

SOUTH SAN FRANCISCO BAY SHORELINE PHASE I STUDY

ADDENDUM NO. 6 TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT

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1. Background

On March 22, 2016, the Santa Clara Valley Water District (Valley Water) approved the South San Francisco Bay Shoreline Phase I Study (Project) after certifying an Environmental Impact Report (EIR) for the Project. The document, titled Final Integrated Interim Feasibility Study and Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR, SCH NO. 2006012020), was prepared as a joint environmental review document to comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). The Final EIS/EIR was certified by the Valley Water Board of Directors on March 22, 2016. The Project is undertaken as a partnership with federal and state agencies, including the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS) and the California State Coastal Conservancy to provide coastal flood protection, restore/enhance tidal marsh and related habitats, and provide recreational and public access opportunities. The USACE and the USFWS acted as the co-lead agencies under NEPA, and Valley Water acted as the lead agency under CEQA. The USACE and its contractor is responsible for constructing the Project, and Valley Water as the local project partner is responsible for obtaining the necessary property rights for and contributing funding to the Project.

The area between Alviso Slough and Coyote Creek is at considerable risk for coastal flooding due to its low elevation and protection by non-engineered salt pond levees. In addition, the EIS/EIR Project area has lost the majority of the tidal salt marsh habitat, which absorbs many times its volume in flood and/or tidal waters. This habitat historically functioned as a buffer from sea level rise and flooding, but no longer provides this important ecosystem service. In addition to local losses of tidal marsh, the San Francisco Bay has experienced estuary-wide losses of approximately 90 percent of all tidal wetlands, creating a regional risk to the Bay Area.

The Project would provide coastal flood protection to the community of Alviso between Alviso Slough and Coyote Creek (Figure 1). In addition, the flood protection levee would allow approximately 2,900 acres of former salt ponds to be restored to tidal marsh by strategically breaching non-engineered levees to San Francisco Bay. The new flood control levees would be used as a trail and include connection to the Bay Trail network with viewing platforms, interpretive signs, and benches.

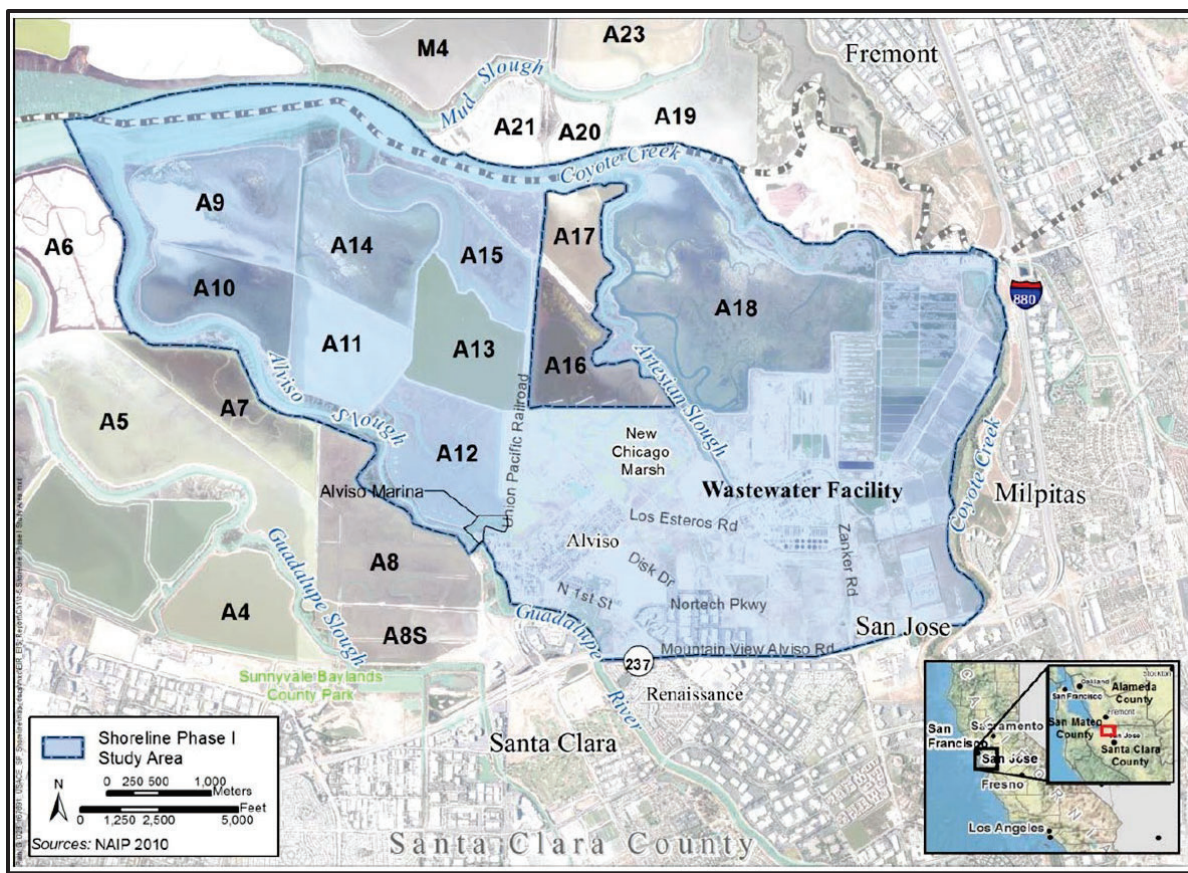


Figure 1. South San Francisco Bay Shoreline Phase 1 Project Area.

Originally Approved Project

The Project, as originally approved and evaluated in the Final EIS/EIR, includes the construction of an engineered flood control levee, restoration of Ponds A9 to A15 and A18, installation of tide gates, and pedestrian bridges (Figure 2). The Project area consists of levee Reaches 1, 2, 3, 4, and 5 (Figure 3). The new levees would be constructed up to an elevation of 15.2 feet (NAVD 88) along existing salt pond berms – the eastern border of Pond A12 and southern borders of Ponds A13, A16, and A18. Additional flood risk management (FRM) features include a flood gate for the Union Pacific Railroad (UPRR) crossing and a gate closure system at Artesian Slough (Artesian Slough Crossing). Restoration of Ponds A9 to A15 and A18 would consist of breaching existing salt pond berms, guided by results of monitoring and adaptive management from other South Bay restoration activities, to establish tidal connection with San Francisco Bay. An ecotone with approximately 30:1 side slopes would be built on the bay side of the levee in Ponds A12, A13, and A18, which would provide transitional habitat for endangered species that seek upland refuge from tidal action. Recreation features include two pedestrian bridges, access to an unpaved trail on the improved flood control levees, connection of the new levee trail to the Bay Trail network, and viewing platforms, interpretive signs, and benches.

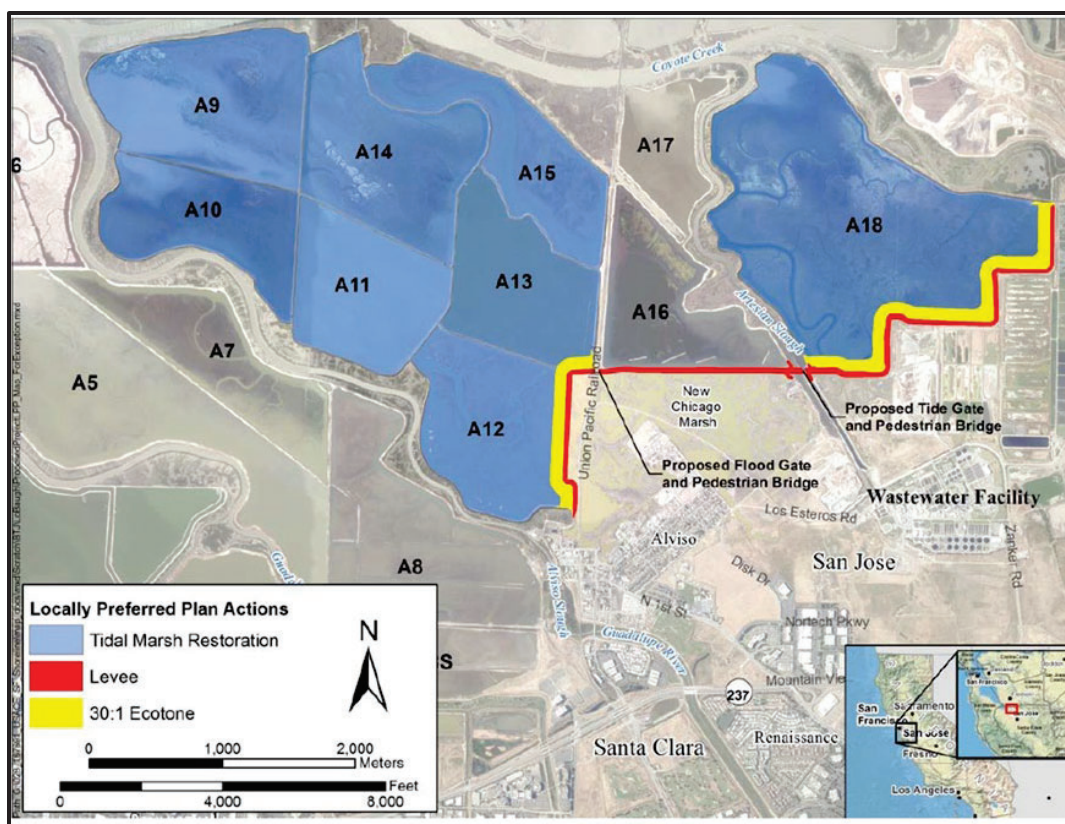


Figure 2. Levee and Ecotone Locations for the South San Francisco Bay Shoreline Phase 1 Project.

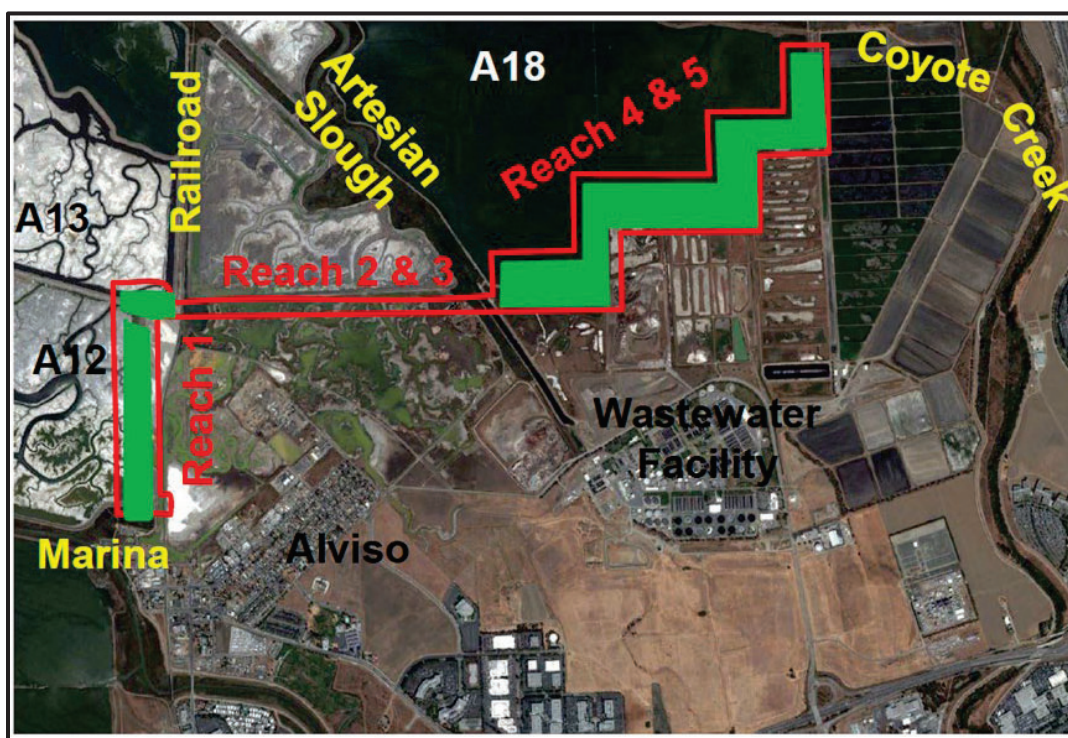


Figure 3. South San Francisco Bay Shoreline Reaches 1 through 5.

Subsequent Project Modifications

The Project description in the Final EIS/EIR was based on 30 percent design plans. As the engineering design subsequently progressed, minor modifications were made to the design and additional environmental evaluation was completed in the five prior Addenda as described below.

- In March 2019, Valley Water prepared Addendum No. 1 to the Final EIS/EIR to evaluate minor design changes to the approved Project reflected in the 95 percent design plans for Reach 1 (Alviso Marina County Park to UPRR), as well as other minor modifications to Project schedule and activities, to support approval of a purchase and sale agreement between Valley Water and County of Santa Clara (County) for Valley Water to obtain temporary use of County property for Project construction.
- In August 2019, Valley Water prepared Addendum No. 2 to the Final EIS/EIR to evaluate minor changes to the approved Project in Reaches 1, 2, and 3. Addendum No. 2 evaluated the addition of two new staging areas in the Project area. No ground disturbing or soil stockpiling/hauling activities were proposed at those two new staging areas. Only equipment storage and temporary placement of a construction trailer were proposed at the two new staging areas.
- In March 2020, Addendum No. 3 was prepared to evaluate the environmental impacts of the proposed acquisition of an additional temporary work area easement and two ingress/egress easements. The ingress/egress easements would provide additional access for construction and maintenance activities associated with Pond A18 and the Artesian Slough Crossing. The additional work area was required to facilitate construction of the Artesian Slough Crossing element.
- In November 2020, Addendum No. 4 was prepared to evaluate the environmental impacts of proposed removal and replacement of an existing force main and culverts in Reach 1, installation of a sacrificial berm, extension of truck hauling and construction during peak hours, the reduction of western snowy plover (*Charadrius nivosus*) buffer distance, placement of chain-link fabric, and updates to Reaches 1, 2, and 3 construction schedule within Alviso Marina County Park.
- In May 2021, Addendum No. 5 was prepared to evaluate a change to an existing haul route to avoid North First Street sensitive receptors, including the library, fire station, and elementary school, as well as the use of an additional haul route along Grand Boulevard that would allow for more efficient construction traffic between Reach 1 site at the Alviso Marina and Reaches 2 and 3 site at the Don Edwards San Francisco Bay National Wildlife Refuge Environmental Education Center.

This sixth Addendum is being prepared to evaluate the environmental impacts associated with the currently proposed minor changes to the Project, which would entail a new optional temporary haul route. The approximately 1.83-mile haul route would be used to move soils from Reaches 2 and 3 to Reach 1 during the decommissioning of the existing levees along Reaches 2 and 3; the soils would be used to build the ecotone along Reach 1. The haul route would use existing levee crest roads and would not require construction or improvements to existing levees. It would extend through the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge) that is owned and managed by USFWS. The route would be as follows: from the western end of Reaches 2 and 3, north along the western edge of Pond A16; across the UPRR at-grade crossing near the northwest corner of Pond A16; and south along the eastern edge of Pond A15 and Pond A13 to

the Reach 1 construction area along the eastern edge of Pond A12. Because the proposed haul route would be located completely within or immediately adjacent to the Project area, it would not extend through or adjacent to the Alviso neighborhood to the south. In addition, for hauling along certain portions of the reaches, the haul route would be a shorter distance than previously approved routes.

2. CEQA Requirements

Once the environmental review for a project has been conducted and the lead agency has adopted its findings with respect to impacts and proposed mitigation, these decisions need no additional review, unless further discretionary approval on that project is required and there are substantial changes to the project or its circumstances (CEQA Guidelines §15162 (c)). The proposed addition of a haul route as an option to shorten trucking distance and time for delivering and moving fill into, out of, and within the Project area during the decommissioning of the existing Reaches 2 and 3 levee is a proposed modification to the Project. As lead agency, Valley Water must determine the level of additional review needed to comply with CEQA.

When there are changes to a project, CEQA and its implementing regulations provide various review options to document that the lead agency has adequately considered the environmental effects of the changes in making its decisions. Under CEQA Guidelines §15162(a), the appropriate level of review is based, among other factors, on whether proposed changes to the project, changes to circumstances under which the project is undertaken, or new information of substantial importance that was not known at the time of approval of the project, would result in new significant effects or a substantial increase in the severity of previously identified significant effects.

If project changes would not result in new significant impacts or a substantial increase in severity of previously identified significant impact, CEQA Guidelines §15164(a) provide for the use of an Addendum. The lead agency's decision to use an Addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines §15162, are not present. An Addendum need not be circulated for public review, but CEQA requires the decision-making body to consider the Addendum, together with the certified Final EIR, prior to making a decision on the project (CEQA Guidelines §15164(c) and (d)).

3. Description of Proposed Changes to the Project

As described above, this addendum evaluates the nature and extent of changes from the proposed optional haul route, which would extend approximately 1.83 miles as follows: from the western end of Reaches 2 and 3, north along the western edge of Pond A16; across the UPRR at-grade crossing near the northwest corner of Pond A16; and south along the eastern edge of Pond A15 and A13 to the Reach 1 construction area along the eastern edge of Pond A12 (Figure 4). Hauling of fill via the proposed optional haul route would use the existing levee crest roads within USFWS-owned and managed Don Edwards San Francisco Bay National Wildlife Refuge (Refuge) and would not require construction nor augmentation of the existing salt pond levees. The haul route would be located completely within or immediately adjacent to the Project area and would not extend through or adjacent to the Alviso neighborhood to the south.

The optional haul route would be used to move soils from Reaches 2 and 3 to Reach 1 during the decommissioning of the existing levees along Reaches 2 and 3 and the soils would be used to build the ecotone along Reach 1. The number of truck trips needed to decommission the levee at Reaches 2 and 3 would be the same as proposed and analyzed in the Final EIS/EIR and subsequent addenda, but the mileage of the proposed optional haul route would be approximately

4.97 miles less than the haul route evaluated in the Final EIS/EIR and approximately 0.44 miles less than the haul route analyzed in Addendum No. 5.¹



4. Environmental Analysis

The following analysis describes the changes in impacts from the use of the proposed optional haul route relative to the Project impacts identified in the Final EIS/EIR and subsequent addenda. This analysis accounts for any changes to the surrounding environment that are relevant to the Project changes, assessment of environmental impacts, potential new circumstances under which the Project is being undertaken, and new information of substantial importance which was not known or could not have been known with the exercise of reasonable diligence at the time the Final EIS/EIR was certified. Note, that the USACE would continue to implement all applicable best management practices (BMPs) and avoidance and minimization measures (AMMs) included in the Final EIS/EIR and addenda during construction of the modified Project.

As described above, the only proposed change would entail use of an optional, shorter haul route that extends along existing levees during decommissioning of the levee at Reaches 2 and 3. No new construction activities, grading, or ground-disturbing activities would be required for the use of the optional haul route. In addition, this route is farther from surrounding neighborhoods than

¹ The Corps has prepared a Supplemental Information Report (SIR) to provide analysis of the additional haul route which is being analyzed in this addendum. While the Corps has used a different methodology to measure the route distances, the SIR similarly concludes that the additional haul route would result in shorter hauling distances when compared to the project as approved originally and as revised subsequently.

previously approved routes. Therefore, the proposed Project changes would not create new significant impacts or substantially increase impacts on the following resources: Geology, Soils, and Seismicity; Land Use and Planning; Hydrology and Flood Risk Management; Hazards and Hazardous Material (including Wildfire); Recreation; Aesthetics; Public Health and Aviation Safety; Cultural and Tribal Resources; Public Utilities and Service Systems (including Energy); Agricultural/Forest Resources; Mineral Resources; Surface Water and Sediment Quality; and Growth Inducement.

As mentioned above, the number of truck trips needed to decommission the levee at Reaches 2 and 3 would not change compared to the trips analyzed in the Final EIS/EIR and subsequent addenda, but the mileage of the proposed optional haul route would be approximately 4.97 miles less than the haul route evaluated in the Final EIS/EIR and approximately 0.44 miles less than the haul route analyzed in Addendum No. 5. Use of the currently proposed optional route would reduce traffic and noise impacts from those analyzed in the Final EIS/EIR because the haul route would not extend through or adjacent to the Alviso neighborhood to the south and it would be further away from sensitive receptors than the routes previously analyzed, including residences, schools, and the library. Additionally, use of the optional haul route would not affect emergency access, as the proposed optional haul route is located on levees that are not used by emergency vehicles. Finally, previously identified AMMs to address noise would be implemented during use of the haul route. In addition, the shorter hauling distance could reduce truck emissions and the associated impacts related to greenhouse gases and air quality from those analyzed in the Final EIS/EIR and the modified Project would still not conflict with any applicable air quality plans. Therefore, no new significant impacts or substantial increase in the severity of previously identified significant impacts related to transportation, noise, or air quality/greenhouse gases would result from the proposed Project changes.

The following analysis discusses the potential impacts from the proposed Project changes to Aquatic Biological Resources and Terrestrial Biological Resources in more detail because the proposed alternative route is in the vicinity of Ponds A12, A13, A15, and A16 where aquatic resources, habitat, or wildlife species are or could be located.

Aquatic Biological Resources

Impact ABR-1: Have a substantial adverse effect, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW), National Marine Fisheries Service (NMFS), or the USFWS.

The Final EIS/EIR describes the anticipated long-term benefits to aquatic biological resources, including increased forage production, connectivity to Bay waters, and increased foraging and rearing habitats for obligate estuarine species discussed on page 4–226. Although construction impacts would temporarily impact aquatic biological resources from levee decommissioning and construction, dredging of pilot channels, erosional processes, and sediment disturbance, the Final EIS/EIR determined that with the implementation of AMMs (AMM-ABR-1 through AMM-ABR-5; AMM-ABR-7 through AMM-ABR-12; AMM-WAT-27 and AMM-WAT-28), no significant impacts on protected aquatic species and their habitats are anticipated to result from construction.

The aquatic habitats in and near the Project area are highly influenced by past and present human activities, including salt production, recreation, and train activity along the UPRR tracks adjacent to the proposed optional haul route. As a result, vegetation and wildlife species that utilize the New Chicago Marsh (NCM), Ponds A16, A15, A13, and A12, and other adjacent areas are generally very tolerant of human presence and disturbance.

Hauling of fill via the proposed route would use the existing levee crest roads and would not require construction or modification of infrastructure. The USACE would require its contractor to implement the following AMMs described in the Final EIR/EIS to avoid or minimize harming of aquatic biological resources when utilizing the optional route, including AMM-ABR-1: Seasonal Restrictions; AMM-ABR-7: Notification of Mortality Events; and AMM-ABR-10: Prepare SWPPP. Additionally, the USACE would require its contractor to implement dust control measures including AMM-AIR 1: Dust Control Measures, as described in the Final EIS/EIR to avoid or minimize this impact. Dust control would be accomplished by applying water, presoaking, or applying a dust palliative. All haul trucks transporting soil, sand, or other loose material would be covered. All exposed surfaces such as parking and staging areas, soil piles, and unpaved access roads would be watered twice daily. These AMMs would minimize temporary increases in turbidity and suspended sediment, as well as spills or other chemical contamination from construction equipment, including trucks, and to monitor aquatic biological resources to verify that hauling activities would not negatively affect wildlife and/or their habitats during the use of the optional haul route.

Based on the above, the proposed optional haul route along the levee crest roads bordering Ponds A16, A15, A13, and A12 between Reach 1 and Reaches 2 and 3 would not result in new significant impacts to aquatic biological resources, and the implementation of AMMs would continue to maintain the modified Project's impacts on these resources at a less-than-significant level.

Impact ABR-2: Conflict with the provisions of the Santa Clara Valley Habitat Plan, an adopted Habitat Conservation Plan/Natural Community Conservation Plan, or the Tidal Marsh Recovery Plan.

As described on page 4–244 of the Final EIS/EIR, the Santa Clara Valley Habitat Plan and Tidal Marsh Recovery Plan do not cover aquatic species. The implementation of the proposed changes to the Project would not conflict with provisions of these plans, consistent with the analysis presented in the Final EIS/EIR. This criterion would remain no impact.

Terrestrial Biological Resources

Impact TBR-1: Have an effect on any sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or the USFWS.

The Final EIS/EIR discussed potential impacts to terrestrial biological resources associated with construction of the Alviso Levee alignment on page 4–312, including habitats, wildlife, and plants that are not solely dependent on aquatic environments for survival. Many terrestrial wildlife species use aquatic habitats for breeding, foraging, and resting, but these species spend time on dry land as well as in or near the water. The Proposed Project, as analyzed in the Final EIS/EIR would impact 3.7 acres of seasonally inundated saline flat, 1.8 acres of muted tidal/diked marsh, and may continue to isolate NCM from tidal influence of the bay. These impacts to wetland habitat would be significant except for the expansion of 2,783 acres of restored tidal marsh that the FRM levees would promote over time in adjacent ponds, which would provide self-sustaining wetlands and high-quality endangered species habitat. The Final EIS/EIR concluded that based on this increased habitat, impacts to habitats would be less than significant from Project implementation.

Hauling via the proposed optional haul route would utilize the existing levee crest roads and would not require construction nor augmentation of the existing salt pond levees and adjacent sensitive natural communities and/or terrestrial biological resources beyond levels analyzed in the Final EIS/EIR. All other construction activities would remain the same as those described in the

Final EIS/EIR. Therefore, the proposed optional haul route along the levee crest roads bordering Ponds A16, A15, A13, and A12 between Reach 1 and Reaches 2 and 3 would not result in new significant impacts when compared to those impacts described in the Final EIS/EIR. The level of significance of these effects resulting from the modified Project would continue to be less than significant.

Impact TBR-2: Have an effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the CDFW or the USFWS.

Project construction activities could result in direct impacts on special-status species that use the seasonal wetland west of the UPRR tracks (saline flat) and muted tidal/diked marsh habitat in the NCM, as described on page 4–317 of the Final EIS/EIR. The NCM is known to support several special status species, including salt marsh harvest mouse (*Reithrodontomys raviventris*), salt marsh wandering shrew (*Sorex vagrans halicoetes*), Alameda song sparrow (*Melospiza melodia pusillula*), Bryant's savannah sparrow (*Passerculus sandwichensis alaudinus*), and nesting western snowy plover (*Charadrius nivosus*), burrowing owls (*Athene cunicularia*) and other nesting birds. AMMs and mitigation measures were proposed in the Final EIS/EIR which would reduce the impacts to these species to a less-than-significant level.

The proposed optional haul route would border existing known low-quality habitat for the salt marsh harvest mouse, which is comprised mostly of the pickleweed (*Salicornia sp.*) that grows in a narrow band at the edge of the ponds. Use of the proposed optional haul route would also result in haul trucks driving closer to potential snowy plover (*Charadrius nivosus*) habitat (in Ponds A15 and A13) and a known California Ridgway's rail and black rail nesting area (in marshes outboard of Ponds A15 and A16). These areas near Ponds A13, A15, and A16 were not identified in the Final EIS/EIR as locations where impacts may occur. To avoid or minimize impacts on these species, the following AMMs as proposed in the Final EIS/EIR would continue to be implemented for the modified Project: AMM-TBR-1: Reporting Requirements; AMM-TBR-2: Seasonal Restrictions; AMM-TBR-3: Conduct Preconstruction Surveys; AMM-TBR-4: Stage Outside Sensitive Habitats; AMM-TBR-5: Minimize Footprint; AMM-TBR-6: Install Exclusionary Fencing; AMM-TBR-7: Biological Monitor; AMM-TBR-8: Site Stabilization and Restoration; AMM-TBR-12: Worker Awareness; AMM-TBR-16: Cleaning of Equipment; AMM-TBR-17: Hazardous Materials Management/Fuel Spill Containment Plan; AMM-TBR-19: Speed Limit; AMM-TBR-20: Vehicle Staging and Fueling; AMM-TBR-21: Vehicle and Equipment Maintenance; AMM-TBR-22: Stormwater Management Plan; and AMM TBR-25: Nighttime Work Avoidance.

When the optional haul route is used, trucks would drive on the levee crest roads and avoid pond edges where pickleweed grows, thus avoiding impacts on salt marsh harvest mouse habitat. Therefore, no significant effect to salt marsh harvest mouse habitat would result from use of the proposed haul route. However, to further avoid or minimize mortality and physical harm to salt marsh harvest mouse, the above AMMs would be implemented, and as such the modified Project would not substantially increase the impacts on salt marsh harvest mouse. In addition to the AMMs described above, the minimization measure MM-TBR-2a, which was proposed in the Final EIS/EIR to reduce construction impacts on salt marsh harvest mouse habitat, would continue to reduce the modified Project's impacts on salt marsh harvest mouse to a less than significant level.

In regard to the impacts on snowy plovers, disturbance from the sound and presence of haul trucks themselves would not be expected, as plovers have been documented nesting close to heavy machinery and are considered habituated to similar sound levels being produced in the

area from the Capitol Corridor Train which passes the area frequently. To avoid or minimize mortality and physical harm to snowy plovers, the same AMMs as described above would be implemented. In addition, as proposed in the Final EIS/EIR, minimization measure MM-TBR-2b would reduce impacts on snowy plovers when vehicles are located near snowy plover nests or broods. With these measures, the modified Project would not result in a substantial increase in impacts on snowy plovers and the impacts to the species would be reduced to a less-than-significant level.

To avoid and minimize impacts on California Ridgway's rails and California black rails, pursuant to AMM-TBR-3: Conduct Preconstruction Surveys and AMM-TBR-7: Biological Monitor, which were proposed in the Final EIS/EIR, bird surveys and ongoing monitoring for California Ridgway's rails and California black rails would start January 15 and 30 of the year in which construction would occur. If breeding Ridgway's rails or black rails are determined to be present, activities including hauling would not occur within 700 feet of an identified calling center per MM-TBR-2e: Construction Avoidance Measures for California Ridgway's Rails. MM-TBR-2e also provides that only inspection, maintenance, research, or monitoring activities may be performed during the Ridgway's rail/black rail breeding season in areas within or adjacent to these species' breeding habitat with approval of the Contracting Officer under the supervision of a qualified biologist provided by the Contractor.

Both the AMMs and mitigation measures described above would minimize impacts to terrestrial biological resources by minimizing the footprint of the proposed optional haul route, conducting preconstruction surveys and ongoing monitoring to discover/note the presence of special-status species, implementing timing restrictions of hauling activities, setting protective buffers, and other protections if special-status species are present, preventing impacts to habitats adjacent to the optional haul route, and implementing a USFWS-approved training course that would be completed by all workers which includes information for recognizing snowy plovers and what to do if there are any interactions, including instructing drivers not to exit their vehicles while enroute unless absolutely necessary, so as to not create a disturbance to habitat by presenting a human silhouette to any potential plovers that are in the area.

As discussed above in Impact ABR-1, dust control AMMs including applying water, presoaking, or applying a dust palliative, covering soil, sand, or other loose material during trucking, watering exposed soils, would be implemented so that dust generation associated with the use of the optional hauling road would not result in any appreciable increase in turbidity to the nearby ponds.

The Final EIS/EIR determined that, with the implementation of AMMs and mitigation measures described above, the impacts to salt marsh harvest mouse, snowy plover, California Ridgway's rails and California black rails would be less than significant. The use of the proposed optional route would not create new significant impacts or substantially increase the severity of significant impacts previously identified for protected terrestrial species and the AMMs and mitigation measures would continue to reduce the modified Project's impacts on these species to a less-than-significant level.

Impact TBR-3: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; this includes fragmentation of existing habitats.

The Project would follow existing barriers (non-engineered dikes and berms) to minimize effects on wildlife movement, connectivity, and habitat fragmentation, as described on page 4–320 of the

Final EIS/EIR. Habitat on the landward side of the levee is primary muted tidal marsh that is part of the NCM. The Project includes vegetative buffers on the levees to provide refuge if needed and would not be constructed in a manner that would prevent wildlife movement across the levee. The Project would not substantially change habitat types on either side of the levee and would not be expected to affect any long-term trends of special-status species. Construction-related impacts on wildlife movement, habitat connectivity, habitat fragmentation, and biodiversity would be less than significant.

Similar to the Project, the proposed optional haul route would use the existing levees and would not create new barriers to wildlife. The use of the optional haul route would not be expected to affect wildlife movement, habitat connectivity, habitat fragmentation, and biodiversity. Therefore, impacts on wildlife movement, habitat connectivity, habitat fragmentation, and biodiversity would remain less than significant for the modified Project.

Impact TBR-4: Have an effect on a population of existing native resident or migratory species, either directly or through habitat modification.

The Final EIS/EIR (page 4–321) describes that the Project would be constructed along the existing non-engineered dikes and berms that separate distinct habitat types. On the bayward side of the proposed Project levee, Pond A12 and A13 would be operated as batch ponds until they are breached, and Pond A16 would function as a shallow water circulation pond. Because the habitats in these areas are so different from each other, the levee is not expected to disrupt or change current habitat trends in these areas. The levee segment between Pond A16 and the NCM is a movement corridor for young western snowy plover and other marsh species that hatch on bird nesting islands in Pond A16 and subsequently move into the NCM for cover and foraging.

As discussed above, the proposed optional haul route would entail haul trucks driving closer to potential snowy plover (*Charadrius nivosus*) (in Ponds A15 and A13) and salt marsh harvest mouse and known California Ridgway's rail and black rail nesting area (in marshes outboard of Ponds A15 and A16). These areas near Ponds A13, A15, and A16 were previously not identified in the Final EIS/EIR as locations where impacts may occur. Since the haul route would use levee crest roads alongside ponds and could potentially affect these species and their habitats, several AMMs specifically applicable to hauling would be implemented to prevent mortality and other impacts to species, including the following: AMM-TBR-1: Reporting Requirements; AMM-TBR-2: Seasonal Restrictions; AMM-TBR-3: Conduct Preconstruction Surveys; AMM-TBR-4: Stage Outside Sensitive Habitats; AMM-TBR-5: Minimize Footprint; AMM-TBR-6: Install Exclusionary Fencing; AMM-TBR-7: Biological Monitor; AMM-TBR-8: Site Stabilization and Restoration; AMM-TBR-12: Worker Awareness; AMM-TBR-16: Cleaning of Equipment; AMM-TBR-17: Hazardous Materials Management/Fuel Spill Containment Plan; AMM-TBR-19: Speed Limit; AMM-TBR-20: Vehicle Staging and Fueling; AMM-TBR-21: Vehicle and Equipment Maintenance; AMM-TBR-22: Stormwater Management Plan (to reduce erosion and runoff); and AMM-TBR-25: Nighttime Work Avoidance.

Mitigation Measures (listed as Additional Minimization Measures) specific to individual special status species were included in the Final EIS/EIR on page 4–378 and 81, including MM-TBR-2a: Construction Avoidance Measures for Salt Marsh Harvest Mouse; MM-TBR-2b: Construction Avoidance Measures for western snowy plovers, MM-TBR-2e: Construction Avoidance Measures for California Ridgway's Rails; and MM-TBR-2f: Construction Avoidance Measures for Nesting Birds.

Both the AMMs and mitigation measures described above would reduce impacts to terrestrial biological resources by minimizing the footprint of the proposed optional haul route, conducting preconstruction surveys and ongoing monitoring to discover/note the presence of special-status species, implementing timing restrictions of hauling activities, setting protective buffers, and other protections if special-status species are present, preventing impacts to habitats adjacent to the optional haul route, and implementing a USFWS-approved training course that would be completed by all workers which includes information for recognizing snowy plovers and what to do if there are any interactions, including instructing drivers not to exit their vehicles while enroute unless absolutely necessary, so as to not create a disturbance to habitat by presenting a human silhouette to any potential plovers that are in the area. Thus, the use of the proposed optional haul route between Reaches 2 and 3 and Reach 1 would not result in habitat modification or directly affect existing native resident or migratory species. Therefore, no new significant impacts or substantial increase in the severity of previously identified significant impacts would result from the proposed Project changes and impacts on status population and habitat would remain less than significant.

Impact TBR-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree-preservation policy or ordinance or with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, Recovery Plan, or other approved local, regional, or State habitat conservation plan.

The Final EIS/EIR (page 4–322) states that Project construction activities would comply with existing policies and plans protecting biological resources and concludes Impact TBR-5 to be less than significant. The proposed Project changes would entail an optional haul route between Reach 1 and Reaches 2 and 3 during decommissioning of the levee at Reaches 2 and 3. All other Project activities would remain the same as those previously analyzed in the final EIS/EIR and subsequent addenda. The proposed Project changes would continue to comply with or to be consistent with objectives of existing plans and policies. Therefore, this impact would remain less than significant.

5. Conclusion

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

6. References

- U.S. Army Corps of Engineers, 2015.
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- USFWS, 2015.
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- Valley Water, 2019.
South San Francisco Bay Shoreline Phase I Study Addendum No. 1. Amended March 2019.
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- Valley Water, 2020.
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- Valley Water, 2021.
South San Francisco Bay Shoreline Phase I Study Addendum No. 5. Amended May 2021.