

Appendix D

Proposed Mitigated Negative Declaration

California Environmental Quality Act (CEQA)
Proposed Mitigated Negative Declaration



Project Title and Contact Information

Project title:	Sanitary Sewer Condition Assessment Repairs
Lead agency name and address:	City of Santa Clara Public Works Department 1500 Warburton Avenue Santa Clara, CA 95050
Project proponent name and address:	<i>Same as above</i>
Contact person and phone number:	Vincent Luchessi, PE Senior Civil Engineer 408.615.3048

Project Location and Description

The attached Initial Study analyzes the environmental impacts of carrying out six sanitary sewer repair projects proposed by the City of Santa Clara (City) as part of the Sanitary Sewer Condition Assessment Repairs Program (see Figure 1 for project locations). Five of the proposed repair projects would address Grade 5 defects identified in recent sanitary sewer condition assessments:

- Segment 23: cured-in-place pipe (CIPP) lining to address a rupture in a 10-inch-diameter vitrified clay (VCP) sewer pipe within Saratoga Avenue north of San Tomas Expressway
- Segment 29, 30, and 31: CIPP lining to repair corrosion of a 24-inch-diameter VCP sewer pipe within the parking lot at 1400 Kifer Road, the adjacent parking lot at 1390 Kifer Road, and across Kifer Road at 350 Oakmead Parkway and the neighboring vacant lot¹
- Segment 35: infiltration grouting to repair a leaking joint in the 42-inch-diameter elliptical reinforced concrete (RCP) sewer pipe extending beneath the Guadalupe River south of SR 237

At Segment 12, CIPP lining would be installed in dual VCP siphon lines that extend beneath San Tomas Aquino Creek from the San Tomas Aquino Creek Trail on the west bank to the parking lot at 2788 San Tomas Expressway (NVIDIA facilities). The goal of the proposed pipe lining at Segment 12 is to prevent future problems associated with I&I in this segment.

At each Segment, existing sewer manholes would also be rehabilitated or replaced as needed. Manhole rehabilitation and replacement may take place in conjunction with sewer pipe repairs, or may be pursued separately at a future date. For completeness, manhole rehabilitation and replacement are included in the activities covered in the attached Initial Study and this proposed Mitigated Negative Declaration.

¹ Segments 29, 30, and Segment 31 qualify as separate projects but for efficiency are discussed together in this MND and the attached Initial Study, since they are located on neighboring parcels.

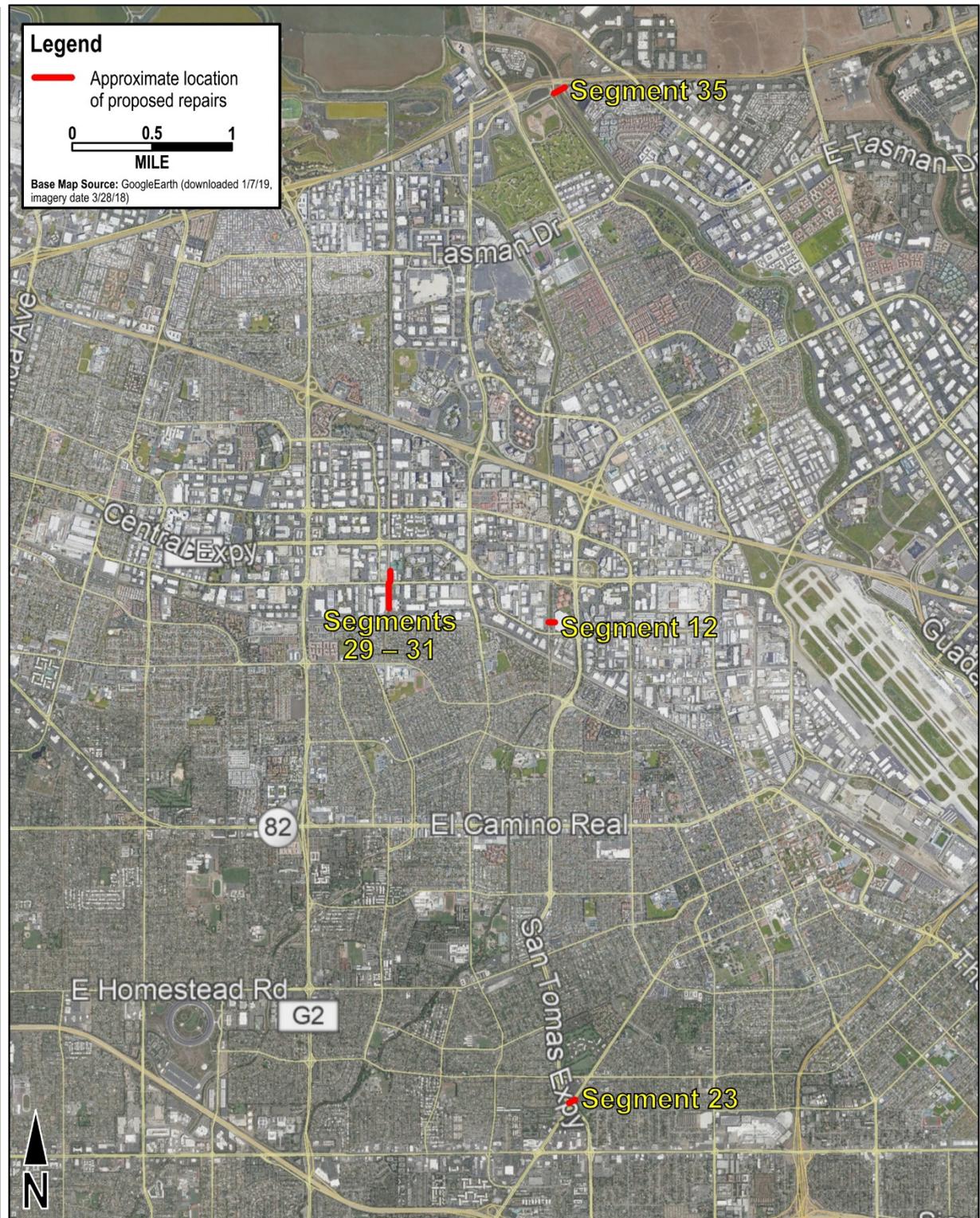


Figure MND-1. Project Location
Sanitary Sewer Condition Assessment Repairs
City of Santa Clara

Avoidance and Minimization Measures:	<p>The City will require contractor(s) to implement the following Avoidance and Minimization Measures during construction.</p> <p>Construction Window</p> <p>At all Segments, the proposed repair work will be carried out between September 1 and January 31 if possible, avoiding work during the bird nesting season.</p> <p>If it is feasible while still meeting the City’s construction deadlines under the 2013 River Watch Settlement Agreement, construction at Segment 35 will be timed to occur outside critical windows for special-status species protection, as follows.</p> <ul style="list-style-type: none">• Segment 35: if feasible, repair work will take place between September 1 and October 15 to avoid the nesting season for Tricolored Blackbird, California Black Rail, and California Ridgway’s Rail as well as the fall salmonid run in the Guadalupe River <p>If construction cannot be timed as stipulated above, additional measures will be required to avoid impacts on nesting birds and special-status species (see mitigation identified under <i>Biological Resources</i> in Section 3 of this Initial Study).</p> <p>Worker Awareness Training – Special-Status Species and Sensitive Habitats</p> <p>Prior to groundbreaking at Segments 29 – 31, 35, and 12, the City will retain a qualified biologist or ecologist (City’s Biologist) with construction site experience and experience delivering training to non-specialists to provide worker awareness training regarding special-status species and sensitive/jurisdictional habitats. Training will be site-specific and will cover the following topics.</p> <ul style="list-style-type: none">• Sensitive habitats on and near the work area• Water quality protection requirements per <i>Water Quality Protection</i> below• Special-status fish, amphibian, reptile, bird, and mammal species that may be present, where they have the greatest potential to occur, and how to recognize them• Procedures in the event of a sighting, per <i>Special-Status Species Sighting – Contractor Staff Response</i> below <p>The matrix on the following page identifies the species that will be included in worker awareness training at each Segment.</p>
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Species	Included in Segment Training		
	29 – 31	35	12
Fishes			
White sturgeon <i>Acipenser transmontanus</i>		■	
Steelhead <i>Oncorhynchus mykiss irideus</i>		■	
Chinook salmon <i>Oncorhynchus tshawytscha</i>		■	
Amphibians and Reptiles			
Southwestern pond turtle <i>Actinemys pallida (marmorata)</i>		■	■
California red-legged frog <i>Rana draytonii</i>		■	
Birds			
Tricolored Blackbird <i>Agelaius tricolor</i>		■	
Western Burrowing Owl <i>Athene cunicularia hypugea</i>		■	■
Great Blue Heron <i>Ardea herodias</i>		■	
Saltmarsh Common Yellowthroat <i>Geothlypis trichas sinuosa</i>		■	
California Black Rail <i>Lateralus jamaicensis coturniculus</i>		■	
Alameda Song Sparrow <i>Melospiza melodia pusillula</i>		■	
California Ridgway's Rail <i>Rallus obsoletus</i>		■	
Nesting birds in general included if construction takes place between February 1 and August 31	■	■	■
Mammals			
Pallid bat <i>Antrozous pallidus</i>		■	
Western red bat <i>Lasiurus blossevillii</i>		■	
Salt-marsh harvest mouse <i>Reithrodontomys raviventris</i>		■	
Salt-marsh wandering shrew <i>Sorex vagrans halicoetes</i>		■	

A leave-behind “alert sheet” will be provided. This will be a straightforward illustrated guide to recognizing the special-status species with the greatest potential to be present, with contact information and procedures in the event of a sighting.

All contractor staff working at Segments 29 – 31, 35, and 12 will be required to attend the training. If construction occurs during the nesting season at Segment 23, training will also be required for contractor staff at that Segment, focusing on general nesting bird protection. Attendance will be documented and attendees will be required to sign a form stating that they understand the requirements for special-status species and sensitive habitat protection and will comply with them.

If requested by the contractor, training and alert sheet will be delivered bilingually in English and Spanish (or other languages as needed).

Special-Status Species Sighting – Contractor Staff Response

In the event of a known or potential sighting of special-status wildlife in or near the work area, the following requirements will apply.

- Contractor staff will avoid the animal and will immediately notify the City's Biologist, who will advise them on how to proceed
- If warranted in the judgment of the City's Biologist, the biologist will respond onsite to relocate the animal or assist in implementing other protective measures; depending on the situation and the species involved, the City's Biologist may also consult with agency (DFW and/or USFWS) staff
- If the sighting is confirmed by the City's Biologist, the species and location will be reported to DFW for inclusion in the CNDDDB. The City's Biologist will be responsible for making the report

Water Quality Protection

The following measures apply to Segments 29 – 31, 35, and 12, which would require work in proximity to streams.

- Surface activity within riparian, wetland/marshland, and open channel areas will be prohibited. Prior to mobilization for construction at the Segments identified above, the City will retain a qualified biologist/ecologist (City's Biologist) to delineate areas of sensitive habitat to be avoided. The boundary is presumed to be located as follows, but may be adjusted in the field by the City's Biologist, based on site observations at the time of construction
 - Segments 29 – 31: at the existing fenceline along the west side of the 1400 Kifer Road, 1390 Kifer Road, and 350 Oakmead Parkway parking lots
 - Segment 35: on the levee crest, adjacent to the inboard edge of the Guadalupe River Trail (both banks of the River)
 - Segment 12: on the west side of San Tomas Aquino Creek adjacent to the inboard edge of the San Tomas Aquino Creek Trail and on the east side of the Creek along the west edge of the paved parking lot at 2788 San Tomas Expressway

Where Santa Clara Valley Water District (District) right-of-way or other fencing is present, reminder signage/noticing to contractor staff, posted at the existing District fence, will be adequate to define the exclusion boundary. Where no signage is present, avoidance areas will be delineated using temporary construction fencing, pin flags, or another appropriate, low-impact medium installed by or under the direct

	<p>supervision of the City's Biologist. No entry (personnel, equipment, or materials) will be permitted into the delineated avoidance areas</p> <ul style="list-style-type: none">• For the duration of work, the City's Biologist will conduct daily site visits to verify that the exclusion perimeter and other measures described below are in place and functioning properly• Non-styrene resins will be used for CIPP lining at Segments 29 – 31 and Segment 12• Grout used at Segment 35 will be NSF/ANSI 61–certified and will be installed by contractors certified by the grout supplier for installation• No water used in CIPP installation and curing will be discharged to storm drains, watercourses, or overland• If ground disturbance is required (for example, for rehabilitation of Manhole 114-4 at the east end of Segment 35), runoff control measures such as straw wattles, filter rolls, filter fences, or silt fences will be installed to contain disturbed soil materials. Runoff control will be in place prior to groundbreaking. If straw wattles are used, they will consist of certified sterile, weed-free rice straw or similar, suitable for use in sensitive habitat. If filter fences or mesh are used, they will consist of materials, and employ a design, approved by DFW and USFWS as safe for amphibians and reptiles• Where ground disturbance occurs in a paved area (Segment 30), pavement will be restored immediately following the completion of repairs• Where ground disturbance occurs in a vegetated area (Segment 35), the disturbed area will be reseeded immediately following the completion of repairs, using a certified weed-free native species seed mix appropriate to the site• Excavated materials will be stockpiled away from sensitive habitat, in areas that are relatively level, and relatively free of vegetation. Stockpiles will be located as far as reasonably feasible from the limits of sensitive habitat avoidance habitat, and runoff control measures as described above will be used to prevent delivery of sediment to wetlands and watercourses. If wattles are used, they will consist of certified sterile, weed-free materials, as identified above. Any excavated materials not reused on site will be promptly removed to appropriate permanent disposal locations following the completion of repairs• Demolition debris such as concrete and asphalt cuttings and manhole components will be promptly removed from the work area for proper disposal and will not be discharged into drain inlets, the storm water drainage system, or watercourses
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- All diesel- and gasoline-powered construction equipment and tools, including generator units, will be inspected for leaks and damage prior to mobilization
- No fueling, lubrication, maintenance, or staging of vehicles or equipment will take place within unpaved areas. Fueling will be conducted at least 200 feet from wetlands and waterways. Equipment staging will be located at least 150 feet away from riparian and wetland/marshland areas. If onsite fueling, maintenance, or repairs are required, containment measures such as drip pans will be required
- Materials staging will also be restricted to paved, surfaced, or upland areas away from wetlands and watercourses
- Preparation (resin saturation) of the felt CIPP liners and grout will be restricted to paved, surfaced, or upland areas away from watercourses
- If stationary diesel- or gasoline-powered equipment is needed (for example, generators to power light units for night work), it will be situated in a paved area if possible, and will be placed within secondary (dual) containment
- Appropriate types and quantities of materials will be maintained onsite to contain any spills or releases of materials and prevent them from entering sensitive habitat and jurisdictional waters
- In the event of a spill, appropriate spill response procedures will be initiated as soon as the incident is discovered. The contractor will be required to notify the City staff as soon as feasible, and in no case more than 24 hours after the occurrence. A designated City contact will be specified in the project construction documents for this purpose. If there is any potential for the spill to enter jurisdictional waters, the City will notify the RWQCB
- Trash generated during repair and rehabilitation activities will be promptly and properly removed from the site

Air Quality Protection

Dust Control

To reduce dust generation, the following measures will be required when excavation or ground disturbance is necessary.² These measures are based on the Bay Area Air Quality Management District's *Basic Construction Mitigation Measures* (Bay Area Air Quality Management District 2017a).

- All exposed surfaces and soil stockpiles will be watered 2 times per day

² Excavation/ground disturbance is currently anticipated only at Segment 23 (to reconnect existing sewer laterals with the repaired main in Saratoga Avenue), Segment 30 (for removal and replacement of SSMH 62-40), and Segment 35 (for rehabilitation of SSMH 114-4).

- All haul trucks transporting soil, sand, or other loose material offsite will be covered
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. Use of dry power sweeping will be prohibited
- All vehicle speeds on unpaved roads will be limited to 15 miles per hour
- If pavement is removed, it will be replaced as soon as possible.
- Vegetated areas disturbed during construction will be replanted/reseeded as soon as possible.
- Idling times will be minimized, either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes. Clear notification will be provided to all equipment operators regarding limitation on idling times
- All construction equipment will be maintained and properly tuned in accordance with manufacturer specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation
- Project signage will include the name and telephone number of City staff to contact regarding dust complaints. City staff will respond and take corrective action within 48 hours. Project signage will also include the BAAQMD's phone number to ensure compliance with applicable regulations

Toxic Air Contaminants Control

To reduce the potential for exposure to toxic air contaminants during CIPP lining, the following measures will be required.

- If steam curing is used, the steam exhaust will be located at least 100 feet from residences and at least 100 feet from commercial/business park entry areas and heating, ventilation, and air conditioning system air intakes. If this is not feasible, an alternative curing method and/or non-styrene resins will be used
- Adjacent residences and businesses will be notified at least 1 week prior to the start of work. Notification will include the following information:
 - Anticipated work dates
 - An overview of the repair process, including the substances proposed for use
 - Name, phone number, and email address of the City staff member who will be responsible for answering questions and receiving and responding to reports of odors or health concerns

These measures will apply to repairs at all project Segments where CIPP lining occurs.

Hazardous Materials Contamination

Work at all project Segments will be subject to the following requirement. The project Contract Documents will stipulate contractor responsibilities in implementing this measure.

- **Hazardous Materials Response.** In the event known or suspected hazardous materials are encountered during project construction, work in the vicinity of the find will be suspended until qualified staff (i.e., staff meeting the Environmental Professional qualifications in ASTM E1527-13) retained by the City can assess the nature of the find and stipulate appropriate follow-up and protective measures. Work may proceed elsewhere, assuming the discovery appears to be localized. If qualified staff consider it warranted, the City will conduct a Phase II hazardous materials investigation or appropriate equivalent procedure to determine the nature and extent of contamination, evaluate potential risks, and, if appropriate, stipulate additional precautions and/or response measures. Construction in areas of known and potential contamination will not resume until the measures stipulated by qualified staff are implemented. If waste disposal is necessary, materials will be handled and disposed of by a licensed waste-disposal contractor and transported by a licensed hauler to an appropriately licensed and permitted disposal or recycling facility, in accordance with local, state, and federal requirements. The project Contract Documents will stipulate contractor responsibilities in accommodating and assisting with the implementation of these commitments.

Work at Segments 23 and 29 – 31 will also be subject to the following additional requirements, which will also be stipulated in the project Contract Documents.

- **Soil Vapor and Contaminated Soil/Groundwater Protection.** If excavation or other ground disturbance is required, the contractor will be required to prepare and submit a Health and Safety Plan (HASP) for worker and public safety during work at Segments 23, 29, 30, and 31.³ The HASP will be subject to City review and approval, and at a minimum will include the following requirements.
 - Public access to the active work site will be prohibited

³ At present, HASPs are expected to be necessary only at Segment 23, where excavation would be required to reconnect existing sewer laterals to the repaired sewer main, and at Segment 30, where existing SSMH 62-40 would be removed and replaced. No ground disturbance or excavation is anticipated at Segments 29 and 31, but they have been included in the measure for completeness, since there is potential for contamination at these locations (see *Hazards & Hazardous Materials* in Section 3).

	<ul style="list-style-type: none">- Contractor employees working onsite will be certified in OSHA's 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training- During excavation at Segment 30, contractor staff will be required to wear appropriate Personal Protective Equipment (PPEs) and the contractor will be required to employ best practices to minimize human exposure to potential contaminants, consistent with applicable federal and state requirements- Contractor will sidecast and stockpile excavated materials to allow for proper characterization and evaluation of disposal options. Soil will be watered or misted during excavation to control fugitive dust, and will be stockpiled in areas shielded to the extent feasible from prevailing winds. Stockpiles will be misted or covered to control dust. Public access to the stockpile area will be prohibited- Excavated materials will be tested for contaminants. If soils will be reused onsite as fill, testing will follow a protocol consistent with guidance of the California Department of Toxic Substances Control (DTSC) (e.g., Information Advisory: Clean Imported Fill Material, available: https://www.dtsc.ca.gov/Schools/upload/SMP_FS_Cleanfill-Schools.pdf). If soils are to be disposed offsite, testing will follow California hazardous waste testing and disposal protocols.- If testing of excavated materials indicates any contaminant levels in excess of applicable limits, excavated materials will be handled and disposed of by a licensed waste-disposal contractor and transported by a licensed hauler to an appropriately licensed and permitted disposal or recycling facility, in accordance with local, state, and federal requirements. Contractor will water/mist soil as it is being loaded onto haul trucks to control dust, and haul trucks will be covered to control fugitive dust and vapor emissions during transport- Soils with any contaminant level exceeding the applicable Regional Water Quality Control Board (RWQCB) Environmental Screening Level threshold will not be reused onsite- At Segment 30, if excavations remain open over night, the contractor will cover the bottom of excavated areas with vapor-restrictive sheeting when work is not being performed- At Segment 30, the contractor will monitor ambient air in the trench and around the perimeter of the active work area for fugitive vapor emissions, using appropriate field screening
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	<p>instrumentation. If any contaminant level in excess of applicable California Division of Occupational Safety and Health (Cal/OSHA) Permissible Exposure Levels is detected, worker PPEs will be required to include inhalation protection meeting Cal/OSHA standards, and/or work will be suspended until airborne concentrations decrease below the action threshold, as verified by ambient air monitoring. If contaminant levels in excess of applicable action thresholds for public exposure (RWQCB Environmental Screening Levels, or action levels derived based on DTSC/U.S. Environmental Protection Agency risk-based screening levels) are detected at the perimeter of the work area, vapor mitigation measures such as foams will be used to reduce volatilization</p> <ul style="list-style-type: none"> - No discharge to storm drains will be permitted. If dewatering is required, water removed from the trench will be tested onsite for contamination prior to discharge. If contaminant levels in excess of the applicable action level per the contractor's discharge permit are detected, water will either be treated onsite using an activated carbon filter or appropriate alternative prior to discharge to sanitary sewer, or will be removed from the site for appropriate offsite disposal. Filtration and offsite disposal options will be delineated in the HASP for City review - The sampling and testing protocols and results of soil and groundwater testing will be reported to the RWQCB for inclusion in their Geotracker database
<p>Mitigation measures:</p>	<p>Based on analysis in the attached Initial Study, the projects will incorporate the following mitigation measures to avoid, reduce, or compensate for potentially significant environmental impacts.</p> <p>Biological Resources</p> <p><u>Mitigation Measure Bio-1. Rare Plant Surveys, Protection, and Restoration at Segment 35</u></p> <p>Prior to work at Segment 35, the City will retain a qualified biologist or ecologist (City's Biologist) with local botanical expertise to conduct surveys for alkali milk-vetch and Congdon's tarplant. Surveys will be conducted during the peak bloom periods for the species: May – March for alkali milk-vetch and May – October for Congdon's tarplant. If neither species is present, no further action will be required and construction may proceed.</p> <p>If either species is present, the City's Biologist will be responsible for defining appropriate no-disturbance buffers to protect them during construction, if this is feasible while still accomplishing the needed repairs in a safe and timely manner. Buffers will be established using temporary construction fencing or another low-impact medium installed by or under the direct supervision of the biologist.</p>

If the plants cannot feasibly be protected, the post-disturbance revegetation seed mix will include the species affected. Seed will be collected onsite if possible. If this is not feasible due to the timing of construction, locally native seed will be used. Following reseeding, the City's Biologist will conduct at least (1) follow-up survey next subsequent blooming period to verify successful germination. If germination was not successful, the disturbed area will be reseeded with the failed species, using locally native seed and an additional follow-up blooming period survey will be conducted.

Mitigation Measure Bio-2. Protection of Nesting Birds (General) at All Segments

If feasible, construction at all Segments will be scheduled between September 1 and January 31, outside the February 1 – August 31 nesting period.

If construction at any Segment occurs during the nesting period, the City will retain a qualified biologist to conduct a pre-construction nesting bird survey covering the Segment footprint and a 300-foot-wide surrounding buffer. The survey will be conducted within 2 weeks of the start of construction-related activity at the Segment. If active nest(s) of any species are identified within the 300-foot-wide survey area, a no-activity buffer will be established around the nest for the duration of the nesting season, or until a biologist determines the young have fledged and left the nest, or that the nest has been abandoned. No entry into the no-activity buffer will be permitted. The no-activity buffer will be delineated in the field by or under the supervision of the biologist, using temporary construction fencing or another suitable low-impact medium. The width of the buffer will be determined by the biologist, based on the species involved, the amount of vegetative and other screening between the nest and areas where construction activity will take place, and, if appropriate, other site-specific factors. If special-status species are involved, the biologist will consult with the appropriate resource agency(ies) (DFW and/or USFWS) in determining the width of the buffer.

Mitigation Measure Bio-3. Protection of Nesting Tricolored Blackbird at Segment 35

If repair work at Segment 35 occurs during the Tricolored Blackbird nesting period (March 15 – July 31), the City will retain a qualified biologist (City's Biologist) to make a good-faith best effort to determine if nesting has occurred within 300-feet of Segment 35 within the past 5 years, based on review of the CNDDDB, field survey for old nests, contact with local experts and resource agency staff, etc. If evidence of nesting within the last 5 years is discovered, the species will be presumed present.

If no evidence of nesting within the past 5 years is identified, the species' presence will be considered undetermined, and the City's Biologist will conduct a preconstruction survey in bulrushes and cattail habitat along and within 250 feet of Segment 35 in order to document the presence or absence of nesting colonies of Tricolored Blackbird. Surveys will be conducted during the Tricolored Blackbird

nesting period and will conclude no more than 2 calendar days prior to construction.

If nesting activity is detected, construction activities will be prohibited within a 250 foot no-activity buffer around the edge of all hydric vegetation associated with the colony, until or unless the City's Biologist determines that nesting activity has concluded, with all young successfully fledged, or nests abandoned. The City's Biologist will monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside the buffer is affecting a breeding colony, the buffer will be increased as space allows. If space does not allow, construction will cease until the colony abandons the site or until the end of the breeding season, whichever comes first.

Mitigation Measure Bio-4. Protection of Nesting California Black Rail and California Ridgway's Rail at Segment 35

If repair work at Segment 35 occurs during the California Black Rail/Ridgway's Rail nesting season (February 1 – August 31), the following precautions will be required.

- Protocol-level surveys will be conducted by a DFW-approved biologist for California Black Rail and by a USFWS- and DFW-approved biologist for Ridgway's Rail to identify breeding locations and territories, if any
- If breeding rails are determined to be present, all activity within 700 feet of an identified calling center/nesting area will be prohibited until nesting is complete, as verified by the appropriately qualified biologist, or the end of the nesting season, whichever comes first.

Mitigation Measure Bio-5. Protection of Nesting Western Burrowing Owls at Segments 35 and 12

If repair work at Segment 35 or Segment 12 occurs during the Western Burrowing Owl nesting season (February 1 – August 31), the City will retain a qualified biologist to conduct preconstruction surveys covering all areas of suitable habitat within 250 feet of the Segment. The survey will last a minimum of 3 hours, and will either begin 1 hour before sunrise and continue until 2 hours after sunrise or begin 2 hours before sunset and continue until 1 hour after sunset. If no owls are detected during a first survey, a second survey will be conducted. If owls are detected during the first survey, a second survey is not needed. All owls observed will be counted and their locations will be mapped.

If evidence of nesting Western Burrowing Owls is found, a 250-foot-wide no-disturbance buffer zone will be established around each occupied nest and will be delineated in the field by the biologist, using a suitable low-impact medium. Construction may proceed outside the no-disturbance buffer zones.

Cultural Resources

Mitigation Measure Cul-1. Notice of Potential for Buried Cultural Resources in Construction Documents

The potential to encounter buried cultural resources, including Native American burials, will be noted in the project construction documents.

Mitigation Measure Cul-2. Retention of On-Call Archaeologist

Prior to construction, the City will retain a qualified professional archaeologist (City's Archaeologist) with experience in northern and central California archaeology on an on-call basis for the duration of all ground-disturbing activities. The City's Archaeologist will be responsible for reviewing, identifying, and evaluating cultural resources (if any) exposed during construction, for determining whether they qualify as *historic resource(s)* and/or *unique archaeological resource(s)* under CEQA, and, if needed, recommending and implementing appropriate follow-up treatment.

Mitigation Measure Cul-3. Worker Awareness Training for Cultural Resources

Prior to groundbreaking at the Segments where ground disturbance/excavation is required (Segment 23, Segment 30, and Segment 35), the City's Archaeologist (defined in Mitigation Measure Cul-1) will develop and present in-person, hands-on worker awareness training for historical resources. Training will include information on the possibility of encountering resources during construction; the types of resources that may be seen and how to recognize them; and proper procedures in the event resources are encountered. All field management and supervisory personnel and construction workers involved with ground-disturbing activities will be required to take this training prior to beginning work on the project. Upon completion of the training, workers will be required to sign a form stating that they attended the training, understand, and will comply with the information presented.

Mitigation Measure Cul-4. Evaluation and Treatment of Unanticipated Archaeological Discoveries

If known or suspected cultural resources are discovered during construction, work in the immediate area of the find will cease and the contractor will be required to notify the City before the end of the work day. The find will be protected in place until the City's Archaeologist and a trained and qualified Native American monitor who can prove genealogical relationship to the greater San Francisco Bay Area have evaluated it and identified appropriate follow-up measures, if any. If the City's Archaeologist determines that the resource qualifies as a *historic resource* and/or *unique archaeological resource* under CEQA, he/she will notify the City and other appropriate parties and recommend follow-up measures to reduce impacts, in accordance with Section 15064.5 of the *CEQA Guidelines*. Depending on the nature of the find, follow-up measures may include avoidance, preservation in place, recordation, monitoring during ongoing work, additional archaeological testing, and data recovery, among other options. The City's Archaeologist may recommend completion of a formal Archaeological

Monitoring Plan (AMP) and/or Archaeological Treatment Plan (ATP), potentially including data recovery, if significant archaeological deposits are exposed during ground-disturbing activities. The City will be responsible for proper implementation of the AMP and ATP. If an AMP or ATP is implemented at Segment 35, the City will consult with the U.S. Army Corps of Engineers and, if appropriate, other regulatory agencies, in developing and implementing the AMP and ATP.

If archaeological evaluation, monitoring, or treatment is required, the City's Archaeologist will prepare and file a Monitoring Closure Report with the City, documenting the nature of the find(s), evaluation methods, and outcomes.

Mitigation Measure Cul-5. Procedures for Discovery of Human Remains

The treatment of human remains and funerary objects discovered during any project related ground-disturbing activity will comply with all applicable state laws. If known or potential human remains are encountered during project-related activities, work within 50 feet of the discovery and in any nearby areas reasonably suspected to overlie adjacent remains will cease, the find will be protected in place, and the contractor will be required to notify the City before the end of the work day. The City will promptly notify the Santa Clara County Coroner, who will be responsible for determining whether the remains are Native American. If the Coroner determines that the remains are Native American and are not subject to his/her authority, he/she will notify the Native American Heritage Commission, which is responsible for identifying and notifying descendant(s) of the deceased so they can make recommendations regarding the treatment of the remains. The City will be responsible for facilitating the disposition of remains recommended by the Most Likely Descendant(s). If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, the City will respectfully reinter the human remains and items associated with the burial on City property in a location not subject to further subsurface disturbance. A final report detailing the find, follow-up activities, and disposition of remains will be prepared by the City's Archaeologist or other qualified staff, and will be submitted to the City's Director of Community Development promptly following disposition of the remains. The report will be subject to review and approval by the City's Director of Community Development.

Geology & Soils (Paleontological Resources)

Mitigation Measure GEO-1. Worker Awareness Training for Paleontological Resources

Prior to groundbreaking at Segments 23, 30, and 35, the City will retain qualified staff to develop and present in-person, hands-on worker awareness training for paleontological resources. As used here, *qualified staff* refers to an individual who satisfies one or both of the following criteria.

- A Principal Paleontologist as defined by the California Department of Transportation (2012), or a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology (Society of Vertebrate

	<p>paleontology Impact Mitigation Guidelines Revision Committee 2010), who is experienced in delivering training to nonspecialists</p> <ul style="list-style-type: none">• A California-licensed professional geologist (PG) who has expertise in South San Francisco Bay Area stratigraphy and paleontology and is experienced in delivering training to nonspecialists <p>Training will be concise and substantive. It will include information on the possibility of encountering fossils during construction; the types of fossils that may be seen and how to recognize them; and proper procedures in the event fossils are encountered. All field management and supervisory personnel and construction workers involved with ground-disturbing activities will be required to take this training prior to beginning work on the project. Upon completion of the training, workers will be required to sign a form stating that they attended the training, understand, and will comply with the information presented.</p> <p><u>Mitigation Measure GEO-2. Stop-Work, Evaluation, and Treatment in the Event of a Paleontological Find</u></p> <p>If vertebrate remains or other potentially significant fossil resources are discovered during project-related activities, all work in the immediate vicinity of the discovery will cease, the find will be protected in place, and the contractor will be required to notify the City before the end of the work day. The City will detail qualified staff—i.e., staff meeting the qualifications for a Principal Paleontologist as defined by the California Department of Transportation (2017), or a Qualified Professional Paleontologist as defined by the Society of Vertebrate Paleontology (Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee 2010)—to evaluate the find and recommend appropriate follow-up treatment. Work may continue on other parts of the alignment while evaluation (and, if needed, treatment) takes place, as long as the find can be adequately protected in the judgment of the qualified staff. The City will be responsible for ensuring that the recommendations of the qualified staff regarding treatment and reporting are implemented.</p>
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Determination

In accordance with local procedures for compliance with the California Environmental Quality Act (CEQA), the Public Works Department has completed the attached Initial Study to evaluate the potential for the proposed repair projects to result in significant adverse effect(s) on the environment, and on the basis of analysis in the Initial Study recommends the following determination.

- Although the projects have the potential to result in significant effects on the environment, there would not be a significant effect in this case because revisions in the project (in the form of mitigation measures) have been made by or agreed to by the project proponent
- A Mitigated Negative Declaration should be prepared
- An Environmental Impact Report (EIR) is not required

Findings

Based on the analysis and findings presented in the project Initial Study (attached), the proposed project will not have a significant effect on the environment, for the following reasons.

- As discussed in the Section 3 of the Initial Study, with the project's Avoidance and Minimization Measures and mitigation measures incorporated, potential short- and long-term environmental impacts would be avoided or reduced to Less than Significant levels
- The project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory
- The project would not have impacts that are individually limited, but cumulatively considerable
- The project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly

This determination reflects the independent judgment of the City.

Vincent Luchessi, PE
Senior Civil Engineer

Date