4.16, there are recreational parks within the vicinity of both Project sites. However, neither Project site is located within a recreational area, and no trails or other recreational facilities are located near the Project sites or their access routes.

Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. As discussed in Section 3.4.15, Public Services, there are city parks located within 1 mile of both the Malone Road Project site and the Blossom Hill Road Project site. However, no neighborhood or regional parks are located in the immediate vicinity of either Project site. The

Project would include activities related to bank stabilization at two locations and would not result in the increased use of parks or other recreational facilities. As discussed in Section 3.4.14, Population and Housing, the Project does not include components that would induce population growth near the Project sites. Therefore, no impact would occur.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project does not require the construction or expansion of recreational facilities, nor does it include recreational facilities as part of the Project components. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.17 Transportation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?				X

Environmental Setting

Both Project sites are located within the City of San José, on Valley Water fee title or easement property.

The Malone Road Project site is near the intersection of Malone Road and Almaden Road and would be accessed through the available adjacent vacant district parcel along the west bank, upstream of Malone Road. The Project would also utilize the creek for access by constructing a temporary ramp into the channel from the adjacent vacant lot.

The Blossom Hill Road Project site is near Blossom Hill Road. Construction vehicles and equipment would access the Blossom Hill Road Project site along the western maintenance access road along the top of the bank and north of the Blossom Hill Road bridge. The Blossom

Hill Road Project site can also be accessed from the depressed maintenance road south of the Blossom Hill Road bridge. Staging at the Malone Road Project site would be confined to Valley Water fee title properties along the top of the west bank (APN 439-26-062) upstream of Malone Road. Staging at the Blossom Hill Road Project site would be confined to a Valley Water fee title property along the top of the west bank (APN 458-14-034) downstream of Blossom Hill Road.

The Project would involve bank stabilization at the Malone Road Project site and Blossom Hill Road Project site, where instream structures along the Guadalupe River have experienced erosion and subsequent damage to the embankment and potential risk is posed to neighboring properties. Construction equipment would access the Project sites using routes described above. Local roads would be minimally affected by transportation of crews and equipment and would not need to be closed during construction activities.

Discussion

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact. Existing roadways would be utilized to transport personnel, equipment, and materials to and from the Project sites and would add a maximum of four additional truck trips per day between both Project sites. Valley Water would implement standard BMP TR-1 (Incorporate Public Safety Measures) to avoid and minimize any potential transportation impacts when working in roadways. ~~Fences~~This standard BMP requires the installation of fences, barriers, lights, flagging, guards, and signs ~~would be installed~~ to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof ~~(BMP TR-1)~~. Large deliveries (e.g., excavators, concrete trucks, rock riprap) could require oversized load permits from the City of San Jose. Oversized loads are not expected to result in lane closures or traffic delays on local jurisdiction roads nor the State Transportation Network (STN) under Caltrans jurisdiction. If lane closures or delays were to occur on STN roads, Valley Water would coordinate with Caltrans to develop and submit a Transportation Management Plan. The increase in vehicle trips as result of the Project would not be large enough to conflict with an applicable plan, ordinance, or policy or impact the performance of the local circulation system. Therefore, no impact would occur.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less than Significant Impact. Vehicle miles traveled (VMTs) would not substantially increase as a result of the Project. Approximately four truck trips per day are anticipated during the 4-month period. The Project would generate approximately 3,440 VMTs throughout the 4-month construction period. While there would be a temporary increase in the number of trucks accessing and traveling to the two Project sites, the increase would not represent a substantial impact to the area's vehicle traffic. Projects that generate or attract fewer than 110 trips per day generally may be assumed to result in a less-than-significant transportation impact (OPR 2018). Based on this analysis, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Therefore, impacts would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. There would be no sharp curves, dangerous intersections, or farm equipment used during transport of materials or equipment to the Project sites, nor would there be any design features or uses that would significantly increase hazards. The Project would involve bank stabilization activities within two Project sites, both of which are located on Valley Water fee title or easement property and not on any local roadways. Therefore, no impact would occur.

d) Result in inadequate emergency access?

No Impact. For the Project, workers would use local streets and access roads to access the Project sites, and a maximum of eight workers would be staffed at each Project site. During the 4-month construction period, up to 300 truck trips would be required for the Malone Road Project site and up to 150 trips would be required at the Blossom Hill Road Project site. Given the small number of construction-related trips and the short duration of the Project, obstruction or impediment of emergency access to the surrounding area is not expected during Project construction. Additionally, construction and staging equipment would be located adjacent to the Project sites on Valley Water fee title or easement property, eliminating the need to use the local roadways for regular access. ~~Fences, barriers, lights, flagging, guards, and signs would be installed to provide adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof (BMP TR-1).~~ Therefore, the Project would not prevent emergency response vehicle access that would result in inadequate emergency access, and no impact would occur.

Mitigation Measures

No mitigation measures would be required.

3.4.18 Tribal Cultural Resources

Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	X

Environmental Setting

The Project sites are located in two locations in the City of San José. The Malone Road Project site and the Blossom Hill Road Project site are both located along the Guadalupe River, near urbanized areas of San José. Both Project sites would be located within previously disturbed areas.

Discussion

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- **i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
- **ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. The proposed Project would involve ground disturbance in previously disturbed areas. As these areas have been previously disturbed, the likelihood of unearthing new cultural resources would be unlikely. However, the proposed Project would implement BMPs to ensure the protection of potentially present culturally significant resources.**

Less than Significant Impact. The Project would consist of erosion repair activities at the Malone Road and Blossom Hill Road Project sites, including the installation of an active dewatering system, debris removal and tree removal, replacing the failed gabion basket structure through rock slope protection, with two grade control features along the channel bed, and excavation work. Project activities would involve excavation in ground previously disturbed for the flood protection work involved in the creation of the existing facilities. While it is unlikely that unknown tribal cultural resources would be discovered on either Project site, the Project would implement BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) as well as AMM CR-1 (Pre-construction Worker Awareness Training).

BMP CU-1 provides guidance for the accidental discovery of historical or unique artifacts during construction. Should artifacts be found, work would halt at the site, and a "no work" zone (100-foot buffer) would be established until a qualified archaeologist assesses the significance of the artifact. If a find is deemed significant, the archaeologist would implement measures to protect the artifact. If avoidance is not possible, the archaeologist would develop an Action Plan, including a Data Recovery Plan, if necessary, to minimize impacts. AMM CR-1 requires construction personnel to undergo cultural sensitivity training that includes guidance on encountering tribal cultural resources during construction. The training would also inform construction personnel on the types of tribal cultural resources that may be present at the Project sites as well as the proper procedures in the case of accidental discovery of tribal cultural resources. With implementation of BMP CU-1 and AMM CR-1, impacts on tribal cultural resources would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.19 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Baseline Site Conditions

Neither Project site contains active utility infrastructure or service connections. Existing underground and overhead utilities in the surrounding area serve adjacent residential and commercial development but do not extend into the channel or maintenance corridors. Routine coordination with utility providers occurs as part of Valley Water's maintenance activities, and no existing service demands originate from the Project sites.

Environmental Setting

The two Project sites are located in separate areas within the City of San José and would involve bank stabilization work at the Malone Road Project site and Blossom Hill Road Project site. Pacific Gas and Electric (PG&E) provides electrical power services within the City of San José. PG&E also operates natural gas systems, electric systems, a hydroelectric network, and an end-to end hydrogen gas transmission facility (PG&E n.d.-c; n.d.-b); however, most of these systems are not in close proximity to the Project sites. At the Malone Road Project site, PG&E operates assets that comprise of guy wires and anchors embedded into the west slope of the bank. Valley Water is actively working with PG&E to have these guy wires and anchors removed or relocated from the ~~project site by early 2025~~Project site ahead and separate from the Project.

There is a PG&E operated natural gas pipeline that traverses under Blossom Hill Road near the Blossom Hill Road Project site (PG&E n.d.-a). Both the Malone Road Project site and Blossom Hill Road Project site are located within the PG&E service territory; however, neither Project site has existing utility infrastructure within the Project areas.

Discussion

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. The Project would consist of erosion repair activities at the Malone Road Project site and the Blossom Hill Road Project site, including the installation of an active dewatering system, debris removal and tree removal, and replacing the failed gabion basket structure through rock slope protection, with two grade control features along the channel bed. Once completed, the stabilized bank in these areas would continue to operate as previously designed to prevent future erosion and flooding. The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities such that significant environmental effects could result. Therefore, no impact would occur.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. It is anticipated that Project activities would require one water truck per week (approximately 2,000 gallons of water per truck load) for each Project site to support dust control. This would total approximately 22,900 gallons of water per site over the course of

the 4-month period. Water required for construction activities would be obtained by connecting to existing permitted hydrants near the Project sites. The Project sites are within the San Jose Water Company (SJWC) service area and would require coordination with the SJWC for temporary construction water use. SJWC's Montevina Filter Plant is capable of producing approximately 30 million gallons of water per day. Accordingly, the SJWC would have sufficient water supplies to adequately serve the water needs for the Project and reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, impacts would be less than significant.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. The Project may require temporary sanitary facilities for construction staff during the 4-month period. The amount of water that would be generated by any temporary sanitary facilities would be minimal and would not result in an increased demand for wastewater treatment services. ~~The~~In accordance with standard BMP WQ-17 (Manage Sanitary and Septic Waste), temporary sanitary facilities would be provided through a third party responsible for regular cleaning and emptying of the facilities. The provider would be contracted with an appropriate discharge facility. The Project would not require determination of capacity by any wastewater treatment provider. Therefore, impacts would be less than significant.

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. Solid waste generated from Project activities such as excavation spoils, vegetation removal, and general refuse would be disposed of at a local landfill. To the extent feasible, recycling of materials and mulching of removed vegetation would be implemented. An estimated 400 CY of excavated material, vegetation, and other construction refuse is estimated to be hauled off site over the life of the Project. This would average out to approximately 4.17 CY per day over the 86-day construction period. The nearest landfill to both Project sites is the Guadalupe Sanitary Landfill. This landfill is approximately 5.9 miles southwest of the Malone Road Project site and 3.1 miles southwest of the Blossom Hill Road Project site.

The Guadalupe Sanitary Landfill has a maximum daily throughput of 3,650 tons per day and has a remaining capacity of approximately 7,518,220 tons through 2043 (CalRecycle, n.d.). Considering the minimal amount of solid waste anticipated to be generated by construction of the Project in comparison to the landfill's capacity, Project construction waste disposal needs would not exceed the remaining capacity of the landfill. The Project would not generate solid waste post construction. Therefore, the Project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals, and impacts would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. The Project's overall potential to increase waste generation would be limited to the 4-month duration. Project-related wastes, including concrete, dirt, and trees and vegetation generated by the Project would be handled and disposed of in accordance with all applicable federal, state, and local regulations and policies. Much of this material is recyclable by the receiving landfill and would be processed for reuse to the extent feasible, which would further divert waste materials away from otherwise permanent disposal. Therefore, the Project would comply with applicable federal, state, and local statutes and regulations regarding solid waste, including local recycling programs, and impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.20 Wildfire

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Environmental Setting

The City of San José is served by the San Jose´ Fire Department and the California Department of Forestry and Fire Protection (CAL FIRE). Both Project sites are located within the City of San José and in a heavily urbanized area. Neither Project site is located within the wildland–urban interface (WUI) zone as designated by Santa Clara County (County of Santa Clara Department of Planning and Development, n.d.). Additionally, neither the Malone Road Project site nor the Blossom Hill Road Project site are located within an area designated as a State Responsibility

Area (SRA) or Local Responsibility Area (LRA) Fire Hazard Severity Zone (FHSZ) (CAL FIRE, n.d.). While fire risk is identified as low for the Project sites, it is never zero. Valley Water recognizes that in dry years, vegetation surrounding the Project site may be susceptible to ignition.

Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project sites are not within a designated WUI or an SRA or LRA FHSZ. As discussed in Section 3.4.17, Transportation, transportation of materials, personnel, and equipment would result in only four truck trips per day. Therefore, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and no impacts would occur.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than Significant Impact. Neither Project site is within a designated WUI or an SRA or LRA FHSZ. The Project would implement standard BMP HM-12~~,~~ (Incorporate Fire Prevention Measure), which incorporates fire prevention measures such as outfitting equipment with spark arrestors. The Project would involve embankment stabilization activities lasting 4 months. The related Project activities would not exacerbate wildfire risks so as to expose Project occupants or residents to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, impacts would be less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than Significant Impact. The Project sites are not within a designated WUI or a FHSZ. Project activities would require river bank stabilization work at two locations. The Project would not require installation of associated infrastructure such as roads, emergency water sources, power lines, or other utilities that may exacerbate fire risk or create temporary or ongoing impacts to the environment. Therefore, impacts would be less than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than Significant Impact. The Project sites are not within a WUI or any designated SRA or LRA FHSZ. As discussed in Section 3.4.19, Utilities and Service Systems, the Project would not alter the existing drainage or significantly impact drainage systems at either Project site. The Project would stabilize the river banks near Malone Road and Blossom Hill Road and would not significantly increase water flow through the river system. Consequently, these areas would become less susceptible to landslides and flooding. The Project would not expose people or structures to significant risks from runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

3.4.21 Mandatory Findings of Significance

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant with Mitigation. While the Project would result in potentially significant impacts related to air quality, biological resources, noise, and geology and soils, Valley Water's implementation of applicable standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures as proposed in this MND would avoid or minimize these potentially significant impacts such that the Project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California

history or prehistory. Therefore, with implementation of standard BMPs, VHP Conditions, SMP BMPs, AMMs and mitigation measures, Project impacts would be less than significant.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than Significant Impact. Section 15064(h)(1) of CEQA Guidelines states that a lead agency shall consider whether the cumulative impact is significant and the incremental effects of the Project are cumulatively considerable. A lead agency may determine that a Project's incremental contribution would be less than cumulatively considerable when one or more of the following occur: 1) The contribution would be rendered less than cumulatively considerable through implementation of mitigation measures; 2) The Project would comply with the requirements of a previously approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the Project's cumulative effects; and/or 3) The Project's incremental effects would be so small that the environmental conditions would be essentially the same regardless of whether the Project is implemented.

Cumulative Projects identified that are ongoing at present or anticipated in the reasonably foreseeable future include annual and on-going in-stream structure maintenance activities. Given the minor nature and infrequency of the maintenance activities as well as the short duration of the Project activities, when considered together, impacts from the Project and ongoing maintenance activities would not be significant. In addition, implementation of standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures as described in the above analyses would ensure that the Project's incremental impacts on the environment would not be cumulatively considerable. Therefore, impacts would be less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. The above analyses demonstrate that the Project would not result in significant impacts with the incorporation of ~~BMPs and~~standard BMPs, VHP Conditions, SMP BMPs, project-specific AMMs, ~~as outlined in Valley Water's SMP,~~ and mitigation measures. While the analyses find that the Project could result in some adverse impacts related to air quality and geology and soils, implementation of standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures would either avoid such impacts or reduce them to a less than significant level. The Project would not result in changes to existing land use, and all potential effects that could impact human beings would be temporary. The long-term effects of the Project would be beneficial as the Project would increase the seismic resistance of bank stabilization along the Guadalupe River and prevent ongoing erosion and subsequent damage to the embankment and, potentially, to neighboring properties. With implementation of standard BMPs, VHP Conditions, SMP BMPs, AMMs, and mitigation measures, the Project would not cause substantial adverse effects on human beings either directly or indirectly. The impact would be less than significant.

4 List of Contributors

4.1 List of Contributors

Table 4.1-1 Valley Water Contributors

Contributor	Role
Ryan Heacock	Senior Water Resources Specialist
Brian Mendenhall	Senior Water Resources Specialist
Chris Van Amburg	Associate Biologist
Lawrence Truong	Associate Environmental Planner

Table 4.1-2 Third Party Consultant Preparers

Contributor	Affiliation	Role
Angie Alexander	Panorama Environmental	Director
Keri Hill	Panorama Environmental	Project Manager
Dennis Kearney	Panorama Environmental	Senior Reviewer
Kate Thompson	Panorama Environmental	Planner: Aesthetics, Agricultura and Forestry, Biological Resources, Cultural Resources, Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use
Cassidy Cunningham	Panorama Environmental	Planner: Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Tribal and Cultural Resources, Utilities, Wildfire
Anna Buising	Panorama Environmental	Planner: Geology and Soils
Mike Ratte	The RCH Group	Subcontractor: Air Quality, GHG, Noise
Luis Rosas	The RCH Group	Subcontractor: Air Quality, GHG, Noise

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APPENDIX A

Air Quality Technical Report

Available for download on the Valley Water Project Website

APPENDIX B

Noise Technical Report

Available for download on the Valley Water Project Website

Appendix C

Comment Response Matrix

Comment ID	Date	Last Name, First Name	Affiliation	Comment Topic	Comment (Verbatim – misspellings in quotes were not corrected unless it was not clear to the reader what word was intended)	Response
01-C01	7/29/2025	Caltrans	District 4	Water Quality	Since it is important to maintain a dry construction work area, it is recommended to propose to have summer flow calculated (based on 25-year historical data) for both project locations, specifically the Guadalupe River location. This will allow the correct sizing of sump pump or consideration of alternative construction method for the Temporary Creek Diversion System (TCDS).	The revised Final IS/MND has been revised to address summer flow considerations and cofferdam design. Section 2.4.3 (Active Dewatering System) specifies that pump sizing for the Temporary Creek Diversion System will be based on representative summer flows based on representative summer flows derived from historical hydrologic data, consistent with Caltrans' recommendation. Section 3.4.10 (Hydrology and Water Quality) also references summer flows in the impact analysis. Regarding Figure 2.2-3, the graphic has been reviewed and confirmed not to depict sheet piling. Section 2.4.3 has been revised to state explicitly that sheet piling is not proposed, ensuring consistency across figures and text.
01-C02	7/29/2025	Caltrans	District 4	Transportation	Construction-Related Impacts Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (link). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).	As discussed in Section 3.4.17 (Transportation), construction would use existing roadways with a maximum of about four truck trips per day. Some large deliveries may require oversized load permits from Caltrans. Text has been added to Section 3.4.17 clarifying that a Transportation Management Plan (TMP) would only be required if oversized or excessive load vehicles cause lane closures or traffic delays on the State Transportation Network.
02-C01	8/8/2025	Battaglia, Mic	CDFW	Biological Resources	Impacts to streambed/ bank/ channel are not quantified or mitigated	Quantification of impacts to the streambed, bank, and channel in linear feet and square footage/acreage has be incorporated as a new 2.4-1. Mitigation for these permanent impacts is described in Section 3.4.4 (Biological Resources). Valley Water will implement Standard BMPs, Stream Maintenance Program BMPs, and project-specific Avoidance and Minimization Measures to minimize disturbance during construction. In addition, Mitigation Measure BIO-1 (Riparian Tree and Habitat Compensation and Restoration) commits Valley Water to compensatory habitat restoration and/or in-lieu fee payment, as finalized through coordination with CDFW and the Regional Water Quality Control Board during the permitting process.
02-C02	8/8/2025	Battaglia, Mic	CDFW	Biological Resources	15 trees up to 34" DBH are being removed but no mitigation proposed for tree removals	Tree removal is disclosed in Section 2.4.4 (Vegetation and Debris Removal), which identifies up to 15 trees (black walnut, Oregon ash, almond, Fremont cottonwood, weeping willow, California buckeye, and black locust) ranging from 4 to 32 inches DBH to be removed for access ramp construction and bank repair at the Malone Road site. Mitigation for these impacts is included in Section 3.4.4 (Biological Resources). Specifically, Mitigation Measure BIO-1 (Riparian Tree and Habitat Compensation and Restoration) requires Valley Water to either (1) coordinate with the Santa Clara Valley Habitat Agency to provide in-lieu fee compensation under the Santa Clara Valley Habitat Plan, or (2) implement tree replacement and/or habitat restoration at ratios of at least 2:1, or as otherwise approved by CDFW and/or the Regional Water Quality Control Board through permitting with higher ratios required for sensitive native species (e.g., oaks, walnuts), as directed by CDFW and/or the Regional Water Quality Control Board.

Comment ID	Date	Last Name, F	Affiliation	Comment Topic	Comment (Verbatim – misspellings in quotes were not corrected unless it was not clear to the reader what word was intended)	Response
02-C03	8/8/2025	Battaglia, Mic	CDFW	Biological Resources	Burrowing owl incorrectly designated as a species of concern (SSC) when it is a state candidate for listing as endangered under CESA (SCE). No surveys or BMPs proposed. Surveys and a nodisturbance buffer will be necessary if owls are found present at either site. If take cannot be fully avoided, the project will need an ITP.	The revised Final IS/MND has been updated to clarify the regulatory status of the burrowing owl. As noted, the species is both a California Species of Special Concern (SSC) and a state candidate for listing as endangered under CESA (SCE). The biological resources section (Section 3.4.4) now correctly identifies burrowing owl as an SCE species and discusses applicable avoidance and minimization requirements consistent with the Santa Clara Valley Habitat Plan and other regulatory frameworks. To address potential presence at the project sites, the document incorporates Santa Clara Valley Habitat Plan Condition 15 (Burrowing Owl), which requires pre-construction surveys, avoidance where feasible, establishment of no-disturbance buffers around occupied burrows, and passive relocation if necessary. In addition, Valley Water's Stream Maintenance Program BMP GEN-7 (Protection of Burrowing Owls) will be implemented, which requires a 250-foot no-work buffer around occupied burrows with monitoring and adaptive management to prevent disturbance. If burrowing owls are detected during required surveys and complete avoidance is not feasible, Valley Water will coordinate with the California Department of Fish and Wildlife (CDFW) regarding the need for an Incidental Take Permit (ITP) under CESA prior to construction.
02-C04	8/8/2025	Battaglia, Mic	CDFW	Biological Resources	Crotch's bumble bee and western bumble bee are mentioned but not discussed. They are both SCE and not covered by the Valley Habitat Plan. Surveys and AMMs would be required and if take cannot be fully avoided the project would need an ITP. There is an occurrence of Crotch's bumble bee in the CNDDB within the 1-mile radius of the Blossom Hill Road site.	The revised Final IS/MND has been updated to clarify the regulatory status of Crotch's bumble bee (Bombus crotchii) and western bumble bee (Bombus occidentalis). Both species are identified as state candidates for listing as endangered under CESA (SCE) and are not curently covered under the Santa Clara Valley Habitat Plan (VHP). Section 3.4.4 (Biological Resources) now includes a discussion of these species and acknowledges the CNDDB-recorded occurrence of Crotch's bumble bee within one mile of the Blossom Hill Road project site. Given the historic nature of the closest known western bumble bee record and absence of recent occurrences in the region, and considering the proximity of the recent Crotch's bumble bee observation, and the limited habitat suitability at the Project sites, the potential for western bumble bee occurrence is considered low, and the potential for Crotch's bumble bee to occur is considered low. While potentially suitable foraging habitat is present, though limited, project-related disturbance is temporary, and no direct impacts to nesting colonies are anticipated given the highly urbanized and previously disturbed character of the project sites. The revised Final IS/MND incorporates implementation of AMM BIO-2 (Crotch's Bumble Bee Avoidance Plan), which includes measures to evaluate the potential of Crotch's bumble bee and their nests prior to construction, avoid active nests and individuals, and minimize impacts to the species' floral resources. In the event that Crotch's bumble bee becomes a covered species under the VHP, Valley Water would comply with applicable VHP requirements. In addition, the revised Final IS/MND incorporates Valley Water's environmental protection measures (SMP BMPs and project-specific AMMs) that reduce potential impacts on pollinators and other invertebrates by limiting disturbance, controlling erosion, restoring disturbed areas with native vegetation, and avoiding use of harmful herbicides or pesticides. These measures substantially reduce the likelihood of affecting nesting or foraging bumblebees. If Crotch's bumble bee or western bumble bee colonies are identified within the work area and avoidance is not feasible, Valley Water will coordinate with CDFW regarding the need for an Incidental Take Permit (ITP) under CESA.

Comment ID	Date	Last Name, F	Affiliation	Comment Topic	Comment (Verbatim – misspellings in quotes were not corrected unless it was not clear to the reader what word was intended)	Response
03-C01	7/25/2025	Morrison, Eliz	San Francisco Bay Regional Water Quality Control Board - Watershed Management Division	Water Resources/Quality	San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the Draft Mitigated Negative Declaration for Guadalupe River Bank Stabilization Project: Malone Road and Blossom Hill Road (Project) (SCH No. 2025061423), prepared by Valley Water for compliance with California Environmental Quality Act (CEQA) environmental review requirements. As summarized in our comments below, the draft mitigated negative declaration (MND) lacks details to characterize the Project's potential impacts to water quality or Guadalupe River's beneficial uses, and we are unable to determine whether appropriate compensatory mitigation is provided. Additional information is needed for Valley Water to complete the draft MND. Also, we recognize that the Water Board will need to consider issuance of a Clean Water Act water quality certification (Certification) for the proposed project. As such, there is an opportunity to provide information in the draft MND, and to frame proposed CEQA mitigation measures, in a way that supports a future Certification application. In its present form the draft MND lacks discussion of impacts and proposed mitigation measures at a level of detail sufficient to support the Water Board's consideration of a Certification.	The revised Final IS/MND has been revised to provide additional discussion of the Guadalupe River's beneficial uses and the Project's relationship to those uses. Section 3.4.10 (Hydrology and Water Quality) now explicitly references the beneficial uses designated for the Guadalupe River in the San Francisco Bay Basin Plan, including municipal and domestic supply (MUN), cold freshwater habitat (COLD), warm freshwater habitat (WARM), fish migration (MIGR), water contact recreation (REC-1), non-contact recreation (REC-2), and wildlife habitat (WILD). The analysis clarifies that while construction activities such as excavation and dewatering have the potential to cause localized increases in turbidity or sedimentation, these effects would be minimized through implementation of Valley Water's best management practices (BMPs), adherence to the Construction General Permit and SWPPP requirements. With these measures, the Project would not adversely affect the beneficial uses of the Guadalupe River, and impacts remain less than significant under CEQA. In addition, the revised Final IS/MND incorporates text to describe Valley Water will coordinate with the San Francisco Bay Regional Water Quality Control Board during the Clean Water Act Section 401 Certification process to ensure compliance with Basin Plan requirements (See Section 3.1 and 3.4.10(a)). Mitigation is outlined in the revised MM BIO-1 which includes coordination with the Water Board. Accordingly, the revised Final IS/MND now contains additional detail on beneficial uses and relies on BIO-1 (Riparian Tree and Habitat Compensation and Restoration) to address biological impacts under CEQA. These revisions provide the context the Water Board requested, while preserving the permitting agency's authority to impose additional measures as part of the Certification process.
03-C02	7/25/2025	Morrison, Eliz	San Francisco Bay Regional Water Quality Control Board - Watershed Management Division	Water Resources/Quality	1. The Draft MND lacks details about site conditions to fully characterize the Project's impacts to waters of the State CEQA Guidelines section 15125 states that the MND must include a description of the physical environmental conditions in the vicinity of the project, from both a local and regional perspective. The draft MND should define the baseline hydrologic, geomorphic, and biotic conditions at the two bank repair sites and how they relate to the Gudalupe River's (River's) designated beneficial uses (see Table 2.1 of the San Francisco Basin Water Quality Control Plan (Basin Plan) for beneficial uses). To address this, the draft MND should be revised to describe the existing conditions and benefits of these conditions to Guadalupe River's ecosystem functions and values.Page 2 of 3 For example, the draft MND indicates the two bank stabilization sites as generally in-kind replacement of existing hardscape. While we concur this is the case for the Blossom Hill Road site, we disagree that the bank repair at the Malone Road site would be in-kind replacement. Based on our observations during a site visit and numerous discussions with Valley Water and resource agency staff when Valley Water originally proposed repair of the Malone Road site under the Stream Maintenance Program (SMP) in 2023 (SMP project 23-SB-019), habitat complexity is present at this site, including an inset floodplain, vegetation on the bank, overhanging banks, and mature trees on the banks. Such variable habitat conditions provide a host of benefits such as niches for refugia for fish from high flow velocity and predators; shade; and foraging and nesting habitat. These conditions can support a variety of aquatic biota, insects, birds, and other wildlife, and contribute to the beneficial uses in Guadalupe River pursuant to the Basin Plan, including cold freshwater habitat (COLD), warm freshwater habitat (WARM), fish migration (MIGR), wildlife habitat (WILD), and noncontact water recreation (REC-2). The proposed Project would replace these conditions with a homogenous, concrete bank with no vegetation (except hydroseed on the upper bank), but the MND did not describe any such changes to the bank except noted that up to 14 mature trees would be removed. Thus, the draft MND should be revised to include details about the River's aquatic habitat conditions and the biota that are likely present, such as steelhead (Oncorhynchus mykiss), Chinook salmon (Oncorhynchus mykiss), and other species in the River's ecosystem including snowy egret (Egretta thula), great egret (Ardea alba), black-crowned night heron (Nycticorax nycticorax), and many other native species. (Note: the Latin names listed here are assumed because they were not listed in the draft MND. The draft MND should include Latin names.) Evaluations of whether the proposed bank stabilization methods would affect the River's hydrology and hydraulics should be included to provide context for the bank stabilization methods. Specifically, a shear stress analysis should be conducted to justify the choice of bank stabilization treatments, and this should be further evaluated for effects on the River's beneficial uses. The draft MND has no photographs of the two sites (except aerial imagery to show footprints of various Project elements). The draft MND should be revised to include photographs of the damaged banks and other site conditions.	The revised Final IS/MND has been updated to clarify the existing conditions at both project sites consistent with CEQA Guidelines section 15125. Section 2.4 (Project Activities) describes the baseline physical conditions of the bank, channel, and riparian vegetation at Malone Road and Blossom Hill Road. Section 3.4.4 (Biological Resources) identifies representative special-status species that may occur in the project reach, with Latin names provided. The revised Final IS/MND also explains that the Malone Road site currently supports riparian trees and vegetated banks that contribute localized habitat functions, while the Blossom Hill Road site is dominated by eroded gabion baskets and lacks similar habitat complexity. Section 3.4.10 (Hydrology and Water Quality) has been revised to reference the Basin Plan beneficial uses supported by the Guadalupe River and to provide context for the selected repair design. The engineering analysis determined that bioengineering alternatives would increase hydraulic roughness and potential flood risk; therefore, in-kind hardscape repair was selected to maintain flood conveyance and public safety. To further illustrate baseline conditions, photographs of both project sites have been added to Appendix C of the Final IS/MND. These clarifications provide additional description of local environmental setting and beneficial uses, but they do not alter the impact conclusions, which remain less than significant with mitigation.

Comment ID	Date	Last Name, F	Affiliation	Comment Topic	Comment (Verbatim – misspellings in quotes were not corrected unless it was not clear to the reader what word was intended)	Response
03-C03	7/25/2025	Morrison, Eliz	San Francisco Bay Regional Water Quality Control Board - Watershed Management Division	Water Resources/Quality	2. Compensatory mitigation proposed is inadequate The proposed compensatory mitigation approach for unavoidable impacts of the Project is payment of Valley Habitat Plan (VHP) Fees (Mitigation Measure BIO-4). This would require Valley Water to pay applicable VHP land cover fees as compensation to mitigate for Project impacts on covered species and their habitats, including serpentine bunchgrass grassland, open water aquatic, mixed riparian forest and woodland, and covered species Santa Clara Valley dudleya. This would be inadequate to meet the Water Board's requirements for no net loss in acreage, functions, and values of waters of the State so would not comply with the Wetland Conservation Policy, also known as the No Net Loss Policy pursuant to the Basin Plan (see Basin Plan, section 4.23). The VHP does not cover impacts to waters or fish, so payment of VHP fees would be inadequateto address the likely adverse effects of the proposed Project. Therefore, other approaches for compensatory mitigation for the Project's unavoidable impacts to waters of the State would be required for us to issue a Certification. Furthermore, the draft MND is silent on the potential impacts to riparian waters and the aquatic biota such as steelhead and Chinook salmon in Guadalupe River. As a result, we would be unable to issue a Certification for the Project. If Valley Water opts to compensate for the Project's adverse impacts via payment of VHP In-Lieu Fee Program fees, the Water Board may consider this approach, pending our evaluation of a Certification application. The application would need to first show impact avoidance and minimization methods and procedures before proposing compensatory mitigation.	The revised Final IS/MND identifies Mitigation Measure BIO-1 (Riparian Tree and Habitat Compensation and Restoration) as the CEQA mitigation for impacts to biological resources. Under BIO-1, Valley Water will either: (1) coordinate with the Santa Clara Valley Habitat Agency to provide in-lieu fee compensation under the Santa Clara Valley Habitat Plan (VHP), or (2) implement tree replacement and/or habitat restoration at specified ratios for affected riparian species, with higher replacement ratios required for sensitive native trees (e.g., oaks, walnuts), as determined through coordination with applicable resource agencies during the permitting process. These measures mitigate tree and riparian habitat impacts to less than significant levels under CEQA. The revised Final IS/MND has also been updated to clarify that aquatic species and riparian functions are integral components of the Guadalupe River ecosystem. Section 3.4.4 (Biological Resources) references representative aquatic and riparian species (including steelhead and Chinook salmon), and Section 3.4.10 (Hydrology and Water Quality) describes how project activities will be managed to minimize sedimentation, protect riparian habitat, and maintain the designated beneficial uses of the Guadalupe River. Valley Water recognizes that the San Francisco Bay Regional Water Quality Control Board may require additional compensatory mitigation beyond CEQA requirements to comply with the Basin Plan's "no net loss" policy as part of the Clean Water Act Section 401 Certification process. Accordingly, the revised Final IS/MND clarifies that Valley Water will coordinate with the Water Board during the Section 401 Certification process, and any additional compensatory mitigation required to meet Basin Plan requirements would be implemented as part of permitting rather than as CEQA mitigation.
03-C04	7/25/2025	Morrison, Eliz	San Francisco Bay Regional Water Quality Control Board - Watershed Management Division	Water Resources/Quality	3. Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL) The Project is within waters covered by the Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL) plan (Water Board, 2008) (Mercury TMDL). Disturbance of riverbed and bank surfaces can cause mercury-laden sediment to be mobilized in the water column and accelerate methylation of mercury, making the mercury more bioavailable and subject to bioaccumulation in the River's biota. For Project construction, we would require Valley Water to collect and analyze water and sediment samples for mercury and methyl mercury, consistent with the methods in the Valley Water's Stream Maintenance Program (SMP) (see SMP Manual, Attachment G-Water Quality Monitoring Plan) to help ensure the Project meets the Mercury TMDL requirements. The draft MND should be revised to address the Mercury TMDL.	Section 3.4.10 (Hydrology and Water Quality) of the revised Final IS/MND has been updated to address the Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL) (Water Board, 2008). Valley Water will implement water quality monitoring consistent with the methods described in the Stream Maintenance Program (SMP) Manual, Attachment G (Water Quality Monitoring Plan). Specifically, Valley Water staff will collect and analyze surface water and sediment samples upstream and downstream of the project sites for total mercury and methyl mercury during in-channel construction activities. Monitoring results will be evaluated against Basin Plan mercury water quality objectives. If exceedances are detected, Valley Water will implement adaptive management measures (e.g., modifying dewatering methods, turbidity controls, or work sequencing) to reduce mobilization of mercury-laden sediments. With these measures, the Project will avoid contributing to mercury impairment in the Guadalupe River and impacts relative to the Mercury TMDL remain less than significant under CEQA.

Appendix D

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

MMRP Requirements and Use

Santa Clara Valley Water District (Valley Water) prepared an IS/MND to identify and evaluate potential environmental impacts associated with the Guadalupe River Bank Stabilization Project (Project). Mitigation measures were defined in the IS/MND to reduce potentially significant impacts of project construction and operation.

Approval of the project will require implementation and monitoring of all the mitigation measures identified in the IS/MND in compliance with the California Environmental Quality Act (CEQA). The CEQA Guidelines Section 15097(a) requires that:

> "… in order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program."

CEQA Guidelines Section 15097(c) defines monitoring and reporting responsibilities of the lead agency.

> "(c) The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:
>
> (1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.
>
> (2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise

> of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.
>
> (3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the approving agency is informed of compliance with mitigation requirements."

This Mitigation Monitoring and Reporting Program (MMRP) is intended to facilitate implementation and monitoring of the mitigation measures to ensure that measures are executed. This process protects against the risk of non-compliance.

The purpose of the MMRP is to:

- Summarize the mitigation required the Guadalupe River Bank Stabilization Project
- Comply with requirements of CEQA and the CEQA Guidelines
- Clearly define parties responsible for implementing and monitoring the mitigation measures
- Provide a plan for how to organize the measures into a format that can be readily implemented and monitored

MMRP Components

The MMRP provides a summary of all mitigation measures that will be implemented for the Project. The mitigation measures are provided in Table 1. Each impact and mitigation measure is accompanied with identification of:

- Implementation and Timing – the party or parties that will undertake the mitigation measure and timing of implementation, including prior to construction, during construction, post construction, or a combination of construction phases
- Monitoring Responsibility – the monitoring and/or reporting actions to be undertaken to ensure the measure is implemented.

The responsible and involved parties will utilize the MMRP to identify actions that must take place to implement mitigation measures, the time of those actions and the parties responsible for implementing and monitoring the actions.

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
Impact AQ-B: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	**MM- AQ-1 Additional BAAD Dust Control Measures** The following additional BAAD Dust Control Measures shall be implemented (per BAAD CEQA Air Quality Guidelines, Table 5-2): • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • 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 layer of wood chips, mulch, or gravel.	**Implementation:** Valley Water and its contractor(s) **Timing:** prior to construction and during construction	Valley Water
Impact AQ-C: Expose sensitive receptors to substantial pollutant concentrations?	**MM- AQ-2 Construction Exhaust Emissions Reduction Measures** The applicant shall implement the following measures during construction to further reduce construction exhaust emissions: • All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall utilize diesel engines that are EPA certified "Tier 4 Final" emission standards for particulate matter and be equipped with California Air Resources Board (CARB)-certified Level 3	**Implementation:** Valley Water and its contractor **Timing:** During construction	Valley Water

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
	Diesel Particulate Filters. Prior to the issuance of any demolition/construction permits, the construction contractor shall submit specifications of the equipment to be used during construction and Valley Water shall confirm this requirement is met.[1] • Equipment such as air compressors, concrete/industrial saws, forklifts, light stands, manlifts, pumps, and welders shall be electric or alternative-fueled (i.e., non-diesel), where feasible. Pole power shall be utilized at the earliest feasible point in time and shall be used to the maximum extent feasible in lieu of generators. If stationary construction equipment, such as diesel-powered generators, must be operated continuously, such equipment must be Tier 4 Final construction equipment or better and located at least 100 feet from air quality sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses) whenever possible.		

[1] EPA and CARB have implemented regulations and a tiering system to reduce emissions from off-road equipment with increasing combustion efficiency (i.e., decreasing emissions) where Tier 1 is the least efficient (greatest emissions) and Tier 4 is the most efficient (least emissions). The regulations have been implemented over time such that Tier 1 was phased out in the 1990s and Tier 2 was required, followed by implementation of Tier 3 and Tier 4 by 2015 with a phase out of Tier 2.

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
	• At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export with a gross vehicle weight rating of at least 14,001 pounds) that meet CARB's 2010 engine emissions standards or newer, cleaner trucks.		
Impact BIO-B: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? **Impact BIO-E:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **Impact BIO-F:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural	**MM BIO-1: Riparian Tree and Habitat Compensation and Restoration** To mitigate for impacts related to riparian tree removal and habitat disturbance, Valley Water shall implement one of the following options: 1. Valley Water shall coordinate with the Valley Habitat Agency to compensate for riparian tree removal and habitat impacts through the VHP's in-lieu fee program. 2. In the event there is insufficient in-lieu fees under the Santa Clara VHP, Valley Water, in coordination with the CDFW and the RWQCB shall develop a detailed mitigation and monitoring plan with revegetation or replanting of trees on Valley Water fee title properties to offset riparian and sensitive vegetation impacts. This plan shall be prepared in	**Implementation:** Valley Water **Timing:** Prior to construction and post construction	Valley Water

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	consultation with the agencies through the LSAA and Section 401 Water Quality Certification processes and shall be implemented as part of those permit requirements. The final plan shall be subject to agency approval. The specific mitigation ratios, methods, and monitoring protocols will be established through negotiation with the permitting agencies to ensure compliance with permit conditions and achieve successful habitat restoration outcomes.		
Impact GEO-F: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO-1 Worker Awareness Training for Paleontological Resources** Prior to groundbreaking, Valley Water shall retain qualified staff to develop and present in-person worker awareness training for paleontological resources. As used here, *qualified staff* refers to an individual who satisfies one or both of the following criteria: • A qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP 2010), who is experienced in delivering training to non-specialists • A California-licensed professional geologist (PG) who has expertise in South San Francisco	**Implementation:** Valley Water will provide training prior to construction. Valley Water and/or its contractor(s) shall implement measure MM-GEO-2 in the event any paleontological resources are discovered	Valley Water. If paleontological resources are uncovered, a report shall be prepared by the qualified paleontologist or licensed professional geologist describing the find and its deposition.

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
	Bay Area stratigraphy and paleontology and is experienced in delivering training to nonspecialists Training shall be concise and substantive. It shall include information on the possibility of encountering fossils during construction; the types of fossils that may be seen and how to recognize them; and proper procedures in the event fossils are encountered. All field management and supervisory personnel and construction workers involved with ground-disturbing activities shall be required to take this training prior to beginning work on the project. Upon completion of the training, workers shall be required to sign a form stating that they attended the training and that they understand and will comply with the information presented. Training shall be presented bilingually in English and Spanish as well as other languages, as needed, when indicated as appropriate by the contractor. **MM GEO-2 Stop Work, Evaluation, and Treatment in the Event of a Paleontological Find** Should vertebrate remains or other potentially significant fossil resources, as defined by SVP, be discovered during Project activities, all work in the immediate vicinity of the discovery shall cease, the find shall be protected in place, and the contractor shall be required to notify their pre-designated Valley	**Timing:** Training would occur prior to construction. Work would stop during all earth disturbing phases of construction if paleontological resources are found to be present.	

Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
	Water contact before the end of the work day. Valley Water shall detail qualified staff—i.e., staff meeting the criteria for a qualified professional paleontologist as defined by SVP (SVP 2010)—to evaluate the find and recommend appropriate follow-up treatment consistent with current prevailing discipline practice and current SVP guidelines (SVP 2010) . Work may continue in other parts of the Project sites while evaluation (and, if needed, treatment) takes place so long as, in the judgment of the qualified staff, the find can be adequately protected. Valley Water would be responsible for ensuring that the recommendations of the qualified staff regarding treatment and reporting are implemented.		
Impact NOI-a: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**MM- NOI-1 Generator Noise Attenuation** If generators are used during nighttime hours (7 p.m. to 7 a.m.) at the Malone Road Project site, Valley Water shall install four-sided noise barriers/sound blankets around the generators.	**Implementation:** Valley Water and its contractor(s) **Timing:** During construction	Valley Water