



# **Uvas Creek Levee Rehabilitation Project**

## **Final Initial Study and Negative Declaration**

Project No. 62084001

**July 2018**

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## LIST OF ACRONYMS

AB	Assembly Bill
AQP	Air Quality Plan
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CAA	Clean Air Act
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
cfs	Cubic Feet Per Second
CNEL	Community Noise Equivalent Level
CO	Carbon monoxide
CO <sub>2</sub>	Carbon dioxide
CWA	Federal Clean Water Act
dB	Decibel
dBA	A-weighted sound level
District	Santa Clara Valley Water District
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances and Control
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
GHGs	Greenhouse Gases
GP	NPDES General Permit
GWP	Global Warming Potential
HCP	Habitat Conservation Plan
lbs	Pounds
Ldn	Day-Night Average Sound Level
Leq	Equivalent Continuous Sound Level
LID	Low Impact Development
IS	Initial Study
MBTA	Migratory Bird Treaty Act
ND	Negative Declaration
NO <sub>2</sub>	Nitrogen dioxide
NOx	Oxides of Nitrogen
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
OEHHA	Office of Environmental Health Hazard Assessment
PM <sub>10</sub>	Fine particulate matter less than 10 micrometers
PM <sub>2.5</sub>	Fine particulate matter less than 2.5 micrometers
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SLCP	Short-Lived Climate Pollutants
SMAQMD	Sacramento Metropolitan Air Quality Management District
SWPPP	Storm Water Pollution Prevention Plan
TAC	Toxic Air Contaminant
VHP	Santa Clara Valley Habitat Plan

## Key Terminology

**Beneficial Impact:** A project impact is considered beneficial if it would result in the enhancement or improvement of an existing physical condition in the environment – no mitigation is required when an impact is determined to be beneficial.

**Best Management Practices:** Measures typically derived from standardized District operating procedures. These practices have been identified as methods, activities, procedures, or other management practices for the avoidance or minimization of potential adverse environmental effects. They have been designed for routine incorporation into project designs and represent the “state of the art” impact prevention practices.

**Less-than-significant Impact:** This is indicated in the Initial Study checklist where the impact does not reach the standard of significance set for that factor and the project would therefore cause no substantial change in the environment (no mitigation needed).

**Less-than-significant Impact with Mitigation:** This is indicated in the Initial Study checklist where the impact is determined to exceed the applicable significance criteria, but for which feasible mitigation measure(s) are available to reduce the impact to a level of less-than-significant.

**Mitigation Measures:** Mitigation includes: (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments.<sup>1</sup>

**No Impact:** This is indicated in the Initial Study where, based on the environmental setting, the stated environmental factor does not apply to the proposed project.

**Potentially Significant Impact:** This is indicated in the Initial Study where the project impact may cause a substantial adverse change in the environment, but for which (1) no feasible mitigation is available to reduce the impact to a less-than-significant level, or (2) feasible mitigation has been identified but the residual impact remains significant after mitigation is applied.

**Significance Criteria:** A set of criteria used by the lead agency to determine whether an impact would be considered significant. The District relied upon the significance criteria set forth in the CEQA Guidelines and criteria based on the regulatory standards of local, state and federal agencies.

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<sup>1</sup> Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002, 21002.1, 21081, and 21100(c), Public Resources Code.

## **SECTION 1: INTRODUCTION**

### **Organization of This Document**

This document is organized to assist the reader in understanding the potential impacts that the proposed project may have on the environment and to fulfill the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.). Section 1 indicates the purpose under CEQA, sets forth the public participation process, and summarizes applicable state and federal regulatory requirements. Section 2 describes the location as well as features of the proposed project and Section 3 describes the environmental setting. Section 4 evaluates the potential impacts through the application of the CEQA Initial Study Checklist questions to project implementation. Section 5 lists the contributors, and Section 6 supplies the references used in its preparation. The air quality and greenhouse gas report is located in Appendix A. Responses to comments received during the 30-day public review period are provided in Appendix B.

### **Purpose of the Initial Study**

The Santa Clara Valley Water District (District), acting as the Lead Agency under CEQA, prepared this Initial Study (IS) and Negative Declaration (ND) to provide the public, responsible agencies and trustee agencies with information about the potential environmental effects of the Uvas Creek Levee Rehabilitation Project (hereinafter “proposed project”).

This Negative Declaration was prepared consistent with CEQA, the CEQA Guidelines (Title 14 Code of Regulations 15000 et seq.), and District procedures for implementation of CEQA (Environmental Planning Guidance Q520D01 and W520M01). CEQA requires that public agencies such as the District identify significant adverse environmental effects from their discretionary actions and mitigate those adverse effects through feasible mitigation measures or through selection of feasible alternatives. This ND is intended to allow the public to fully understand the environmental consequences of the proposed project, the significance of those consequences, feasible measures to reduce or eliminate project impacts, and the effectiveness of those measures.

### **Decision to Prepare a Negative Declaration**

The Initial Study (Section 4) for the proposed project indicates that the proposed project would not result in significant environmental impacts. A Negative Declaration is consistent with CEQA Guidelines §15070, which indicates that a Negative Declaration or Mitigated Negative Declaration is appropriate when:

- a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- b) The initial study identifies potentially significant effects, but:
  - 1. Revisions to the project plan are made that would avoid, or reduce the effects to a point where clearly no significant effects would occur, and
  - 2. There is no substantial evidence that the project, in light of the whole record, as revised, may have a significant effect on the environment.

## Public Review Process

This IS/ND ~~will be~~ was circulated to local, state and federal agencies, interested organizations and individuals who may wish to review and provide comments on the project description, the proposed mitigation measures or other aspects of the report. The publication commenced a minimum 30-day public review period consistent with CEQA Guidelines §15105(b) ~~beginning which began~~ on May 9, 2018 and ~~ending ended~~ on June 8, 2018.

The draft IS/ND and all supporting documents ~~are~~ were available for review at:

- Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118
- At the local library reference desk:  
Santa Clara County Library District  
Gilroy Public Library  
350 West Sixth Street  
Gilroy, CA 95020
- Posted on the District website: [www.valleywater.org](http://www.valleywater.org), or
- Via written request for a copy from the District.

Written comments or questions regarding the draft IS/ND ~~should be~~ were submitted to:

Tim Tidwell  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118-3614  
e-mail: [ttidwell@valleywater.org](mailto:ttidwell@valleywater.org)

~~Submittal of written comments via e-mail will greatly facilitate the response process. Prior to making a decision on the project, the District will consider~~ all comments and make made any necessary changes to the document prior to making a decision on the project in response to comments. Other revisions were made in the document to reflect minor changes in the project description and schedule.

## Interagency Collaboration 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. Trustee agencies are agencies having jurisdiction by law over natural resources affected by a project which are held in trust for the state. Responsible agencies are those agencies, other than the lead agency, that have some responsibility or authority for carrying out or approving a project; in many instances these public agencies must make a discretionary decision to issue a permit; provide right-of-way, funding or resources to the project. In this instance the California Department of Fish and Wildlife (CDFW), Central Coast Regional Water Quality Control Board (RWQCB), Santa Clara Valley Habitat Agency, and the City of Gilroy would be considered responsible agencies. The District will work with CDFW, RWQCB, Santa Clara Valley Habitat Agency, and City of Gilroy to ensure that the proposed project meets applicable policies and requirements.

This IS/ND is intended to assist state and local agencies to carry out their responsibilities for permit review or approval authority over the proposed project. Implementation of the proposed project would likely require specific permitting as summarized in Table 1.1: Summary of Agency Approvals below.

**Table 1.1: Summary of Agency Approvals**

<b>Agency</b>	<b>Permit/Review Required</b>
<u>California Department of Fish and Wildlife</u>	<u>Fish and Game Code §1602 Lake and Streambed Alteration Agreement (LSAA)</u>
Central Coast RWQCB	NPDES General Construction Permit
Santa Clara Valley Habitat Agency	Santa Clara Valley Habitat Plan Compliance
City of Gilroy	Encroachment Permit/ Street Tree Removal Permit

## **SECTION 2: PROJECT DESCRIPTION**

### **Project Background**

The Uvas Creek levee system was authorized by the Flood Control Act of 1944, and the recreational trail use of the system's flood control features was authorized by the Flood Control Act of 1962. The United States Army Corps of Engineers (Corps) constructed the Uvas Creek levee to provide flood protection to the City of Gilroy against floods up to the one percent flood event. The District entered into a Local Cooperation agreement (LCA) with the Corps on June 25, 1987 as the non-federal sponsor for the flood control portion of the project including the levee. The District is responsible for the operation and maintenance of the levee year-round. During periodic inspections performed by the Corps in 2012, 2013, and 2016, deficiencies were observed including significant animal burrows and areas of vegetation (trees) in the levee. To address these maintenance and levee deficiencies the project would rehabilitate portions of the levee.

### **Project Objectives**

The United States Army Corps of Engineers (Corps) constructed the Uvas Creek levee in order to provide flood protection to the City of Gilroy against floods up to the one percent flood event.<sup>2</sup> In 1987 the District became the non-federal sponsor for the levee.

The District remains responsible for the operation and maintenance of the levee year-round. During periodic inspections performed by the Corps in 2012, 2013, and 2016, deficiencies were observed including a significant number of animal burrows and areas of vegetation (trees) in the levee. According to the Corps levee safety program, rodent burrows can weaken levees potentially leading to failure during a flood, and trees along the levee are considered maintenance deficiencies inhibiting inspection. To address these maintenance and levee deficiencies the project would rehabilitate portions of the levee and remove vegetation. Specific objectives of the proposed project are:

1. Restore the Uvas Creek levee to as-built conditions.

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<sup>2</sup> The one percent flood is an event that has a one percent chance of occurrence in any given year and is commonly known as a 100-year flood (US Army Corps of Engineers 2010).



2. Correct maintenance deficiencies identified in Corps inspections and achieve maintenance standards.
3. Continue to provide adequate flood protection to nearby urban areas.
4. Achieve an acceptable rating for the Uvas Creek levee and continue eligibility under the Corps Levee Safety Program.

## **Project Overview**

Work on the eastern levee of Uvas Creek would consist of inboard and outboard side slope reconstruction along approximately 4,200 linear feet of the levee. An additional 350 linear feet of reconstruction would occur to the outboard embankment. The levee side slope reconstruction would first require mowing the existing grasses to reduce the organic content followed by excavation and benching of the levee. Upon completion of the excavation activities, rebuilding the levee would consist of placing the excavated material in compacted layers. Erosion control matting would be embedded within the rebuilt levee slope and covered with additional fill material until as-built grades are achieved. Soil nails, staples, or earth percussion anchors would be used to secure the erosion control matting. The rebuilt levee surface would be hydroseeded with a native seed mix to promote the establishment of grasses. It is also anticipated that resurfacing of the existing asphalt pedestrian trail and maintenance road atop the levee would be undertaken to repair damage, if any, from construction equipment.

The proposed project would consist of several elements:

1. Mowing of existing grasses ~~and removing trees as well as other woody vegetation located along~~ on the levee slope and within a 5-foot buffer of the inboard and outboard levee toes.
2. Excavation and benching of the levee embankment including destruction of existing animal burrows.
3. Reconstruction of the levee including embedding an erosion control mat within the levee side slopes and rebuilding the levee slopes to as-built grades.
4. Hydroseeding of the restored levee slope to promote the establishment of grasses.
5. Resurfacing damaged areas of the existing asphalt pedestrian trail and maintenance road.

## **Project Location**

The project site is located along the Uvas Creek levee within the Uvas Creek watershed. The project site is located along the Uvas Creek levee which borders Uvas Creek to the east from Miller Avenue southeast (downstream) to the southern terminus of the levee, approximately 1.35 miles, in the City of Gilroy. The project site is located on property owned by the City of Gilroy and the District. The project site is bordered to the north by Miller Avenue; to the east by Uvas Parkway, residential properties, and Gilroy High School; agricultural land uses to the

south; and Uvas Creek to the west. Open space and residential properties are located further to the southwest.

The Uvas Creek watershed, which is part of the larger Pajaro River watershed, is located in southern Santa Clara County and drains an area of 89 square miles with its headwaters in the eastern slopes of the Santa Cruz Mountains. Much of the watershed has remained undeveloped and portions of the City of Gilroy comprise the only major urban development. Agricultural land use is primarily confined to the southern portion of the watershed. The Uvas Dam and Uvas Reservoir are located approximately 8 miles upstream of the project site to the northwest. Upstream of U.S. Highway 101 the waterway is known as Uvas Creek, and downstream as Carnadero Creek. Uvas-Carnadero Creek is approximately 32 miles in length and generally flows southeast to join the Pajaro River about 6 miles south of the City of Gilroy. The Pajaro River flows westerly and empties into Monterey Bay.

Land uses surrounding the project site include transportation and residential land use to the north. Transportation and residential land use as well as Gilroy High School are located to the east of the project site. Open space and agricultural land use is located to the south, and open space including the Uvas Creek riparian corridor, residential, and recreational land uses are located to the west. The Uvas Creek Trail, located atop the levee, provides recreational opportunities within the project site. Please refer to Figure 1: Regional Vicinity and Figure 2: Project Site for a depiction of the project site location.

### **Existing Conditions**

The Uvas Creek levee is a man-made earthen levee extending from Miller Avenue the intersection of Uvas Park Drive and Laurel Drive southeast (downstream) approximately 2.20 miles to the southern terminus of the levee. Riparian vegetation located adjacent to the levee consists of a mixture of native and non-native tree species interspersed canopy gaps, and shrubs and grasses varying in density. However, the levee itself is sparsely vegetated primarily with grasses. Landscape trees and grasses comprise the outboard toe of the levee for the entire length.

An asphalt pedestrian path and maintenance road is located atop the length of the levee and an approximate 750-foot portion of the levee near West Luchessa Avenue is comprised of rock rip-rap. Miller Avenue intersects the Uvas Creek levee at grade in the central portion of the project site. West Luchessa Avenue crosses over the Uvas Creek channel and intersects the levee at grade in the southern portion of the project site. Asphalt trail spurs extend from West Luchessa Avenue, Miller Avenue, and Uvas Park Drive providing pedestrian and bicycle access to the recreational trail. Please refer to Figures 3a – 3d: Photographs of the Project Site for photographs of the existing conditions of the project site.



**Figure 1: Regional Location Map**





**Figure 2: Project Vicinity Map**

This figure has been revised in the final ND with the new staging area location.





Photo 1: View looking southeast of the Uvas Creek levee, Uvas Parkway, and the recreational trail in the northern portion of the project site.



Photo 2: View looking southeast of the Uvas Creek levee, recreational trail, and surrounding open space staging area in the northern portion of the project site.

### Figure 3a: Photographs of the Project Site





Photo 3: View looking southeast of the inboard slope of the Uvas Creek levee, and recreational trail, ~~and~~ ~~Staging Area 2~~ in the central portion of the project site.



Photo 4: View looking north of the Uvas Creek levee, recreational trail, and surrounding vegetation in the central portion of the project site.

**Figure 3b: Photographs of the Project Site**





Photo 5: View looking south of the inboard slope of the Uvas Creek levee and riparian vegetation in the southern portion of the project site.



Photo 6: View looking north of the inboard slope, dirt road, and riparian vegetation at the southern terminus of the Uvas Creek levee.

### Figure 3c: Photographs of the Project Site

## Project Elements

The proposed project would reconstruct both side slopes of the Uvas Creek levee to restore the levee to as-built conditions to safely pass the one percent flood. In addition, the project would repair any damage to the existing recreational trail, which is also used as a maintenance road, as a result of levee reconstruction activities. Proposed vegetation maintenance and levee reconstruction activities are described below.

### *Vegetation Removal*

In its existing condition the Uvas Creek levee contains minimal vegetation growth (brush, weeds, or trees 2 inches in diameter or smaller) along the levee embankments and near the levee toes on each side. The project would remove vegetation from the outboard levee embankments to allow sufficient room for construction equipment access. Vegetation removal would occur intermittently along ~~both the outboard~~ levee embankments from the southern terminus of the levee to the northern end of the project site near Uvas Parkway. The project would remove approximately 36 trees along the outboard side of the levee. Minor pruning of trees on the outer edge of the Uvas Creek riparian corridor would occur for construction clearance. ~~Of those 36 trees, 3 trees would be from the inboard embankment, and 33 trees would be removed from the outboard embankment.~~ No trees within the Uvas Creek riparian corridor would be removed.

### *Levee Reconstruction*

The proposed project would reconstruct approximately 4,200 linear feet of both the inboard and outboard levee embankments. An additional 350 linear feet of reconstruction would occur to the outboard levee side slope. The levee side slope reconstruction would require benching and excavating the levee to eliminate areas of erosion or rodent tunneling. The top 9 to 12 inches of existing levee material is anticipated to contain high organic content and would be hauled off site. As a result, levee reconstruction would require the excavation of approximately 5,400 cubic yards of soil and importing an equal amount of suitable material. Rebuilding the levee would consist of placing suitable excavated and imported material in compacted layers until as built grades are achieved. Erosion control matting would be embedded within the rebuilt levee slope and covered with additional fill until as-built grades are achieved. Soil nails, staples, or earth percussion anchors would be used to secure the matting.

Access to the levee during construction would occur directly from ~~Staging Area 2~~ the staging area (see Figure 2) via a proposed temporary earthen ramp. Access to the ~~levee from Staging Area 1 (see Figure 2)~~ southern portion of the project site would occur via West Luchessa Avenue and asphalt trail spurs.

### *Trail Resurfacing and Site Restoration*

The levee crest would continue to support a 12-foot asphalt recreational trail and maintenance road. Construction equipment could damage portions of the recreational trail and it is anticipated that minor resurfacing of damaged portions would occur to restore the trail to pre-project conditions. Upon completion of construction activities, the rebuilt levee surface would be hydroseeded with a native grass seed mix to reestablish vegetative cover.



## Construction Phasing and Days/Hours of Operation

Construction of the proposed project, which includes site preparation, is estimated to begin in the ~~summer fall~~ of 2018 and conclude by ~~January fall~~ 2019. Generally, construction would not occur during significant rain events. Construction activities would begin in September 2018 and are anticipated to continue through late fall prior to the winter rainy season. Once the winter rainy season begins, construction work would be halted until the following spring 2019, when construction would re-commence until completion. The proposed construction schedule is shown in Table 2.1. Construction activities would occur from 7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday, as needed. No Sunday or holiday construction is planned.

**Table 2.1: Estimated Construction Schedule**

Construction Phase	Construction Schedule		*Approximate Working Days
	*Start Date	*End Date	
Site Preparation	<del>8/1/2018</del> <u>9/5/2018</u>	<del>8/14/2018</del> <u>9/18/2018</u>	10
Levee Reconstruction	<del>8/15/2018</del> <u>9/19/2018</u>	<del>12/31/2018</del> <u>8/23/2019</u>	<del>400</del> <u>120</u>
Trail Resurfacing and Site Restoration	<del>12/27/18</del> <u>8/26/2019</u>	<del>12/31/2018</del> <u>9/4/2019</u>	5
<i>*This is an approximate schedule. The actual start dates, end dates, and number of working days may vary.</i>			

## Staging Areas

~~Two areas are proposed for staging~~ Staging of construction equipment and materials as well as stockpiling imported fill ~~as necessary would occur at an open field and dirt parking lot located adjacent to Uvas Parkway, West 10th Street, and the Gilroy High School baseball fields to the east of the levee. The 3.50-acre site, owned by the City of Gilroy, consists of mowed non-native grass, dirt, and gravel and is commonly used for event overflow parking. Access to the staging area would occur from Uvas Parkway and West 10th Street. See Figure 2. The first staging area (Staging Area 1) would be located in an open field to the south of Uvas Creek and north of West Luchessa Avenue. An existing concrete entrance provides direct access to West Luchessa Avenue. The second staging area (Staging Area 2) would be located in an open field north of Uvas Creek and adjoining the Uvas Creek levee to the south. An A temporary earthen access ramp would be constructed from the second staging area to the Uvas Creek levee providing direct access to the levee and construction site. Four trees along the outboard edge of the levee would be removed for construction of the temporary access ramp. Access to the southern portion of the project site would occur from West Luchessa Avenue via existing asphalt driveways. Both staging areas are located outside of the Uvas Creek riparian corridor. Refer to Figure 2: Project Vicinity Map for a depiction of the staging areas.~~

## Construction Workers, Equipment and Supplies

Table 2.2: *Construction Off-site Trips* shows the estimated number of worker and vendor trips during each phase of construction. The proposed project would include a maximum of approximately 30 worker trips and 2 vendor trips per day during levee construction.

**Table 2.2: Construction Off-site Trips**

Activity	Worker Trips Per Day	Vendor Trips Per Day
Site Preparation	12	0
Levee Construction	30	2
Trail Resurfacing	12	1

Worker trips, vendor trips and haul trips would be greatest during the levee construction phase. A summary of the proposed haul trips is provided in Table 2.3: *Construction Haul Trips*. Haul trips were determined based on the total amount of excavation and backfill needed for construction of the proposed project, as well as the assumption that an average truck can handle 10 cubic yards of material per load. No haul trips would be associated with the site preparation, and trail resurfacing construction phases.

**Table 2.3: Construction Haul Trips**

Activity	Quantity
<b>Levee Construction</b>	
Excavation	5,400 cubic yards
Backfill	5,400 cubic yards
Total Cubic Yards	10,800 cubic yards
Total One-Way Haul Trips	540 haul trips
Total Trips (One Trip Each Way)	1,080 haul trips
Approximate Haul Trips Per Day	<del>11 haul trips</del> <u>9 haul trips</u>
Note: Total number of haul trips is based on a 10-cubic yard capacity dump truck.	

Proposed construction equipment and proposed usage hours per day is shown in Table 2.4: Proposed Construction Equipment.

**Table 2.4: Proposed Construction Equipment**

Phase Name	Equipment Type	Equipment Amount	Usage Hours Per Day
Site Preparation	Tractor Mower	1	8
	Pickup Truck	1	8
	Bucket Truck	1	8
	Chainsaw	1	8
Levee Construction	Dozer	2	8
	Excavator	2	8
	Roller Compactor	2	8
Trail Resurfacing and Site Restoration	Paver	1	8
	Paving Equipment	1	8
	Roller	1	8

### *Haul Routes*

The proposed haul routes to and from the project site would use West Luchessa Avenue, Uvas Park Drive to East Tenth Street, and U.S. Route 101. Haul trucks could enter or exit from the north from Miller Avenue or south from West Luchessa Avenue. From West Luchessa Avenue, haul trucks would enter at the private asphalt driveway near the West Luchessa Avenue bridge. From Miller Avenue, haul trucks would enter the northern portion of the project site at the intersection of Miller Avenue and the levee. Haul routes from the project site would follow the same roadways to U.S. Route 101 to the Kirby Canyon Landfill.

### **Best Management Practices**

Best Management Practices (BMPs) are standard operating procedures to prevent, avoid, or minimize effects associated with construction and other activities. The District routinely incorporates a wide range of BMPs into project design and construction. The proposed project would include the applicable District BMPs, which are summarized in Table 2.5.

### **Santa Clara Valley Habitat Plan**

The proposed project is a covered activity under the Santa Clara Valley Habitat Plan (VHP), which is a joint habitat conservation plan and natural communities conservation plan developed to serve as the basis for the issuance of incidental take permits and authorizations pursuant to Section 10 of the federal Endangered Species Act and the California Natural Community Conservation Planning Act.<sup>3</sup> Thus, all activities associated with the proposed project must be implemented consistent with the requirements outlined in the VHP. Chapter 6 of the VHP describes conditions that help meet avoidance and minimization goals at a regional level. Compliance with these regional avoidance and minimization measures reduces the need for individual projects to avoid and minimize impacts at the project scale and allows streamlining of

<sup>3</sup> The impacts associated with the VHP's covered activities were previously evaluated at a programmatic level in the VHP Final Environmental Impact Report/Environmental Impact Statement (County of Santa Clara et. al 2012).

regulatory requirements. The proposed project would be subject to Conditions 1, 3, 16, and 17, described in Table 2.5. Conditions 1 and 3 pertain to all covered activities. Conditions 16 and 17 contain avoidance and minimization measures applicable to specific protected species. Those measures are described in detail in section 4 Biological Resources of this document.

Table 2.5: Best Management Practices and Santa Clara Valley Habitat Plan Conditions Incorporated into the Proposed Project		
BEST MANAGEMENT PRACTICES		
Number	Title	Description
Air Quality		
AQ-1	Use Dust Control Measures	<p>The following Bay Area Air Quality Management District (BAAQMD) Dust Control Measures will be implemented:</p> <ol style="list-style-type: none"> <li>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;</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;</li> <li>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;</li> <li>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;</li> <li>5. All vehicle speeds on unpaved roads shall be limited to 15 mph;</li> <li>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;</li> <li>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);</li> <li>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;</li> <li>9. Correct tire inflation shall be maintained in accordance with manufacturer's specifications on wheeled equipment and vehicles to prevent excessive rolling resistance; and,</li> <li>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 telephone number with any applicable regulations will be included.</li> </ol>

AQ-2	Avoid Stockpiling Odorous Materials	<p>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:</p> <ol style="list-style-type: none"> <li>1. Avoid stockpiling potentially odorous materials within 1,000 feet of residential areas or other odor sensitive land uses; and</li> <li>2. Odorous stockpiles will be disposed of at an appropriate landfill.</li> </ol>
<b>Biological Resources</b>		
BI-5	Avoid Impacts to Nesting Migratory Birds	<p>Nesting birds are protected by state and federal laws. The District will protect nesting birds and their nests from abandonment, loss, damage, or destruction. Nesting bird surveys will be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of birds, bird nests, or nesting migratory birds. Inactive bird nests may be removed with the exception of raptor nests. Birds, nests with eggs, or nests with hatchlings will be left undisturbed.</p>
BI-8	Choose Local Ecotypes of Native Plants and Appropriate Erosion-Control Seed Mixes	<p>Whenever native species are prescribed for installation the following steps will be taken by a qualified biologist or vegetation specialist:</p> <ol style="list-style-type: none"> <li>1. Evaluate whether the plant species currently grows wild in Santa Clara County; and,</li> <li>2. If so, the qualified biologist or vegetation specialist will determine if any need to be local natives, i.e. grown from propagules collected in the same or adjacent watershed, and as close to the project site as feasible.</li> </ol> <p>Also, consult a qualified biologist or vegetation specialist to determine which seeding option is ecologically appropriate and effective, specifically:</p> <ol style="list-style-type: none"> <li>1. For areas that are disturbed, an erosion control seed mix may be used consistent with the SCVWD Guidelines and Standards <i>for Land Use Near Streams, Design Guide 5, 'Temporary Erosion Control Options.'</i></li> <li>2. In areas with remnant native plants, the qualified biologist or vegetation specialist may choose an abiotic application instead, such as an erosion control blanket or seedless hydro-mulch and tackifier to facilitate passive revegetation of local native species.</li> <li>3. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable.</li> <li>4. If a gravel or wood mulch has been used to prevent soil compaction per BI-11, this material may be left in place [if ecologically appropriate] instead of seeding.</li> </ol>

		Seed selection shall be ecologically appropriate as determined by a qualified biologist, per <i>Guidelines and Standards for Land Use Near Streams, Design Guide 2: Use of Local Native Species</i> .
BI-10	Avoid Animal Entry and Entrapment	<p>All pipes, hoses, or similar structures less than 12 inches diameter will be closed or covered to prevent animal entry. All construction pipes, culverts, or similar structures, greater than 2-inches diameter, stored at a construction site overnight, will be inspected thoroughly for wildlife by a qualified biologist or properly trained construction personnel before the pipe is buried, capped, used, or moved. If inspection indicates presence of sensitive or state- or federally-listed species inside stored materials or equipment, work on those materials will cease until a qualified biologist determines the appropriate course of action.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Hole to be securely covered (no gaps) with plywood, or similar materials, at the close of each working day, or any time the opening will be left unattended for more than one hour; or</li> <li>2. In the absence of covers, the excavation will be provided with escape ramps constructed of earth or untreated wood, sloped no steeper than 2:1, and located no farther than 15 feet apart; or</li> <li>3. In situations where escape ramps are infeasible, the hole or trench will be surrounded by filter fabric fencing or a similar barrier with the bottom edge buried to prevent entry.</li> </ol>
BI-11	Minimize Predator-Attraction	Remove trash daily from the worksite to avoid attracting potential predators to the site.
<b>Cultural Resources</b>		
CU-1	Accidental Discovery of Archeological Artifacts or Burial Remains	If historical or unique archaeological artifacts are accidentally discovered during construction, work in affected areas will be restricted or stopped until proper protocols are met. Work at the location of the find will halt immediately within 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 is not significant, construction may resume. If the archaeologist determines that the artifact is significant, the archaeologist will determine if the artifact can be avoided and, if so, will detail avoidance procedures. If the

		<p>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.</p> <p>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.</p>
<b>Hazards and Hazardous Materials</b>		
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.
HM-8	Ensure Proper Vehicle and Equipment Fueling and Maintenance	<p>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).</p> <ol style="list-style-type: none"> <li>1. For stationary equipment that must be fueled or serviced on-site, containment will be provided in such a manner that any accidental spill will not be able to come in direct contact with soil, surface water, or the storm drainage system.</li> <li>2. All fueling or servicing done at the job site will provide containment to the degree that any spill will be unable to enter any waterway or damage riparian vegetation.</li> <li>3. All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented.</li> <li>4. All equipment used in the creek channel will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use.</li> <li>5. If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location will be done in a channel or flood plain.</li> </ol>
HM-9	Ensure Proper Hazardous Materials Management	<p>Measures will be implemented to ensure that hazardous materials are properly handled and the quality of water resources is protected by all reasonable means.</p> <ol style="list-style-type: none"> <li>1. Prior to entering the work site, all field personnel will know how to respond when toxic materials are discovered.</li> </ol>



		<ol style="list-style-type: none"> <li>2. Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage.</li> <li>3. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials will not contact soil and not be allowed to enter surface waters or the storm drainage system.</li> <li>4. All toxic materials, including waste disposal containers, will be covered when they are not in use, and located as far away as possible from a direct connection to the storm drainage system or surface water.</li> <li>5. Quantities of toxic materials, such as equipment fuels and lubricants, will be stored with secondary containment that is capable of containing 110% of the primary container(s).</li> <li>6. 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.</li> <li>7. In the event of any hazardous material emergencies or spills, personnel will call the Chemical Emergencies/Spills Hotline at 1-800-510-5151.</li> </ol>
HM-10	Utilize Spill Prevention Measures	<p>Prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water following these measures:</p> <ol style="list-style-type: none"> <li>1. Field personnel will be appropriately trained in spill prevention, hazardous material control, and clean up of accidental spills;</li> <li>2. Equipment and materials for cleanup of spills will be available on site, and spills and leaks will be cleaned up immediately and disposed of according to applicable regulatory requirements;</li> <li>3. Field personnel will ensure that hazardous materials are properly handled and natural resources are protected by all reasonable means;</li> <li>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,</li> <li>5. The work site will be routinely inspected to verify that spill prevention and response measures are properly implemented and maintained.</li> </ol>
HM-12	Incorporate Fire Prevention Measures	<ol style="list-style-type: none"> <li>1. All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors.</li> <li>2. During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site.</li> </ol>

		<ol style="list-style-type: none"> <li>3. An extinguisher shall be available at the project site at all times when welding or other repair activities that can generate sparks (such as metal grinding) is occurring.</li> <li>4. Smoking shall be prohibited except in designated staging areas and at least 20 feet from any combustible chemicals or vegetation.</li> </ol>
<b>Hydrology and Water Quality</b>		
WQ-4	Limit Impacts from Staging and Stockpiling Materials	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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).</li> <li>4. The discharge of decant water to water ways from any on-site temporary sediment stockpile or storage areas is prohibited.</li> <li>5. During the wet season, no stockpiled soils will remain exposed, unless surrounded by properly installed and maintained silt fencing or other means of erosion control. During the dry season; exposed, dry stockpiles will be watered, enclosed, covered, or sprayed with non-toxic soil stabilizers.</li> </ol>
WQ-5	Stabilize Construction Entrances and Exits	<p>Measures will be implemented to minimize soil from being tracked onto streets near work sites:</p> <ol style="list-style-type: none"> <li>1. Methods used to prevent mud from being tracked out of work sites onto roadways include installing a layer of geotextile mat, followed by a 4-inch thick layer of 1 to 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 to minimize disturbance to the water body bed and banks, and the surrounding land uses.</li> </ol>
WQ-9	Use Seeding for Erosion Control, Weed Suppression, and Site Improvement	<p>Disturbed areas shall be seeded with native seed as soon as is appropriate after activities are complete. An erosion control seed mix will be applied to exposed soils down to the ordinary high water mark in streams.</p> <ol style="list-style-type: none"> <li>1. The seed mix should consist of California native grasses, (for example <i>Hordeum brachyantherum</i>; <i>Elymus glaucus</i>; and annual <i>Vulpia microstachyes</i>) or annual, sterile hybrid seed mix (e.g., Regreen™, a wheat x wheatgrass hybrid).</li> </ol>

		<p>2. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable or have other appropriate erosion control measures in place.</p>
WQ-11	Maintain Clean Conditions at Work Sites	<p>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.</p> <p>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</p> <p>Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the work site.</p>
WQ-15	Prevent Water Pollution	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases will not exceed 5 percent;</li> <li>2. where natural turbidity is greater than 50 NTU, increases will not exceed 10 percent;</li> <li>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.</li> </ol> <p>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.</p>
WQ-16	Prevent Stormwater Pollution	<p>To prevent stormwater pollution, the applicable measures from the following list will be implemented:</p> <ol style="list-style-type: none"> <li>1. Soils exposed due to project activities will be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These</li> </ol>

		<p>measures will be implemented such that the site is stabilized, and water quality protected prior to significant rainfall. In creeks, the channel bed and areas below the Ordinary High Water Mark are exempt from this BMP.</p> <p>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.</p> <p>3. Erosion control measures will be installed according to manufacturer's specifications.</p> <p>4. To prevent stormwater pollution, the appropriate measures from, but not limited to, the following list will be implemented:</p> <ul style="list-style-type: none"> <li>• Silt Fences</li> <li>• Straw Bale Barriers</li> <li>• Brush or Rock Filters</li> <li>• Storm Drain Inlet Protection</li> <li>• Sediment Traps or Sediment Basins</li> <li>• Erosion Control Blankets and/or Mats</li> <li>• Soil Stabilization (i.e. tackified straw with seed, jute or geotextile blankets, etc.)</li> <li>• Straw mulch.</li> </ul> <p>5. All temporary construction-related erosion control methods shall be removed at the completion of the project (e.g., silt fences).</p> <p>6. Surface barrier applications installed as a method of animal conflict management, such as chain- link fencing, woven geotextiles, and other similar materials, will be installed no longer than 300 feet, with at least an equal amount of open area prior to another linear installation.</p>
<b>Traffic and Transportation</b>		
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.
<b>SANTA CLARA VALLEY HABITAT PLAN CONDITIONS</b>		
Condition 1	Avoid Direct Impacts on Legally Protected Plant and Wildlife Species	Compliance with this measure would necessitate avoiding take of nesting white-tailed kites either by implementing repairs during the non-breeding season (1 September to 31

		January) or by conducting pre-construction surveys and maintaining appropriate buffers around kite nests that contain eggs or young.
Condition 3	Maintain Hydrologic Conditions and Protect Water Quality	The proposed project will not change hydrologic conditions or modify the channel morphology of Uvas Creek. Compliance with this measure necessitates implementing the measures listed in Chapter 6 (Table 6-2) of the Santa Clara Valley Habitat Plan ( <a href="http://scv-habitatagency.org/178/Final-Habitat-Plan">http://scv-habitatagency.org/178/Final-Habitat-Plan</a> ). These measures are BMPs to protect water quality and avoid other adverse effects, such as source and treatment control measures to prevent pollutants from leaving the construction site and minimizing site erosion and local sedimentation during construction. Many of these measures are similar to the District's BMPs.
Condition 16	Least Bell's Vireo	Condition 16 is required as it is located within 250 feet of a riparian cover type. If a project meets this criterion, a qualified biologist will conduct a field investigation to identify and map early successional riparian vegetation which may be used for nesting.
Condition 17	Tricolored Blackbird	Condition 17 is to avoid direct impacts of covered activities on nesting tricolored blackbird colonies. This condition in the VHP is required as it is located within 250 feet of a riparian cover type. If a project meets this criterion, a qualified biologist is required to conduct a field investigation to identify and map potential nesting substrate. Nesting substrate includes flooded, thorny or spiny vegetation.

## **SECTION 3: ENVIRONMENTAL SETTING**

### **General Description for the Project Site**

The project is located along the Uvas Creek levee which borders Uvas Creek to the east from Miller Avenue southeast (downstream) approximately 1.35 miles to the southern terminus of the levee in the City of Gilroy. The project site is located on District property as well as property owned by the City of Gilroy on Assessor's Parcel Numbers (APN): 79930002, 79936006, 79936008, 79944108, 80821018, 80821021, 80821024, 80821030, and 80821032. The regional location of the project site is shown in Figure 1: *Regional Location Map*.

The United States Army Corps of Engineers (Corps) constructed the Uvas Creek levee to provide flood protection to the City of Gilroy against floods up to the one percent flood event. The District entered into a Local Cooperation agreement (LCA) with the Corps on June 25, 1987 as the non-federal sponsor for the flood control portion of the project including the levee. The District is responsible for the operation and maintenance of the levee year-round.

### **Surrounding Land Uses**

To the north and east, the project site is bound by Uvas Park Drive, Uvas Parkway, Miller Avenue, residential properties, Gilroy High School, and open space. Agricultural land uses are located to the east of the southern portion of the project site. The Uvas Creek riparian corridor, open space, and agricultural land uses are located south and west of the project site. Residential development is located further to the southwest. Figure 2: *Project Vicinity Map* depicts the project site location and surrounding land uses.

### **Existing Infrastructure Description**

The project site is located on the existing earthen levee to the east of Uvas Creek. An asphalt maintenance road is located atop the levee crest and is used as a recreational trail as well. Miller Avenue bounds the project site to the north. The West Luchessa Avenue bridge passes over Uvas Creek and the recreational trail intersecting the levee in the southern portion of the project site. Rock rip-rap is located along the north bank of Uvas Creek near the West Luchessa Avenue bridge for scour and erosion protection. Three asphalt driveways extending from West Luchessa Avenue connect to the recreational trail providing pedestrian and vehicular access. In addition, typical trail signage, fencing, benches, and trash receptacles are located along the length of the maintenance road and recreational trail.

Typical roadway utilities including Pacific Gas & Electric vaults, phone vaults, electrical boxes, traffic signal boxes, a fire hydrant, and irrigation water valves are located along West Luchessa Avenue near the project site. A 12-inch recycled water line located underground crosses the central portion of the project site.

## SECTION 4: ENVIRONMENTAL EVALUATION

### Initial Study Checklist

In accordance with CEQA, the following Initial Study Checklist analyzes the project's potential environmental effects in order to determine the appropriate level of environmental review needed. Answers to the checklist questions provide factual evidence and District rationale for determinations of the potential significance of impacts resulting from the proposed project.

### ENVIRONMENTAL CHECKLIST FORM

Project Title:	Uvas Creek Levee Rehabilitation Project
Lead Agency Name and Address:	Santa Clara Valley Water District 5750 Almaden Expressway San Jose CA 95118
Contact Person and Phone Number:	Tim Tidwell (408) 630-3003
Project Location:	The project is located along the Uvas Creek Levee which borders Uvas Creek to the east from Miller Avenue southeast (downstream) to the southern terminus of the levee in the City of Gilroy. The project site is located on District property as well as property owned by the City of Gilroy on Assessor's Parcel Numbers (APN): 79930002, 79936006, 79936008, 79944108, 80821018, 80821021, 80821024, 80821030, and 80821032.
Project Sponsor's Name	Santa Clara Valley Water District
General Plan Designation:	City of Gilroy: Park/Recreation Facility
Zoning:	City of Gilroy: Open Space/Park Public Facility/ Neighborhood District
Description of the Project	<p>The proposed project would re-establish the as-built condition of a portion of the Uvas Creek levee to continue to provide 1% flood protection to the urbanized areas of the City of Gilroy and prevent levee failure during high flow events. In addition, project objectives also include preventing future animal burrowing, erosion, and soil loss as well as maintaining the existing recreational use of the Uvas Creek Trail atop the levee crest. Proposed levee restoration activities include:</p> <ul style="list-style-type: none"><li>- mowing of the existing grasses;</li><li>- excavation and benching of approximately 3 feet of the existing levee slope face on both the inboard and outboard levee side slopes;</li><li>- destruction of existing animal burrows;</li><li>- embedding erosion control matting within the reconstructed levee slope;</li><li>- anchoring of the erosion control matting using soil nails, staples and/or earth percussion anchors;</li><li>- rebuilding the levee slopes to as-built grades;</li><li>- hydroseeding of the restored levee slope to promote the establishment of grasses; and asphalt resurfacing of the existing recreational trail and maintenance road.</li></ul>
Surrounding Land Uses	Surrounding land uses include: transportation and residential land uses to the north, transportation, residential and institutional (Gilroy High School) to the east, open space and agricultural land uses to the south, and open space, residential, and recreational land uses to the west.
Other public agencies whose approval is required:	The California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board, Santa Clara Valley Habitat Agency, and the City of Gilroy.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

On the basis of this initial evaluation:

The District finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	✓
The District finds 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.	
The District finds that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
The District finds 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.	
The District finds 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.	

Signature

Date

Tim Tidwell  
Environmental Planner  
Santa Clara Valley Water District



## 1. AESTHETICS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			✓	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓

Views of the project site would be primarily from residential uses located east of the project site, Gilroy High School, and pedestrian as well as vehicular traffic along adjacent roadways including Uvas Parkway, Miller Avenue, and West Luchessa Avenue. Views of the project site from the west would be partially or completely obscured by existing riparian vegetation located along Uvas Creek.

## DISCUSSION

- a, b) **Less Than Significant Impact.** According to the *City of Gilroy 2020 General Plan*, Uvas Creek is considered a habitat area, as well as a valued recreational and scenic resource for the City of Gilroy. In addition, Policy 6.02 *Other Scenic Roadways*, of the 2020 City of Gilroy General Plan lists Miller Avenue and Uvas Park Drive as having important scenic qualities and natural features. Both Uvas Park Drive and Miller Avenue are in the vicinity of the project site. The project does not involve the construction of new facilities or structures; thus, the project would not result in a substantial adverse effect on Uvas Creek or the nearby scenic roadways once the project construction is completed. Vegetation removal, equipment staging, construction activities, and construction traffic would be visible from adjacent residential uses and public roadways in the project vicinity for ~~a period of up to approximately 5 6 months over the course of 1 year~~, but given the intermittent and short duration of construction, the construction impacts on to scenic resources along scenic roadways would be temporary. Therefore, elements of the proposed project visible from surrounding uses and public roadways would not block or impair any scenic vistas or scenic highways in the project vicinity and would therefore have **a less than significant impact**.

- c) **Less Than Significant Impact.** Views of the project site would be primarily from residential uses located east of the project site, Gilroy High School, and pedestrian as well as vehicular traffic along adjacent roadways including Uvas Parkway, Miller Avenue, and West Luchessa Avenue. Views of the project site from the west would be partially or completely obscured by existing riparian vegetation located along Uvas Creek.

The project site is located along the Uvas Creek levee, which is a man-made levee located along the urban fringe between the City of Gilroy and the less developed areas to the west. The levee slopes are vegetated with low lying grasses and the levee is surrounded by riparian vegetation to the west and ornamental tree plantings border eastern toe of the levee along the northern and central portions of the project site. The Uvas Creek levee includes a recreational path atop the levee crest and on-going maintenance activities occur along the levee for recreational and flood control purposes. Throughout the project site the overall visual character of the levee is disturbed. The project would entail restoring the levee to as-built conditions and does not involve raising the levee or construction of new facilities or structures. Vegetation removal, equipment staging, construction activities, and construction traffic would be visible from adjacent residential uses and public roadways in the project vicinity for ~~a period of up to~~ approximately 5 6 months over the course of 1 year. Given the discontinuous and short duration of construction, and the proposed use and land cover of the levee would not change as compared to the existing condition, the proposed project would not substantially degrade the existing visual character and quality of the site and its surroundings, which would be considered **less than significant**.

- d) **No Impact.** Streetlights, vehicle head and tail lights, and lighting associated with existing development provide existing sources of light and glare at the project site. The project would not construct new facilities or structures which could result in a new source of light or glare and would only restore the levee to as-built conditions. The proposed project includes rebuilding the levee slopes to as-built grades, hydroseeding of the restored levee slopes and asphalt resurfacing of the existing pedestrian trail. The proposed project does not include the installation of permanent lighting, and construction activities would occur during the daytime hours. As construction would occur during daytime hours over a short period of ~~five~~ 6 months, construction activities would not create a new source of substantial light or glare.

Therefore, the proposed project would not create a new source of substantial light or glare and would not adversely affect day or nighttime views in the area. The proposed project would have **no impact**.

## 2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
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))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
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?				✓

## ENVIRONMENTAL SETTING

The project involves returning an existing levee along Uvas Creek to as built conditions and preventing future animal burrowing. The project does not involve expansion of the existing levee, or conversion of prime farmland to a non-agricultural use. Although the southern portion of the project site is zoned as Exclusively Agricultural with combining District (A-20Ac) by Santa Clara County, the project site does not occur on land used for agricultural purposes.

## DISCUSSION

- a – b) **No Impact.** The project site is not in agricultural use. Although agricultural uses adjoin the southern portion of the project site, construction activities would occur within the existing levee footprint. The proposed project would not result in the conversion of farmland, conflict with a Williamson Act contract, or result in any other changes that would result in the conversion of farmland since the project site is located within the existing levee footprint. Therefore, the proposed project would have **no impact** on agricultural resources.
- c - d) **No Impact.** The project site is not located on forest land, timberland, or timberland zoned Timberland Production. Therefore, **no impact** would occur.
- e) **No Impact.** The proposed project would only restore the existing Uvas Creek levee to as-built conditions and would not result in changes to the existing environment which could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, **no impact** would occur.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of applicable air quality plan?			✓	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violations?			✓	
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?			✓	

### ENVIRONMENTAL SETTING

CalEEMod Version 2016.3.2 was used to evaluate whether the proposed project would cause significant air quality or greenhouse gas impacts. The air quality and greenhouse gas analysis is incorporated herein and included as Appendix A.

The project site is located within the San Francisco Bay Area Air Basin (air basin) under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Regional and local air quality in the basin is impacted by topography, dominant airflows, atmospheric inversions, location, and season.

### *Toxic Air Contaminants*

A toxic air contaminant (TAC) is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. The California Almanac of Emissions and Air Quality presents the relevant concentration and cancer risk data for the ten TACs that pose the most substantial health risk in California based on available data. The ten TACs are acetaldehyde, benzene, 1,3-butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter (DPM).

The California Air Resources Board (ARB) indicates that DPM poses the greatest health risk among the TACs listed above. A 10-year research program (ARB 1998) 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. In addition to increasing the risk of lung cancer, exposure to diesel exhaust can have other health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. Diesel exhaust is a major source of fine particulate pollution as well, and studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems.

DPM differs from other TACs in that it is not a single substance but a complex mixture of hundreds of substances. Although DPM is emitted by diesel-fueled, internal combustion engines, the composition of the emissions varies, depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present. Unlike the other TACs, however, no ambient monitoring data are available for DPM because no routine measurement method currently exists. The ARB has made preliminary concentration estimates based on a DPM exposure method. This method uses the ARB emissions inventory's PM<sub>10</sub> database, ambient PM<sub>10</sub> monitoring data, and the results from several studies to estimate concentrations of DPM.

### *Sensitive Receptors*

Those who are considered sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. Sensitive receptor locations are facilities and buildings that house or attract children, the elderly, and people with illnesses or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. The nearest potentially sensitive receptors are existing residential properties located approximately 30 feet to the east of the Uvas Creek levee in the southern portion of the project site. Athletic facilities associated with Gilroy High School are also located approximately 50 feet north of the project site.

## Regulatory Framework

The BAAQMD CEQA Air Quality Guidelines, dated May 2017, list significance thresholds for construction-related criteria air-pollutants at the project level to assist agencies during environmental review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD believed air pollutant emissions would cause significant impacts under CEQA. The BAAQMD recommended significance thresholds are provided in Table 3.1: BAAQMD.

**Table 3.1: BAAQMD Thresholds of Significance for Construction-Related Criteria Air Pollutants and Precursors**

Emission Sources	Pollutants (pounds/day)			
	ROG	NOx	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>BAAQMD Thresholds of Significance</b>	54	54	82	54
Source: BAAQMD, May 2017				

## DISCUSSION

- a) ***Less than Significant Impact.*** According to BAAQMD, the project area is designated as nonattainment for state standards for 1-hour ozone, 24-hour and annual respirable particulate matter (PM<sub>10</sub>), and annual fine particulate matter (PM<sub>2.5</sub>). The area is also designated nonattainment for federal standards for 8-hour ozone, 24-hour PM<sub>2.5</sub>, and annual PM<sub>2.5</sub>. The BAAQMD's Final 2017 *Clean Air Plan* (2017 Clean Air Plan) is the regional air quality plan (AQP) for the Air Basin. The 2017 Clean Air Plan is an update to the most recent state ozone plan, the 2010 Clean Air Plan. The 2017 Clean Air Plan accounts for projections of population growth provided by Association of Bay Area Governments and vehicle miles traveled provided by the Metropolitan Transportation Commission, and it identifies strategies to bring regional emissions into compliance with federal and State air quality standards.

*Clean Air Plan Goals and Implementation.* The primary goals of the BAAQMD 2017 *Clean Air Plan* are to: attain all state and national air quality standards; eliminate disparities among Bay Area communities in health risk from TACs; and reduce greenhouse gas emissions and protect the climate. The 2017 BAAQMD Air Quality Guidelines recommends thresholds of significance for criteria air pollutants for project-level consistency analysis. Construction related criteria air pollutant emissions for the project are listed in Table 3.2 below. Project construction emissions were compared with the BAAQMD daily significance thresholds. If emissions are below the significance thresholds, the proposed project would have a less than significant impact.

As indicated in Table 3.2, the proposed project would not result in construction related emissions in exceedance of the BAAQMD thresholds of significance. Therefore, the proposed project would not result in a localized violation of state or federal air quality standards, as described in b) below. The proposed project would have a less than significant impact on particulate matter during construction activities and therefore would not result in a localized violation of state or federal air quality standards. The proposed

project would also not significantly contribute to cumulative nonattainment pollutant violations (see discussion in c) and would not create objectionable odors affecting a substantial number of people (see discussion in e). Further, the proposed project would not generate a significant amount of greenhouse gases and would not conflict with the applicable plans adopted for reducing the emission of greenhouse gases after inclusion of the District's best management practices for air quality including BMP AQ-1 (Use Dust Control Measures) and AQ-2 (Avoid Stockpiling of Odorous Materials). As the proposed project would not have a significant impact on attainment of air quality standards or expose contaminated air to populations in the Bay Area (see discussion in d), the proposed project supports the primary goals of the AQP and would not obstruct the implementation of the AQP.

*Clean Air Plan Control Measures.* The BAAQMD 2010 Clean Air Plan contains 55 control measures aimed at reducing air pollution in the Air Basin. The 2017 Clean Air Plan is an update to the BAAQMD 2010 Clean Air Plan, which laid out a comprehensive strategy to reduce PM, GHG, and toxic air contaminant emissions (BAAQMD 2017). None of the control measures contained in 2010 Clean Air Plan are directly applicable to the project. However, one measure applies to construction equipment in general:

MSM-C1 – Use various strategies to reduce emissions from construction and farming equipment, e.g., incentives for equipment upgrades and/ or encourage the use of renewable electricity and fuels.

The proposed project would require the contractor to maintain and properly tune equipment in accordance with the manufacturer's specifications and that equipment is checked by a certified visible emissions evaluator. The proposed project would also require that contractors utilize retrofitted equipment when available. In summary, the proposed project would comply with all applicable rules and regulations and the project would not impede attainment because construction emissions do not exceed the BAAQMD regional significance thresholds.

- b) ***Less than Significant Impact.*** The main emissions of concern during construction are fugitive dust emitted during earth-disturbing activities (construction fugitive dust) and from the exhaust portion of PM<sub>10</sub> and PM<sub>2.5</sub> generated by diesel-powered construction equipment at the project site. Nitrogen dioxide (NO<sub>2</sub>) would also be generated by project diesel-powered construction. Carbon monoxide (CO) emissions would be generated during project construction and operation from increases in on-road vehicle congestion. The level of impact from emission of each air pollutant is discussed separately below.

*Fugitive Dust During Construction.* The proposed project involves both inboard and outboard levee side slope reconstruction, in addition to placement of an erosion control mat within the reconstructed area. The proposed project would require mowing the existing grasses to reduce the organic content, then benching/excavating the levee. During construction, fugitive dust (PM<sub>10</sub>) would be generated from excavation and other earth-moving activities. The majority of this fugitive dust will remain localized and would be deposited near the project site.

The BAAQMD does not have a quantitative threshold for fugitive dust. The BAAQMD's 2017 Air Quality Guidelines recommend that projects reduce emissions of fugitive dust to less than significant levels through application of Fugitive Dust Control Best Management Practices. Implementation of the District's BMP AQ-1 (Use Dust Control

Measures) would require dust control measures to be implemented during construction activities. BMP AQ-1 includes dust control measures such as watering of all exposed surfaces two times daily, covering of sand, soil, or loose substrate on trucks, and limiting on-site vehicle speeds to 15 mph. The dust control measures contained in BMP AQ-1 are similar to those recommended by BAAQMD.

*Exhaust Criteria Pollutants.* Construction of the proposed project would occur in a linear fashion along the length of the levee and would not occur at any one portion of the project site for extended lengths of time. The nonattainment regional pollutants of concern are ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. The regional ozone significance threshold is based on emissions of ROG and NO<sub>x</sub>. Construction and operational regional emissions are discussed separately below.

*Construction Emissions.* Project construction activities would result in temporary and short-term generation of ROG, NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and CO emissions from vegetation clearing, motor vehicle exhaust associated with construction equipment, construction, worker commute trips, haul trips, and other construction activities. ~~Construction would last up to 5 months in duration.~~ The BAAQMD construction thresholds are based on equipment exhaust emissions and do not include fugitive dust which would be addressed through the incorporation of the Best Management Practices.

The proposed project would involve site preparation and on-site stockpiling of excavated materials. The top 9 to 12 inches of existing levee material is anticipated to contain high organic content and would be hauled off site. As a result, levee reconstruction would require the excavation of approximately 5,400 cubic yards of soil and importing an equal amount of suitable material. Rebuilding the levee would consist of placing suitable excavated and imported material in compacted layers until as built grades are achieved.

Project emissions were quantified using the CalEEMod Version 2016.3.2 emissions estimator model for construction and employee travel. Project construction emissions were compared with the BAAQMD daily significance thresholds. If emissions are below the significance thresholds, the proposed project would have a less than significant impact.

Daily project emissions were calculated by first modeling the project's annual emissions and then dividing the annual emissions by the number of working days. Details regarding the project annual and daily construction emissions and related modeling results are provided in Appendix A. The construction related emissions of the project were compared to the daily construction emissions significance thresholds developed by BAAQMD. As shown in Table 3.2 the proposed project would not exceed the BAAQMD's regional emission thresholds for construction exhaust for ROG, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> emissions. Therefore, the proposed project would have a **less than significant impact** from project construction.



**Table 3.2: Criteria Air Pollutant Emissions for Levee Restoration**

Parameter	Air Pollutants			
	ROG	NO <sub>x</sub>	PM <sub>10</sub> <sup>1</sup>	PM <sub>2.5</sub> <sup>1</sup>
Total Emissions (tons/year)	<del>0.19</del> <u>0.22</u>	<del>2.03</del> <u>2.36</u>	<del>0.10</del> <u>0.11</u>	<del>0.09</del> <u>0.11</u>
Total Emissions (lbs/year)	<del>379.48</del> <u>444.60</u>	<del>4,064.20</del> <u>4,717.80</u>	<del>196.26</del> <u>229.20</u>	<del>180.52</del> <u>210.80</u>
Average Daily Emissions (lbs/day) <sup>2</sup>	<del>3.30</del> <u>3.29</u>	<del>35.34</del> <u>34.95</u>	<del>1.71</del> <u>1.70</u>	<del>1.57</del> <u>1.56</u>
BAAQMD Average Daily Threshold (lbs/day)	54	54	82	54
Significant?	No	No	No	No
Notes: 1. Exhaust only 2. Calculated by dividing the total lbs by the total <del>445</del> <u>135</u> working days of construction for 2018 <u>and 2019</u> . lbs = pounds      ROG = reactive organic gases      NO <sub>x</sub> = oxides of nitrogen PM <sub>10</sub> = particulate matter 10 microns in diameter PM <sub>2.5</sub> = particulate matter 2.5 microns in diameter See Modeling Results in Appendix A for details regarding emissions from each activity. Source: CalEEMod Version 2016.3.2				

*Operational Emissions.* Maintenance activities are not anticipated to be reduced and would remain similar as compared to existing conditions. Therefore, additional emissions analysis for operational regional criteria pollutants is not warranted, and project operations would generate a less than significant impact.

As the above analysis indicates, the average daily emissions for these pollutants from construction activities are less than the BAAQMD daily thresholds. PM<sub>2.5</sub> and PM<sub>10</sub> emissions are less than 2 pounds per day. The highest daily average NO<sub>x</sub> emissions are approximately 35 pounds per day. In addition, measures required within BMP AQ-1 including minimizing idling times, and properly tuning and maintaining construction equipment would further reduce NO<sub>x</sub> emissions.

*Operational CO Hotspot.* Localized high levels of CO (CO hotspot) are associated with traffic congestion and idling or slow-moving vehicles. The BAAQMD has no threshold for localized CO impacts during construction. However, construction activities would not likely result in significant CO emissions through implementation of District BMP AQ-1 which requires minimizing idling times by either shutting off equipment when not in use or limiting idling time to 5 minutes, as well as properly tuning and maintaining construction equipment. The BAAQMD's threshold for CO emissions during operation is 9 ppm (8-hour average) or 20 ppm (1-hour average); the maintenance activities after construction would be similar as current practice, and thus the operational impact from CO emissions would be similar when compared to existing conditions.

The proposed project would not generate a significant amount of fugitive dust during construction with the application of District BMP AQ-1. Also, construction of the proposed project would not violate any air quality standard or substantially contribute to an existing or projected air quality violation. Finally, operation of the proposed project would remain similar to current operation. Therefore, a **less than significant impact** would result in this regard.

- c) **No Impact.** Regional criteria pollutant impacts are the result of the cumulative contribution of emissions from existing and new sources throughout the region. The BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be considered cumulatively considerable. As discussed in b) above, none of the project's construction and operation emissions would be above the significance thresholds. As such, the project would not result in a cumulatively considerable net increase of any criteria pollutant and **no impact** would result.
- d) **Less than Significant Impact.** This discussion addresses whether the proposed project would expose sensitive receptors to substantial pollutant concentrations of CO, PM<sub>2.5</sub>, PM<sub>10</sub>, and DPM, or other TACs of concern. A sensitive receptor is defined by the BAAQMD as the following: "Facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals and residential areas" (BAAQMD 2017). The nearest sensitive receptors are existing residential homes located approximately 30 feet east of the project site south of West Luchessa Avenue.

During construction activities, fugitive dust (PM<sub>10</sub>) is generated. As detailed in Impact b) above, the proposed project would result in a less than significant dust impact with respect to fugitive dust emissions. Therefore, the proposed project would not expose adjacent receptors to significant amounts of construction dust.

The proposed project would not produce substantial daily criteria pollutant emissions above BAAQMD daily thresholds, also discussed in b) above, and because the project is linear, the length of time that any single sensitive receptor is exposed to construction emissions by the proposed project is very limited. Construction project impacts are considered temporary since emissions no longer occur at the project site after construction is complete. Impacts from toxic emissions are assessed over a 70-year exposure period (Office of Environmental Health Hazard Assessment [OEHHA] 2015). Although project construction activities would occur ~~over an estimated~~ for approximately 5 6 months, the total time that any one receptor would be near active construction would be significantly less as the project would occur linearly. This short period of exposure is a small fraction of the 70 years of exposure used to assess toxic emission impacts (OEHHA 2015). Therefore, exposure to toxic air emissions would not be harmful, and no dispersion modeling or health risk assessment was prepared for this project.

#### *Construction Toxic Air Contaminants*

In 1998, the ARB identified particulate matter from diesel-fueled engines as a TAC. A 10-year research program (ARB 1998) 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. The ARB has completed a risk management process that identifies potential cancer risks for a range of activities using diesel-fueled engines. High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (e.g., distribution centers and truck stops) were identified as having the highest associated risk. Health risks from TACs are a function of both concentration and duration of exposure. Unlike the above types of sources, construction diesel emissions are temporary, affecting an area for a period of days or perhaps weeks, whereas health risks are based on a 70-year risk duration. Additionally, construction-

related sources are mobile and transient in nature, and the emissions occur throughout the project site.

Diesel equipment usage would occur during construction. The nearest sensitive receptors to the project are existing residences located to the east of the project to the south of West Luchessa Avenue, approximately 30 feet from the project boundary. The project would rebuild the levee by placing excavated material in compacted material. Haul trucks and equipment used during construction would be subject to the Airborne Toxic Control Measure (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling. The purpose of the ATCM is to reduce public exposure to DPM and other air contaminants and does so by not allowing any drivers of vehicles subject to the ATCM to idle the vehicle's primary diesel engine or operate a diesel-fueled auxiliary power system for greater than five minutes at any location (ARB 2005). Compliance with the required ATCM will limit impacts to surrounding sensitive receptors. On-site diesel construction equipment is subject to ARB's Regulation for In-Use Off-Road Diesel Vehicles. The regulation applies to in-use (existing) off-road heavy-duty diesel vehicles in California. The regulation limits idling to no more than five consecutive minutes, requires reporting and labeling, and requires disclosure of the regulation upon vehicle sale. The regulation reduces equipment emissions of DPM during construction operations.

As discussed, there are residential receptors located approximately 30 feet from the construction area; however, the duration of project construction would be short relative to the 70-year health risk exposure analysis period and the linear nature of the construction site would limit the amount of construction at any one receptor location throughout the short construction duration.

Construction-emitted pollutants would also rapidly disperse from the project site. The brief exposure period presented by the proposed project is substantially less than the exposure period typically assumed for health risk analysis, as provided above. Therefore, the project would result in a **less than significant impact** from exposure to construction-generated DPM.

- e) ***Less than Significant Impact.*** As stated in the *BAAQMD 2017 Air Quality Guidelines*, odors are generally regarded as an annoyance rather than a health hazard and the ability to detect odors varies considerably and overall is considered subjective. The proposed project consists of reconstruction of an existing levee and does not involve the generation, transport, or handling of odorous materials. In addition, there are no known existing odor sources within the project footprint.

Diesel exhaust and volatile organic compounds (VOCs) would be emitted during construction of the proposed project, which are objectionable to some; however, emissions would disperse rapidly from the project site and therefore should not reach an objectionable level at the nearest sensitive receptors. Odors may also occur related to decaying organic material disturbed during the construction process. Implementation of the District's BMP AQ-2 (Avoid Stockpiling Odorous Materials) would require that odorous materials are handled in a manner that avoids impacting the adjacent residential neighborhoods and Gilroy High School located east of the project site. Therefore, the proposed project would have a **less than significant** odor impact to the adjacent residential neighborhoods.

#### 4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modification, on an identified candidate, sensitive, listed, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and wildlife Service?			✓	
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 US fish and Wildlife Service?			✓	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
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?				✓

#### ENVIRONMENTAL SETTING

Site visits conducted by the District on March 13, 2017 and November 6, 2017 were conducted by the District to determine whether any sensitive biological resources such as wetlands, streams, or habitats for special status species are located at the project site or vicinity and to determine whether the proposed project would result in potentially significant biological impacts. Sensitive biological resources include the following:

1. Plants or animals that are listed as rare, threatened, or endangered or as species of special concern, pursuant to Federal or State law, and habitat essential to special-status species of plants or wildlife;
2. Natural communities indicated as rare or threatened by the California Natural Diversity Database (CNDDDB) of the California Department of Fish and Wildlife (CDFW);
3. Wetlands and streams, and the riparian vegetation surrounding them, or natural vegetation designated as significant natural habitat; and
4. Natural communities and associated buffers protected pursuant to applicable plans, policies, and regulations.

The evaluation of potential impacts to biological resources at the project site is based on the following:

- A biological survey that was conducted by District biologists on April 12, 2018, which started at the intersection of the Uvas Creek levee and Miller Avenue and progressed downstream along the levee,
- Database search of the CNDDDB, which is maintained by the California Department of Fish and Wildlife was conducted to determine special status species and sensitive habitat occurrences at the project site and vicinity, and
- Review of Santa Clara Valley Habitat Plan (VHP) to determine coverage under the plan and conditions that would be required during construction,

The project site is located on the Uvas Creek levee bordering the eastern bank of Uvas Creek. Within the project vicinity, Uvas Creek flows in a southeasterly direction for the length of the project site and consists of an earthen channel bordered by an old earthen levee on the eastern bank. The majority of the riparian corridor along Uvas Creek to the west of the project site is characterized by a mixture of native and non-native trees with and smaller trees and shrubs in the understory. Near the West Luchessa Avenue bridge in the southern portion of the project site, Uvas Creek lacks substantial vegetation and the project levee consists of rock, rip-rap, and concrete for approximately 725 feet. Further south of West Luchessa Avenue, the riparian corridor transitions into a dense canopy of native and non-native tree species with an understory comprised of smaller trees and shrubs. Grasses, ornamental trees, open space and urban development border the project site to the east. Within the project footprint, the Uvas Creek levee is entirely comprised of manicured (e.g. mowed) grasses and an asphalt recreational trail atop the levee. The southern terminus of the levee is comprised of manicured grasses, a dirt road and rip-rap.

### *Vegetation*

The project site is primarily comprised of manicured grasses along the recreational trail. Approximately, 36 trees would be removed along the outward embankment for equipment access. ~~Of those 36 trees, 3 trees would be from the inboard embankment, and 33 trees would be removed from the outboard embankment.~~

## Wildlife

Species observed during the biological survey include bushtit (*Psaltiriparus minimus*), Eurasian collard dove (*Streptopelia decaocto*), mourning dove (*Zenaida macroura*), rock dove (*Columba livia*), snowy egret (*Egretta thula*), black phoebe (*Sayornis nigricans*), ring-billed gull (*Larus delawarensis*), great egret (*Ardea alba*), house finch (*Haemorhous mexicanus*), mallard (*Anas platyrhynchos*), Canada goose (*Branta Canadensis*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), turkey vulture (*Cathartes aura*), red-shouldered hawk (*Buteo lineatus*), California ground squirrel (*Otospermophilus beecheyi*), and western fence lizard (*Sceloporus occidentalis*).

## DISCUSSION

a) **Less Than Significant Impact.** According to the CNDDB (accessed July 27, 2017), maintained by the CDFW, there are approximately eight special status species occurrences within two miles of the project site. For purposes of this analysis, "special-status" animals are considered animal species that are:

- listed under Federal Endangered Species Act (FESA) as threatened, endangered, proposed threatened, proposed endangered, or a candidate species;
- listed under the California Endangered Species Act (CESA) as threatened, endangered or a candidate threatened or endangered species;
- designated by the California Department of Fish and Wildlife (CDFW) as a California species of special concern; or
- listed in the California Fish and Game Code as a fully protected species (fully protected birds are designated in §3511, mammals in §4700, reptiles and amphibians in §5050, and fish in §5515).

For the purpose of this analysis, "special status" plants include:

- listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species;
- listed under CESA as threatened, endangered, rare, or a candidate species; or
- ranked by the California Native Plant Society (CNPS) as rare or endangered in Ranks 1A, 1B, 2A, or 2B.

Special status wildlife species CNDDB occurrences within two miles of the project site include western pond turtle (*Emys marmorata*), California tiger salamander (*Ambystoma californiense*), and pallid bat (*Antrozous pallidus*). South-central California coast steelhead (*Oncorhynchus mykiss irideus*) have been observed within 2 miles upstream of the project site. Least Bell's vireo (*Vireo bellii pusillus*) and white-tailed kite (*Elanus leucurus*) have been observed within 3 miles of the project site. Special status plant species located within 2 miles of the project site includes the Loma preita psoralea (*Hoita strobilina*). In addition, a qualified biologist must survey any vegetated riparian

areas that occur within 250 feet of the project area to determine if any potential nesting habitat occurs.

Several of the special status species observed within 2 miles are unlikely to occur at the project site due to lack of suitable habitat. Western pond turtle and South-central California coast steelhead could potentially occur within the nearby Uvas Creek channel, but the project footprint lies well above the creek channel ~~and outside of the riparian corridor~~. Loma preita psoralea has very low potential to occur on site due to the heavily disturbed/managed landscape at the project site (e.g., mowing, establishment of non-native grasses and plants). Riparian habitat within the Uvas Creek corridor could potentially contain roost sites (hollow trees) for pallid bat, but the project does not involve removal of hollow trees within the riparian corridor and would not impact potential roost sites. Pallid bat is a nocturnal forager, and as no construction would occur at night, the project is not anticipated to affect foraging success.

White-tailed kite nests in dense trees away from high human activity near foraging habitat, which consists of open grasslands, meadows, agricultural fields, and marshes. The dense riparian area along Uvas Creek could support nesting habitat and foraging could occur in the open space to the west and agricultural fields to the south, but the habitat is marginal and highly disturbed. In addition, urban development borders the length of the project site to the east and residential development has further limited foraging habitat to the west. Therefore, breeding of white-tailed kite is not anticipated to occur within the low-quality nesting habitat in the nearby surrounding area.

Of the remaining special status species identified from the CNDDDB search, the District further reviewed and determined whether those species have the potential to occur at the project site. A summary of this analysis is shown in Table 4.1: Special Status Species with Potential to Occur at or near the Project Site, below.

**Table 4.1: Special Status Species with Potential to Occur at the Project Site**

Species	Status	Habitat	Potential to Occur Onsite
San Francisco Dusky-footed Woodrat ( <i>Neotoma fuscipes annectens</i> )	SSC	Oak woodlands and riparian areas with dense shrubs and trees species	No woodrats were observed, and no occurrences are documented within the project footprint, but woodrats have been observed in the areas of dense shrubs and trees near the riparian area
Least Bell's Vireo ( <i>Vireo bellii pusillus</i> )	Endangered (CESA; FESA)	Inhabits low, dense riparian growth along water or along dry parts of intermittent streams.	Riparian habitat along Uvas Creek could provide suitable cover
California tiger salamander ( <i>Ambystoma californiense</i> )	Threatened (CESA; FESA) VHP	Seasonal wetlands, marshes, and ponds during different times of the year, and upland subterranean refugia, especially burrows of California ground squirrels.	Burrows along levee slopes have potential to provide subterranean refugia
Tricolored Blackbird ( <i>Aguilar tricolor</i> )	<u>SCE</u> , SSC, VHP	Cattails, tall emergent vegetation, and flooded riparian vegetation	No occurrences within 3 miles, but riparian habitat near project site could support nesting colonies and nearby areas could be used for foraging habitat. Due to amount of urbanization, nesting and foraging habitat is marginal and potential to occur is low.
<b>Notes:</b> CESA-California Endangered Species Act FESA-Federal Endangered Species Act SCE-State candidate for listing as Endangered SSC-California Species of Special Concern VHP-Species covered under Valley Habitat Plan			

*San Francisco Dusky-Footed Woodrat* – District biologists have not observed San Francisco dusky-footed woodrat nests within the project site. However, woodrat nests have been observed within the riparian habitat along Uvas Creek. As the proposed project does not involve construction activities within the Uvas Creek riparian corridor, the proposed project is not expected to harm woodrat nests. As such, the proposed project is not expected to cause substantial harm to one or more woodrats.

*California tiger salamander* – Although District biologists did not observe any evidence of California tiger salamander (CTS) within the project boundaries, rodent burrows along the levee slopes could provide suitable subterranean refugia for adult salamanders. There are multiple CNDDDB records of this species within 1 mile of the project site to the southwest, however, there are multiple barriers including roads and residential development between the recorded occurrences and the project site. Furthermore, no vernal pools or other temporary rainwater ponds (which CTS primarily breed and lay



eggs in) are located in the vicinity of the project site and streams are rarely used for reproduction (CDFW 2005). The VHP provides take coverage for the California tiger salamander, and the VHP is designed to accept a limited amount of impacts to tiger salamander habitat in exchange for protection, enhancement, and restoration of higher-quality habitat outside urban areas. Compliance with the VHP would reduce impacts to California tiger salamander to a less than significant impact.

*Least Bell's Vireo* – The project site is located outside of the Uvas Creek riparian corridor. However, riparian habitat along Uvas Creek could provide suitable cover. The project site is mapped as least Bell's vireo survey area in the VHP. Condition 16 of the VHP requires a number of measures to avoid impacts to least Bell's Vireo ~~Tricolored Blackbird~~ including the following:

- Projects occurring within the mapped area require surveys if the project-specific verified land cover map shows that the project area is within 250 feet of riparian land cover types. If a project meets this criterion, a qualified biologist will conduct a field investigation to identify and map early successional riparian vegetation (typically dominated by willow shrubs and other thick understory vegetation) which may be used for nesting. If early successional riparian vegetation is found, the project proponent may revise the proposed project to avoid all areas within a 250-foot buffer around the potential nesting habitat and surveys will be concluded.
- If the project proponent chooses not to avoid the potential nesting site and the 250-foot buffer, additional nesting surveys are required.
- Covered activities must avoid active least Bell's vireo nests during the breeding season (March 15–July 31) by maintaining at least a 250-foot no-activity buffer around all active nests. As long as the nest remains active, no activity will occur within the established buffer. Disturbance to previous nesting sites (for up to 3 years) will also be avoided during the breeding season unless the disturbance is required for the conservation strategy or to maintain public safety. Least Bell's vireos use previous nesting sites, and disturbance during the breeding season may preclude birds from using existing nests.
- If occupied nests are identified, a qualified biologist will monitor construction to ensure that the 250-foot no-activity buffer around all active least Bell's vireo nests is maintained to ensure that covered activities do not affect nest success. If monitoring indicates that construction outside of the buffer is affecting breeding, the buffer will be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction will cease until the young have fledged from the nest or until the end of the breeding season, whichever occurs first. The biological monitor will also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a least Bell's vireo flies into an active construction zone (i.e., outside the buffer zone).

Compliance with Condition 16 of the VHP would ensure that the proposed project would have a less than significant impact on least Bell's vireo.

*Tricolored Blackbird* – The project site is located outside of the Uvas Creek riparian corridor. However, cattails, tall emergent vegetation, and flooded riparian vegetation associated with the riparian habitat along Uvas Creek could potentially support nesting colonies of tri-colored blackbird, and surrounding habitat could support foraging. The project site is mapped as tricolored blackbird survey area in the VHP, and there is a CNDDDB record of this species within 3 miles of the project site. Condition 17 of the VHP requires a number of measures to avoid impacts to Tricolored Blackbird including the following:

- Prior to any project ground disturbance, a qualified biologist will make his or her best effort to determine if there has been nesting at the site in the last 5 years. If no nesting in the last 5 years is evident, conduct a preconstruction survey in areas identified as supporting potential tri-colored blackbird nesting habitat. Surveys will be made at the appropriate time of year when nesting use is expected to occur. The surveys will document the presence or absence of nesting colonies of tricolored blackbirds and will conclude no more than two days prior to construction.
- To avoid last minute changes in schedule or contracting that may occur if an active nest is found, the project proponent may also conduct a preliminary survey up to 14 days before construction. If a tricolored blackbird nesting colony is present, a 250-foot buffer will be applied from the outer edge of all hydric vegetation associated with the site, and the site plus buffer will be avoided (see below for additional avoidance and minimization details). The wildlife agencies will be notified immediately of nest locations.
- Project construction must avoid tricolored blackbird nesting habitat that is currently occupied or has been occupied in the last 5 years. If tri-colored blackbirds colonies are identified during the breeding season, construction activities will be prohibited within a 250-foot no-activity buffer zone around the outer edge of all hydric vegetation associated with the colony. This buffer may be reduced in areas with dense forest, buildings, or other habitat features between the construction activities and the active nest colony, or where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance. Depending on site characteristics, the sensitivity of the colony, and surrounding land uses, the buffer zone may be increased. Activities potentially affecting a colony will be observed by a qualified biologist to verify that the activity is not disrupting the colony. If it is, the buffer will be increased. Implementing Entity technical staff will coordinate with the wildlife agencies and evaluate exceptions to the minimum no-activity buffer distance on a case-by-case basis.
- If construction takes place during the breeding season when an active colony is present, a qualified biologist will monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer will be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction will cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor will also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols

in the event that tricolored blackbirds fly into an active construction zone (i.e., outside the buffer zone).

Compliance with the above measures would ensure that the proposed project would have a less than significant impact on tricolored blackbird.

*Nesting Migratory Birds.* The tall trees and dense riparian vegetation along Uvas Creek could provide suitable habitat for nesting migratory birds. No raptor or other perennial nests were observed during the surveys conducted by District staff as part of the biological assessment.

Construction activities associated with the proposed project would occur between August 2018 to December 2018. Project construction activities during the migratory bird nesting season (February 1 through August 31) could affect migratory birds by causing adults to abandon eggs or recently hatched young, which would be considered a significant impact. District BMP BI-5 (Avoid Impacts to Nesting Migratory Birds) would be implemented in order to ensure that any birds that may be nesting in the riparian corridor during construction activities would not be disturbed. BMP BI-5 requires pre-construction surveys for nesting birds. The bird surveys would be performed by a qualified biologist prior to initiating work that may occur during the bird nesting season. If active bird nests that are protected by the Migratory Bird Treaty Act and/or California Fish and Game Code are found during the surveys, a construction free buffer will be established and maintained around the nest until the young have fledged or the nest is inactive. Implementation of this BMP and applicable conditions for compliance with the VHP would ensure that impacts to nesting birds are **less than significant**.

- b) ***Less Than Significant Impact.*** Riparian habitat is present along Uvas Creek adjoining the project site to the west. The majority of the riparian corridor along the east bank of Uvas Creek is dominated by a mixture of native and non-native trees with grasses and shrubs comprising the understory.

The proposed project would remove approximately 36 existing trees for construction equipment access and to prevent potential root damage to the levee. ~~Of the 36 trees proposed for removal for construction equipment access, 3 trees would be removed from the inboard side of the levee and 33 would be removed from the outboard side.~~ All of the trees proposed for removal are located outside of the Uvas Creek riparian corridor along the outboard side of the levee. However, minor pruning (less than 25% of the canopy area) ~~may~~ would occur to trees within the riparian corridor to accommodate equipment access.

Although pruning of trees along Uvas Creek would reduce the riparian forest canopy and create openings, the remaining trees unaffected by the project would continue to provide dense canopy along Uvas Creek and maintain the overall riparian habitat value of the area. Therefore, tree pruning at the edge of the Uvas Creek riparian corridor would not substantially reduce the area of riparian habitat nor decrease the riparian habitat value. These impacts would be **less than significant impact**.

- c) ***No Impact.*** All project activities would occur in upland areas outside the Uvas Creek channel. The proposed project would not require construction or otherwise impact any area below the ordinary high water mark which would be considered “waters of the United States” along Uvas Creek. District BMPs would be implemented to prevent flow

of soil, debris, or other pollutants to ~~these creeks~~ Uvas Creek. Specifically, erosion and sediment control BMPs WQ-5 (Stabilizes construction and entrances and exits), WQ-9 (Use seeding for erosion control, weed suppression and site improvement), WQ-11 (Maintain clean conditions at work sites), WQ-15 (Prevent water pollution), and WQ-16 (Prevent stormwater pollution) would be implemented to ensure that pollutants would not flow into Uvas Creek. Thus, the project would not indirectly affect federally protected wetlands through degradation of creek water quality. Furthermore, the proposed project activities would occur well above the Uvas Creek channel, and beyond top of bank; ~~and would not require construction within the riparian corridor~~. Thus, the proposed project would not have a substantial adverse effect on wetlands and waters protected by the state. Therefore, there would be **no impact**.

- d) ***Less than Significant Impact.*** The proposed project involves restoring the existing Uvas Creek levee to as built conditions and would not expand the existing levee footprint. No facilities or barriers would be constructed that would restrict habitat connectivity or wildlife movement.

Project construction is anticipated to ~~last~~ occur for approximately ~~5~~ 6 months over the course of 1 year. During construction, wildlife may avoid areas of increased disturbance, human activity, and noise. However, these disturbances would cease upon completion of construction activities and wildlife movement along the Uvas Creek riparian corridor would be uninhibited. The District would implement BMP BI-11 (Minimize predator-prey attraction), which requires that the contractor remove trash daily from the work site to avoid attracting potential predators to the site that could prey on wildlife passing through the project site. The proposed project would not interfere substantially with the movement of native resident or migratory species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Therefore, the proposed project will have a **less than significant impact** on habitat connectivity and wildlife movement.

- e) ***No Impact.*** The trees anticipated to be removed are located on land within the City of Gilroy. As such, the project would be subject to any tree preservation policies or ordinances from the City.

Chapter 26.7, Permit-Required to cut, trim, plant, etc., trees in public streets, of the City of Gilroy's Municipal Code, protects any tree in any public street within the City of Gilroy from cutting, trimming, pruning, spraying, bracing, planting, moving, removal, or replacement and requires a tree removal permit for any such activities. A street tree removal permit from the City of Gilroy would need to be obtained if the project were to remove any tree within roadway right-of-way along Uvas Parkway and West Luchessa Avenue. The project would not remove any trees located within roadway right-of-way and therefore would not be required to obtain a tree removal permit from the City. Chapter 26.15, Marring, defacing, etc., trees on public property, of the City's municipal code, protects any tree in any public street or on any public property in the city from being broken, injured, defaced, mutilated, killed, destroyed, or burned. Based on conversations with City staff, this ordinance only applies to trees located on City of Gilroy property. Therefore, all trees proposed for removal on City of Gilroy property would require a tree removal permit from the City of Gilroy. As the City's tree ordinance 26.7 only applies to trees in public streets, and a tree removal permit would be obtained from the City before removal of any tree located on City of Gilroy property, the proposed

project would not conflict with any tree preservation policy or ordinance and, therefore, would have **no impact**.

- f) **No Impact.** The proposed project is located within the boundaries of the *Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (VHP)*. The proposed project is a covered activity under the VHP. As a result, the applicable VHP conditions would be followed during project implementation. Those measures are identified in Section 2 of this document. Thus, the proposed project would not conflict with any provisions of an adopted HCP/NCCP or other conservation plan and would have **no impact**.

## 5. CULTURAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5?			✓	
c) Directly or indirectly destroy a unique paleontological resource or site?				✓
d) Disturb any human remains, including those interred outside of formal cemeteries?			✓	

## ENVIRONMENTAL SETTING

### *Cultural Resources*

The project would only excavate soil that was originally placed as fill for the construction of the existing levee, and the project is located entirely within the footprint of the existing levee. Except for the levee itself, there are no structures within the project footprint.

### *Paleontological Resources*

The University of California Museum of Paleontology (UCMP) database was searched for fossils in Santa Clara County. According to the database search, no fossils were found in the vicinity of the project site.

## DISCUSSION

- a) **No Impact.** Construction of the proposed project would involve earth moving activities in areas that have been previously disturbed for construction of the existing Uvas Creek levee. In addition, the project would only excavate fill material used to construct the existing levee. No structures except for the levee itself are located on the project site. As

no historical resources are present, implementation of the project would result in **no impact** to historical resources.

- b) **Less than Significant Impact.** Construction of the proposed project would involve earth moving activities in areas that have been previously disturbed for construction of the existing Uvas Creek levee. Therefore, the potential for the discovery of archaeological resources is considered low. All project excavation activities would comply with standard precautionary measures for accidental discovery of unknown finds consistent with BMP CU-1 (Accidental Discovery of Archeological Artifacts or Burial Remains). Implementation of these procedures would avoid or minimize any potential impacts to archaeological resources; the impact would therefore be **less than significant**.
- c) **No Impact.** According to the UCMP database search, the project site is not known to contain paleontological resources. In addition, construction of the proposed project would involve earth moving activities in areas that have been previously disturbed for construction of the existing Uvas Creek levee, so it is highly unlikely that project construction would encounter unknown paleontological resources. Therefore, the proposed project would result in **no impact** to paleontological resources.
- d) **Less than Significant Impact.** As described above, construction of the proposed project would occur in areas previously disturbed when the existing levee was originally constructed. As such, the potential for encountering human remains during construction would be very low. Though unlikely, human remains could potentially be discovered during construction activities. Construction activities must comply with standard precautionary measures for the accidental discovery of unknown finds consistent with BMP CU-1 (Accidental Discovery of Archeological Artifacts or Burial Remains) as included in Section 2. With the implementation of BMP CU-1, impacts to unknown human remains would be **less than significant impact**.

## 6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death related to:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				✓
ii) Strong seismic ground shaking?			✓	
iii) Seismic-related ground failure, including liquefaction?				✓
iv) Landslides?				✓

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?			✓	
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?				✓
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓

## ENVIRONMENTAL SETTING

### *Regulatory Setting*

The Alquist-Priolo Earthquake Fault Zoning (AP) Act was passed into law following the destructive San Fernando earthquake in 1971. The AP Act provides a mechanism for reducing losses from surface fault rupture on a statewide basis. The intent of the AP Act is to ensure public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep.

### *Regional Geologic Setting*

The San Francisco Bay region is one of the most seismically active areas in North America and is dominated by the San Andreas Fault system. This fault system movement is distributed across a complex system of generally strike-slip right-lateral parallel and sub-parallel faults including San Andreas, San Gregorio, Hayward and Calaveras. A major earthquake at any of these sites could produce a strong ground shaking in the study area.

### *Local Geologic Setting*

The Gilroy section of the Santa Clara Valley is a broad, gently sloping, fertile plain enclosed on the northeast by the Diablo Mountains of the Contra Costa range and on the west by the Santa Cruz Mountains. At the southern end, the Santa Clara Valley merges into the Pajaro Valley. The project site is located within a large region known as the Coast Ranges geomorphic province. This province is characterized by extensively folded, faulted, and fractured earth materials. These structural features trend in a northwesterly direction and make up the prominent system of northwest-trending mountain ranges separated by straight-sided sediment filled valleys. The project site is situated within the Santa Clara Valley, east of the foothills of the northwest-

trending Santa Cruz Mountains. The project site is underlain by Holocene-aged (Quaternary) alluvium (Professional Service Industries, Inc., 2016).

*Liquefaction* – Liquefaction is the transformation of saturated, loose, fine grained sediment to a fluid-like state because of earthquake shaking or other rapid loading. Soils most susceptible to liquefaction are loose to medium dense, saturated sands, silty sands, sandy silts, non-plastic silts and gravels with poor drainage, or those capped by or containing seams of impermeable sediment.

*Alquist-Priolo Fault Zone* – The project site is not located within the State-designated Alquist-Priolo Earthquake Fault Zone, where site-specific studies addressing the potential for surface fault rupture are required, and no known active faults traverse the site. The nearest Alquist-Priolo Earthquake Fault Zones are associated with the Sargent Fault Zone, which is located approximately 3 miles southwest of the site. The closest and most important faults for Gilroy are the San Andreas, Calaveras, and Sargent faults (City of Gilroy 2002).

*Seismicity* - The project site and the entire San Francisco Bay Area is in a seismically active region subject to strong seismic ground shaking. Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake and is normally the major cause of damage in seismic events. The extent of ground-shaking is controlled by the magnitude and intensity of the earthquake, distance from the epicenter, and local geologic conditions.

*Soils* – According to the Natural Resources Conservation Service (NRCS) web soil survey, soils along the Uvas Creek levee are comprised of Yolo loam, 0 to 7 percent slopes, and soils within Uvas Creek are comprised of Riverwash NRCS, 2016). The Yolo loams are found on alluvial fans and stream terraces. Yolo loams are well drained soils comprised of alluvium derived from metamorphic and sedimentary rock.

## DISCUSSION

- ai) **No Impact.** Surface rupture occurs when the ground surface is broken due to fault movement during an earthquake. The location of surface rupture generally can be assumed to be along an active or potentially active major fault trace. The project site is not located within a State designated Alquist-Priolo Earthquake Fault Zone, and therefore, the proposed project would not be subject to the rupture of a known earthquake fault. The project site does not include housing or other uses. The proposed project would not expose people working at the project site or structures to potential substantial adverse effects related to the rupture of a known earthquake fault. In addition, the limited small scale construction activities would not exacerbate existing seismic hazards. Therefore, the proposed project would have **no impact**.
- aii) **Less than Significant Impact.** The major faults in the region that could cause ground shaking at the project site include the Castro Fault of the Sargent Fault Zone, which is located approximately 3 miles to the southwest of the site. Although seismic shaking may occur at or near the project site, the proposed project would restore the Uvas Creek levee to as built conditions and does not involve construction of new structures or facilities which could be subject to the potential effects of strong seismic ground shaking. In addition, the limited small scale construction activities would not exacerbate existing seismic hazards. Therefore, this impact is considered a **less than significant**.



- a) **No Impact.** The proposed project would restore the Uvas Creek levee to as built conditions, and construction would involve earth moving activities in areas that have been previously disturbed for construction of the existing levee. The potential for liquefaction triggering and related hazards, including liquefaction-induced settlement and lateral spreading would not increase as a result of the project. Therefore, the proposed project would result in **no impact**.
- aiv) **No Impact.** The topography of the project site and surrounding area is generally level. The project site is not located within a landslide hazard zone. Therefore, the proposed project would result in **no impact**.
- b) **Less than Significant Impact.** For construction of the levee, the proposed project would require the excavation of approximately 5,400 cubic yards of soil. Excavation activities could destabilize the soil and increase the erosion potential from water and wind.

District BMPs would be followed to prevent erosion and sedimentation from during construction activities. Refer to the Hydrology and Water Quality section of this document for discussion of potential erosion impacts associated with the proposed project. As documented in that section, application of recommended District BMPs WQ-5 (Stabilizes construction and entrances and exits), WQ-9 (Use seeding for erosion control, weed suppression and site improvement), and WQ-17 (Prevent stormwater pollution) would ensure that the proposed project does not result in substantial erosion and loss of topsoil during construction activities. Additionally, the project would obtain coverage for discharge of stormwater from the construction area under the Construction General Permit (Order 2009-0009-DWQ) issued by State Water Resources Control Board. The Construction General Permit requires preparation of a stormwater pollution prevention plan (SWPPP) by a qualified professional and implementation of the plan throughout the construction period, which would ensure proper site drainage and prevent the erosion of soils and loss of topsoil. The proposed project would have a **less than significant impact**.

- c) **No Impact.** The project area is nearly level and slope instability, landslides, lateral spreading or collapse would not be a significant hazard. The project involves reconstructing the exiting Uvas Creek levee to as-built conditions. Therefore, the proposed project would not create an unstable condition which could potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse. The project would have **no impact**.
- d) **No Impact.** Expansion and contraction can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes markedly. Expansive soils are common throughout California and can cause damage unless properly treated during construction. The proposed project would only excavate soil that was originally placed as fill for the construction of the existing levee. The proposed project does not include excavation of the soil underlying the levee. Therefore, the proposed project would not be located on expansive soil which could create a substantial risk to life or property and **no impact** would occur.
- e) **No Impact.** The proposed project does not include the installation of septic tanks or alternative wastewater disposal systems. Therefore, the proposed project would not

result in soils incapable of adequately supporting the use of septic tanks or other waste and **no impact** would occur.

## 7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Issues	Potentially Significant Unless 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?			✓	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purposed of reducing the emissions of greenhouse gases?			✓	

## ENVIRONMENTAL SETTING

### *Greenhouse Gas Emissions*

Gases that trap heat in the atmosphere are referred to as Greenhouse gas emissions (GHGs). The effect is analogous to the way a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide, methane, NO<sub>x</sub>, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Natural processes and human activities emit GHGs. The presence of GHGs in the atmosphere affects the earth's temperature. It is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

The global warming potential is the potential of a gas or aerosol to trap heat in the atmosphere. The global warming potential of a gas is essentially a measurement of the radiative forcing of a GHG compared with the reference gas, carbon dioxide. Individual GHG compounds have varying global warming potential and atmospheric lifetimes. Carbon dioxide, the reference gas for global warming potential, has a global warming potential of one. The global warming potential of a GHG is a measure of how much a given mass of a GHG is estimated to contribute to global warming. To describe how much global warming a given type and amount of GHG may cause, the carbon dioxide equivalent is used. The calculation of the carbon dioxide equivalent is a consistent methodology for comparing GHG emissions since it normalizes various GHG emissions to a consistent reference gas, carbon dioxide. For example, methane's warming potential of 21 indicates that methane has 21 times greater warming effect than carbon dioxide on a molecule-per-molecule basis. A carbon dioxide equivalent is the mass emissions of an individual GHG multiplied by its global warming potential.

GHGs defined by Assembly Bill (AB) 32 include carbon dioxide, methane, NO<sub>x</sub>, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride as described in Table 7.1:

Description of Greenhouse Gases. A seventh GHG, nitrogen trifluoride (NF<sub>3</sub>), was added to Health and Safety Code section 38505(g)(7) as a GHG of concern.

**Table 7.1: Description of Greenhouse Gases**

<b>Greenhouse Gas</b>	<b>Description and Physical Properties</b>	<b>Sources</b>
Nitrous oxide	Nitrous oxide (laughing gas) is a colorless greenhouse gas. It has a lifetime of 114 years. Its global warming potential is 310.	Microbial processes in soil and water, fuel combustion, and industrial processes.
Methane	Methane is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years. Its global warming potential is 21.	Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter.
Carbon dioxide	Carbon dioxide (CO <sub>2</sub> ) is an odorless, colorless, natural greenhouse gas. Carbon dioxide's global warming potential is 1. The concentration in 2005 was 379 parts per million (ppm), which is an increase of about 1.4 ppm per year since 1960.	Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood.
Chlorofluorocarbons	These are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). Global warming potentials range from 3,800 to 8,100.	Chlorofluorocarbons were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. They destroy stratospheric ozone. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987.
Hydrofluorocarbons	Hydrofluorocarbons are a group of greenhouse gases containing carbon, chlorine, and at least one hydrogen atom. Global warming potentials range from 140 to 11,700.	Hydrofluorocarbons are synthetic manmade chemicals used as a substitute for chlorofluorocarbons in applications such as automobile air conditioners and refrigerants.
Perfluorocarbons	Perfluorocarbons have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Global warming potentials range from 6,500 to 9,200.	Two main sources of perfluorocarbons are primary aluminum production and semiconductor manufacturing.
Sulfur hexafluoride	Sulfur hexafluoride is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. It has a high global warming potential, 23,900.	This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas.
Nitrogen trifluoride	Nitrogen trifluoride (NF <sub>3</sub> ) was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. It has a high global warming potential of 17,200	This gas is used in electronics manufacture for semiconductors and liquid crystal displays.

Sources: Compiled from a variety of sources, primarily Intergovernmental Panel on Climate Change 2007a and 2007b.

The State has begun the process of addressing pollutants referred to as short-lived climate pollutants (SLCP). According to the ARB, short-lived climate pollutants are powerful climate forcers that remain in the atmosphere for a much shorter period of time than longer-lived climate pollutants, such as carbon dioxide (CO<sub>2</sub>). SLCPs are estimated to be responsible for about 40 percent of current net climate forcing. Action to reduce SLCPs will provide immediate benefits to climate change (ARB 2017). Senate Bill 605, approved by the Governor on September 14, 2014 requires the ARB to complete a comprehensive strategy to reduce emissions of SLCPs.

The SLCPs include three main components: black carbon, fluorinated gases, and methane. Fluorinated gases and methane are described in Table 7.1 and are already included in the California GHG inventory. Black carbon has not been included in past GHG inventories; however, ARB will include it in its comprehensive strategy.

Ozone is another short-lived climate pollutant that will be part of the strategy. Ozone affects evaporation rates, cloud formation, and precipitation levels. Regional ozone concentrations reflect contributions from both ozone formed from criteria pollutant emissions (NO<sub>x</sub> and VOCs) on a regional scale, and global background levels of ozone (ARB 2017).

Black carbon is emitted from burning fuels such as coal, diesel, and biomass, as well as from various forms of non-fuel biomass combustion (destruction of excess woody wastes, wildfires, etc.). Black carbon contributes to climate change both directly by absorbing sunlight and indirectly by depositing on snow and by interacting with clouds and affecting cloud formation. In addition to its climate and health impacts, black carbon disrupts cloud formation, precipitation patterns, water storage in snowpack and glaciers, and agricultural productivity.

The March 2017 SLCP Reduction Strategy recognizes how damaging SLCPs can be over the short-term, and a 20-year Global Warming Potential (GWP) are used to quantify emissions of SLCPs, as opposed to 100-year GWPs, which are used in the State's official GHG inventory. The 2017 SLCP reduction Strategy identified a global warming potential of 3,200 for black carbon using a 20-year time horizon.

Although there could be health effects resulting from changes in the climate and the consequences that can bring about, inhalation of GHGs at levels currently in the atmosphere would not result in adverse health effects, with the exception of ozone and aerosols (particulate matter). The potential health effects of ozone and particulate matter are discussed in criteria pollutant analyses. At very high indoor concentrations (not at levels existing outside), carbon dioxide, methane, sulfur hexafluoride, and some chlorofluorocarbons can cause suffocation as the gases can displace oxygen.

### *Regulatory Framework*

*Assembly Bill 32* - The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the ARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan calls for an “ambitious but

achievable” reduction in California’s GHG emissions, cutting approximately 30 percent from business as usual emission levels projected for 2020, or about 10 percent from today’s levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman, and child in California down to about 10 tons per person by 2020.

*City of Gilroy General Plan* – The City of Gilroy does not have policies or strategies specific to limiting greenhouse gas emissions. However, the Gilroy General Plan, adopted June 2002, include policies directed at managing locally generated pollutants to achieve federal and state air quality standards. Policy 21.05 *Air Quality Impacts from Construction Activity* states:

- Reduce the air quality impacts associated with construction activity by reducing the exhaust emissions through appropriate mitigation actions.

Action 21.C *Emission Reductions for Construction-Related Equipment* requires appropriate mitigation measures to ensure that the exhaust emissions from construction-related equipment are significantly reduced.

*Bay Area Air Quality Management District* –The BAAQMD has not established significance thresholds for construction related GHG emissions. Although the project is not located within its boundaries, the Sacramento Metropolitan Air Quality Management District (SMAQMD) has set a significance threshold for construction GHG emissions. SMAQMD has established a significance threshold of 1,100 metric tons per year (MT/yr) of CO<sub>2</sub> equivalent emissions for significant construction-phase GHG emissions (SMAQMD 2016). The District has independently determined this threshold is supported by substantial scientific evidence and thus would be appropriate for use to determine level of GHG impact for this project.

## DISCUSSION

- a) ***Less than Significant Impact.*** The proposed project would generate greenhouse gas emissions during construction activities such as on-site heavy-duty construction vehicle use, haul trips, and construction worker trips. The construction period would occur intermittently for approximately last up to 5 6 months in duration throughout the course of 1 year. These emissions are considered temporary or short-term.

Greenhouse gas emissions during project construction are presented in Table 7.2: Construction Greenhouse Gas Emissions. Detailed construction assumptions and parameters are provided in Appendix A.

**Table 7.2: Construction Greenhouse Gas Emissions**

Construction Phase	MTCO <sub>2</sub> e
Site Preparation	10.78
Levee Reconstruction	<del>189.09</del> <u>221.44</u>
Paving	<del>2.80</del> <u>2.79</u>
Total	<del>202.67</del> <u>235.01</u>
Source: CalEEMod 2016.3.2	

Construction of the proposed project is estimated to generate a total of approximately ~~202.67~~ 235.01 MTCO<sub>2</sub>e. As discussed above, the District determined that it would be appropriate to determine significance relating to GHG emissions based on the SMAQMD's threshold of 1,100 metric tons per year (MT/yr) of CO<sub>2</sub> equivalent emissions for construction-phase GHG emissions. GHG emissions during project construction would be less than the significance threshold of 1,100 MT/yr. Therefore, GHG emissions generated during project construction would result in a less than significant impact.

The proposed project would not require additional employees or maintenance activities once the Uvas Creek levee is reconstructed. Therefore, the proposed project would not result in an increase in GHG emissions during project operation.

Therefore, the proposed project would result in a **less than significant impact**.

- b) **No Impact.** The City of Gilroy does not have a plan, policy, or regulation specifically aimed at reducing the emissions of greenhouse gases. However, as described in a) above, the General Plan contains policies directed at managing locally generated pollutants to achieve federal and state air quality standards by reducing the exhaust emissions of construction equipment. Since the proposed project would incorporate the District's best management practices for air quality including BMP AQ-1 (Use Dust Control Measures), the project would not generate a significant amount of greenhouse gases and would not conflict with the applicable plans adopted for reducing the emission of greenhouse gases. In addition, state regulations also apply to construction emissions. Construction employee vehicles are subject to the Pavley I and II/LEV III motor vehicles fuel efficiency standards. Off-road equipment is subject to the ARBs In-Use Off-road Vehicle Regulation. Since the proposed project would comply with applicable regulations, the project would be consistent with state and local policies for reducing emissions of greenhouse gases.

The proposed project is compared with the AB 32 Scoping Plan in order to determine compliance with any applicable plan, policy, or regulation adopted to reduce emissions of GHGs. The Scoping Plan contains a variety of strategies to reduce the State's emissions. The strategies in AB 32 are not applicable to the proposed project as shown in Table 7.3. The project is consistent with the Scoping Plan and would not conflict with applicable plans, policies, or regulations to reduce GHG emissions; therefore, the proposed project would result in **no impact**.

**Table 7.3: Scoping Plan Measures Consistency Analysis**

Scoping Plan Reduction Measure	Project Consistency
1. California Cap-and-Trade Program Linked to Western Climate Initiative. Implement a broad-based California Cap-and-Trade program to provide a firm limit on emissions. Link the California cap-and-trade program with other Western Climate Initiative Partner programs to create a regional market system to achieve greater environmental and economic benefits for California. Ensure California's program meets all applicable AB 32 requirements for market-based mechanisms.	<b>Not Applicable.</b> The project is not a land use or industry that is required to comply with the Cap and Trade requirements.

2. California Light-Duty Vehicle Greenhouse Gas Standards. Implement adopted standards and planned second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.	<b>Not Applicable.</b> This is a statewide measure that cannot be implemented by a project applicant or the lead agency.
3. Energy Efficiency. Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.	<b>Not Applicable.</b> This is a measure for the State to increase its energy efficiency standards in new buildings. The project does not include construction or operation of a building.
4. Renewable Portfolio Standard. Achieve 33 percent renewable energy mix statewide. Renewable energy sources include (but are not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas.	<b>Not Applicable.</b> This is a statewide measure that cannot be implemented by a project applicant or the lead agency.
5. Low Carbon Fuel Standard. Develop and adopt the Low Carbon Fuel Standard.	<b>Not Applicable.</b> This is a statewide measure that cannot be implemented by a project applicant or the lead agency.
6. Regional Transportation-Related Greenhouse Gas Targets. Develop regional greenhouse gas emissions reduction targets for passenger vehicles. This measure refers to SB 375.	<b>Not Applicable.</b> Plan Bay Area is the regional transportation plan applicable to the project that is subject to the requirements of SB 375. Two major goals from the Plan Bay Area document are (1) reduce per-capita CO <sub>2</sub> emissions from cars and light-duty trucks by 15 percent by 2040; and (2) house 100 percent of the projected populations growth by income level. Plan Bay Area and SB 375 have no requirements that apply to construction projects.
7. Vehicle Efficiency Measures. Implement light-duty vehicle efficiency measures.	<b>Not Applicable.</b> This is a statewide measure that cannot be implemented by a project applicant or the lead agency.
8. Goods Movement. Implement adopted regulations for the use of shore power for ships at berth. Improve efficiency in goods movement activities.	<b>Not Applicable.</b> The project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
9. Million Solar Roofs Program. Install 3,000 MW of solar-electric capacity under California's existing solar programs.	<b>Not Applicable.</b> This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The proposed project would not preclude the implementation of this strategy.
10. Medium/Heavy-Duty Vehicles. Adopt medium and heavy-duty vehicle efficiency measures.	<b>Not Applicable.</b> This is a statewide measure that cannot be implemented by a project applicant or the lead agency.

11. Industrial Emissions. Require assessment of large industrial sources to determine whether individual sources within a facility can cost-effectively reduce greenhouse gas emissions and provide other pollution reduction co-benefits. Reduce greenhouse gas emissions from fugitive emissions from oil and gas extraction and gas transmission. Adopt and implement regulations to control fugitive methane emissions and reduce flaring at refineries.	<b>Not Applicable.</b> This measure would apply to the direct greenhouse gas emissions at major industrial facilities emitting more than 500,000 MTCO <sub>2</sub> e per year. The project is not an industrial land use.
12. High Speed Rail. Support implementation of a high-speed rail system.	<b>Not Applicable.</b> This is a statewide measure that cannot be implemented by a project applicant or the lead agency.
13. Green Building Strategy. Expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings.	<b>Not Applicable.</b> The project does not include construction of a building.
14. High Global Warming Potential Gases. Adopt measures to reduce high global warming potential gases.	<b>Not Applicable.</b> This measure is applicable to the high global warming potential gases that would be used by sources with large equipment (such as in air conditioning and commercial refrigerators). The project does not include air conditioning or refrigeration.
15. Recycling and Waste. Reduce methane emissions at landfills. Increase waste diversion, composting, and commercial recycling. Move toward zero waste.	<b>Not Applicable.</b> Project operations would not result in generation of waste.
16. Sustainable Forests. Preserve forest sequestration and encourage the use of forest biomass for sustainable energy generation.	<b>Not Applicable.</b> The project site is not forested; therefore, no preservation is possible.
17. Water. Continue efficiency programs and use cleaner energy sources to move and treat water.	<b>Not Applicable.</b> Project operations would not use water.
18. Agriculture. In the near-term, encourage investment in manure digesters and at the five-year Scoping Plan update determine if the program should be made mandatory by 2020.	<b>Not Applicable.</b> The project site is not designated or in use for agriculture purposes. No grazing, feedlot, or other agricultural activities that generate manure occur on-site or are proposed to be implemented by the project.
Source of ARB Scoping Plan Reduction Measure: California Air Resources Board 2008.	



## 8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, storage or disposal of hazardous materials?			✓	
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?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?			✓	
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?				✓
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 for people residing in or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

## ENVIRONMENTAL SETTING

Government Code section 65962.5 requires the California Environmental Protection Agency to gather and update as appropriate a list of hazardous materials release sites, commonly referred to as the Cortese List. A site's presence on the list has bearing on compliance with CEQA. The Cortese list, which includes the resources listed below, was reviewed for references to the project site:

- List of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) EnviroStor database;
- List of Leaking Underground Storage Tank 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; and
- List of hazardous waste facilities subject to corrective action identified by DTSC.

According to the EnviroStor database, the nearest hazardous waste site is the Glen Loma Ranch School Site, which is located at the intersection of Santa Teresa Boulevard and Club Drive, Gilroy, approximately 0.50 mile northwest of the northern boundary of the project site. Historically, this site and surrounding areas were used for agricultural row and field crops. The site was then left fallow and used for overflow parking for the Gilroy Garlic Festival. There is no record of structures or other activities at the site and the DTSC determined that no hazardous substance release has occurred at the site. According to the GeoTracker database, the nearest open leaking underground storage tank is located at the Barberi Property adjoining the southern portion of the project site to the west. The site formerly had two underground gasoline storage tanks and a release of gasoline to soil has been reported. The site status is completed, and the case was closed on March 4, 1991. There are no solid waste disposal sites in the project vicinity. There are no hazardous waste facilities subject to corrective action that have been identified by DTSC in the vicinity of the project area.

### *Sensitive Receptors*

The nearest potentially sensitive receptors are existing residences located to the west of the Uvas Creek levee south of West Luchessa Avenue, approximately 30 feet from the nearest project elements. Athletic facilities associated with Gilroy High School are also located approximately 50 feet north of the project site.

## DISCUSSION

a and b) ***Less than Significant Impact.*** Construction of the proposed project would bring vehicles and construction equipment to the project site. No hazardous materials would be used during construction other than minimal quantities of fuels, coolants, and lubricants used for construction activities. The inclusion of District BMPs HM-7 (Restrict vehicle and equipment cleaning to appropriate locations), HM-8 (Ensure proper vehicle and equipment fueling and maintenance), HM-9 (Ensure proper hazardous materials

management), and HM-10 (Utilize spill prevention measures) would ensure that the potential for the release of hazardous materials during construction would be minimized; this impact is considered to be **less than significant**.

- c) **Less than Significant Impact.** The project site is located 30 feet from existing residences and 50 feet from athletic facilities associated with Gilroy High School. The proposed project would not emit hazardous emissions. As noted above, construction of the proposed project would utilize minimal quantities of fuels, coolants, and lubricants during construction activities. However, the District would implement a number of BMPs (see above) to minimize the potential of releasing hazardous materials during construction. Therefore, the proposed project would have a **less than significant impact** to Gilroy High School and the nearby residential properties.
- d) **No Impact.** A LUST (Leaking Underground Storage Tank) Cleanup Site is reported on-site in the GeoTracker database maintained by the State Water Resources Control Board. This LUST site is located on the inboard toe of the Uvas Creek levee in the southern portion of the project site south of West Luchessa Avenue. According to files maintained by GeoTracker, two underground tanks used to store gasoline were located on the property. The two tanks were excavated and removed on April 8, 1988 and soil contamination was discovered underneath the tanks. The tank pit was overexcavated and approximately 22 cubic yards of contaminated soil was removed from the site. Additional sampling did not reveal further soil contamination. The Central Coast Regional Water Quality Control Board issued a closure letter for the site on March 4, 1991. The project would only excavate soil that was originally placed as fill for the construction of the existing levee and does not propose excavation of soil underlying the levee. Therefore, although a hazardous materials site included on a list compiled pursuant to Government Code Section 65962.5 is located within the project boundary, the proposed activities would not disturb the inactive cleanup site and would not create a significant hazard to construction workers, the public or the environment and would be **less than significant**.
- e) **No Impact.** The proposed project is not located within an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport. Therefore, the project would have **no impact**.
- f) **No Impact.** No private airports are located within 2 miles of the project site, and therefore **no impacts** would result.
- g) **Less Than Significant Impact.** The project staging area would occur on District property at two locations. Staging area 1 would be located at an undeveloped grass field and dirt parking lot to the west east of the Uvas Creek levee and adjoining West Luchessa Avenue to the north Uvas Parkway and West 10<sup>th</sup> Street. Staging Area 2 would be located be located at an undeveloped grass field bordering the Uvas Creek levee to the south near the Gilroy High School athletic fields. Access to the project site from Staging Area 1 would occur from a private asphalt driveway connecting to West Luchessa Avenue. An earthen ramp would be constructed within the Staging Area 2 staging area providing direct access to the levee. Construction equipment and materials would be staged at Staging Area 2 have direct access to the levee, adjoining the levee, and would not use the surrounding roadways to access the site. The proposed project would result in vehicle commute trips by construction workers. Worker trips, commute vehicles, and vendor trips would utilize surrounding roads, primarily Uvas Parkway,

Miller Avenue, and West Luchessa Avenue. External vehicle trips, including worker trips, would reach a maximum of up to ~~43~~ 41 trips per day during levee construction. The number of trips per day would not represent a substantial increase compared to baseline (i.e., without project) traffic volumes on Uvas Parkway, Miller Avenue, West Luchessa Avenue, and other surrounding roadways. Although construction equipment would not use adjacent roadways to access the site, haul trucks entering the project site from either West Luchessa Avenue or Miller Avenue would require traffic controls. District BMP TR-1, Incorporate Public Safety Measures, would be incorporated into the project which requires fences, barriers, lights, flagging, guards, and signs to be installed to give adequate warning to the public of construction activities and dangerous conditions. Traffic flow on adjacent roadways would be temporarily delayed due to haul trucks, but this delay would be brief and would only occur as haul trucks enter and exit the project site.

Construction of the proposed project would not result in increased traffic volumes beyond the capacity of the local road network or cause substantial congestion on local roadways. Although traffic flow may be temporarily delayed as haul trucks enter or exit the project site, delays would occur intermittently and over a brief period of time. Therefore, the proposed project would not impede upon an adopted emergency response plan or emergency evacuation plan. The proposed project would have a **less than significant impact** in this regard.

- h) **No Impact.** The project site is located along the existing Uvas Creek levee. The levee is regularly maintained including mowing and vegetation management activities. The project site is surrounded by urban development to the east and north, the Uvas Creek riparian corridor to the west, and agricultural lands to the south. Residential development is located further southwest. The project site is not located adjacent to wildlands and therefore would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. Therefore, the proposed project would result in **no impact** from the exposure of people to the potential for wildland fires.

## 9. **HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Issues	Potentially Significant Unless 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?			✓	

<b>Would the project:</b>	<b>Potentially Significant Issues</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site?				✓
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				✓
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?				✓
f) Otherwise substantially degrade water quality?				✓
g) Place housing within a 100-year flood-hazard areas mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood hazard area structures which would impede or redirect flows?				✓
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j) Inundation by seiche, tsunami, or mudflow?				✓

## ENVIRONMENTAL SETTING

### *Regional Setting*

The project site is located along the Uvas Creek levee within the Uvas Creek watershed. Uvas Creek is located in southern Santa Clara County and drains an area of 89 square miles with its headwaters in the Santa Cruz Mountains. Upstream of U.S. Highway 101 the stream is known as Uvas Creek, and downstream as Carnadero Creek. Uvas-Carnadero Creek is approximately 32 miles in length. The creek generally flows southeast to join the Pajaro River about 6 miles south of the City of Gilroy. The Pajaro River flows westerly and empties into Monterey Bay.

### *Local Setting*

The U.S. Army Corps of Engineers constructed the levee to provide protection to the City of Gilroy against floods up to the one percent flood event. The project channel was designed to safely pass the one percent flood (associated with a discharge of 17,000 cfs) with a minimum freeboard of 3 feet. The construction impact area for the levee would be approximately 4,600 feet long by 80 feet wide comprising approximately 10 to 11 acres including the staging areas.

### *Regulatory Framework*

The State Water Resources Control Board has adopted the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction Storm Water General Permit) NPDES Number CAS000002. Construction activity subject to this permit includes clearing, grading, grubbing, excavation, or any other activity that results in a land disturbance of equal or greater than one acre. The Construction Storm Water General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

The U.S. Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES) controls the discharge of pollutants to water bodies from point and non-point sources. This federal regulatory program is administered by the Central Coast Regional Water Quality Control Board (RWQCB). As the proposed project would disturb more than one acre of land during project construction activities, the District will need to comply with the requirements of the general NPDES stormwater permit for construction activities.

## DISCUSSION

- a) ***Less than Significant Impact.*** Activities required to construct the proposed project, including site clearing, excavation, fill placement and stockpiling, would have the potential to expose site soils to erosion and to mobilize sediments in stormwater. Additionally, hazardous materials such as fuels, oils, grease, and lubricants from construction equipment could be accidentally released during construction. Accidental discharge of these materials could adversely affect water quality and/or result in violation of water quality standards in the nearby Uvas Creek. Erosion and sediment control BMPs WQ-4, WQ-5, WQ-6, WQ-9, WQ-11, WQ-15, and WQ-16 as noted in Table 2 (Best Management Practices and Santa Clara Valley Habitat Plan Conditions) would be implemented to protect water quality. These include BMPs associated with sediment handling, erosion prevention, control of discharges and site management and clean up.

In addition, the District would implement BMPs HM-7, HM-8, HM-9, and HM-10, which would prevent or minimize the potential for hazardous materials affecting water quality.

The National Pollutant Discharge Elimination System General Permit (GP) for Construction (Order 2009-009-DWQ) requires construction sites over one acre that do not qualify for a waiver to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). As project construction would exceed one acre of ground disturbance, the District would prepare and implement a SWPPP and file a Notice of Intent with the Regional Water Quality Control Board (RWQCB) to obtain coverage under the GP. The SWPPP would incorporate BMPs to control sedimentation and runoff. A spill prevention and countermeasure plan would be incorporated into the SWPPP. Including the implementation of the above-described District BMPs and compliance with the applicable construction and stormwater permit requirements, the project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade water surface or groundwater quality. These impacts would **be less than significant**.

- b) **No Impact.** The proposed project includes reconstruction of the existing levee along Uvas Creek. Construction of the proposed project would not result in substantial water use and therefore would not result in the depletion of groundwater supplies or interfere with movement of groundwater. Therefore, the proposed project would have **no impact** on groundwater in the area.
- c, d) **No Impact.** The proposed project would reconstruct the existing levee along Uvas Creek to as built conditions. After completion of the proposed project the levee would function as originally intended during a 1% flood event. Therefore, the proposed project would not alter the existing drainage pattern of the area potentially resulting in substantial erosion or siltation on- or off-site.

Resurfacing of damaged areas of the asphalt-concrete recreational would occur but resurfaced areas would be identical in size to the existing condition. Therefore, the proposed project would not result in an increase of impermeable surface area that could substantially increase the rate or amount of surface runoff which would result in flooding on- or off-site. **No impact** would result in this regard.

- e, f) An existing 12-foot wide asphalt-concrete recreational trail located atop the existing levee comprises approximately 55,000 square feet of impervious surfaces. It is anticipated that minor resurfacing of the existing trail at the top of levee may be necessary as part of the project, due to construction equipment traffic. Resurfacing activities would not increase the amount of impervious surface area. Additionally, storm runoff from the recreational trail is directed to adjoining vegetated areas along the levee which promotes infiltration into the soil and trapping of pollutants before they flow to nearby drainages. Thus, as the project is not increasing the amount of impervious surface area, the proposed project would not adversely affect water quality. Also, the project would not create or contribute runoff water which would exceed existing or planned drainage systems or provide significantly more additional source of polluted runoff. There would be **no impact** in this regard.
- g, h, i, j) **No Impact.** The proposed project would reconstruct the existing Uvas Creek levee to as built conditions. Upon completion of the proposed project, the levee would continue to maintain one percent flood protection to the City of Gilroy as originally intended. As

such, the proposed project would not expose people or structures to a significant risk of flooding within the one percent flood zone. The topography of the project site is fairly level and the proposed project would not expose people or structures to mud flow. Based on the distance of the project site from the San Francisco Bay, and that no large closed or semi-closed body of water is located within the vicinity of the project site, the proposed project would not be exposed to inundation by seiche. According to the Department of Conservation *Tsunami Inundation Maps*, the project site is not located in a tsunami inundation zone. Therefore, the proposed project would have **no impact**.

## 10. LAND USE AND PLANNING

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the policies of the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

## ENVIRONMENTAL SETTING

The project site is located along the Uvas Creek levee in the western portion of the City of Gilroy and includes a recreational trail. The project site is designated as Park/Recreation Facility in the *City of Gilroy 2020 General Plan*.

The project site is bound to the north by Miller Drive, Uvas Parkway, to the east by West Luchessa Avenue, residential properties, and Gilroy High School, agricultural land uses to the south, and the Uvas Creek riparian corridor to the west. Open space and residential properties are located further to the southwest.

## DISCUSSION

- a) **No Impact.** The project would reconstruct the existing Uvas Creek levee to as built conditions. The project does not involve construction of any new facilities or structures which could obstruct existing roads, streets or paths. West Luchessa Avenue crosses over the Uvas Creek levee in the southern portion of the project site. However, no construction activities or road closures would occur at West Luchessa Avenue as the levee is comprised of concrete and rip-rap in this area. In addition, the proposed project



would resurface damaged areas of the recreational trail. Therefore, the project would not obstruct access to the recreational trail or physically divide the surrounding communities. **No impact** would occur.

- b) **No Impact.** The project site is located on property owned by the District as well as the City of Gilroy. The project site is designated Park/Recreation Facility in the *City of Gilroy 2020 General Plan*. The project would restore the Uvas Creek levee to as built conditions including resurfacing damaged areas of the recreational trail. The project is designated as Park/Recreation Facility in the *General Plan* and the proposed project would not change or alter the existing use of the levee as a recreational facility. Therefore, the proposed project would continue to maintain the recreational use of the trail and would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. The proposed project would result in **no impact**.
- c) **No Impact.** The proposed project is a covered activity in the *Santa Clara Valley Habitat Plan* (VHP), which is a joint habitat conservation plan and natural communities conservation plan developed to serve as the basis for the issuance of incidental take permits and authorizations pursuant to Section 10 of the federal Endangered Species Act and the California Natural Community Conservation Planning Act. All activities associated with the proposed project must be implemented consistent with the requirements outlined in the VHP. Therefore, there would be **no impact** related to conflict with an existing habitat conservation plan or natural community conservation plan.

## 11. MINERAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless 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?				✓
b) Result in the loss of availability of locally-important mineral resources recovery site delineates on a local general plan, specific plan, or other land use plan?				✓

## ENVIRONMENTAL SETTING

The project site is located on fill material used for the original construction of the Uvas Creek levee.

## DISCUSSION

- a-b) **No Impact.** The project site does not contain any mineral resources. Construction of the proposed project involves the excavation of fill material used to construct the existing Uvas Creek levee. The proposed project also would not involve development or recovery of mineral resources. Therefore, the proposed project would result in **no impact** on mineral resources.

## 12. NOISE AND VIBRATIONS

Would the project result in:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			✓	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
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 expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

## ENVIRONMENTAL SETTING

Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep.

To the human ear, sound has two significant characteristics: pitch and loudness. Pitch is generally an annoyance, while loudness can affect our ability to hear. Pitch is the number of complete vibrations, or cycles per second, of a wave resulting in the tone's range from high to low. Loudness is the strength of a sound that describes a noisy or quiet environment and is measured by the amplitude of the sound wave. Loudness is determined by the intensity of the sound waves, combined with the reception characteristics of the human ear. Sound intensity refers to how hard the sound wave strikes an object, which in turn produces the sound's effect. This characteristic of sound can be measured precisely with instruments. The analysis of a project defines the noise environment of the project area in terms of sound intensity and the project's effect on adjacent sensitive land uses.

Measurement of Sound. Sound intensity is measured through the A-weighted scale to correct for the relative frequency response of the human ear. That is, an A-weighted noise level de-emphasizes low and very high frequencies of sound similar to the human ear's de-emphasis of these frequencies. Unlike linear units (e.g., inches or pounds), decibels are measured on a logarithmic scale representing points on a sharply rising curve.

For example, 10 decibels (dB) are 10 times more intense than 1 dB; 20 dB are 100 times more intense than 1 dB; and 30 dB are 1,000 times more intense than 1 dB. Thirty decibels (30 dB) represent 1,000 times as much acoustic energy as 1 dB. The decibel scale increases as the square of the change, representing the sound pressure energy. A sound as soft as human breathing is about 10 times greater than 0 dB. The decibel system of measuring sound gives a rough connection between the physical intensity of sound and its perceived loudness to the human ear. A 10 dB increase in sound level is perceived by the human ear as only a doubling of the loudness of the sound. Ambient sounds generally range from 30 A-weighted decibels (dBA) (very quiet) to 100 dBA (very loud).

Sound levels are generated from a source, and their decibel level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. For a single point source, sound levels decrease approximately 6 dBA for each doubling of distance from the source. This drop-off rate is appropriate for noise generated by stationary equipment. If noise is produced by a line source (e.g., highway traffic or railroad operations), the sound decreases 3 dBA for each doubling of distance in a hard-site environment. Line source (noise in a relatively flat environment with absorptive vegetation) decreases 4.5 dBA for each doubling of distance.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level ( $L_{eq}$ ) is the total sound energy of time varying noise over a sample period. However, the predominant rating scales for communities in the State of California are the  $L_{eq}$  and Community Noise Equivalent Level (CNEL) or the day-night average level ( $L_{dn}$ ) based on dBA. CNEL is the time varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly  $L_{eq}$  for noises occurring from 7 p.m. to 10 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10 p.m. to 7 a.m. (defined as sleeping hours).  $L_{dn}$  is similar to the CNEL scale, but without the adjustment for events occurring during the evening hours. CNEL and  $L_{dn}$  are within 1 dBA of each other and are normally exchangeable.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level ( $L_{max}$ ), which is the highest exponential time averaged sound level that

occurs during a stated time period. The noise environments discussed in this analysis for short-term noise impacts are specified in terms of maximum levels denoted by  $L_{max}$ , which reflects peak operating conditions and addresses the annoying aspects of intermittent noise. It is often used together with another noise scale, or noise standards in terms of percentile noise levels, in noise ordinances for enforcement purposes. For example, the  $L_{10}$  noise level represents the noise level exceeded 10 percent of the time during a stated period. The  $L_{50}$  noise level represents the median noise level. Half of the time the noise level exceeds this level, and half of the time it is less than this level. The  $L_{90}$  noise level represents the noise level exceeded 90 percent of the time and is considered the background noise level during a monitoring period. For a relatively constant noise source, the  $L_{eq}$  and  $L_{50}$  are approximately the same.

Noise impacts can be described in three categories. The first category includes audible impacts that refer to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3.0 dB or greater since this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1.0 and 3.0 dB. This range of noise levels has been found to be noticeable only in laboratory environments. The last category includes changes in noise level of less than 1.0 dB, which are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

*Surrounding Land Uses.* The project area is located in the western portion of the City of Gilroy. The Uvas Creek riparian corridor borders the entire length of the project site to the west. Uvas Parkway borders the northern portion of the project site and residential properties are located approximately 65 feet to 80 feet east across Uvas Parkway. Athletic fields and the associated facilities of Gilroy High School border the central portion of the project site. The southern portion of the project site is bordered to the east by West Luchessa Avenue, residential properties, and agricultural fields. Residential properties are located approximately 30 feet east of the outboard toe of the Uvas Creek levee within the City of Gilroy. U.S. Highway 101 is located approximately 1/2 mile to the east of the southern end of the project area.

*Existing Noise Levels.* The primary source of noise in the project vicinity is from vehicular traffic on the surrounding roads including Miller Avenue, Uvas Parkway, West Luchessa Avenue, and U.S. Highway 101.

#### *Sensitive Receptors*

According to *City of Gilroy 2020 General Plan*, noise sensitive land uses include schools, hospitals, and housing for seniors and the General Plan aims to ensure that residential neighborhoods and park areas are the quietest areas in the community (City of Gilroy 2002). In the project vicinity, noise sensitive land uses include residential properties and Gilroy High School located to the east of the project site. The residential properties in the southern portion of the project site are located approximately 30 feet from the outboard toe of the existing levee.

#### *Regulatory Framework*

*City of Gilroy Municipal Code Noise Ordinance.* The applicable noise standards governing the proposed construction activities are the noise criteria listed in the City's Municipal Code. Section 16.38 *Hours of Construction* of the City of Gilroy's municipal code limits hours of construction to 7 a.m. to 7 p.m., Monday through Friday and 9 a.m. to 7 p.m. on Saturday. Construction activities shall not occur on Sundays or city holidays. However, the municipal code does not establish specific noise ordinance for construction activities.

City of Gilroy 2020 General Plan, Chapter 8, *Community Resources and Potential Hazards*, contains goals, policies, and implementing actions to regulate noise levels within the City. Policies 26.01 to 26.07 address noise and land use, maximum permissible noise levels, buffering standards, acoustical design, use of landscaped earth berms to buffer noise, interagency coordination, and public input. However, the general plan does not contain specific policies for construction activities.

## DISCUSSION

- a, d) *Less Than Significant Impact.*** As described in the Regulatory Framework, the City's noise ordinance does not include numerical noise limits for construction activities, but restricts hours of construction to 7 a.m. to 7 p.m., Monday through Friday and 9 a.m. to 7 p.m. on Saturday. As described in the Project Description, construction activities for the proposed project would occur from 7 a.m. to 7 p.m. on Monday to Friday, and 9 a.m. to 7 p.m. on Saturday as needed. Once the project construction is completed, future maintenance activities would be undertaken similar to those that are currently occurring. Thus, the proposed project would not expose persons to or generate noise levels in excess of standards established in the local ordinance.

With Regard to temporary increase in ambient noise, construction-related noise levels would be higher than current existing ambient noise levels in the project area but would cease once construction is complete. Construction activities would occur intermittently for approximately up to 5 6 months during 1 year and would be considered short term. In addition, construction would occur in two phases: 1) ~~north of West Luchessa Avenue near Gilroy High School~~ along the outboard side of the levee, and 2) ~~south of West Luchessa to the terminus of the levee~~ along the inboard side of the levee. As such, construction would not occur in the same location for any extended period of time. Two types of short-term noise would likely occur during construction activities within the project area: 1) worker commute trips and the transport of construction equipment to the project area and 2) the operation of construction equipment.

*Worker Commute Trips and the Transport of Construction Equipment.* Construction related worker, vendor, and haul trips, as shown in Table 2.2 and Table 2.3, would vary throughout the construction period; however, the highest number of worker and vendor trips would occur during the levee reconstruction phase with an estimated maximum of 32 trips per day. Haul trips would only be associated with levee reconstruction with an estimated average of ~~44~~ nine haul trips per day. Recreational and residential uses would also be exposed to intermittent noise from truck trips from the hauling of materials to and from the project site. Construction trucks, including haul trucks and trucks delivering materials and equipment, would use Uvas Parkway, West Luchessa Avenue, and Miller Avenue to access the project construction area. Assuming that trucks pass by residences at an approximate distance of 50 feet, dump trucks may generate temporary noise levels of up to 77 dBA, and haul trucks up to 84 dBA (FTA 2006). Although the ambient noise levels on side streets is not high, each instance of increased noise from truck traffic would be limited to the time it takes for the truck to start out and to pass receptors, which would be less than 10 seconds per instance. The noise generated by construction trucks would only occur for short intervals of time. Even if all project truck trips per day were to pass the same residential location, they would affect that residential receptor less than 1%

of the 24-hr day, which would not result in an increase of 3 dB or more in  $L_{dn}$  or raise the ambient  $L_{dn}$  to greater than 65 dB. Therefore, the proposed project would have a less than significant impact on surrounding areas with respect to temporary increase in ambient noise levels as a result of project's worker and construction trips.

**Construction Equipment Noise Impacts.** Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time. Typically, significant noise impacts do not result when standard construction noise control measures are enforced at a given project site and when the duration of the noise generating construction period is limited to one construction season (typically one year) or less. As described in the project description construction activities would involve the use of excavators, loaders, dozers, mowers, roller compactors, water trucks, dump trucks, lifts, and backhoes. The typical construction equipment noise associated with the proposed project is listed in Table 12.1.

**Table 12.1. Typical Construction Equipment Noise for the Proposed Project**

<b>Equipment Description</b>	<b><math>L_{max}</math> Noise Limit at 50 feet (dBA, Slow)</b>
Backhoe	80
Dozer	85
Dump Truck	84
Excavator	85
Front End Loader	80
Man Lift	85
Paver	85
Pickup Truck	55
Roller Compactor	85
Source: Federal Highway Administration, August 2006. <i>Construction Noise Handbook</i>	

The nearest sensitive noise receptors are residential properties located approximately 30 feet east of the southern portion of the project site. The simultaneous use of the two loudest pieces of equipment would result in a noise level of approximately 92 dBA at a distance of 30 feet. However, construction would be short-term, discontinuous over a ~~five~~ 6-month period over the course of one-year and would occur intermittently along the length of the approximate 4,550-foot long project site. In addition, because the project is linear, the length of time that any single sensitive receptor is exposed to construction noise by the proposed project is very limited. In addition, as described above, the proposed project would comply with the City's permissible construction hours and would not result in noise level exceeding city's noise standards. In addition, the District would implement noise control measures in this project to further reduce the temporary increase in ambient noise, consistent with the City's General Plan Final EIR approach to address construction noise impacts (City of Gilroy 2002). These measures include locating stationary noise generating equipment as far as possible from sensitive receptors, equipping internal combustion engine driven equipment with intake and

exhaust mufflers, prohibiting unnecessary idling of internal combustion engines, utilizing quiet models of equipment where technology exists, and designating coordinator to respond to public complaints about construction noise. Therefore, as construction activities would not last over an extended period of time and standard construction noise control measures would be implemented at the project site, construction noise would not be anticipated to create a substantial temporary increase in ambient noise levels would be considered **less than significant**.

- b) **Less Than Significant Impact.** As indicated in the project description, reconstruction of the levee would involve the use of vibratory roller compactors to achieve the as-built compaction specifications of the Uvas Creek levee. The California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 in/sec PPV for ancient buildings or buildings that are documented to be structurally weakened. No ancient buildings are located within the project vicinity. Therefore, groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in a significant vibration impact. Residential properties are located approximately 30 feet to the east of the outboard toe of the levee in the southern portion of the project site and would be most sensitive to groundborne vibration.

Vibratory roller compactors typically generate vibration levels of 0.210 in/sec PPV or less at a distance of 25 feet (Federal Transit Authority, 2006). This would be below the 0.3 in/sec PPV significance threshold. Vibration generated by construction activities occurring adjacent to existing single-family residential land uses would at times be perceptible. However, intermittent and perceptible vibration levels would not be expected to result in cosmetic damage to these buildings. This would be a **less than significant impact**.

- c) **No Impact.** The proposed project would restore the existing Uvas Creek levee to as-built conditions. Once the project construction is completed, noise levels from future maintenance of the levee are not anticipated to increase as maintenance activities would be similar to existing conditions. Therefore, the project would not substantially increase the permanent ambient noise levels in the project vicinity above levels existing without the project and **no impact** would result.
- e) **No Impact.** The project site is not located within an airport land use plan or within two miles of a public airport or public use airport. Therefore, implementation of the proposed project would not expose people to excessive noise levels from aircraft, and **no impact** would occur.
- f) **No Impact.** The project site is not located in the vicinity of a private airstrip. Therefore, implementation of the proposed project would not expose people to excessive noise levels from aircraft, and **no impact** would occur.

### 13. POPULATION AND HOUSING

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial 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) that was not anticipated in approved local or regional planning documents?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of existing people, necessitating the construction of replacement housing elsewhere?				✓

### ENVIRONMENTAL SETTING

The project site is located within the existing Uvas Creek levee footprint. Residential neighborhoods are located to the east of the project site. Residential neighborhoods are located to the west across the Uvas Creek riparian corridor.

### DISCUSSION

- a) **No Impact.** The proposed project does not include any new housing, commercial or industrial space, which may result in the conversion of adjacent land uses. In addition, the proposed project would not provide additional major infrastructure or increase the capacity of the existing water system. Therefore, the proposed project would not directly or indirectly induce substantial population growth and would have **no impact**.
- b, c) **No Impact.** Construction of the proposed project would not require demolition of any existing housing or displace any persons, and thus would not and necessitate construction of replacement housing. Therefore, the proposed project would have **no impact**.



#### 14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental 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 public service:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓

#### ENVIRONMENTAL SETTING

The project site is located within the existing Uvas Creek levee footprint in the City of Gilroy and would utilize existing services provided by the City including the following:

**Fire Protection** - Fire protection services in Gilroy are provided by the Gilroy Fire Department. The Gilroy Fire Department responds to all fires, hazardous materials spills, and medical emergencies in the City. Gilroy Fire Department's three stations protect 16 square miles and includes residential, commercial, retail, agriculture, wildland, and industrial for approximately 50,000 residents. The closest fire station to the project site is the Chestnut Station, which is located at 7070 Chestnut Street approximately 1 mile from the project site.

**Police Protection** - Police protection services are provided by the City of Gilroy Police Department. The Gilroy Police Department employs over 65 sworn officers.

**Schools** - The City of Gilroy Unified School District operates 15 public schools serving students in Gilroy. The closest school to the project site is Gilroy High School, which is located at 750 West 10<sup>th</sup> Street, Gilroy, bordering the project site to the east.

**Parks and Facilities** – According to the *City of Gilroy Parks & Recreation System Master Plan* (City of Gilroy 2004) the City of Gilroy manages 12 parks, two park preserves, one trail/linear parkway, and six special use facilities spread throughout the City in 2004. The project site is located on the Uvas Park Preserve Levee Trail which consists of a 1.75-mile paved levee trail.

#### DISCUSSION

a - e) **No Impact.** As described in Section 13 above, the proposed project would not induce substantial growth in population, and thus would not result in an increased need for

services relating to fire protection, police protection, schools, park and other public facilities. In addition, maintenance activities along the levee would be similar to the existing condition. Therefore, the proposed project would have **no impact** on police protection, fire protection, schools, parks, or other public facilities in the project vicinity.

## 15. RECREATION

	Potentially Significant Issues	Potentially Significant Unless 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?				✓
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?				✓

## ENVIRONMENTAL SETTING

As indicated above, the City of Gilroy manages 12 parks, two park preserves, one trail/linear parkway, and six special use facilities spread throughout the City in 2004. A portion of the Uvas Park Preserve Levee Trail which consists of a 1.75-mile paved levee trail is located within the project site.

### *Trails*

Review of the *Santa Clara County Trails Master Plan Update* (1995), indicates the need for a trails network linking neighborhoods, parks, park preserves, schools, and other community facilities as a component of the City's recreation system and transportation element. The City of Gilroy Parks & Recreation System Master Plan (2004) called for expansion of the Uvas Creek Park Preserve and trail as the trail has grown increasingly popular with residents.

## DISCUSSION

- a) **No Impact.** The proposed project consists of reconstruction of the existing levee along Uvas Creek. Users of the Uvas Park Preserve Levee Trail may be temporarily affected by construction activities (e.g. construction traffic); however, this disturbance would be short-term and intermittent. During the temporary closure of the recreational trail, a minor increase in the number of bicyclists and pedestrians would utilize the surrounding roadway network for recreation and transportation. This increase in the number of bicyclists and pedestrians utilizing the surrounding roadways would not be anticipated to be substantial. While public access would be temporarily restricted at areas under active construction for safety reasons, these areas represent only a small portion of the entire

trail length. Portions of the trail damaged during construction would be repaved. After construction is complete, public access and recreational opportunities would be the same as under current conditions. The proposed project would not substantially diminish recreational opportunities along the existing recreational trail, either during or after project construction. The proposed project would not increase the use of other nearby recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. Therefore, **no impact** would occur in this regard.

- b) **No Impact.** The proposed project would include repaving areas of the existing recreational trail if portions of the trail are damaged during construction. However, the project does not include construction of additional recreational facilities or expansion of existing recreational facilities which could have an adverse physical effect on the environment. Therefore, the project would result in **no impact**.

#### 16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?			✓	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			✓	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				✓

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?			✓	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance of such facilities?			✓	

## ENVIRONMENTAL SETTING

The project site is bounded by Miller Avenue to the North, Uvas Parkway to the east, and West Luchessa Avenue crosses over the southern portion of the project site. Regional access to the project site is provided by U.S. 101, and Hecker Pass Highway. Local access is provided by Miller Avenue, Uvas Parkway and West Luchessa Avenue. Miller Avenue, Uvas Parkway, and West Luchessa Avenue are all two-lane roadways (one lane in each direction). Construction equipment would not use adjacent roadways. Direct access to the project site from the staging area would be accommodated via a constructed earthen ramp.

### *Existing Pedestrian and Bicycle Facilities*

Pedestrian access to the site is provided by sidewalks on the south side of Miller Avenue and West Luchessa Avenue in the project area. Bicycle access is provided by bike lanes connecting to West Luchessa Avenue. Both pedestrians and bicyclists can access the project site from the north using the existing recreational trail.

### *Existing Transit Service*

The City of Gilroy is serviced by the Santa Clara Valley Transit Authority (VTA) which operates local bus routes throughout the city as well as regional routes to Morgan Hill and San Jose. Gilroy is also served by Monterey-Salinas Transit (MST) which provides bus service to the greater Monterey and Salinas areas. MST's Line 55 Monterey-San Jose Express connects the Monterey Peninsula with the Santa Clara County cities of Gilroy, Morgan Hill and San Jose. In addition, the Gilroy Caltrain Station is the southernmost station for Caltrain which provides commuter rail service along the San Francisco Peninsula, through the South Bay to San Jose and Gilroy. There is no light commuter rail service in Gilroy.

## DISCUSSION

a, b, f) **Less than Significant Impact.** Construction activity associated with the proposed project would generate short-term increase in vehicle trips from construction workers and transportation of construction equipment and materials to the project site on

surrounding roadways. Over the course of construction, the level of activity would vary. However, the greatest number of trips would occur during the reconstruction of the levee. ~~Eleven~~ Nine haul truck trips are anticipated during reconstruction of the levee. During levee reconstruction activities, a typical construction crew would include approximately 30 worker trips per day and 2 vendor trips per day.

Access to project site during construction would be accomplished using existing roads including Miller Avenue, Uvas Parkway, and West Luchessa Avenue. The primary access points into the project site would be located along Miller Avenue as it intersects the existing recreational trail and West Luchessa Avenue at a private asphalt driveway. The staging area (e.g. parking of equipment, storing of any construction materials including fill and rock) would occur at ~~Staging Area 2 which is~~ an undeveloped grassy and dirt area bordering the Uvas Creek levee to the south east.

The project-generated traffic would be temporary and therefore would not result in any long-term degradation in traffic operating conditions (i.e., permanent increases in congestion) on any roadway segments or intersections in the project vicinity. Off-site traffic impacts would result from worker trips to and from the staging area, haul trips, and the one-time movement of construction equipment to the staging area.

A total of 44 nine haul trucks per day during levee construction are anticipated. Construction activities would occur from 7:00 a.m. to 7:00 p.m. Monday through Friday, and an average of 2 to 3 haul truck trips would occur during the a.m. period (8 to 9 a.m.) and p.m. period (4 to 6 p.m.) peak hours. This number of haul truck trips would not substantially impede traffic flow in the vicinity of the project site during the a.m. and p.m. peak hours. Worker commute trips would typically occur during the a.m. and p.m. peak hours. The proposed project would result in a maximum of 30 worker trips per day during levee construction that would likely coincide with the a.m. and p.m. peak hours.

According to the *City of Gilroy General Plan Transportation and Circulation Element* (City of Gilroy 2002) intersections in the project vicinity currently operate at level of service (LOS) C or better. Based on the number of trips per hour, the proposed project is not anticipated to create a substantial increase in traffic in relation to the capacity of the intersections and roadway segments in the project vicinity. Haul trucks may impede traffic flow along Uvas Parkway, Miller Avenue, and West Luchessa Avenue for a short period of time during entry and exit of the site. However, traffic delays would only occur for a brief period. Also, the proposed project would implement District BMP TR-1: Incorporate Public Safety Measures, which would ensure that fences, lights, flagging, guards, and signs are installed as determined appropriate by the City of Gilroy in order to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof.

According to the *City of Gilroy General Plan Transportation and Circulation Element* (City of Gilroy 2002), the Uvas Creek recreational trail located atop the levee crest at the project site is part of the City Bicycle Transportation Plan as a Class 1 path. During construction activities along the levee, bicycle and pedestrian access to the recreational trail would be restricted. However, restrictions ~~and~~ would only occur during the construction work period of approximately 5 6 months over the course of 1 year. Further, minor resurfacing to the asphalt-concrete recreational trail would repair any damage caused by construction equipment. Therefore, the proposed project would not

substantially conflict with the City Bicycle Transportation Plan or decrease the performance provided by the recreational trail at the project site.

Impacts from worker, vendor, and haul truck trips during peak traffic hours would be less than significant as it would not result in a degradation of the existing level of service along intersections and roadway segments in the project vicinity. Long-term maintenance of the proposed project would not generate an increase in worker trips (identical to current operation and maintenance activity). Therefore, given the temporary nature, minimal traffic anticipated on intersections and roadway segments in the project vicinity, as well as the incorporation of District BMP TR-1 (Incorporate Public Safety Measures) as part of the proposed project, this impact is considered **less than significant**.

- c) **No Impact.** The project would not affect air traffic routes or patterns. There would be **no impact**.
- d) **No Impact.** The proposed project would not include new design features (e.g., new facilities or obstructions within public roadways) or alterations of existing features (e.g., road realignment). No incompatible uses or hazardous design features are associated with operation of the proposed project. Therefore, **no impact** would occur.
- e) **Less than Significant Impact.** As described above, access to project site would be accomplished using existing roads including Miller Avenue, Uvas Parkway, and West Luchessa Avenue. The proposed project would result in some vehicle commute traffic resulting from worker, vendor, and haul truck trips to and from the project site which could delay emergency vehicles. However, construction of the proposed project would not result in substantial temporary traffic delays, as traffic flow would be maintained as construction equipment would access the project site directly from the staging area. Therefore, implementation of the proposed project is not anticipated to impede emergency access to the surrounding area.

In addition, according to the *City of Gilroy Transportation and Circulation Element*, there are no designated emergency evacuation routes in the city. Therefore, implementation of the proposed project would not impair or interfere with an adopted emergency plan or emergency evacuation plan. Therefore, the proposed project would have a **less than significant impact** on emergency access to the project site.

## 17. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in the 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 the Native American tribe, and that is:	Potentially Significant	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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				✓

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in the 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 the Native American tribe, and that is:	Potentially Significant	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
b) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				✓

## REGULATORY SETTING

Assembly Bill (AB) 52, which was passed in September 2014, creates a new category of environmental resources, i.e., tribal cultural resources, that must be considered under CEQA. In addition, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe. To date, the District has not received request by any tribes to receive notification of District's proposed projects.

Tribal cultural resource (TCR) is defined by Section 21074 of the Public Resources Code (PRC) as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American tribe, which may include non-unique archeological resources. Tribal cultural resources could include those listed on the California Register of Historical Resources (CRHR) or a local historical registry; or a resource determined by a lead agency to be a significant tribal cultural resource, based on substantial evidence. Tribal cultural resources could also include non-archaeological resources (e.g., sacred mountains), as well as cultural landscapes.

## DISCUSSION

a – b) **No Impact:** The project area is completely within the area disturbed during construction of the existing Uvas Creek levee during the 1980s. Based on searches of state and local historic registries, TCRs are not present in the project area. In addition, the District would implement District BMP CU-1 (Accidental Discovery of Archeological Artifacts, or Burial Remains) to avoid or minimize any impacts on any unknown TCRs encountered during construction. This BMP requires that work at the location of the find to be halted immediately within 100 feet and a "no work" zone would be established utilizing appropriate flagging to delineate the boundary of the area. Therefore, the proposed project would not cause a substantial adverse change in the significance of a TCR. **No impacts** to TCRs would result.

## 18. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e) Result in a determination by a 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?				✓
f) Be served by a landfill with sufficient capacity to accommodate the project's solid waste disposal needs?			✓	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			✓	

## ENVIRONMENTAL SETTING

A variety of local and regional purveyors in this area provide and maintain utility and service system facilities associated with electricity, water, stormwater, wastewater, solid waste, communications and natural gas in the City of Gilroy. A 12-inch recycled water line located underground crosses the central portion of the project site.



### *Water*

Water service to the surrounding properties is provided to the City of Gilroy. The District manages water resources and provides wholesale treated water to the 13 water retailers in Santa Clara County.

### *Wastewater*

The South County Regional Wastewater Authority (SCRWA) manages the treatment of wastewater for the cities of Gilroy and Morgan Hill. In partnership with the District, the SCRWA operates a wastewater treatment plant and recycled water facility located in the southern portion of the City of Gilroy.

### *Solid Waste*

The city contracts with Recology South Valley for solid waste, recycling, and street sweeping services.

## **DISCUSSION**

- a, b, d, e) **No Impact.** The proposed project includes reconstruction of the existing levee along Uvas Creek. Construction of the proposed project would require potable or reclaimed water during construction activities (e.g., for dust suppression). However, the amount of water required would be minimal and would be distributed to the site via water trucks. Wastewater may be generated during construction activities by the workers at the project site, but it would be minimal. Therefore, construction of the proposed project would not result in substantial water use and would not generate a significant amount of wastewater during construction activities. The project would not generate wastewater during operation. Therefore, the proposed project would not result in the need for new, relocated, upgraded, or expanded water or wastewater facilities and would result in **no impact**.
- c) **No Impact.** The proposed project would repave portions of the existing recreational trail damaged during construction and would not result in an increase of impervious surfaces. Therefore, the project would not result in construction of new storm water drainage facilities or expansion of existing facilities and **no impact** would occur in this regard.
- f and g) **Less than Significant Impact.** Implementation of the proposed project would generate solid waste associated with construction activities, including construction materials, excavation spoils, and general refuse, which would be disposed of at a local landfill. Recycling of materials would be utilized as much as possible. The closest landfill to the project site is the Kirby Canyon Recycling and Disposal Facility (approximately 17 miles north). The Kirby Canyon Recycling and Disposal Facility has a remaining disposal capacity of 16,191,600 cubic yards and a permitted rate of 2,600 tons per day. Given the small amount of solid waste that would be generated by the proposed project and the remaining capacity available at the Kirby Canyon Recycling and Disposal Facility, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs. The proposed project would not generate additional waste once completed. Impacts related to solid waste disposal are therefore considered **less than significant**.

## 19. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to 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, 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?				✓
b) 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 the past projects, the effects of other current projects, and the effects of probable future projects.)			✓	
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

- a) **No Impact.** The Uvas Creek levee is a regularly maintained levee consisting primarily of mowed grass. The proposed project involves reconstructing the exiting Uvas Creek levee to as-built conditions. Therefore, the proposed project would not result in a change to the existing condition nor degrade the existing environment at the project site. Although the project would remove approximately 36 trees to provide access for construction equipment, these trees are located outside of the Uvas Creek Riparian corridor. Therefore, the project would not substantially reduce riparian habitat or degrade or eliminate important examples of California history. The proposed project would have **no impact** in this regard.
- b) **Less Than Significant Impact.** Section 15130[b] [1] [A] of the CEQA Guidelines requires a discussion of significant environmental impacts that would result from project-related actions in combination with closely related past, present, and probably future projects located in the immediate vicinity. Cumulative environmental impacts are those impacts that by themselves may not be significant, but when considered with impacts occurring from other projects in the vicinity would result in a cumulative impact. Related projects considered to have the potential of creating cumulative impacts in association with the proposed project consist of projects that are reasonably foreseeable and that would be constructed or operated during the life of the proposed project.

The proposed project would be located within the existing Uvas Creek levee footprint surrounded by urban development to the east and the Uvas Creek riparian corridor to the west. No projects are anticipated to occur in the immediate area while the proposed project is constructed. As described herein, impacts associated with the proposed project would be temporary and construction-related and would be ~~reduced to a less than significant level with the incorporation of the mitigation measures contained herein~~. Therefore, the proposed project would not make a considerable contribution toward a cumulative impact related to construction impacts. Additionally, the proposed project would not generate a significant amount of criteria air pollutants or greenhouse gas emissions and would therefore not result in a cumulatively considerable impact to regional air quality or global climate change.

- c) ***Less Than Significant.*** As described, the proposed project's potential environmental effects have been analyzed. Potential significant impacts to aesthetics, population/housing, transportation/traffic, public services, utilities/service systems, air quality, noise, hydrology/water quality, and recreation, which could result in substantial adverse effects on human beings, either directly or indirectly, have been determined to be ***less than significant***. Therefore, the proposed project would not result in a substantial adverse effect to human beings.

## **SECTION 5: REPORT PREPARATION**

This section lists those individuals who contributed to the preparation of this Initial Study/Negative Declaration.

### ***Santa Clara Valley Water District***

Jennifer Castillo, Environmental Planning Unit Manager

Joe Chavez, Biologist III

Ted Ibarra, Civil Engineer

Kurt Lueneburger, Water Resources Specialist

Tim Tidwell, Environmental Planner

## SECTION 6: REFERENCES

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**Personal Communication**

Bristow, Jessie, City of Gilroy Planner. Phone Conversation on April 26, 2018.

## **Appendix A**

### **Air Quality and Greenhouse Gas Analysis Report (Revised for Final)**



## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

## Uvas Creek Levee Erosion Repair Project

### Santa Clara County, Annual

## 1.0 Project Characteristics

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### 1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
City Park	6.95	Acre	6.95	302,742.00	0

### 1.2 Other Project Characteristics

<b>Urbanization</b>	Urban	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	58
<b>Climate Zone</b>	4			<b>Operational Year</b>	2020
<b>Utility Company</b>	Pacific Gas & Electric Company				
<b>CO2 Intensity (lb/MW hr)</b>	641.35	<b>CH4 Intensity (lb/MW hr)</b>	0.029	<b>N2O Intensity (lb/MW hr)</b>	0.006

### 1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Construction Phase - updated schedule 062618

Off-road Equipment - Updated equipment list

Off-road Equipment - updated equipment list

Off-road Equipment - tractor mower, pickup truck, bucket truck

Trips and VMT - updated worker and vendor trips

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	120.00
tblConstructionPhase	NumDays	20.00	5.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	0.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	0.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	0.00	2.00
tblOffRoadEquipment	PhaseName		Building Construction
tblOffRoadEquipment	PhaseName		Building Construction
tblOffRoadEquipment	PhaseName		Building Construction
tblTripsAndVMT	HaulingTripNumber	0.00	675.00
tblTripsAndVMT	VendorTripNumber	50.00	2.00
tblTripsAndVMT	WorkerTripNumber	8.00	12.00
tblTripsAndVMT	WorkerTripNumber	127.00	30.00
tblTripsAndVMT	WorkerTripNumber	8.00	12.00

## 2.0 Emissions Summary

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**2.1 Overall Construction****Unmitigated Construction**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2018	0.1419	1.5099	0.8159	1.6000e-003	0.0149	0.0735	0.0884	3.9800e-003	0.0676	0.0716	0.0000	147.2349	147.2349	0.0387	0.0000	148.2016
2019	0.0804	0.8490	0.4829	9.5000e-004	0.0109	0.0411	0.0519	2.8600e-003	0.0378	0.0407	0.0000	86.2411	86.2411	0.0228	0.0000	86.8114
Maximum	0.1419	1.5099	0.8159	1.6000e-003	0.0149	0.0735	0.0884	3.9800e-003	0.0676	0.0716	0.0000	147.2349	147.2349	0.0387	0.0000	148.2016

**Mitigated Construction**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2018	0.1419	1.5099	0.8159	1.6000e-003	0.0149	0.0735	0.0884	3.9800e-003	0.0676	0.0716	0.0000	147.2347	147.2347	0.0387	0.0000	148.2014
2019	0.0804	0.8490	0.4829	9.5000e-004	0.0109	0.0411	0.0519	2.8600e-003	0.0378	0.0407	0.0000	86.2410	86.2410	0.0228	0.0000	86.8113
Maximum	0.1419	1.5099	0.8159	1.6000e-003	0.0149	0.0735	0.0884	3.9800e-003	0.0676	0.0716	0.0000	147.2347	147.2347	0.0387	0.0000	148.2014

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
2	6-29-2018	9-28-2018	0.2437	0.2437
3	9-29-2018	12-28-2018	1.3697	1.3697
4	12-29-2018	3-28-2019	0.9485	0.9485
6	6-29-2019	9-28-2019	0.0150	0.0150
		Highest	1.3697	1.3697

## 2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	2.8500e-003	0.0000	6.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.2000e-004	1.2000e-004	0.0000	0.0000	1.3000e-004
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0129	0.0526	0.1460	4.5000e-004	0.0386	4.5000e-004	0.0390	0.0103	4.2000e-004	0.0108	0.0000	40.8296	40.8296	1.5100e-003	0.0000	40.8673
Waste						0.0000	0.0000		0.0000	0.0000	0.1218	0.0000	0.1218	7.2000e-003	0.0000	0.3017
Water						0.0000	0.0000		0.0000	0.0000	0.0000	8.4314	8.4314	3.8000e-004	8.0000e-005	8.4645
<b>Total</b>	<b>0.0157</b>	<b>0.0526</b>	<b>0.1460</b>	<b>4.5000e-004</b>	<b>0.0386</b>	<b>4.5000e-004</b>	<b>0.0390</b>	<b>0.0103</b>	<b>4.2000e-004</b>	<b>0.0108</b>	<b>0.1218</b>	<b>49.2611</b>	<b>49.3829</b>	<b>9.0900e-003</b>	<b>8.0000e-005</b>	<b>49.6336</b>

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**2.2 Overall Operational****Mitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	2.8500e-003	0.0000	6.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.2000e-004	1.2000e-004	0.0000	0.0000	1.3000e-004
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0129	0.0526	0.1460	4.5000e-004	0.0386	4.5000e-004	0.0390	0.0103	4.2000e-004	0.0108	0.0000	40.8296	40.8296	1.5100e-003	0.0000	40.8673
Waste						0.0000	0.0000		0.0000	0.0000	0.1218	0.0000	0.1218	7.2000e-003	0.0000	0.3017
Water						0.0000	0.0000		0.0000	0.0000	0.0000	8.4314	8.4314	3.8000e-004	8.0000e-005	8.4645
<b>Total</b>	<b>0.0157</b>	<b>0.0526</b>	<b>0.1460</b>	<b>4.5000e-004</b>	<b>0.0386</b>	<b>4.5000e-004</b>	<b>0.0390</b>	<b>0.0103</b>	<b>4.2000e-004</b>	<b>0.0108</b>	<b>0.1218</b>	<b>49.2611</b>	<b>49.3829</b>	<b>9.0900e-003</b>	<b>8.0000e-005</b>	<b>49.6336</b>

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
<b>Percent Reduction</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**3.0 Construction Detail****Construction Phase**

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	9/5/2018	9/18/2018	5	10	
2	Building Construction	Building Construction	9/19/2018	3/5/2019	5	120	
3	Paving	Paving	8/26/2019	8/30/2019	5	5	

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**Acres of Grading (Site Preparation Phase): 0****Acres of Grading (Grading Phase): 0****Acres of Paving: 0****Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)****OffRoad Equipment**

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Off-Highway Trucks	1	8.00	402	0.38
Site Preparation	Other Construction Equipment	1	8.00	172	0.42
Site Preparation	Rubber Tired Dozers	0	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Building Construction	Cranes	0	7.00	231	0.29
Building Construction	Excavators	2	8.00	158	0.38
Building Construction	Forklifts	0	8.00	89	0.20
Building Construction	Generator Sets	0	8.00	84	0.74
Building Construction	Rollers	2	8.00	80	0.38
Building Construction	Rubber Tired Dozers	2	8.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	0	7.00	97	0.37
Building Construction	Welders	0	8.00	46	0.45
Paving	Pavers	1	8.00	130	0.42
Paving	Paving Equipment	1	8.00	132	0.36
Paving	Rollers	1	8.00	80	0.38

**Trips and VMT**

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Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	3	12.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	6	30.00	2.00	675.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	3	12.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

## 3.1 Mitigation Measures Construction

## 3.2 Site Preparation - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	7.9800e-003	0.0851	0.0535	1.1000e-004		4.0400e-003	4.0400e-003		3.7200e-003	3.7200e-003	0.0000	10.2699	10.2699	3.2000e-003	0.0000	10.3499
<b>Total</b>	<b>7.9800e-003</b>	<b>0.0851</b>	<b>0.0535</b>	<b>1.1000e-004</b>	<b>0.0000</b>	<b>4.0400e-003</b>	<b>4.0400e-003</b>	<b>0.0000</b>	<b>3.7200e-003</b>	<b>3.7200e-003</b>	<b>0.0000</b>	<b>10.2699</b>	<b>10.2699</b>	<b>3.2000e-003</b>	<b>0.0000</b>	<b>10.3499</b>

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**3.2 Site Preparation - 2018****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.4000e-004	1.9000e-004	1.8900e-003	0.0000	4.8000e-004	0.0000	4.8000e-004	1.3000e-004	0.0000	1.3000e-004	0.0000	0.4342	0.4342	1.0000e-005	0.0000	0.4345
<b>Total</b>	<b>2.4000e-004</b>	<b>1.9000e-004</b>	<b>1.8900e-003</b>	<b>0.0000</b>	<b>4.8000e-004</b>	<b>0.0000</b>	<b>4.8000e-004</b>	<b>1.3000e-004</b>	<b>0.0000</b>	<b>1.3000e-004</b>	<b>0.0000</b>	<b>0.4342</b>	<b>0.4342</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.4345</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	7.9800e-003	0.0851	0.0535	1.1000e-004		4.0400e-003	4.0400e-003		3.7200e-003	3.7200e-003	0.0000	10.2699	10.2699	3.2000e-003	0.0000	10.3499
<b>Total</b>	<b>7.9800e-003</b>	<b>0.0851</b>	<b>0.0535</b>	<b>1.1000e-004</b>	<b>0.0000</b>	<b>4.0400e-003</b>	<b>4.0400e-003</b>	<b>0.0000</b>	<b>3.7200e-003</b>	<b>3.7200e-003</b>	<b>0.0000</b>	<b>10.2699</b>	<b>10.2699</b>	<b>3.2000e-003</b>	<b>0.0000</b>	<b>10.3499</b>



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**3.2 Site Preparation - 2018****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.4000e-004	1.9000e-004	1.8900e-003	0.0000	4.8000e-004	0.0000	4.8000e-004	1.3000e-004	0.0000	1.3000e-004	0.0000	0.4342	0.4342	1.0000e-005	0.0000	0.4345
<b>Total</b>	<b>2.4000e-004</b>	<b>1.9000e-004</b>	<b>1.8900e-003</b>	<b>0.0000</b>	<b>4.8000e-004</b>	<b>0.0000</b>	<b>4.8000e-004</b>	<b>1.3000e-004</b>	<b>0.0000</b>	<b>1.3000e-004</b>	<b>0.0000</b>	<b>0.4342</b>	<b>0.4342</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.4345</b>

**3.3 Building Construction - 2018****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1268	1.3431	0.7095	1.2100e-003		0.0690	0.0690		0.0635	0.0635	0.0000	110.3420	110.3420	0.0344	0.0000	111.2007
<b>Total</b>	<b>0.1268</b>	<b>1.3431</b>	<b>0.7095</b>	<b>1.2100e-003</b>		<b>0.0690</b>	<b>0.0690</b>		<b>0.0635</b>	<b>0.0635</b>	<b>0.0000</b>	<b>110.3420</b>	<b>110.3420</b>	<b>0.0344</b>	<b>0.0000</b>	<b>111.2007</b>

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**3.3 Building Construction - 2018****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.9900e-003	0.0682	0.0133	1.7000e-004	5.1700e-003	2.7000e-004	5.4400e-003	1.3700e-003	2.6000e-004	1.6300e-003	0.0000	16.1983	16.1983	7.6000e-004	0.0000	16.2174
Vendor	4.1000e-004	9.9200e-003	2.7600e-003	2.0000e-005	4.9000e-004	8.0000e-005	5.7000e-004	1.4000e-004	8.0000e-005	2.2000e-004	0.0000	1.9587	1.9587	1.0000e-004	0.0000	1.9612
Worker	4.4700e-003	3.4300e-003	0.0350	9.0000e-005	8.8000e-003	6.0000e-005	8.8600e-003	2.3400e-003	5.0000e-005	2.4000e-003	0.0000	8.0319	8.0319	2.4000e-004	0.0000	8.0379
<b>Total</b>	<b>6.8700e-003</b>	<b>0.0816</b>	<b>0.0510</b>	<b>2.8000e-004</b>	<b>0.0145</b>	<b>4.1000e-004</b>	<b>0.0149</b>	<b>3.8500e-003</b>	<b>3.9000e-004</b>	<b>4.2500e-003</b>	<b>0.0000</b>	<b>26.1888</b>	<b>26.1888</b>	<b>1.1000e-003</b>	<b>0.0000</b>	<b>26.2165</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1268	1.3430	0.7095	1.2100e-003		0.0690	0.0690		0.0635	0.0635	0.0000	110.3418	110.3418	0.0344	0.0000	111.2006
<b>Total</b>	<b>0.1268</b>	<b>1.3430</b>	<b>0.7095</b>	<b>1.2100e-003</b>		<b>0.0690</b>	<b>0.0690</b>		<b>0.0635</b>	<b>0.0635</b>	<b>0.0000</b>	<b>110.3418</b>	<b>110.3418</b>	<b>0.0344</b>	<b>0.0000</b>	<b>111.2006</b>

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**3.3 Building Construction - 2018****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.9900e-003	0.0682	0.0133	1.7000e-004	5.1700e-003	2.7000e-004	5.4400e-003	1.3700e-003	2.6000e-004	1.6300e-003	0.0000	16.1983	16.1983	7.6000e-004	0.0000	16.2174
Vendor	4.1000e-004	9.9200e-003	2.7600e-003	2.0000e-005	4.9000e-004	8.0000e-005	5.7000e-004	1.4000e-004	8.0000e-005	2.2000e-004	0.0000	1.9587	1.9587	1.0000e-004	0.0000	1.9612
Worker	4.4700e-003	3.4300e-003	0.0350	9.0000e-005	8.8000e-003	6.0000e-005	8.8600e-003	2.3400e-003	5.0000e-005	2.4000e-003	0.0000	8.0319	8.0319	2.4000e-004	0.0000	8.0379
<b>Total</b>	<b>6.8700e-003</b>	<b>0.0816</b>	<b>0.0510</b>	<b>2.8000e-004</b>	<b>0.0145</b>	<b>4.1000e-004</b>	<b>0.0149</b>	<b>3.8500e-003</b>	<b>3.9000e-004</b>	<b>4.2500e-003</b>	<b>0.0000</b>	<b>26.1888</b>	<b>26.1888</b>	<b>1.1000e-003</b>	<b>0.0000</b>	<b>26.2165</b>

**3.3 Building Construction - 2019****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0746	0.7819	0.4349	7.5000e-004		0.0398	0.0398		0.0366	0.0366	0.0000	67.4464	67.4464	0.0213	0.0000	67.9799
<b>Total</b>	<b>0.0746</b>	<b>0.7819</b>	<b>0.4349</b>	<b>7.5000e-004</b>		<b>0.0398</b>	<b>0.0398</b>		<b>0.0366</b>	<b>0.0366</b>	<b>0.0000</b>	<b>67.4464</b>	<b>67.4464</b>	<b>0.0213</b>	<b>0.0000</b>	<b>67.9799</b>

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**3.3 Building Construction - 2019****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.1800e-003	0.0403	7.9600e-003	1.0000e-004	4.8400e-003	1.5000e-004	4.9900e-003	1.2500e-003	1.5000e-004	1.4000e-003	0.0000	9.9702	9.9702	4.7000e-004	0.0000	9.9819
Vendor	2.3000e-004	5.8100e-003	1.5600e-003	1.0000e-005	3.0000e-004	4.0000e-005	3.4000e-004	9.0000e-005	4.0000e-005	1.3000e-004	0.0000	1.2100	1.2100	6.0000e-005	0.0000	1.2115
Worker	2.5100e-003	1.8700e-003	0.0193	5.0000e-005	5.4700e-003	4.0000e-005	5.5100e-003	1.4600e-003	3.0000e-005	1.4900e-003	0.0000	4.8444	4.8444	1.3000e-004	0.0000	4.8477
<b>Total</b>	<b>3.9200e-003</b>	<b>0.0480</b>	<b>0.0288</b>	<b>1.6000e-004</b>	<b>0.0106</b>	<b>2.3000e-004</b>	<b>0.0108</b>	<b>2.8000e-003</b>	<b>2.2000e-004</b>	<b>3.0200e-003</b>	<b>0.0000</b>	<b>16.0246</b>	<b>16.0246</b>	<b>6.6000e-004</b>	<b>0.0000</b>	<b>16.0411</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0746	0.7819	0.4349	7.5000e-004		0.0398	0.0398		0.0366	0.0366	0.0000	67.4463	67.4463	0.0213	0.0000	67.9798
<b>Total</b>	<b>0.0746</b>	<b>0.7819</b>	<b>0.4349</b>	<b>7.5000e-004</b>		<b>0.0398</b>	<b>0.0398</b>		<b>0.0366</b>	<b>0.0366</b>	<b>0.0000</b>	<b>67.4463</b>	<b>67.4463</b>	<b>0.0213</b>	<b>0.0000</b>	<b>67.9798</b>

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**3.3 Building Construction - 2019****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.1800e-003	0.0403	7.9600e-003	1.0000e-004	4.8400e-003	1.5000e-004	4.9900e-003	1.2500e-003	1.5000e-004	1.4000e-003	0.0000	9.9702	9.9702	4.7000e-004	0.0000	9.9819
Vendor	2.3000e-004	5.8100e-003	1.5600e-003	1.0000e-005	3.0000e-004	4.0000e-005	3.4000e-004	9.0000e-005	4.0000e-005	1.3000e-004	0.0000	1.2100	1.2100	6.0000e-005	0.0000	1.2115
Worker	2.5100e-003	1.8700e-003	0.0193	5.0000e-005	5.4700e-003	4.0000e-005	5.5100e-003	1.4600e-003	3.0000e-005	1.4900e-003	0.0000	4.8444	4.8444	1.3000e-004	0.0000	4.8477
<b>Total</b>	<b>3.9200e-003</b>	<b>0.0480</b>	<b>0.0288</b>	<b>1.6000e-004</b>	<b>0.0106</b>	<b>2.3000e-004</b>	<b>0.0108</b>	<b>2.8000e-003</b>	<b>2.2000e-004</b>	<b>3.0200e-003</b>	<b>0.0000</b>	<b>16.0246</b>	<b>16.0246</b>	<b>6.6000e-004</b>	<b>0.0000</b>	<b>16.0411</b>

**3.4 Paving - 2019****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	1.8200e-003	0.0191	0.0183	3.0000e-005		1.0300e-003	1.0300e-003		9.5000e-004	9.5000e-004	0.0000	2.5594	2.5594	8.1000e-004	0.0000	2.5796
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>1.8200e-003</b>	<b>0.0191</b>	<b>0.0183</b>	<b>3.0000e-005</b>		<b>1.0300e-003</b>	<b>1.0300e-003</b>		<b>9.5000e-004</b>	<b>9.5000e-004</b>	<b>0.0000</b>	<b>2.5594</b>	<b>2.5594</b>	<b>8.1000e-004</b>	<b>0.0000</b>	<b>2.5796</b>

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**3.4 Paving - 2019****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.1000e-004	8.0000e-005	8.4000e-004	0.0000	2.4000e-004	0.0000	2.4000e-004	6.0000e-005	0.0000	6.0000e-005	0.0000	0.2106	0.2106	1.0000e-005	0.0000	0.2108
<b>Total</b>	<b>1.1000e-004</b>	<b>8.0000e-005</b>	<b>8.4000e-004</b>	<b>0.0000</b>	<b>2.4000e-004</b>	<b>0.0000</b>	<b>2.4000e-004</b>	<b>6.0000e-005</b>	<b>0.0000</b>	<b>6.0000e-005</b>	<b>0.0000</b>	<b>0.2106</b>	<b>0.2106</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.2108</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	1.8200e-003	0.0191	0.0183	3.0000e-005		1.0300e-003	1.0300e-003		9.5000e-004	9.5000e-004	0.0000	2.5594	2.5594	8.1000e-004	0.0000	2.5796
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>1.8200e-003</b>	<b>0.0191</b>	<b>0.0183</b>	<b>3.0000e-005</b>		<b>1.0300e-003</b>	<b>1.0300e-003</b>		<b>9.5000e-004</b>	<b>9.5000e-004</b>	<b>0.0000</b>	<b>2.5594</b>	<b>2.5594</b>	<b>8.1000e-004</b>	<b>0.0000</b>	<b>2.5796</b>

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**3.4 Paving - 2019****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.1000e-004	8.0000e-005	8.4000e-004	0.0000	2.4000e-004	0.0000	2.4000e-004	6.0000e-005	0.0000	6.0000e-005	0.0000	0.2106	0.2106	1.0000e-005	0.0000	0.2108
<b>Total</b>	<b>1.1000e-004</b>	<b>8.0000e-005</b>	<b>8.4000e-004</b>	<b>0.0000</b>	<b>2.4000e-004</b>	<b>0.0000</b>	<b>2.4000e-004</b>	<b>6.0000e-005</b>	<b>0.0000</b>	<b>6.0000e-005</b>	<b>0.0000</b>	<b>0.2106</b>	<b>0.2106</b>	<b>1.0000e-005</b>	<b>0.0000</b>	<b>0.2108</b>

**4.0 Operational Detail - Mobile****4.1 Mitigation Measures Mobile**

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0129	0.0526	0.1460	4.5000e-004	0.0386	4.5000e-004	0.0390	0.0103	4.2000e-004	0.0108	0.0000	40.8296	40.8296	1.5100e-003	0.0000	40.8673
Unmitigated	0.0129	0.0526	0.1460	4.5000e-004	0.0386	4.5000e-004	0.0390	0.0103	4.2000e-004	0.0108	0.0000	40.8296	40.8296	1.5100e-003	0.0000	40.8673

## 4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	13.14	158.11	116.34	103,733	103,733
Total	13.14	158.11	116.34	103,733	103,733

## 4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6

## 4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
City Park	0.604810	0.038204	0.185149	0.108513	0.015498	0.004981	0.012268	0.020156	0.002083	0.001571	0.005363	0.000620	0.000785

## 5.0 Energy Detail

Historical Energy Use: N



## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

## 5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

## 5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

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**5.2 Energy by Land Use - NaturalGas****Mitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**5.3 Energy by Land Use - Electricity****Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

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**5.3 Energy by Land Use - Electricity****Mitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**6.0 Area Detail****6.1 Mitigation Measures Area**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	2.8500e-003	0.0000	6.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.2000e-004	1.2000e-004	0.0000	0.0000	1.3000e-004
Unmitigated	2.8500e-003	0.0000	6.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.2000e-004	1.2000e-004	0.0000	0.0000	1.3000e-004

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**6.2 Area by SubCategory****Unmitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.8500e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	1.0000e-005	0.0000	6.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.2000e-004	1.2000e-004	0.0000	0.0000	1.3000e-004
<b>Total</b>	<b>2.8600e-003</b>	<b>0.0000</b>	<b>6.0000e-005</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.2000e-004</b>	<b>1.2000e-004</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.3000e-004</b>

**Mitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.8500e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	1.0000e-005	0.0000	6.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.2000e-004	1.2000e-004	0.0000	0.0000	1.3000e-004
<b>Total</b>	<b>2.8600e-003</b>	<b>0.0000</b>	<b>6.0000e-005</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.2000e-004</b>	<b>1.2000e-004</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.3000e-004</b>

**7.0 Water Detail**

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**7.1 Mitigation Measures Water**

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	8.4314	3.8000e-004	8.0000e-005	8.4645
Unmitigated	8.4314	3.8000e-004	8.0000e-005	8.4645

**7.2 Water by Land Use****Unmitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 8.2808	8.4314	3.8000e-004	8.0000e-005	8.4645
<b>Total</b>		<b>8.4314</b>	<b>3.8000e-004</b>	<b>8.0000e-005</b>	<b>8.4645</b>

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**7.2 Water by Land Use****Mitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 8.2808	8.4314	3.8000e-004	8.0000e-005	8.4645
<b>Total</b>		<b>8.4314</b>	<b>3.8000e-004</b>	<b>8.0000e-005</b>	<b>8.4645</b>

**8.0 Waste Detail****8.1 Mitigation Measures Waste****Category/Year**

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.1218	7.2000e-003	0.0000	0.3017
Unmitigated	0.1218	7.2000e-003	0.0000	0.3017

## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**8.2 Waste by Land Use****Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.6	0.1218	7.2000e-003	0.0000	0.3017
<b>Total</b>		<b>0.1218</b>	<b>7.2000e-003</b>	<b>0.0000</b>	<b>0.3017</b>

**Mitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.6	0.1218	7.2000e-003	0.0000	0.3017
<b>Total</b>		<b>0.1218</b>	<b>7.2000e-003</b>	<b>0.0000</b>	<b>0.3017</b>

**9.0 Operational Offroad**

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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## Uvas Creek Levee Erosion Repair Project - Santa Clara County, Annual

**10.0 Stationary Equipment**

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**Fire Pumps and Emergency Generators**

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
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**Boilers**

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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**User Defined Equipment**

Equipment Type	Number
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**11.0 Vegetation**

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## **Appendix B**

### **Response to Comments**

## Response to Comments from State Agencies and Public

Notice of Completion and 15 copies of the Draft Negative Declaration (ND) were sent to the State Clearinghouse on May 9, 2018 for State Agency review to June 8, 2018. Responses to comments received during the state agency and public review periods are included in Appendix B of the Final ND. All changes to the Draft ND are described in the response below and referenced by the page number in which the revised text appears in the Final ND.

#	Comment	Response	ND Change (page in Final ND)
<b>Comments and Recommendations and Regulatory Requirements received from California Department of Fish and Wildlife – Letter Received via Email June 8, 2018</b>			
1	<p><b><u>Comment and Recommendation</u></b></p> <p><b>Tree Removal.</b> The IS/ND states, on pages 4 and 11-13, that Project activities do not fall within the riparian corridor. Yet, the IS/ND states, on page 45, that minor pruning may occur to trees within the riparian corridor to accommodate equipment access. A detailed map/figure was not provided that clearly shows the extent of the riparian corridor zone; therefore, it is difficult to assess the potential impacts of the Project to riparian habitat and associated fish and wildlife species.</p> <p>Furthermore, the IS/ND states, on page 11, that of the 36 trees proposed for removal, 3 trees would be from the inboard embankment and 33 trees would be removed from the outboard embankment. Please be advised that trees, shrubs or other vegetation located on the inboard side of a levee are typically considered riparian or within the floodplain of a stream.</p> <p>CDFW recommends that the IS/ND be revised to more clearly describe the location of the proposed construction work in relation to the stream, riparian and floodplain boundaries. The IS/ND should also include a more detailed description of trees proposed for removal (such as species, health rating, size, etc.) and any other impacts to habitat types resulting from implementation of the Project.</p> <p>The IS/ND states (page 46) that trees anticipated to be removed as a result of implementation of the Project are</p>	<p>The District has revised the project to avoid all trees within the inboard embankment of the Uvas Creek levee. Therefore, no impact to trees within the inboard levee embankment would occur.</p> <p>Minor pruning would occur to trees at the outer edge of the Uvas Creek riparian corridor to protect trees from damage from equipment access. Pruning would be kept to the minimum amount necessary for construction clearance, kept to less than 25% of an individual tree's canopy, and performed under the supervision of a Certified Arborist. The IS/ND has been revised to consistently indicate construction activities on the inboard embankment of the levee would require minor pruning to trees within the Uvas Creek riparian corridor. Furthermore, the District will be seeking a Lake or Streambed Alteration Agreement (LSAA) from the CDFW for those project activities that would impact the Uvas Creek riparian corridor. As part of the LSAA notification package, detailed maps clearly showing the top of bank of Uvas Creek, the extent of the riparian corridor, and the location of proposed construction activities will be included.</p> <p>Page 46 of the Draft ND describes how the City of Gilroy ordinances 26.7 <i>Permit-Required to cut, trim, plant, etc., trees in public streets</i> and 26.15 <i>Marring, defacing, etc., trees on public property</i> apply to the project. As explained in the Draft ND, only the trees removed within the City of Gilroy property would be subject to the city ordinance and require a tree removal permit from the city. The District would comply with its tree removal permit issued by the City. As such, the project would not conflict with any tree preservation policy or ordinance, and there is no impact in this regard. However, in the event that the City through its land use authority requires replanting of trees in the tree removal permit, the District will comply with such requirements.</p> <p>The District follows the guidance provided in the <i>Notification of Lake or Streambed Alteration Notification Instructions and Processes</i> to determine the outer extent of CDFW jurisdiction pursuant to California Fish and Game Code §§ 1600 et. seq. On page 14</p>	4, 11, 46

<p>located on City of Gilroy property and are subject to a tree removal permit from the City. However, the draft ND does not include any specific mitigation measures for loss of the 36 trees proposed for removal. CDFW recommends that the IS/ND be revised to include compensatory mitigation for any impacts to trees that cannot be avoided in order to reduce impacts of the Project to less-than-significant levels.</p>	<p>under <i>Section 11. Project Impacts</i> the riparian zone is defined as “the area that surrounds a channel or lake and supports (or can support) vegetation that is dependent on surface or subsurface water. Include the effects of your project activity to this zone at least to the outer (landward) edge of the drip line of any dependent vegetation.” This definition uses the outer drip line of riparian canopy but does not use the concept of a floodplain to define CDFW jurisdictional boundaries. The District is unaware of official policy or legal authority specifying CDFW’s regulation of floodplains and would like to request this information from CDFW for future use.</p> <p><b>New Revisions to Final ND</b></p> <p>Text under the <i>Project Overview</i> heading on page 4 of the Final ND has been revised as follows.</p> <p>The proposed project would consist of several elements:</p> <ol style="list-style-type: none"> <li>1. Mowing of existing grasses <del>and removing trees as well as other woody vegetation located along</del> on the levee slope <u>and</u> within a 5-foot buffer of the inboard and outboard levee toes.</li> </ol> <p>Text under the <i>Project Elements Vegetation Removal</i> heading on page 11 of the Final ND has been revised as follows.</p> <p>In its existing condition the Uvas Creek levee contains minimal vegetation growth (brush, weeds, or trees 2 inches in diameter or smaller) along the levee embankments and near the levee toes on each side. The project would remove vegetation from the <u>outboard</u> levee embankments to allow sufficient room for construction equipment access. Vegetation removal would occur intermittently along <del>both the outboard</del> levee embankments from the southern terminus of the levee to the northern end of the project site near Uvas Parkway. The project would remove approximately 36 trees <u>along the outboard side of the levee. Minor pruning of trees on the outer edge of the Uvas Creek riparian corridor would occur for construction clearance. Of those 36 trees, 3 trees would be from the inboard embankment, and 33 trees would be removed from the outboard embankment.</u> No trees within the Uvas Creek riparian corridor would be removed.</p> <p>Text under <i>Discussion b) Less Than Significant Impact</i> on page 46 of the Final ND has been revised as follows.</p> <p>The proposed project would remove approximately 36 existing trees for construction equipment access and to prevent potential root damage to the levee. <del>Of the 36 trees proposed for removal for construction equipment access, 3 trees would be removed from the inboard side of the levee and 33 would be removed from the outboard side.</del> All of the trees proposed for removal are located outside of the Uvas Creek riparian corridor <u>along the outboard side of the levee.</u> However, minor pruning (less than 25% of the canopy area) <del>may would</del> occur to trees within the riparian corridor to accommodate equipment access.</p>	
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2	<p><b><u>Comment and Recommendation</u></b></p> <p><b>Staging Areas.</b> The draft ND describes (page 12) the two staging areas in regards to their respective location and some general conditions. However, the draft ND is lacking information on whether there will be any impacts to biological resources (i.e. tree pruning, trimming, or other) during preparation and use of the staging area. CDFW recommends that the IS/ND include a more detailed description of the staging areas and potential impacts to biological resources that may occur as a result of the Project.</p>	<p>Since the state agency and public review period the District has revised the location of the project staging areas. No longer would the project use Staging Areas 1 and 2 for equipment and materials staging as currently described in the Draft ND. Project staging would occur at an open field and dirt parking lot located adjacent to Uvas Parkway, West 10<sup>th</sup> Street, and the Gilroy High School baseball fields on the outboard side of the levee. The site, owned by the City of Gilroy, consists of mowed non-native grass, dirt, and gravel and is commonly used for event overflow parking. Therefore, as the new staging area is highly disturbed, surrounded on three sides by urban development, and is commonly used for event overflow parking, no impacts to biological resources would occur as a result of staging activities.</p> <p><b>New Revisions to Final ND</b></p> <p>Figure 2: <i>Project Vicinity Map</i> on page 7 has been revised to include the location of the new staging area location. The caption of Photo 2 of Figure 3a: <i>Photographs of the Project Site</i> on page 8 has been revised to indicate the new staging area location. The caption of Photo 3 of Figure 3b: <i>Photographs of the Project Site</i> on page 9 has been revised to remove the former staging area location. Text under the <i>Project Elements Staging Area</i> heading on page 12 of the Final ND has been revised as follows.</p> <p><del>Two areas are proposed for staging</del> <u>Staging of construction equipment and materials as well as stockpiling imported fill as necessary would occur at an open field and dirt parking lot located adjacent to Uvas Parkway, West 10th Street, and the Gilroy High School baseball fields to the east of the levee. The 3.5-acre site, owned by the City of Gilroy, consists of mowed non-native grass, dirt, and gravel and is commonly used for event overflow parking. Access to the staging area would occur from Uvas Parkway and West 10th Street. See Figure 2. The first staging area (Staging Area 1) would be located in an open field to the south of Uvas Creek and north of West Luchessa Avenue. An existing concrete entrance provides direct access to West Luchessa Avenue. The second staging area (Staging Area 2) would be located in an open field north of Uvas Creek and adjoining the Uvas Creek levee to the south. An A temporary earthen access ramp would be constructed from the second staging area to the Uvas Creek levee providing direct access to the levee and construction site. Four trees along the outboard edge of the levee would be removed for construction of the temporary access ramp. Access to the southern portion of the project site would occur from West Luchessa Avenue via existing asphalt driveways. Both staging areas are located outside of the Uvas Creek riparian corridor.</u> Refer to Figure 2: <i>Project Vicinity Map</i> for a depiction of the staging area.</p> <p>Text under <i>Discussion g) Less Than Significant Impact</i> heading on page 62 of the Final ND has been revised as follows.</p> <p>The project staging area would occur <del>on District property at two locations. Staging area 1 would be located</del> at an undeveloped grass field and dirt parking lot to the <del>west east of the Uvas Creek levee and adjoining West Luchessa Avenue to the</del></p>	7, 8, 9, 12, 62
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		<p>located at an undeveloped grass field bordering the Uvas Creek levee to the south near the Gilroy High School athletic fields. Access to the project site from Staging Area 1 would occur from a private asphalt driveway connecting to West Luchessa Avenue. An earthen ramp would be constructed within the Staging Area 2 staging area providing direct access to the levee. Construction equipment and materials would be staged at Staging Area 2 have direct access to the levee, adjoining the levee, and would not use the surrounding roadways to access the site. The proposed project would result in vehicle commute trips by construction workers. Worker trips, commute vehicles, and vendor trips would utilize surrounding roads, primarily Uvas Parkway, Miller Avenue, and West Luchessa Avenue. External vehicle trips, including worker trips, would reach a maximum of up to 43 trips per day during levee construction. The number of trips per day would not represent a substantial increase compared to baseline (i.e., without project) traffic volumes on Uvas Parkway, Miller Avenue, West Luchessa Avenue, and other surrounding roadways. Although construction equipment would not use adjacent roadways to access the site, haul trucks entering the project site from either West Luchessa Avenue or Miller Avenue would require traffic controls. District BMP TR-1, Incorporate Public Safety Measures, would be incorporated into the project which requires fences, barriers, lights, flagging, guards, and signs to be installed to give adequate warning to the public of construction activities and dangerous conditions. Traffic flow on adjacent roadways would be temporarily delayed due to haul trucks, but this delay would be brief and would only occur as haul trucks enter and exit the project site.</p>	
3	<p><b><u>Comment and Recommendation</u></b></p> <p><b>Tricolored blackbird, Table 4.1, page 42.</b> Please be advised that Tricolored blackbird (<i>Agelaius tricolor</i>) is currently listed as a State Candidate species under CESA. The IS/ND incorrectly states that it is a Species of Special Concern.</p>	<p>Comment noted. The Final ND will make this revision.</p> <p><b>New Revisions to Final ND</b></p> <p>Text within <i>Table 4.1: Special Status Species with Potential to Occur at the Project Site</i> on page 43 of the Final ND has been revised to refer to tricolored blackbird (<i>Agelaius tricolor</i>) as a State candidate for listing as endangered (SCE).</p>	43
4	<p><b><u>Comment and Recommendation</u></b></p> <p><b>Least Bell's Vireo, page 43.</b> Please note that Tricolored blackbird is stated under the Least Bell's vireo section; this appears to be a typo.</p>	<p>Thank you for the comment. The Final ND will make this revision.</p> <p><b>New Revisions to Final ND</b></p> <p>Text under the <i>Discussion a) Less Than Significant Impact</i> heading on page 44 of the Final ND has been revised as follows.</p> <p><i>Least Bell's Vireo</i> – The project site is located outside of the Uvas Creek riparian corridor. However, riparian habitat along Uvas Creek could provide suitable cover. The project site is mapped as least Bell's vireo survey area in the VHP. Condition 16 of the VHP requires a number of measures to avoid impacts to <u>least Bell's Vireo</u> <del>Tricolored Blackbird</del> including the following:</p>	44

5	<p><b><u>Regulatory Requirements</u></b></p> <p><b>Lake and Streambed Alteration Agreement.</b> Please be advised that CDFW will require an LSAA, pursuant to Fish and Game Code §§ 1600 et. seq. for Project-related activities within Uvas Creek, and any other 1600-jurisdictional waters within the proposed Project area. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSAA until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency. CDFW therefore recommends that the IS/ND be revised, as described in this letter, to more clearly describe the environmental setting, Project activities, and extent of impacts of the Project on biological resources.</p> <p>The IS/ND states that construction activities, including site preparation would begin August 1, 2018 and end December 31, 2018. Although the timing of the Project is an estimation, please note that the LSAA process typically takes a minimum of 90 days.</p>	<p>The District will comply with the Regulatory Requirements pursuant to Fish and Game Code §§ 1600 et. seq and seek an LSAA from CDFW for project activities within the Uvas Creek riparian corridor. Additional details needed to accurately characterize project activities and impacts will be provided in the LSAA notification. Thank you for providing the estimated time it takes to obtain an LSAA.</p> <p><b>New Revisions to Final ND</b></p> <p>Text under the <i>Interagency Collaboration and Regulatory Review</i> heading located on page 2 of the Final ND has been revised as follows.</p> <p>The CEQA review process is intended to provide both trustee and responsible agencies with an opportunity to provide input into the project. Trustee agencies are agencies having jurisdiction by law over natural resources affected by a project which are held in trust for the state. Responsible agencies are those agencies, other than the lead agency, that have some responsibility or authority for carrying out or approving a project; in many instances these public agencies must make a discretionary decision to issue a permit; provide right-of-way, funding or resources to the project. In this instance the <u>California Department of Fish and Wildlife (CDFW)</u>, Central Coast Regional Water Quality Control Board (RWQCB), Santa Clara Valley Habitat Agency, and the City of Gilroy would be considered responsible agencies. The District will work with <u>CDFW</u>, RWQCB, Santa Clara Valley Habitat Agency, and City of Gilroy to ensure that the proposed project meets applicable policies and requirements.</p> <p>Table 1.1 <i>Summary of Agency Approvals</i> located on page 3 of the Final ND has been revised to indicate a LSAA from the CDFW is required for the project.</p>	2, 3
6	<p><b><u>Environmental Data</u></b></p> <p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <a href="https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data">https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data</a>. The completed form can be mailed electronically to CNDDDB at the following email address:</p>	<p>This comment does not raise any concerns regarding the adequacy of the ND. Public Resources Code § 21003(e) does not enable CDFW to require reporting of survey findings to the CNDDDB. Nevertheless, the District would be happy to report applicable survey findings to support CDFW and the CNDDDB, as enabled by State Fish and Game Code § 1932.</p>	NA

	CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <a href="https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals">https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals</a> .		
7	<b>Filing Fees</b> The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.	Comment noted. The District would pay the appropriate filing fee for a Negative Declaration at the time the Notice of Determination is filed with the Santa Clara County Clerk-Recorder. Furthermore, the District will submit the appropriate fee to CDFW for a Standard Agreement according to the 2018 LSAA Fee schedule dated January 1, 2018.	NA
<b>Comment received from the Department of Transportation – Letter dated May 24, 2018</b>			
1	Your study indicates that you will need to haul out 5,400 cubic yards of soil from the levee site, and haul in approximately the same amount of replacement soil. To accomplish this will require some 1080 haul trips, or approximately 11 haul trips per day during levee rehabilitation. Because they could potentially contribute to queuing and speed differentials on mainline US 101, as well as on both on- and off-ramps, we strongly recommend that Santa Clara Valley Water District haul the soil during off-peak hours.	<p>As indicated on page 79 of the Draft ND, “an average of 2 to 3 haul truck trips would occur during the a.m. period (8 to 9 a.m.) and p.m. period (4 to 6 p.m.) peak hours.” This number of haul truck trips would not substantially impede traffic flow in the vicinity of the project site during the a.m. and p.m. peak hours. Furthermore, it is not anticipated that 2 to 3 haul truck trips would impact traffic flow on US 101 as well as on- and off-ramps during peak hours.</p> <p>The project has been revised and would require an average of 9 haul truck trips per day during levee rehabilitation.</p> <p><b>New Revisions to Final ND</b></p> <p><i>Table 2.3: Construction Haul Trips</i> on page 13 of the Final ND has been revised to indicate a quantity of approximately 9 haul trips per day.</p> <p>Text under the <i>Discussion a, b, f) Less Than Significant Impact</i> heading on page 80 of the Final ND has been revised as follows.</p> <p><del>Eleven</del> <u>Nine</u> haul truck trips are anticipated during reconstruction of the levee. During levee reconstruction activities, a typical construction crew would include approximately 30 worker trips per day and 2 vendor trips per day.</p> <p>A total of 44 <u>nine</u> haul trucks per day during levee construction are anticipated.</p>	13, 80
<b>Comments received from Private Residents – Phone Call Received May 30, 2018</b>			
1	Voicemail from Mrs. Ramirez, Gilroy Resident Mrs. Ramirez called to inquire about the Uvas Creek Levee Rehabilitation Project. Mrs. Ramirez indicated that she received a letter in the mail regarding the project. Mrs. Ramirez specifically wanted to know the start date of the project and duration of construction and requested a return call and message with the requested information.	Comment Noted. At 10:25am Tim Tidwell, Environmental Planner at the Santa Clara Valley Water District, returned Mrs. Ramirez's call and indicated the anticipated start date of the project is August 1, 2018 and the estimated duration is 5 months until concluding December 2018. Mrs. Ramirez's expressed concern that her neighbor's dog barking is an ongoing issue and that construction noise would cause her neighbors dogs to bark. She indicated that she had previously tried to address the dog barking issue through the City and the animal control services. Mrs. Ramirez indicated that she does	NA

		not have concerns with the project in regard to the levee rehabilitation and flood protection. As described in the Draft ND, the District would comply with all applicable city ordinance requirements including construction hours, and the project would not result in significant noise impacts to the residents.	
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