SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
SFCJPA.ORG

Notice of Regular Meeting of the
BOARD OF DIRECTORS
City of Palo Alto Council Chambers
250 Hamilton Avenue, Palo Alto, California
September 26, 2019 at 3:30 p.m.

AGENDA

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MEETING MINUTES: August 22, 2019 Regular Board meeting

4. PUBLIC COMMENT – *Individuals may speak on any topic for up to three minutes; during any other Agenda item, individuals may speak for up to three minutes on the subject of that item.*

5. REGULAR BUSINESS – Executive Director's Report

   a. Certify the Final Environmental Impact Report for the Upstream of Highway 101 Project:

      Consider approving Resolution #19-9-26-A, certifying the Final Environmental Impact Report for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101; making findings pursuant to the California Environmental Quality Act; adopting a Statement of Overriding Considerations; and adopting a Mitigation Monitoring and Reporting Program

   b. Approve the Upstream of Highway 101 Project:

      Consider approving Resolution #19-9-26-B, formally approving the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101, and authorizing the Executive Director to File a Notice of Determination for the Project

   c. Upstream of Highway 101 Project: Consider authorizing the Executive Director to execute Amendment Number 1 to the October 18, 2012 Agreement between the SFCJPA and Santa Clara Valley Water District to fund project environmental planning and permit applications

   d. Upstream of Highway 101 Project: Consider authorizing the Executive Director to execute Amendment Number 3 to the January 8, 2013 consultant agreement with ICF Jones & Stokes for project environmental planning and permit applications

6. BOARD MEMBER COMMENTS – *Non-agendized requests or announcements; no action may be taken.*

7. ADJOURNMENT

PLEASE NOTE: This Board meeting Agenda and supporting documents related to items on the Agenda can be viewed online by 3:30 p.m. on September 23, 2019 at sfcjpa.org.

NEXT MEETING: Regular Board meeting, October 24, 2019 at 3:30 PM, City of Menlo Park Council Chambers

San Francisquito Creek Joint Powers Authority
September 26, 2019 Regular Meeting of the Board
Agenda Item 3
August 22, 2019 Board Meeting Minutes

Director Kremen called the meeting to order at 3:30 p.m. at the City of East Palo Alto Council Chambers, East Palo Alto, California.

DRAFT

1) **ROLL CALL**

Members Present: Director Gary Kremen, Santa Clara Valley Water District (Valley Water)
Director Drew Combs, City of Menlo Park
Director Ruben Abrica, City of East Palo Alto
Director Dave Pine, San Mateo County Flood Control District
Director Liz Kniss, City of Palo Alto

JPA Staff Present: Len Materman, Executive Director
Kevin Murray, Staff
Tess Byler, Staff
Miyko Harris-Parker, Staff

Legal Present: Tricia Ortiz

Others Present: SFCJPA Board Alternate Alison Cormack, City of Palo Alto; Dennis Parker, East Palo Alto resident; Jerry Hearn, Portola Valley resident; Tom Zigterman, Stanford; Jean McCown, Stanford; Tom Rindfleisch, Palo Alto resident; Mike Sartor, City of Menlo Park; Kamal Fallaha, City of East Palo Alto; Michel Jeremias, City of Palo Alto; Ann Stillman, San Mateo County Flood Control District; Fariborz Heydari, City of Menlo Park; Milze Davis, Menlo Park Fire; Alec Nicholas, Valley Water; Drew Cigolle

2) **APPROVAL OF AGENDA**

Director Kniss made a motion to approve the agenda. Director Combs seconded. Agenda approved 5-0.

3) **CLOSED SESSION**

Director Kremen adjourned the open session to the closed session at 3:33 pm.

Director Kremen re-adjourned the open session at 4:07 pm. Director Kremen stated that there was no reportable action taken during the closed session.

4) **APPROVAL OF BOARD MEETING MINUTES: JUNE 27, 2019 REGULAR BOARD MEETING**

Director Kniss made a motion to approve the June 27, 2019 Regular Board meeting minutes. Director Combs seconded. June 27, 2019 Regular Board meeting minutes approved 5-0.

5) **PUBLIC COMMENT**

Jerry Hearn, Portola Valley resident read a public comment submitted by Palo Alto Resident Trish Mulvey who was not able to attend the meeting. Mrs. Mulvey thanked SFCJPA Senior Project Manager Kevin Murray for spending time with her and Mr. Hearn to discuss questions they had regarding the Newell Road Bridge project. Mrs. Mulvey referred to a comment made by Mr. Arthur Keller at the June SFCJPA Board meeting regarding planning for the sunsetting of the SFCJPA stating that she hopes the Board will consider updating the agency's statement of purposes at the time the SFCJPA members' governing bodies act to revise the name of the San Mateo County Flood Control District. Mrs. Mulvey also updated the Board on the status of the San Francisquito Creek Emergency Action Plan Revision, stating that the plan is still being edited internally. Mrs. Mulvey hopes that the revised Emergency Action Plan will be available for the Board, the SFC MAC [San Francisquito Creek Multiagency Coordination] and the public sometime this fall.

6) REGULAR BUSINESS

Upstream of Highway 101 project:

Mr. Materman provided the Board with an update on the project upstream of Highway 101. Mr. Materman stated that the public comments received from the Draft EIR are on the SFCJPA website and that staff is working hard with the consultant to have responses to all comments, and the Final EIR, by the September 26 or the October 24 Board meetings.

Mr. Materman displayed a map of the FEMA floodplain in each city upstream of Highway 101. Director Kremen asked if Caltrans was aware of its right of way in the floodplain and stated they should be involved and may be a source of funding. Mr. Materman then showed a table of potential construction funding sources, including a recently awarded $3 million grant to the SFCJPA. Mr. Materman noted that if the Army Corps of Engineers does not provide funding, we would need to secure approximately $14 million beyond what we have secured to date and if CalOES funding to replace the Pope-Chaucer Bridge does not come through, we would need about $17 million.

Director Kniss asked what is the lifespan of sacked concrete. Mr. Materman responded saying the current sacked concrete was installed in the 1960's and is showing its age. Kamal Fallaha, Public Works Director for the City of East Palo Alto; explained that over time sacked concrete moves and loses stability, and that the sacked concrete here is starting to disintegrate.

Director Kremen asked if the new wall will help prevent graffiti. Alec Nichols, an engineer with Valley Water, stated that planting vegetation is a way to discourage graffiti but it is not guaranteed. Mr. Murray commented that there are boulders as well as vegetation being placed near the wall which will make it harder to get to.

Director Kniss commented that the FEMA floodplain map shows a substantial area of flooding, and she expressed concern that not everyone knows how significant this flooding can be.

Update by Stanford University on its potential project to modify the Searsville Dam & Reservoir

Mr. Materman introduced Tom Zigterman, Stanford University, who provided an update on Stanford University's potential project to modify the Searsville Dam & Reservoir and Felt Lake.

Director Kremen asked if releasing Searsville Reservoir sediment into the channel will affect flow and attenuation, and whether third parties have access to Stanford's hydrology and modeling, so that everyone is on the same page. Mr. Zigterman responded that the modeling is focused on making sure flooding will not increase. Mr. Zigterman explained that Stanford has looked at how much sediment would be released and where it would accumulate, and the model indicates sediment should be removed after the initial flush and again periodically. Mr. Zigterman stated that Valley Water has removed sediment from the mouth of San Francisquito Creek every decade or two; and the new opening at the bottom of Searsville Dam would be restricted after that initial flushing so that water from big storms will now back up into the new valley in the reservoir.

Director Kremen asked for clarification that any new hole at the base of Searsville Dam would be kept closed so that sediment is not trasnsferred downstream until the SFCJPA project between Highway 101 and Pope-Chaucer Bridge was complete. Director Kremen asked what percent of the ninety percent fill will it be if Stanford implements the proposed plan. Mr. Zigterman replied a third of it will be flush as sediment. Director Kremen asked if Stanford would be financially responsible for sediment cleanup as a result of the changes to the dam. Mr. Zigterman replied saying that a discussion with all involved parties would have to be had to determine who will be responsible.

Director Pine noted that the sediment removal by Valley Water does not happen often. Mr. Materman concurred saying it has not happened in at least 11 years and that Stanford's modeling shows that, after the Dam is modified, sediment removal near Highway 101 would take place in the first three years of flushing and then about once every decade, if needed.

Director Kiss asked how much the new Felt Lake will hold in comparison to the current one. Mr. Zigterman replied that Felt Lake will double in size, adding another one thousand-acre feet. Jean McCowan, Stanford, shared that creek water is allowed to be taken only when flows are very high.

Director Pine asked how much flood protection is being provided for San Francisquito Creek in the current condition of Searsville. Mr. Zigterman replied that Searsville was never meant to be a flood management facility. [Director Pine asked if it could be possible for the Searsville project to be done before the Felt Lake project. Mr. Zigterman responded saying that it depends on the approval process, but Stanford officials believe that the Felt project can be approved faster.

Director Pine asked if there is a timeline for solving the fish passage issue. Mr. Zigterman noted that there is pressure on Stanford to solve the fish passage issue; there are several reasons Stanford is pursuing this project, including fish passage and resolving the loss of water supply storage.

Director Combs asked if other alternatives were considered besides Felt Lake. Mr. Zigterman explained that Felt Lake would not be used as a storm water detention facility, only a water supply facility. Mr. Zigterman said the only regional detention facility Stanford is focused on is Searsville.

Director Abrica commented on the fact that both the SFCJPA and Stanford are creating major infrastructure and he expressed optimism that both projects will continue to be closely aligned.

Director Kremen asked what risks Stanford anticipates might affect the project timeline. Mr. Zigterman responded saying that the two major potential risks Stanford has tried to avoid are: changing its water rights and environmental regulatory permits. Stanford is not planning to change its water rights, and is working closely with the regulatory agencies early in the process.

Director Kremen asked when the Draft EIR will be out for the Searsville and Felt Lake projects. Mr. Zigterman responded saying the Felt Lake Draft EIR is expected by end of this year, and Searsville by early next year. Mr. Materman asked if both projects require EIRs rather than other types of environmental documentation. Mr. Zigterman replied that they are now working with regulatory agencies to determine this question, and that Stanford is hoping get a lead agency for CEQA soon. Mr. Zigterman said he doesn't have a specific timeline, but that there is momentum to get it done. Ms. McCowan stated that there still needs to be enough of a project description to move on the EIR phase. Mr. Materman asked if there is a known date for the Draft EIR. Mr. Zigterman replied that there is no date as the University has not approved a project yet for Searsville.

Director Combs stated that the SFCJPA must be able to access Stanford land to better understand if upstream detention is feasible. Director Combs asked if the SFCJPA can have access to Stanford property for that purpose. Mr. Zigterman stated that he does not have the authority to provide that access and that Stanford has sent the SFCJPA letters in the past explaining Stanford's position on upstream detention. Director Combs asked who at the University determines whether the SFCJPA can have access. Ms. McCowan replied that it depends on the what is requested, and in order to provide access, Stanford would need a detailed understanding of what the SFCJPA intends to do.

Tom Rindfleisch, Palo Alto, commented that he spent years working with Stanford on the Searsville modeling and he's worked with the SFCJPA for much longer. Mr. Rindfleisch stated that nothing has happened to the Pope-Chaucer Bridge and Mr. Zigterman and Ms. McCowan have presented a great plan. Mr. Rindfleisch encouraged the SFCJPA Board keep working aggressively on the Highway 101 upstream project. Director Pine replied to Mr. Rindfleisch saying that his points are well taken and that none of the discussions that occurred with Stanford will delay the SFCJPA's upstream project, but that we also need to provide greater protection.

Director Combs stated that the SFCJPA Draft EIR is out there; we are far ahead with a project between Highway 101 and Pope-Chaucer than we are with upstream detention. Director Kremen concurred with Director Combs, noting that there are a lot of people who disagree with our upstream project and want us to pursue only upstream detention. Director Kniss stated that the City of Palo Alto has said to the public that the upstream project is next, and we are focused on that.

Mr. Zigterman stated that Stanford is very supportive of the SFCJPA's middle reach project (between Highway 101 and Pope-Chaucer) and Stanford would like the SFCJPA's support as well. Mr. Zigterman said today's comments and questions are welcome.

Director Pine stated that the Stanford plan is great project, but it has been four years since the Searsville Alternatives Study came out, we have to find a way to move that project forward.

Director Combs stated that it is important to focus on the project we have before us and to pursue that project, but we also have to look at the whole picture, and a key part what could happen on Stanford land.

Director Pine thanked Mr. Zigterman and Ms. McCowan for a very good presentation. Director Kniss and Director Kremen concurred. Director Kremen stated that we are all now more aware of the complexities Stanford faces as a land steward.

7) **BOARD MEMBER COMMENTS: Non-agendized requests or announcements; no action may be taken**
None.

8) **CLOSED SESSION**
Adjourned to close session 5:48 pm. Will adjourn from that closed session.

9) **ADJOURNMENT**
Meeting adjourned at 6:45pm.

Minutes Prepared by Clerk of the Board: Miyko Harris-Parker.

San Francisquito Creek Joint Powers Authority
September 26, 2019 Board Meeting
Agenda Item 5
Executive Director's Report

With the help of Kevin Murray, Tess Byler, and Miyko Harris-Parker, I am pleased to submit the following:

a. Certify the Final Environmental Impact Report for the Upstream of Highway 101 Project:

Consider approving Resolution #19-9-26-A, certifying the Final Environmental Impact Report for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101; making findings pursuant to the California Environmental Quality Act; adopting a Statement of Overriding Considerations; and adopting a Mitigation Monitoring and Reporting Program

The SFCJPA is the Lead Agency under the California Environmental Quality Act (CEQA) for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101, and therefore the Final Environmental Impact Report (EIR) for the project must be certified by the Board to satisfy the requirements of CEQA.

The need for this project dates back decades through many flooding events, but none crystallized this need more than the February 1998 flood of record, where most of the damage to approximately 1,700 properties resulted from water exiting the channel at the Pope-Chaucer Bridge and near the University Avenue Bridge.

In 2013, the SFCJPA filed a Notice of Preparation (NOP) of an EIR and held several well-attended public meetings to discuss the project objectives and alternatives. At that time, it was clear that many members of the public would not support a project to protect against a 100-year storm that relied solely on modifications to the creek channel between Highway 101 and the Pope-Chaucer Bridge. The SFCJPA listened to the public, and began the process to develop a project that would provide less, but still a meaningful level, of flood protection, and be achievable and supported by the communities.

The primary objective of the current project would be to provide flood protection benefits to over 4,000 homes, businesses, and schools in the San Francisquito Creek floodplain. Although implementation of this project by itself will not completely remove the affected area from the FEMA 100-year flood zone, it will protect life, property, and infrastructure from the largest recorded (1998) flood flow, reduce damages during higher flows, and not preclude additional actions to protect to the FEMA standard. This project is a key piece of SFCJPA's long-term comprehensive flood protection strategy, provides environmental and recreational benefits.

On December 21, 2016, the SFCJPA filed a revised NOP, and on February 7, 2017 received a project number from the State Clearinghouse. Four public scoping meetings were held in January and February 2017. In addition, three stakeholder workshops, including a site tour, were held in October 2017 to solicit community input on the alternatives and potential project features. These meetings were publicized through direct mailings to affected and interested households, businesses, and government agencies.

The proposed project will would be to provide flood protection benefits to over 4,000 homes, businesses, and schools in the San Francisquito Creek floodplain. Although implementation of this project by itself will not completely remove the affected area from the FEMA 100-year flood zone, it will protect life, property, and infrastructure from the largest recorded flood flow, reduce damages during higher flows, and not preclude additional actions to protect to the FEMA standard, as discussed on a programmatic level in this EIR.

On April 22,2019, the SFCJPA released a Draft EIR for public review and comment; this comment period closed on June 20, 2019, though the SFCJPA accepted several late comments for an additional week. In addition to being available on our website, sfcjpa.org, copies of the Draft EIR were placed on reserve at four public libraries.

Between mid-May and early June of this year, the SFCJPA hosted public hearings in Menlo Park, East Palo Alto and Palo Alto to hear and respond to questions and comments on the Draft EIR (transcripts of these hearings, as well as written comments received and our responses to them, are available in Appendix F of the Final EIR). During the public comment period, the SFCJPA also made presentations to, and answered questions at, the city councils of Menlo Park and East Palo Alto.

The Final EIR consists of the Findings of Fact and Statement of Overriding Considerations; revisions to the Draft EIR based on the comments received; studies related to impacts to air quality, trees, cultural resources, hydrology, and traffic; copies of all written comments on the Draft EIR received by the SFCJPA, the SFCJPA's response to those comments, transcripts of the three public hearings on the Draft EIR; and the Mitigation, Monitoring and Reporting Plan.

Seventeen alternatives, including a No-Project Alternative, were considered for environmental analysis in the Draft EIR based on the public input. The screening process examined how well each of the 17 alternatives met the project objectives. Then, a second screening process examined the remaining alternatives relative to the cost, and logistical and technical feasibility of each, which resulted in the following alternatives being evaluated at a project or program level in the EIR:

- Replace the Pope-Chaucer Bridge and Widen Channel Downstream
- Construct the Webb Ranch Detention Basin and/or the Former Nursery Detention Basin
- Replace the Pope-Chaucer Bridge and Construct Floodwalls Downstream

The alternative to replace the Pope-Chaucer Bridge and widen channel bottlenecks downstream was selected as the preferred project because it provides the flood protection benefit desired, replaces aging infrastructure that would likely need maintenance or replacement in the near future, and provides the greatest level of habitat and stream function restoration of the alternatives studied. The specific elements of this project are described in more detail in the description of Agenda Item 5.b. below.

Construction of the proposed project would likely result in significant and unavoidable impacts to air quality and noise during construction. The SFCJPA has committed to all feasible mitigation measures to reduce these impacts. In consideration of the existing flood risks along San Francisquito Creek associated with lack of adequate capacity in the Creek channel, and the analysis of Project outcomes presented in the Final EIR, SFCJPA finds that the economic, social, and environmental benefits of meeting the Project's goals and objectives outweigh these significant and unavoidable impacts.

The Final EIR is available at sfcjpa.org, and a hard copy is available at the SFCJPA's offices at 615 B Menlo Avenue in Menlo Park.

Proposed Board Action: Approve the enclosed Resolution #19-9-26-A, which certifies the Final Environmental Impact Report for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101; makes findings pursuant to the California Environmental Quality Act; adopts the enclosed Statement of Overriding Considerations; and adopts the enclosed Mitigation Monitoring and Reporting Program.

b. Approve the Upstream of Highway 101 Project

Consider approving Resolution #19-9-26-B, formally approving the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101, and authorizing the Executive Director to File a Notice of Determination for the Project.

The preferred project selected by the SFCJPA following environmental evaluation under CEQA consists of the following elements:

- Replace the Pope Chaucer Bridge with a new bridge that restores creek bed and function and increases hydraulic capacity from about 5,800 cubic feet per second (cfs) to about 7,500 cfs. The new creek bed would have pools and riffles, and other refugia for fish.
- Widen the creek at five downstream locations by removing concrete structures, one at West Bayshore Road to align the Palo Alto creek bank with the recently rebuilt Caltrans bridge under Highway 101 and the frontage roads, and at four areas between Newell Road Bridge and Euclid Avenue. Three of the four areas would remove aging sacked concrete on the Palo Alto side of the creek and replace it with a retaining wall and natural channel features, and the final area of widening would remove a large concrete structure on the East Palo Alto side of the creek and replace it with a graded and planted natural creek bank.
- Create a permanent structure to replace an existing 1- to 3-foot wooden extension of the University Avenue Bridge parapet to prevent overtopping in that area.

This project, referred to as the "Channel Widening Alternative" or the "Preferred Project" or "Proposed Project" within the Final EIR, is described in greater detail in Section 2.8.2 of the document.

With the completion and certification of the Final EIR, and the approval of the project, the following conditions would need to be met to begin construction of the project:

- Securing sufficient funding to pay for the costs to manage, construct and maintain the Project.
- Securing necessary property interests for the construction of the Project.
- Securing necessary regulatory permits for the construction of the Project, which would include mitigation measures identified and described in the Mitigation Monitoring and Reporting Program enclosed with this Report.

Securing necessary permits, temporary access agreements for construction and funding required to build the upstream project will continue to be the primary focus of SFCJPA activities through the rest of this year. The next two agenda items relate to our work to secure these items, so that we may begin construction in 2021.

Proposed Board Action: Approve the enclosed Resolution #19-9-26-B, formally approving the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101, and authorizing the Executive Director to File a Notice of Determination for the Project.

c. Upstream of Highway 101 Project: Consider authorizing the Executive Director to execute Amendment Number 1 to the October 18, 2012 Agreement between the SFCJPA and Santa Clara Valley Water District to fund project environmental planning and permit applications

On October 18, 2012 the SFCJPA entered into a funding agreement with Valley Water for the preparation of an Environmental Impact Report (EIR) to identify and evaluate potential project elements upstream of Highway 101. Preparation of an EIR is a requirement of the California Environmental Quality Act (CEQA), and the SFCJPA is the lead agency under CEQA for the project. During development of the funding agreement, the SFCJPA released a Request for Proposals from qualified consultants and after execution of the funding agreement, hired ICF Jones and Stokes to prepare the EIR.

The original funding agreement was prepared to provide funding from Valley Water for the EIR and related costs not directly associated with the ICF contract, such as SFCJPA legal fees for review of the prepared EIR documents. The total amount to be provided by Valley Water was $950,000, which was greater than the amount of the original ICF contract.

During development of the Draft EIR, staff at SFCJPA member agencies requested additional information that required an expanded traffic analysis and changes were made to the Project Description; additionally, an arborist tree evaluation and energy evaluation for the EIR that was not required at the time of the original contract. This work was needed to complete the EIR, and it is now complete and remained within the amount in the SFCJPA-Valley Water funding agreement.

Also during the development of the EIR, certain other tasks necessary to advance the project that fit within the parameters of the funding agreement arose, and with approval from SCVWD staff, were paid for from the additional funds provided by the funding agreement. This included facilitation of a stakeholder process requested by the Regional Water Quality Control Board, preparation of Biological Assessments and a Least Environmentally Damaging Practicable Alternative (LEDPA) analysis required for permitting, and the preparation of two Benefit/Cost analyses for FEMA grant applications that led to the award of $3 million for construction. The costs of these additional items exhausted the funds provided by the funding agreement but were necessary to advance the EIR, permitting, and construction funding efforts.

In addition to the items described in the two paragraphs above, there are additional tasks needed to secure the environmental permitting of this project. To complete permit applications, Valley Water staff have agreed to provide additional funds to this funding agreement for the following tasks:

- Prepare a U.S. Army Section 404 construction permit application
- Prepare a Regional Water Quality Control Board Section 401 water quality certification application
- Prepare a California Department of Fish & Wildlife Streambed Alteration Agreement application
- Develop a Water Diversion Plan for permit application packages
- Develop a Stormwater Pollution Prevention Plan for application packages
- Prepare a landscape design at restoration sites
- Pay permit application fees
- Prepare a Mitigation and Monitoring Plan during permit review with agencies
- Consult with regulatory agencies on the Endangered Species Act during permit review

Cost estimates for these items have been developed in cooperation with SCVWD staff and ICF. Passage of Amendment 1 will allow for us to amend our contract with ICF, which is the subject of the following agenda item, Item 5.d, described below, to complete the tasks for which ICF is most qualified to do. New work items listed above but not included in the ICF amendment in 5.d may be secured through a future amendment to the ICF contract or through award to a different consultant.

Amendment 1 will provide, in total, an additional $421,532 to secure construction permits and complete the associated environmental documentation, as well costs expended that complete the EIR and advance construction funding efforts.

Proposed Board Action: Authorize the Executive Director to execute the enclosed Amendment Number 1 to the October 18, 2012 Agreement between the SFCJPA and Santa Clara Valley Water District to fund environmental documentation for the Upstream of Highway 101 project.

d. Upstream of Highway 101 Project: Consider authorizing the Executive Director to execute Amendment Number 3 to the January 8, 2013 consultant agreement with ICF Jones & Stokes for project environmental planning and permit applications

As described in Agenda Item 5.c. above, the SFCJPA wishes to amend our agreement with ICF to include tasks related to the completion of the Final EIR and the preparation of construction permit applications and supporting documents for those application packages.

Thus, in addition to work requested of ICF to complete an expanded traffic analysis, modify the Project Description to design changes; hire an arborist to conduct a tree evaluation, and develop an energy evaluation for the EIR, Amendment 3 to the ICF agreement before the Board will enable ICF to assist the SFCJPA by completing the following required documents and activity for permits:

- U.S. Army Section 404 construction permit application
- Regional Water Quality Control Board Section 401 water quality certification application
- California Department of Fish & Wildlife Streambed Alteration Agreement application
- Water Diversion Plan for permit application packages
- Stormwater Pollution Prevention Plan for application packages
- Consult with permitting agencies regarding the Endangered Species Act

Amendment 3 adds $135,489 to the cost of the ICF contract. When added to the approved amount in Amendment 2 executed in August 2017, the new not-to-exceed amount would become $1,029,010.

Proposed Board Action: Authorize the Executive Director to execute the enclosed Amendment Number 3 to the January 8, 2013 consultant agreement with ICF Jones & Stokes to complete project environmental planning, documentation, and permit applications.

Submitted by:

Len Materman
Executive Director

Agenda Item 5.a.

RESOLUTION NO. 19-9-26-A

DRAFT RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN FRANCISQUITO CREEK FLOOD PROTECTION, ECOSYSTEM RESTORATION, AND RECREATION PROJECT UPSTREAM OF HIGHWAY 101; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

The Board of Directors of the San Francisquito Creek Joint Powers Authority hereby finds and resolves as follows:

Section 1. Recitals.

A. The San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project, Upstream of Highway 101 ("Project") was initiated by the San Francisquito Creek Joint Powers Authority ("SFCJPA") to protect residents and property from flood events resulting from water exiting the creek channel between Highway 101 and Middlefield Road Bridge, allow for additional flood protection efforts there and upstream of this area, and provide environmental enhancements.

B. Pursuant to the California Environmental Quality Act (Public Resources Code sections 21000, et seq.) ("CEQA") and the State CEQA Guidelines (14 Cal. Code Regs. sections 15000, et seq.) ("CEQA Guidelines"), the SFCJPA is the lead agency for the Project.

C. A Notice of Preparation ("NOP") for the Project was submitted to the State Clearinghouse on February 9, 2017. As required by CEQA Guidelines Section 15082, the NOP provided information on the background, goals, and objectives of the Project; announced preparation of and requested public and agency comment on the Environmental Impact Report ("EIR"); and provided information on the public scoping meetings to be held on the EIR. Four public scoping meetings were conducted in January and February of 2017, and three public workshops were conducted in October 2017.

D. The SFCJPA circulated the Draft EIR (SCH #2013062019) to the public, responsible and trustee agencies, and other interested parties for a 58-day public review and comment period, from April 22, 2019 to June 19, 2019, and accepted late comments for an additional week, in excess of the 45-day public comment period required by CEQA Guidelines Section 15105. Three public hearings to solicit comments on the Draft EIR were held on May 23, May 29, and June 5, 2019. Public and governmental agency comments that were timely received on the Draft EIR were reviewed and considered by the SFCJPA, and the SFCJPA's written responses to these comments are incorporated into the Final EIR.

E. Consistent with Section 15088 of the CEQA Guidelines, the written Responses to Comments were distributed to all public agencies that submitted comments on the Draft EIR at least 10 days prior to certification of the Final EIR; additionally, the Final EIR, including Responses to Comments, were made available to the public on the SFCJPA website prior to certification.

F. The Final EIR is comprised of the Draft EIR and all appendices thereto, the Comments and Response to Comments on the Draft EIR, and the revisions to the Draft EIR.

Section 2. The findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence which has been presented at the hearings before the Board and in the record of the proceedings. The documents, staff reports, technical studies, appendices, and other materials that constitute the record of proceedings on which this Resolution is based are on file at 615 B Menlo Avenue, Menlo Park, CA 94025; the custodian of these records is the Executive Director. Each of those documents is incorporated herein by reference.

Section 3. Pursuant to State CEQA Guidelines Section 15090, the Board of Directors as the decision-making body of the SFCJPA hereby certifies:

(1) The Final EIR has been completed in compliance with CEQA; and

(2) The Final EIR was presented to the Board and the Board independently reviewed and considered the information contained in the Final EIR prior to rendering a decision on the Project; and

(3) The Final EIR reflects the SFCJPA's independent judgment and analysis; and

(4) The Board further finds that the additional information provided in the staff reports, in comments on the Draft EIR, the responses to comments on the Draft EIR, and the evidence presented in written and oral testimony at the public hearings, does not constitute new information requiring recirculation of the EIR under Section 15088.5 of the CEQA Guidelines. None of the information presented has deprived the public of a meaningful opportunity to comment upon an environmental impact of the Project or a feasible mitigation measure or alternative that the SFCJPA has declined to implement.

Section 4. CEQA Guidelines Section 15091 requires that the SFCJPA, before approving the Project, make one or more of the following written finding(s) for each significant effect identified in the Final EIR accompanied by a brief explanation of the rationale for each finding:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or

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

These required findings are contained in the Findings of Fact set forth in Exhibit A to this Resolution, which is attached hereto and incorporated herein by this reference.

Section 5. Based upon the Final EIR and the record before the Board, the Board finds that the Project will not cause any significant environmental impacts after mitigation, except in the areas of Noise (temporary exceedance of applicable noise standards) and Air Quality (possible exceedance of BAAQMD health risk and pollutant thresholds on a cumulative basis). Explanations for why the impacts other than the foregoing were found to be less than significant are contained in the CEQA Findings of Fact set forth in Exhibit A and more fully described in the Final EIR.

Section 6. Based upon the Final EIR and record before the Board, the Board finds that the Project will create significant unavoidable impacts to Noise (temporary exceedance of applicable noise standards) and Air Quality (possible exceedance of BAAQMD health risk and

pollutant thresholds on a cumulative basis). These significant impacts are further described in the Findings of Fact set forth in Exhibit A, which is attached hereto and incorporated herein by this reference, and in the Final EIR. The Findings of Fact in Exhibit A explain that all feasible mitigation has been incorporated to reduce the level of impact, but that even after mitigation certain impacts remain significant.

Section 7. The Final EIR describes, and the Board has fully considered, a reasonable range of alternatives to the Project. These alternatives include the No Project Alternative, the Floodwalls Alternative, the Former Nursery Detention Basin Alternative, and the Webb Ranch Detention Basin Alternative. The Board hereby rejects each of these alternatives for the reasons set forth in the Findings of Fact in Exhibit A, which are based on substantial evidence in light of the whole record of the proceedings. The Board further finds that each reason for rejecting each alternative is an independent ground for rejecting the alternative and by itself, independent of any other reason, would justify rejection.

Section 8. For all significant and unavoidable impacts identified in the Final EIR as "significant and unavoidable," the Board hereby adopts the Statement of Overriding Considerations, as set forth in Exhibit A. The Board finds that each of the overriding benefits, by itself, would justify proceeding with the Project despite any significant unavoidable impacts identified in the Final EIR or alleged to be significant in the record of proceedings.

Section 9. Public Resources Code section 21081.6 requires the SFCJPA to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The SFCJPA hereby adopts the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B and incorporated herein by this reference, and shall impose each mitigation measure as a condition of Project approval.

PASSED, APPROVED AND ADOPTED by the San Francisquito Creek Joint Powers Authority Board of Directors on September 26, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____ Date: 9/26/19
Vice Chairperson

APPROVED:

_____ Date: 9/26/19
Chairperson

APPROVED AS TO FORM:

_____ Date: 9/26/19
Legal Counsel

Exhibit A - Findings of Fact within the Final EIR

San Francisquito Creek Flood Protection,
Ecosystem Restoration, and Recreation Project
Upstream of Highway 101

Findings of Fact and Statement of Overriding Considerations

This document presents Findings of Fact (Findings) and a Statement of Overriding Considerations (Statement) by the San Francisquito Creek Joint Powers Authority (SFCJPA) – a regional government agency whose members are the Cities of Palo Alto, Menlo Park, and East Palo Alto; the San Mateo County Flood Control District, and the Santa Clara Valley Water District – regarding the Final Environmental Impact Report (Final EIR) for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101 (project), for which the SFCJPA is acting as the California Environmental Quality Act (CEQA) lead agency. The Findings and Statement presented herein were prepared in compliance with CEQA and the State's CEQA Guidelines. Substantial evidence supporting all findings made herein is contained in the Environmental Impact Report (EIR) and/or the record of proceedings.

If a proposed project would have significant adverse effects on the environment, CEQA requires the lead agency to prepare findings describing how those effects would be reduced or avoided. Under California Public Resources Code Section 21081[a] and CEQA Guidelines Section 15091[a], several findings are possible:

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

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

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

For any significant effects that cannot be avoided or reduced to a less-than-significant level, the lead agency must describe reasons why mitigation or adoption of an alternative approach is infeasible (California Public Resources Code Section 21081[a][3]; CEQA Guidelines 15091[c]). Adoption of a project that would have significant adverse effects on the environment requires that the lead agency identify the project benefits that are evaluated as outweighing those significant effects (Public Resources Code Section 21081[b]). The agency's findings must be supported by substantial evidence in the record (CEQA GUIDELINES 15091[b]).

Background

The proposed project would construct flood reduction features, as well as enhance the environment and recreational opportunities, along a stretch of San Francisquito Creek (Creek) from the upstream side of West Bayshore Road to the area immediately upstream of the Pope-Chaucer Bridge.

Flooding from the Creek is a common occurrence, including twice within the past decade. The largest flow recorded since the U.S. Geological Survey (USGS) began recording this in 1930 occurred in February 1998 when the Creek overtopped its banks in several areas, affecting approximately 1,700 residential, commercial, and public structures and causing tens of millions of dollars in property damages. The maximum instantaneous peak flow recorded by the USGS during that 1998 event was 7,200 cubic feet per second (cfs), which the U.S. Army Corps of Engineers (USACE) estimates was a 70-year flood event in relation to the commonly referenced 100-year flood event[1], which on San Francisquito Creek is anticipated to result in flows of 8,150 cfs at the Pope-Chaucer Bridge, the location of least flow capacity.

The proposed project would increase conveyance and retention capacity of floodwaters from runoff and the San Francisco Bay tides to protect residents and property from flood events along the middle portion of the Creek, from West Bayshore Road to the Pope-Chaucer Bridge.

Project Description

Increasing the Creek's capacity from West Bayshore Road to Pope-Chaucer Bridge could be achieved by one, or a combination of, the following actions:

- Remove constrictions or raising the height of the creek bank in the floodplain area (Reach 2);
- Temporarily detain or store portions of high flows during storms through one or more floodwater detention facilities in Reach 3; and
- Remove a portion of the high flows immediately upstream of Reach 2, and routing that portion of the flow through an underground bypass channel to a location in the creek that can safely convey the water to the San Francisco Bay.

Elements of each of these potential actions were analyzed to achieve the project objectives, which led to the development of a preferred, or proposed project known as the Channel Widening Alternative. Major elements of this proposed project, include:

- Replacing Pope-Chaucer Bridge
- Downstream of that bridge, widening the Creek channel and replacing the wooden University Avenue Bridge parapet extension
- Enhancing habitat within the project area
- Creating new recreational opportunities and connect to existing bike and pedestrian corridors

[1] The 100-year flood is more accurately referred to as the 1 percent annual exceedance probability flood because it is a flood that has a 1 percent chance of being equaled or exceeded in any single year. A 100-year flood has approximately 63.4 percent chance of occurring in any 100-year period, not a 100 percent chance of occurring, but conversely could theoretically occur in consecutive years.

The majority of the project elements would occur on properties within the jurisdictions of the Cities Palo Alto, East Palo Alto, and Menlo Park. The SFCJPA will need to obtain permits or easements from these cities, the Santa Clara Valley Water District, the Counties of Santa Clara and San Mateo, and potentially several private property owners.

The project elements proposed would protect communities from very high creek flows from West Bayshore Road to Pope-Chaucer Bridge. As described in Chapter 2, Program Description, the specific objectives of the project are as follows:

- Protect life, property, and infrastructure from floodwaters exiting the creek during flows up to 7,500 cubic feet per second (cfs), while minimizing impacts of the project on adjacent communities and the environment;
- Enhance habitat within the project area, particularly interconnected habitat for threatened and endangered species;
- Create new recreational opportunities and connect to existing bike and pedestrian corridors;
- Minimize operational and maintenance requirements; and
- Not preclude future actions to bring cumulative flood protection up to a 100-year flow event.

Scoping and Draft EIR Circulation

The SFCJPA filed a Notice of Preparation (NOP) with San Mateo and Santa Clara Counties and with the State Clearinghouse on May 21, 2013. A public scoping meeting was held on June 6, 2013 at the East Palo Alto Academy High School Library. The SFCJPA then revised the project description and objectives and filed a revised NOP on December 21, 2016 with San Mateo and Santa Clara Counties, and on February 7, 2017 received a project number from the State Clearinghouse. Four public scoping meetings were held in January and February 2017. Three stakeholder workshops, including a site tour, also were held in October 2017 to solicit input on what alternatives and potential project features the community would support. These meetings were publicized through direct mailings to affected and interested households, offices, and agencies.

The SFCJPA circulated the Draft EIR to the public, responsible and trustee agencies, and other interested parties for a 58-day public review and comment period, from April 22, 2019 to June 19, 2019, and accepted late comments for an additional week, in excess of the 45-day public comment period required by CEQA Guidelines. The Draft EIR and Notice of Completion were transmitted to the State Clearinghouse on April 22, 2019. Bound hard copies of the Draft EIR were placed on reserve at several public venues, including the East Palo Alto Public Library, Palo Alto Downtown Library, Menlo Park Main Library, Palo Alto Rinconada Library, Menlo Park Belle Haven Branch Library, and the SFCJPA's offices. The Draft EIR was also made available in electronic format online, via the SFCJPA's website: sfcjpa.org. A Notice of the Draft EIR availability was filed in San Mateo County on April 26, 2019 and Santa Clara County (May 7, 2019; filing number ENV22173). Notification of the Draft EIR and public meetings were mailed via US Mail to adjacent residents, and an email notification was sent to all community members who had requested project notification. Three public hearings to solicit comments on the Draft EIR were held on May 23 at the Laurel School Upper Campus in Menlo Park, on May 29 at East Palo Alto City Hall, and on June 5 at the Palo Alto Art Center. At these meetings, SFCJPA heard and responded to questions and comments on the Draft EIR. Transcripts of these meetings are provided in Appendix F of the Final EIR, pages 186 through 354 of Volume 2.

Final EIR

The Final EIR for the proposed project is on file in the SFCJPA's offices at 615 B Menlo Avenue, Menlo Park, California. Additionally, it is available online at: sfcjpa.org, and on the State Clearinghouse website at: https://ceqanet.opr.ca.gov/. The Final EIR consists of the following materials: copies of all comments on the Draft EIR received by the SFCJPA, the SFCJPA's response to those comments, and revisions made to the Draft EIR in response to comments received. The Final EIR and all associated materials in the administrative record are incorporated herein by reference.

Findings of Fact

The SFJCPA, having reviewed and considered the information contained in the EIR and pursuant to Public Resources Code Section 20181 and CEQA Guidelines Section 15091, adopts the following findings regarding the significant effects of the proposed project. The findings and supporting facts summarized below address each significant environmental impact of the project identified in the EIR. This includes significant impacts that could be reduced to a less-than-significant level with mitigation and the significant impacts that could not be fully mitigated. Findings are also presented regarding significant contributions to cumulative impacts and alternatives to the proposed project. Additionally, a statement of overriding considerations regarding the remaining significant unavoidable impacts of the proposed project and the anticipated economic, social, and other benefits of the proposed project is provided pursuant to Section 15093.

A summary of the impacts of the proposed project is included in Table 1 below, followed by a summary of the findings.

Table 1. Potential Impacts, Mitigation, and Levels of Significance for the Proposed Project (Channel Widening Alternative)

Impact	Mitigation	Level of Impact after Mitigation [a,b]	
		Construction	O&M
Aesthetics			
Impact AES-1— Substantial degradation of the visual character or quality of the project site and its surroundings, including scenic vistas	No mitigation is required.	LTS	LTS
Impact AES-2— Substantial damage to scenic resources within a State Scenic Highway	No mitigation is required.	LTS	LTS
Impact AES-3— Creation of a New Source of Light or Glare	Mitigation Measure AES-1— Control nighttime lighting	LTSM	LTS
Air Quality			
Impact AQ-1— Conflict with or Obstruction of Applicable Air Quality Plan	Mitigation Measure AQ-1— Utilize clean diesel-powered equipment during construction to control construction-related NO_X emissions for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative Mitigation Measure AQ-2— Use on-road haul with model year 2010 and newer engines during construction for all Alternatives and operations for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative Mitigation Measure AQ-3— Reduce construction emissions for all Alternatives and operations emissions for the former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative to below BAAQMD NO_X thresholds Mitigation Measure AQ-4— Implement BAAQMD's Basic Construction Mitigation Measure for all Alternatives and operations for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative	LTSM	LTS
Impact AQ-2— Violation of Any Air Quality Standard or Substantial Contribution to Existing or Projected Air Quality Violation	Mitigation Measure AQ-1— Utilize clean diesel-powered equipment during construction to control construction-related NO_X emissions for the Former Nursery Detention	LTSM	LTSM

Impact	Mitigation	Level of Impact after Mitigation [a,b] Construction	O&M
	Basin Alternative and Webb Ranch Detention Basin Alternative Mitigation Measure AQ-2—Use on-road haul with model year 2010 and newer engines during construction for all Alternatives and operations for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative Mitigation Measure AQ-3— Reduce construction emissions for all Alternatives and operations emissions for the former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative to below BAAQMD NO_X thresholds Mitigation Measure AQ-4— Implement BAAQMD's Basic Construction Mitigation Measure for all Alternatives and operations for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative		
Impact AQ-3— Expose sensitive receptors to substantial pollutant concentrations	Mitigation Measure AQ-1— Utilize clean diesel-powered equipment during construction to control construction-related NO_X emissions for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative Mitigation Measure AQ-2— Use on-road haul with model year 2010 and newer engines during construction for all Alternatives and operations for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative Mitigation Measure AQ-4— Implement BAAQMD's Basic Construction Mitigation Measure for all Alternatives and operations for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative	LTSM Cumulative: SU	LTSM Cumulative: SU
Impact AQ-4— Creation of objectionable odors	No mitigation is required.	LTS	LTS
Biological Resources			
Impact BIO-1— Disturbance or Loss of Special-Stats Plant Populations	Mitigation Measure BIO-1— Restrict Construction access to previously disturbed areas	LTSM	LTS

Impact	Mitigation	Level of Impact after Mitigation [a,b] Construction	O&M
	Mitigation Measure BIO-2—Revegetate disturbed areas with local ecotypes of native plants		
	Mitigation Measure BIO-3— Conduct botanical surveys		
	Mitigation Measure BIO-4— Confine construction disturbance and protect special-status plants during construction		
	Mitigation Measure BIO-5— Compensate for loss of special-status plants		
Impact BIO-2—Result in disturbance or loss of riparian habitat	Mitigation Measure BIO-6—Develop and implement worker awareness training	LTSM	LTS
	Mitigation Measure BIO-7— Identify and protect sensitive habitat		
	Mitigation Measure BIO-8— Restore riparian habitat		
Impact BIO-3— Result in disturbance or loss of State- or Federally protected wetlands	Mitigation Measure BIO-9— Avoid and protect jurisdictional wetlands during construction	LTSM	NI
	Mitigation Measure BIO-10— Compensate for loss of wetland habitat		
	Mitigation Measure BIO-11—Conduct a wetland delineation		
Impact BIO-4—Result in temporary and permanent changes to Waters of the US	Mitigation Measure HWR-1—Prepare an adaptive management plan	LTSM	LTSM
Impact BIO-5— Result in disturbance or loss of locally protected trees	Mitigation Measure BIO-12—Compensate for loss of trees, consistent with applicable tree protection regulations	LTSM	NI
	Mitigation Measure BIO-13— Protect trees from construction impacts		
Impact BIO-6— Result in effects on steelhead trout and suitable habitat (including native fish)	Mitigation Measure BIO-8— Restore Riparian Habitat	LTSM	LTS
	Mitigation Measure BIO-14— Limit in-channel and stream bank construction to the dry season		
	Mitigation Measure BIO-15— Reduce pile-driving noise for protection of fish		
	Mitigation Measure BIO-16— Implement avoidance measures for aquatic vertebrates prior to construction activities		

Impact	Mitigation	Level of Impact after Mitigation [a,b] Construction	O&M
	Mitigation Measure BIO-17— Implement fish relocation activities prior to construction		
Impact BIO-7— Result in effects on California red-legged frog and habitat	Mitigation Measure BIO-6— Develop and implement worker awareness training Mitigation Measure BIO-16— Implement avoidance measures for aquatic vertebrates prior to construction activities Mitigation Measure BIO-18— Implement survey and avoidance measures for California red-legged frog prior to construction activities	LTSM	LTSM
Impact BIO-8— Result in effects on western pond turtle and habitat	Mitigation Measure BIO-6— Develop and implement worker awareness training Mitigation Measure BIO-20— Conduct preconstruction surveys for western pond turtles; relocate if needed	LTSM	LTSM
Impact BIO-9— Results in effects on bats (pallid bat, hoary bat, and Townsend's big-eared bat)	Mitigation Measure BIO-6— Develop and implement worker awareness training Mitigation Measure BIO-21— Implement preconstruction survey for pallid, hoary, and Townsend's big-eared bats	LTSM	NI
Impact BIO-10— Result in effects on nesting migratory birds and raptors	Mitigation Measure BIO-6— Develop and implement worker awareness training Mitigation Measure BIO-22— Install nesting exclusion devices Mitigation Measure BIO-23— Conduct preconstruction nesting bird surveys Mitigation Measure BIO-24— Establish buffer zones for nesting raptors and migratory birds	LTSM	LTS
Impact BIO-11— Result in effects on Bay checkerspot butterfly	No mitigation is required.	NI	NI
Impact BIO-12— Result in effects on California tiger salamander and habitat	No mitigation is required.	NI	NI
Impact BIO-13— Disturbance to Santa Cruz black salamander and California giant salamander and habitat	No mitigation is required.	NI	NI

Impact	Mitigation	Level of Impact after Mitigation [a,b]	
		Construction	O&M
Impact BIO-14—Result in effects on San Francisco dusky-footed woodrat	No mitigation is required.	NI	NI
Impact BIO-15— Result in effects on western burrowing owls and habitat	No mitigation is required.	NI	NI
Cultural Resources			
Impact CULT-1— Cause a substantial adverse change in the significance of a historical or architectural resource as defined in State CEQA Guidelines Section 15064.5	No mitigation is required.	NI	NI
Impact CULT-2—Cause a substantial adverse change in the significance of a tribal cultural or archaeological resource as defined in State CEQA Guidelines Section 15064.5 and PRC Section 21084.3	Mitigation Measure CULT-1—Conduct cultural resource awareness training prior to project-related ground disturbance and stop work if archaeological deposits are encountered during ground-disturbing activities Mitigation Measure CULT-2— Develop and implement a Tribal Cultural and Archaeological Testing Plan Mitigation Measure CULT-3— Develop and implement a Tribal Cultural and Archaeological Monitoring Plan	LTSM	LTSM
Impact CULT-3— Disturb any human remains, including those interred outside of formal cemeteries	Mitigation Measure CULT-1— Conduct cultural resource awareness training prior to project-related ground disturbance and stop work if archaeological deposits are encountered during ground-disturbing activities Mitigation Measure CULT-2— Develop and implement a Tribal Cultural and Archaeological Testing Plan Mitigation Measure CULT-3— Develop and implement a Tribal Cultural and Archaeological Monitoring Plan	LTSM	LTSM
Geology, Soils, and Paleontological Resources			
Impact GEO-1—Exposure to Surface Fault Rupture	No mitigation is required.	LTS	LTS
Impact GEO-2— Exposure to Seismic Groundshaking	No mitigation is required.	LTS	LTS
Impact GEO-3— Exposure to Seismically Induced Liquefaction Hazards	No mitigation is required.	LTS	LTS
Impact GEO-4— Exposure to Landslides and Other Slope Failure Hazards	No mitigation is required.	NI	NI

Impact	Mitigation	Level of Impact after Mitigation [a,b] Construction	O&M
Impact GEO-5— Result in substantially accelerated soil erosion or loss of topsoil	Mitigation Measure HWR-1— Prepare an Adaptive Management Plan	LTS	LTSM
Impact GEO-6—Location on Unstable or Expansive Soils	No mitigation is required.	LTS	NI
Impact GEO-7— Involve construction on expansive soils	No mitigation is required.	LTS	LTS
Impact PALEO-1— Result in the destruction or loss of a unique paleontological resource or site	Mitigation Measure PALEO-1— Conduct a preconstruction paleontological resources field survey and paleontological resources inventory and evaluation Mitigation Measure PALEO-2— Conduct worker awareness training for paleontological resources prior to construction Mitigation Measure PALEO-3— Stop work immediately if paleontological resources are discovered inadvertently	LTSM	NI
Greenhouse Gas Emissions and Climate Change			
Impact GHG-1— Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment	Mitigation Measure AQ-2— Use on-road haul trucks with model year 2010 and newer engines during construction for all Alternatives and operations for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative Mitigation Measure GHG-1— Implement BAAQMD's best management practices to reduce GHG emissions from construction	LTSM	LTSM
Impact GHG-2— Conflict with an applicable plan, policy, or regulation adopted for the purpose	No mitigation is required.	LTS	LTS
Hazardous Materials and Public Health			
Impact HAZ-1—Substantially increase hazards to the public or the environment due to the routine transport, use, or disposal of hazardous materials	Mitigation Measure HAZ-1—Prepare and implement a Spill Prevention, Control, and Countermeasure Plan Mitigation Measure HAZ-2—Require proper storage and handling of potential pollutants and hazardous materials	LTSM	LTSM
Impact HAZ-2—Expose workers or the public to existing hazardous materials contamination	Mitigation Measure HAZ-1—Prepare and implement a Spill Prevention, Control, and Countermeasure Plan Mitigation Measure HAZ-3—Stop work and implement hazardous materials investigations and remediation in the event that unknown hazardous materials are encountered	LTSM	LTSM

Impact	Mitigation	Level of Impact after Mitigation [a,b]	
		Construction	O&M
Impact HAZ-3—Generate hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within 0.25 mile of an existing or proposed school	Mitigation Measure HAZ-1—Prepare and implement a Spill Prevention, Control, and Countermeasure Plan	LTSM	LTSM
Impact HAZ-4—Be located on a site that is included on a list of hazardous materials sites	No mitigation is required.	LTS	LTS
Impact HAZ-5—Create a safety hazard for people in the project area due to proximity to an airport	No mitigation is required.	LTS	LTS
Impact HAZ-6—Interfere with an emergency response or evacuation plan	Mitigation Measure TT-2—Require a site-specific Traffic Control Plan	LTSM	LTS
Impact HAZ-7—Expose people or structures, either directly or indirectly, to risk of wildland fires	No mitigation is required.	NI	NI
Impact HAZ-8—Increase breeding or harborage of disease vector organisms	Mitigation Measure HAZ-4—Prevent mosquito breeding during project construction	LTSM	LTSM
Hydrology and Water Resources			
Impact HWR-1—Increase flood risks	No mitigation is required.	LTS	LTS
Impact HWR-2—Deplete groundwater resources or interfere with groundwater recharge or supply	No mitigation is required.	LTS	LTS
Impact HWR-3—Degrade water quality	Mitigation Measure HWR-1—Prepare an Adaptive Management Plan	LTS	LTSM
Impact HWR-4—Affect designated beneficial uses	No mitigation is required.	LTS	LTS

Impact	Mitigation	Level of Impact after Mitigation [a,b]	
		Construction	O&M
Land Use and Planning and Agricultural Resources			
Impact LU-1—Physically divide an established community	No mitigation is required.	NI	NI
Impact LU-2—Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but no limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect	No mitigation is required.	LTS	NI
Impact LU-3—Conflict with any applicable habitat conservation plan or natural community conservation plan	No mitigation is required.	NI	NI
Impact AG-1—Convert prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use	No mitigation is required.	LTS	LTS
Impact AG-2—Conflict with existing zoning for agricultural use, or Williamson Act contract	No mitigation is required.	NI	NI
Impact AG-3—Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))	No mitigation is required.	NI	NI
Impact AG-4—Result in the loss of forest land or conversion of forest land to non-forest use	No mitigation is required.	NI	NI
Impact AG-5—Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use	No mitigation is required.	LTS	LTS

Impact	Mitigation	Level of Impact after Mitigation [a,b]	
		Construction	O&M
Noise and Vibration			
Impact NV-1—Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies	Mitigation Measure NV-1—Provide advance notification of construction and operations schedule and 24-hour hotline to residents Mitigation Measure NV-2—Designate a noise disturbance coordinator to address resident concerns Mitigation Measure NV-3—Install temporary noise barriers	SU	LTS
Impact NV-2—Expose persons to or generate excessive ground-borne vibration or ground-borne noise levels	Mitigation Measure NV-4—Conduct construction vibration monitoring and implement control approach(es)	LTSM	LTS
Impact NV-3—Expose people residing or working in the project area to excessive noise levels	No mitigation is required.	LTS	LTS
Public Services			
Impact PS-1—Adversely affect fire protection services or require the provision of new or physically altered fire protection facilities	No mitigation is required.	LTS	LTS
Impact PS-2—Adversely affect police services or require the provision of new or physically altered police facilities	No mitigation is required.	LTS	LTS
Impact PS-3—Adversely affect schools or require the provision of new or physically altered school facilities	No mitigation is required.	NI	NI
Impact PS-4—Adversely affect other public facilities or require the provision of new or physically altered governmental facilities	No mitigation is required.	NI	NI
Recreation			
Impact REC-1—Result in the need for development of new parks or recreational facilities, the need for expansion of existing facilities, or increased use of existing parks or other recreational facilities, thereby resulting in substantial physical deterioration	No mitigation is required.	LTS	LTS

Impact	Mitigation	Level of Impact after Mitigation [a,b]	
		Construction	O&M
Impact REC-2—Substantially reduced access to existing recreational facilities and substantially reduced availability of existing recreational facilities or uses	No mitigation is required.	LTS	NI
Traffic and Transportation			
Impact TT-1—Potential to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system	Mitigation Measure TT-1—Require a temporary traffic signal at Middlefield Road/Woodland Avenue-Palo Alto Avenue	LTSM	NI
Impact TT-2— Potential to conflict with an applicable congestion management plan	No mitigation is required.	LTS	NI
Impact TT-3— Potential to create traffic safety hazards	Mitigation Measure TT-2— Require a site-specific traffic control plan	LTSM	NI
Impact TT-4—Potential to obstruct emergency access	Mitigation Measure TT-1—Require a temporary traffic signal at Middlefield Road/Woodland Avenue-Palo Alto Avenue Mitigation Measure TT-2— Require a site-specific traffic control plan	LTSM	NI
Impact TT-5— Potential to conflict with alternative transportation	Mitigation Measure TT-1—Require a temporary traffic signal at Middlefield Road/Woodland Avenue-Palo Alto Avenue Mitigation Measure TT-2— Require a site-specific traffic control plan	LTSM	NI
Utilities			
Impact UT-1— Adversely affect water supply, water treatment facilities, wastewater treatment facilities, storm drainage facilities and utilities	No mitigation is required.	LTS	NI
Impact UT-2—Adversely affect landfill capacities and not comply with federal, state, and local statutes and regulations related to solid waste	No mitigation is required.	LTS	NI

Impact	Mitigation	Level of Impact after Mitigation [a,b] Construction	O&M
Energy			
Impact EN-1— Consume energy resources in a wasteful, inefficient, or unnecessary manner	No mitigation is required.	LTS	LTS
Impact EN-2— Conflict with or obstruct a state or local plan or renewable energy or energy efficiency	No mitigation is required.	LTS	LTS

[a] The greatest level of impact on any of the project elements is recorded here. Some project elements could sustain a lower level of impact than indicated.

[b] Impact level in increasing order.

NI = No Impact.
LTS = Less Than Significant.
LTS/M = Less Than Significant with Mitigation.
SU = Significant and Unavoidable.
O&M = operations and maintenance.

Significant Impacts that Can Be Mitigated to a Less-than-Significant Level

AES-3—Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area

Impact

Although nighttime construction is not anticipated, in the event that nighttime lighting is required for construction, construction for the proposed project could create a source of light and glare that would rise to the level of significance. The net contribution of project construction activities associated with the project sites, when considered in addition to existing sources of light and glare, would not be substantial, and any impacts associated with additional illumination, such as limited lighting potentially between the hours of 4:00 p.m. and 5:00 p.m. during the winter, would be temporary in nature. However, the impact would be significant.

Mitigation

Mitigation Measure (MM-AES-)1 would ensure that if nighttime lighting at the construction site is required, lighting would be directed downward/on site, away from sensitive receptors (residences), and spillover light would be minimized to the greatest extent practicable. Though nighttime construction lighting may be somewhat visible to sensitive receptors, it would not be a significant nuisance for nearby residents due its directional orientation, which would minimize spill effects.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that Mitigation Measure AES-1 is feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure its implementation. With this mitigation measure in place, impacts related to light and glare during construction would be reduced to less-than-significant levels.

Impact AQ-1—Conflict with or obstruct implementation of an applicable air quality plan

Impact

The proposed project would conflict with the 2017 Clean Air Plan because criteria pollutant mass emissions associated with construction would worsen existing air quality violations by exceeding BAAQMD's significance thresholds, including those for NO_X. This impact would be significant.

Mitigation

MM-AQ-1 will require work crews to use clean diesel-powered equipment during construction to control construction-related NO_X emissions. Specifically, all off-road diesel-powered equipment used during construction and operations must equipped with EPA Tier 4 Final engines.

Under MM-AQ-2, SFCJPA will ensure that all on-road heavy-duty diesel haul trucks with a gross vehicle weight rating of 19,500 pounds or greater used for the project alternatives comply with EPA

2007 on-road emission standards for PM10 and NO_X (0.01 grams per brake horsepower-hour [g/bhp-hr] and 0.20 g/bhp-hr, respectively). Specifically, MM-AQ-2 will require all haul trucks used during construction to have model year 2010 and newer engines.

Under MM-AQ-3, SFJCPA will ensure construction-related emissions do not exceed BAAQMD's construction NO_X threshold of 54 pounds per day. In addition, the SFCJPA will coordinate with the BAAQMD to purchase NO_X credits to offset remaining NO_X construction and operations emissions exceeding BAAQMD thresholds. The SFCJPA will track construction and operations activity, estimate emissions, and enter into a construction mitigation contract with BAAQMD to offset NO_X emissions that exceed BAAQMD NO_X maximum daily threshold of 54 pounds per day.

Under MM-AQ-4, the SFCJPA will require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD, as detailed in the mitigation measure discussion. These basic construction mitigation measures include dust control and other emission reduction measures along with a requirement for the on-site posting of contact information to facilitate public reporting of dust complaints.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-AQ-1, MM-AQ-2, MM-AQ-3, and MM-AQ-4 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact AQ-2—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

Impact

Construction of the proposed project would 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. Criteria pollutant emissions generated by construction were quantified using CalEEMod. Results show that NO_X emissions would exceed the BAAQMD's threshold during construction.

While construction of the proposed project would contribute to future NOx emissions, maximum daily construction-generated NOx emissions represent approximately 0.03 percent of total NOx in the SFBAAB (Bay Area Air Quality Management District 2017a). The magnitude and locations of any potential changes in ambient air quality, and thus health consequences, from these additional emissions cannot be quantified with a high level of certainty due to the dynamic and complex nature of pollutant formation and distribution (e.g., meteorology, emissions sources, sunlight exposure). However, it is known that public health will continue to be affected in Santa Clara and San Mateo Counties so long as the region does not attain the CAAQS or NAAQS. This impact would be significant.

Mitigation

MM-AQ-1 will require work crews to use clean diesel-powered equipment during construction to control construction-related NO_X emissions. Specifically, all off-road diesel-powered equipment used during construction and operations must equipped with EPA Tier 4 Final engines.

Under MM-AQ-2, SFCJPA will ensure that all on-road heavy-duty diesel haul trucks with a gross vehicle weight rating of 19,500 pounds or greater used at the project sites comply with EPA 2007 on-road emission standards for PM10 and NO_X (0.01 grams per brake horsepower-hour [g/bhp-hr] and 0.20 g/bhp-hr, respectively). Specifically, MM-AQ-2 will require all haul trucks used during construction to have model year 2010 and newer engines.

Under MM-AQ-3, SFJCPA will ensure construction-related emissions do not exceed BAAQMD's construction NO_X threshold of 54 pounds per day. In addition, the SFCJPA will coordinate with the BAAQMD to purchase NO_X credits to offset remaining NO_X construction and operations emissions exceeding BAAQMD thresholds. The SFCJPA will track construction and operations activity, estimate emissions, and enter into a construction mitigation contract with BAAQMD to offset NO_X emissions that exceed BAAQMD NO_X maximum daily threshold of 54 pounds per day.

Under MM-AQ-4, the SFCJPA will require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD, as detailed in the mitigation measure discussion. These basic construction mitigation measures include dust control and other emission reduction measures along with a requirement for the on-site posting of contact information to facilitate public reporting of dust complaints.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-AQ-1, MM-AQ-2, MM-AQ-3, and MM-AQ-4 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact AQ-3—Expose sensitive receptors to substantial pollutant concentrations

Impact

Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations of DPM and PM2.5 in exhaust.

The primary pollutants of concern with regard to health risks to sensitive receptors from construction of the proposed project are fugitive dust and DPM and PM2.5 exhaust. During grading and excavations activities, dust would be generated. The amount of dust generated is highly variable and dependent on the size of the disturbed area at any given time, the amount of activity, soil conditions, and meteorological conditions.

Cancer health risks associated with exposure to DPM are typically related to chronic exposure (30-year exposure period). BAAQMD has determined that construction activities occurring at distances of greater than 1,000 feet from a sensitive receptor most likely do not pose a significant health risk. As previously discussed, however, there are sensitive land uses (residences, a school, a park, and a medical facility) within 1,000 feet of the project site. Construction would be temporary and would

occur in a generally linear fashion at each of the project sites. This method of construction would limit the exposure of any individual sensitive receptor located near one of the project sites to construction-related DPM and PM2.5 exhaust emissions. However, this impact would be significant.

Mitigation

MM-AQ-1 will require work crews to use clean diesel-powered equipment during construction to control construction-related NO_X emissions. Specifically, all off-road diesel-powered equipment used during construction and operations must equipped with EPA Tier 4 Final engines.

Under MM-AQ-2, SFCJPA will ensure that all on-road heavy-duty diesel haul trucks with a gross vehicle weight rating of 19,500 pounds or greater used at the project sites comply with EPA 2007 on-road emission standards for PM10 and NO_X (0.01 grams per brake horsepower-hour [g/bhp-hr] and 0.20 g/bhp-hr, respectively). Specifically, MM-AQ-2 will require all haul trucks used during construction to have model year 2010 and newer engines.

Under MM-AQ-4, the SFCJPA will require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD, as detailed in the mitigation measure discussion. These basic construction mitigation measures include dust control and other emission reduction measures along with a requirement for the on-site posting of contact information to facilitate reporting of dust complaints.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-AQ-1, MM-AQ-2 and MM-AQ-4 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

BIO-1—Result in the disturbance or loss of special-status plant populations

Impact

Construction of the proposed project could result in the disturbance or loss of special-status plant populations. Twenty-six special-status plant species have the potential to occur in the project area. If present, individual plants of these special-status species along San Francisquito Creek and in adjacent areas could be damaged or removed by construction. Substantial loss of individual plants as a result of construction disturbance (earthwork, staging activities, foot traffic, vehicle traffic, etc.) or destruction of suitable habitat adjacent to an existing population could result in a significant impact on the species.

Mitigation

MM-BIO-1 will require that existing access ramps and roads to waterways be used where possible rather than constructing new ones, and that any fill used for necessary temporary access points be removed when the project is completed. By minimizing new temporary access points and removing temporary fill used for access after construction is complete, new disturbance to existing plant populations will be minimized.

MM-BIO-2 will require revegetation of disturbed areas with local ecotypes of native plants. This will involve a determination by a qualified biologist or vegetation specialist as to whether candidate species currently grow wild in Santa Clara County and among the Santa Clara County natives, using local natives from the same or adjacent watershed where possible. For areas that are disturbed, an erosion-control seed mix may be used. 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 encourage passive revegetation.

Under MM-BIO-3, SFCJPA will retain a qualified botanist to survey suitable habitat in the project area for special-status plants prior to construction. Surveys will be completed before ground-disturbing activities begin, during the appropriate blooming periods for each species. If the qualified biologist determines that individuals of identified special-status plant species could be affected by construction traffic or activities, MM-BIO-4 and, if necessary, MM-BIO-5, will be implemented.

MM-BIO-4 will confine construction disturbance and protect special-status plants during construction. Construction disturbance will be confined to the minimum area necessary to complete the work and will avoid encroachment on adjacent habitat. If special-status plants are found, a fenced setback buffer will be established around individual plants or the area occupied by the population, based on the judgment of a qualified botanist. Fencing will be installed under the supervision of a qualified botanist to ensure proper location and prevent damage to plants during installation. Construction personnel will be prohibited from entering these areas (the exclusion zone) for the duration of project construction.

MM-BIO-5 will compensate for any loss of special-status plant species. If any individual special-status plants are present and cannot be effectively avoided through implementation of MM-BIO-4, SFCJPA will develop and implement a compensation plan so that there is no net loss of special-status plants. The compensation plan will preserve an offsite area containing individuals of the affected species. The offsite compensation area will contain a population and/or acreage equal to or greater than that lost as a result of project implementation and will include adjacent areas as needed to preserve the special-status plant population in compliance with applicable permits. Compensation of the affected population will occur in an amount equal to or greater than the amount lost as a result of the project to ensure that genetic diversity is preserved and no net loss of the number of individuals occurs. The quality of the population preserved will also be equal to or greater than that of the affected population, as determined by a qualified botanist retained by the SFCJPA. The SFCJPA will be responsible for ensuring that the compensation area is acquired in fee or as a conservation easement, and is maintained for the benefit of the special-status plant population in compliance with applicable permits.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, and MM-BIO-5 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

BIO-2—Result in disturbance or loss of sensitive natural communities, including riparian habitat

Impact

Construction of the proposed project could result in disturbance or loss of sensitive natural communities, including riparian habitat. Multiple sensitive natural communities occur in the project area, including two wetland communities[2] and two riparian communities. project construction disturbance (earthwork, staging activities, foot traffic, vehicle traffic, etc.) could result in substantial loss of sensitive natural communities and riparian habitat. This impact would be significant.

Mitigation

Under MM-BIO-6, a qualified biologist would conduct worker awareness training to educate construction workers on their responsibilities regarding sensitive environmental resources, including sensitive habitat. The training will include visual aids to assist in identification of regulated biological resources, actions to take should protected wildlife be observed within the project area, and possible legal repercussions of impacting such regulated resources.

MM-BIO-7 would limit impacts on sensitive vegetation by identifying sensitive habitat and fencing off sensitive habitat that is proposed for construction. To avoid unnecessary damage to or removal of sensitive habitat, the SFCJPA will retain a qualified biologist or ecologist to survey and demarcate sensitive habitat on or adjacent to the proposed areas of construction in San Francisquito Creek. Sensitive habitat not slated for trimming or removal to accommodate project construction will be protected from encroachment and damage during construction by installing temporary construction fencing to create a no-activity exclusion zone. Any sensitive vegetation will be trimmed with the approval of an International Society of Arboriculture certified arborist who will develop an approach to minimize stress and potential damage to trees and shrubs. Construction personnel will be prohibited from entering the exclusion zone for the duration of project construction.

MM-BIO-8 would restore any riparian habitat temporarily impacted. Revegetation of impacted areas could improve the quality and extent of riparian habitat in the project area by expanding areas of riparian growth, increasing the proportion of native species, and planting selected under- and over-story species to provide improved vertical structure and habitat complexity. A qualified restoration ecologist will develop a Habitat Management and Monitoring Plan (HMMP) in the context of the federal and state permitting processes under the Clean Water Act and California Fish and Game Code, which will include success criteria as specified by the permitting agencies and adaptive management guidelines.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-6, MM-BIO-7, and MM-BIO-8 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

[2] The wetland communities are addressed under Impact BIO-3.

Impact BIO-3—Result in disturbance or loss of State- or Federally protected wetlands

Impact

Construction of the proposed project could result in disturbance or loss of State- or Federally-protected wetlands. All construction of the proposed project would occur within the channel of San Francisquito Creek or on the creek's banks. Freshwater wetlands in the San Francisquito Creek occur sporadically and ephemerally as they change locations according to storm events and sediment deposition/mobilization. This impact would be significant.

Mitigation

MM-BIO-9 will ensure that a qualified resource specialist (biologist, ecologist, or soil scientist) clearly identifies wetland areas outside of the direct impact footprint with temporary orange construction fencing, before site preparation and construction activities begin at each site, or the qualified resources specialist will implement another suitable low-impact measure. The resource specialist will use the wetland delineation mapping prepared for the proposed project and will confirm or modify the location of wetland boundaries based on existing conditions at the time of the survey.

Because it is possible that heavy equipment (e.g., an excavator) working in the channel would not be able to completely avoid wetland habitats, the SFJPA will compensate for any wetlands impacted by project construction, as required by MM-BIO-10. If wetlands are affected by the construction activities, compensation will be at a 2:1 ratio for permanent impacts and at 1:1 ratio for temporary impacts. Restoration, creation, or enhancement of wetlands will either be off site or on site and will be detailed in the HMMP.

MM-BIO-11 will require that a wetland delineation be conducted for the project elements that were no included in the previous delineation of the project. The delineation will be conducted by a qualified wetland biologist according to the *Corps of Engineers Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region*. The results of the delineation will be amended to the previous delineation for verification by USACE.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-9, MM-BIO-10, and MM-BIO-11 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact BIO-4—Result in temporary or permanent changes to Waters of the US

Impact

Construction and operation of the proposed project could result in temporary or permanent changes to non-wetland waters of the US.

Construction would result in a permanent impact on approximately 0.13 acres of waters of the US due to rock slope protection placement and pile installation at the channel under and near the Pope-Chaucer Bridge. There would also be a decrease of channel shading due to demolition of Pope-Chaucer Bridge and an increase in channel width. There would be an additional 16,500 square feet of daylighted channel, including 143 linear feet of restored creek channel. An estimated 12,100 square feet of riparian vegetation also will be restored in the Pope Chaucer Bridge area. In addition, construction-related disturbance from channel widening at Sites 1 through 5 and replacing Pope-Chaucer Bridge could result in increased delivery of sediment into surface waters depending on the location of the work. Increased sediment delivery could also occur as a result of erosion due to increased water velocity downstream of sites where flow capacity is increased (see Section 3.8).

Further, project operation could result in temporary or permanent changes to non-wetland waters of the US. Ongoing maintenance activities, such as removing debris from the active channel during flood events, that would also be performed under the project, could result in increased delivery of sediment into San Francisquito Creek Depending on the location of the work. Maintenance-related activities such as removing debris from the active channel during flood events could result in increased delivery of sediment into San Francisquito Creek depending on the location of the work. This disturbance has the potential to degrade habitat immediately adjacent to the maintenance site, which receives direct sediment input and could also degrade downstream habitat to the extent that fine sediment is carried downstream. This maintenance activity is presently taking place on San Francisquito Creek.

These disturbances have the potential to degrade habitat immediately in and adjacent to the project work sites. Sediment input could also degrade downstream habitat. The areas of principal concern are those that support habitat for native fish and amphibians. The impact for both project construction and operation would be significant.

Mitigation

Under MM-HWR-1, SFJCPA will develop and implement an adaptive management plan to minimize erosion. The objective of the Adaptive Management Plan will be to ensure that the improvements proposed as part of the project within the San Francisquito Creek are monitored in order to evaluate changes in erosion of the streambed and streambanks. This will include evaluating assessments of recorded stream data in order to evaluate the performance of the channel system, as well as identification and implementation of erosion control protection, as determined is needed in the Adaptive Management Plan.

Additionally, environmental commitments, general construction site housekeeping, water quality protection, and biological resources protection commitments would be implemented to protect water quality and biological resources during construction. project construction work would also require development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), providing further protection of habitats. These measures have been incorporated into the proposed project as environmental commitments and are described in detail in Chapter 2. These commitments include measures to minimize stormwater pollution through implementation of erosion control measures; manage entry of new sediment into the stream channel; remove material that could affect water quality that results from project operations from any location where it could reenter any waterway; prevent the accidental release of hazardous materials, chemicals, fuels, lubricants, and non-storm drainage water; and manage groundwater, if high levels of groundwater are encountered at a project site.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-HWR-1 is feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure its implementation. With adherence to this mitigation as well as the environmental commitments described in Chapter 2, specifically general construction site housekeeping, water quality protection, and biological resources protection commitments, impacts would be reduced to less-than-significant levels.

Impact BIO-5—Result in disturbance or loss of locally protected trees

Impact

Construction of the proposed project could result in disturbance or loss of locally protected trees. The project site occurs within the jurisdiction of the City of Menlo Park's Heritage Tree Ordinance (Chapter 13.24, Menlo Park Municipal Code), the City of East Palo Alto's Development Code (Section 18.28.40) and the City of Palo Alto's Tree Preservation and Management Regulations (Title 8, Palo Alto Municipal Code). The use of heavy equipment and vehicles and stockpiling of excavated materials could inadvertently damage protected trees by directly cutting or injuring roots, compacting soil and reducing the tree's ability to take up water, or compromising the tree's structural integrity. Injuries to limbs or trunk can alter a tree's ability to transport water and nutrients. All of these effects can decrease a tree's chances of survival. Creek widening and construction of Pope Chaucer Bridge would affect approximately 30 trees.

This impact would be significant.

Mitigation

MM-BIO-12 will replace any lost or damaged trees. The project will compensate for permanent construction-related losses (removal or damage) of protected trees by replanting trees after completion of the construction activities. The compensatory ratios and planting locations will be confirmed through coordination with the SFCJPA and each City's regulations for the proposed project. Additionally, trees may fall into CDFW regulations and would be compensated for under the Streambed Alteration Permit.

MM-BIO-13 will be implemented to reduce impacts on trees during construction and, if relevant, provide appropriate treatments to maintain their health and vitality. A licensed arborist selected by a panel of SFCJPA member agency representatives will be secured prior to construction. The project Arborist will submit a tree protection plan for review prior to mobilization. Construction superintendents will meet with the project Arborist before beginning work to review all work procedures, access routes, storage areas, and tree protection measures. The project Arborist will monitor excavation and removal of sacked concrete as well as drilling for soil nails within 25 feet of trees. If injury should occur to any tree during construction, the tree will be evaluated as soon as possible by the project Arborist so that appropriate treatments can be applied. Additional compensation in the form of mitigation planting will be considered if treatments cannot fully mitigate damages to protected trees.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-12 and MM-BIO-13 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact BIO-6—Result in effects on steelhead trout and suitable habitat (including native fish)

Impact

Construction of the proposed project would result in effects on steelhead trout and suitable habitat, as well as other native fish. Steelhead are known to occur within San Francisquito Creek year-round, with adults migrating and juveniles emigrating through Reaches 1 and 2 during the winter and spring months. Juveniles are unlikely to be rearing in Reach 2 because the channel is typically dry once precipitation ends in the spring. In addition to steelhead, native fish species in San Francisquito Creek include Central California Roach, Sacramento Sucker, Sacramento Pikeminnow and Lamprey Species. Construction activities for each project element would occur in and near suitable habitat for steelhead and could disturb any individuals that are present in San Francisquito Creek. Water quality impacts, noise impacts, and habitat disturbance from channel widening, the demolition of the existing Pope Chaucer Bridge, and pile driving for the new Pope Chaucer Bridge could all have an effect on steelhead and their habitat. In addition, removal of riparian vegetation and channel widening, which would affect creek hydraulics, would disturb and remove habitat. Further, stranding could occur during cofferdam dewatering or channel dewatering if surface water is present in the channel. Together, these activities would have a significant impact.

Mitigation

MM-BIO-8 will restore any riparian habitat temporarily impacted. Revegetation of impacted areas could improve the quality and extent of riparian habitat in the project area by expanding areas of riparian growth, increasing the proportion of native species, and planting selected under- and over-story species to provide improved vertical structure and habitat complexity. A qualified restoration ecologist will develop a HMMP in the context of the federal and state permitting processes under the Clean Water Act and California Fish and Game Code, which will include success criteria as specified by the permitting agencies and adaptive management guidelines.

MM-BIO-14 will limit the timing of pile installation for the piers and abutments to avoid overlap with adult and juvenile steelhead migration. Specifically, no in-channel stream bank construction activities will occur during the steelhead migration period, from October 15 through May 31, to reduce the likelihood that steelhead are present during construction activities. This is also the time the creek is typically dry, so native fish species are unlikely to be present.

MM-BIO-15 will reduce pile driving noise. If surface water is present in the channel in or near the Pope Chaucer Bridge footprint three days before commencement of pile driving, SFCJPA will develop an underwater noise monitoring and attenuation plan and obtain approval of the plan from NMFS prior to the start of construction. The plan will incorporate details regarding the estimated underwater sound levels expected, sound attenuation methods, methods used to monitor and verify

sound levels during pile-driving activities, and best management practices to reduce pile-driving sound in the project area to below NMFS thresholds for injury to fish, as feasible. If there is no surface water present in or near the Pope Chaucer Bridge footprint, an underwater monitoring and attenuation plan is not necessary.

MM-BIO-16 will minimize stranding of aquatic vertebrates by implementing avoidance measures prior to construction. An evaluation of the stream and the native aquatic vertebrates will be conducted by a qualified biologist, who may decide to relocate native aquatic invertebrates during construction. The qualified biologist will document in writing the reasons to relocate native aquatic species, or not to relocate native aquatic species, prior to installation of cofferdams, water bypass structures, or silt barriers.

MM-BIO-17 will minimize fish injury and mortality by implementing a fish relocation program prior to construction. If surface water is present when a qualified fish biologist conducts a construction area survey one to two days before the project begins, fish relocation will be implemented, following specific procedures as outlined in mitigation to minimize stress and injury.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-8, MM-BIO-14, MM-BIO-15, MM-BIO-16, and MM-BIO-17 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact BIO-7—Result in effects on California red-legged frog and habitat

Impact

Construction of the proposed project could result in effects on California red-legged frog and habitat. If California red-legged frogs are present within the construction work area, they could be inadvertently killed or wounded by construction vehicles, construction personnel, and accidental spill of toxic fluids (e.g., gasoline and other petroleum-based products). If California red-legged frogs must be captured and relocated outside the construction work area, they could be exposed to increased risk of disease, predation, stress, and competition that could result in increased mortality and/or reduced fitness.

Construction activities associated with channel widening and bridge construction in potential California red-legged frog habitat in the project area could also result in indirect effects on water quality downstream from the construction work area. Increased sedimentation could reduce the suitability of California red-legged frog habitat downstream of the construction areas by filling in pools and smothering eggs. Accidental spills of toxic fluids also could result in the subsequent mortality of California red-legged frogs if these substances flow downstream from the construction area and frogs are present.

These impacts would be significant.

Mitigation

Under MM-BIO-6, a qualified biologist would conduct worker awareness training to educate construction workers on their responsibilities regarding sensitive environmental resources, including California red-legged frog. The training will include visual aids to assist in identification of regulated biological resources, actions to take should protected wildlife be observed within the project area, and possible legal repercussions of impacting such regulated resources.

MM-BIO-16 will minimize stranding of aquatic vertebrates by implementing avoidance measures prior to construction. An evaluation of the stream and the native aquatic vertebrates will be conducted by a qualified biologist, who may decide to relocate native aquatic invertebrates during construction. The qualified biologist will document in writing the reasons to relocate native aquatic species, or not to relocate native aquatic species, prior to installation of cofferdams, water bypass structures, or silt barriers.

Under MM-BIO-18, a qualified biologist will survey for presence of California red-legged frog. If California red-legged frog are observed or heard during the surveys, proposed project activities within 500 feet of the observation will be postponed. A species avoidance plan will be developed in coordination with USFWS and CDFW and implemented during construction and maintenance. If no individuals are observed during the surveys, no further action will be necessary.

If the Former Nursery Detention Basin Alternative or Webb Ranch Detention Alternative were selected to move forward, under MM-BIO-19, SFCJPA would perform maintenance (i.e. dredging) on the detention basin(s) during the dry season, after the amphibian breeding season is over and when the detention basin(s) are dry. A preconstruction survey would be done of the detention basin(s) to determine if any California red-legged frog, Santa Cruz black salamander, California giant salamander, and California tiger salamander are present. Once the detention basin(s) are cleared, maintenance could proceed.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-6, MM- BIO-16, MM-BIO-18, and MM-BIO-19 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact BIO-8—Result in effects on western pond turtle and habitat

Impact

Construction of the proposed project could result in effects on western pond turtle and habitat. Western pond turtles are very sensitive to disturbances and quickly retreat into the water when threatened. If pond turtles are present in the creek channel or along the creek bank during the construction period, they could be injured or killed during construction. In the project area, channel widening, clearing of access ramps, heavy equipment in the channel, and replacement of Pope Chaucer Bridge have the potential to disturb upland and aquatic habitat adjacent to and in San Francisquito Creek and could result in the loss of individuals or nests. If pond turtles are present in the creek channel or along the creek bank during the construction period, they could be injured or

killed during construction. This potential for disturbance and loss would represent a significant impact.

Mitigation

Under MM-BIO-6, a qualified biologist would conduct worker awareness training to educate construction workers on their responsibilities regarding sensitive environmental resources, including western pond turtle. The training will include visual aids to assist in identification of regulated biological resources, actions to take should protected wildlife be observed within the project area, and possible legal repercussions of impacting such regulated resources.

Under MM-BIO-20, a qualified biologist will examine the project footprint for western pond turtles and their nests within 14 days of project activities beginning and during any initial removal of vegetation, woody debris, or trees, or other initial ground-disturbing activities. If a western pond turtle(s) is observed at any time within the project footprint and can be injured by project activities, all activities will cease. If western pond turtles are determined to be absent from the project footprint, no further action will be required with regard to this species. If any western pond turtles are found within the project footprint, whenever possible, construction work in their vicinity will be avoided until they have moved outside of the project footprint of their own volition. If the relocation of western pond turtle is necessary, a relocation plan will be developed and submitted to CDFW for approval.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-6 and MM-BIO-20 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact BIO-9—Result in effects on bats (pallid bat, hoary bat, and Townsend's big-eared bat)

Impact

Construction of the proposed project could result in effects on bats (pallid bat, hoary bat, and Townsend's big-eared bat). Potential bat roosting areas that could be directly disturbed occur in portions of the existing Pope-Chaucer Bridge and mature trees in the project area. Noise disturbances associated with demolition of the old bridge, new bridge construction, and construction of the weir near the detention basins could disturb day-roosting bats if they are present in the bridge or suitable adjacent trees during construction. Removal of trees could result in direct injury or mortality of bats if present. This impact would be significant.

Mitigation

Under MM-BIO-6, a qualified biologist would conduct worker awareness training to educate construction workers on their responsibilities regarding sensitive environmental resources, including bats. The training will include visual aids to assist in identification of regulated biological resources, actions to take should protected wildlife be observed within the project area, and possible legal repercussions of impacting such regulated resources.

Under MM-BIO-21, a qualified biologist would implement a preconstruction survey for pallid, hoary, and Townsend's big-eared bats at Pope Chaucer Bridge, trees within the project site, and abandoned buildings within 500 feet of the project footprint in Reach 3. If a bat is observed roosting at any time before or during project activities, all activities will cease, and SFCJPA will coordinate with CDFW to develop and implement avoidance measures before commencing project activities.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-6 and MM-BIO-21 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact BIO-10—Result in effects on nesting migratory birds and raptors

Impact

Construction of the proposed project could result in effects on nesting migratory birds and raptors. There is potential for northern harrier, snowy egret, white-tailed kite, saltmarsh common yellowthroat, Alameda song sparrow, great blue heron rookery, black-crowned night heron rookery, and double-crested cormorant rookery to occur in the project area. Heavy equipment and human activity during construction would increase noise in the vicinity of the work area, potentially resulting in disturbance of birds nesting and foraging in the area. If occupied nests are present on or adjacent to the construction area, construction activities could result in the abandonment of nests, the death of nestlings, and the destruction of eggs in active nests.

Migratory birds, raptors, and their nests are protected under the Migratory Bird Treaty Act and the California Fish and Game Code. Disturbance of nesting migratory birds or raptors thus represents a significant impact.

Mitigation

Under MM-BIO-6, a qualified biologist would conduct worker awareness training to educate construction workers on their responsibilities regarding sensitive environmental resources, including nesting raptors and migratory birds. The training will include teaching workers how to identify nests, visual aids to assist in identification of regulated biological resources, actions to take should protected wildlife be observed within the project area, and possible legal repercussions of impacting such regulated resources.

MM-BIO-22 requires that nesting exclusion devices be installed to prevent potential establishment or occurrence of nests in areas where construction activities would occur. All nesting exclusion devices will be maintained throughout the nesting season or until completion of work in an area makes the devices unnecessary. All exclusion devices will be removed and disposed of when work in the area is complete.

Under MM-BIO-23, SFJCPA will retain a qualified wildlife biologist to conduct a survey for nesting raptors and migratory birds that could nest along the project corridor, including special-status species. Surveys will cover all suitable raptor and migratory bird nesting habitat that will be impacted directly or indirectly by project construction, including habitat potentially used by ground-

nesting migratory bird species. All migratory bird nesting surveys will be performed no more than two weeks (14 days) prior to any project-related activity that could pose the potential to affect migratory birds, including site preparation. If a lapse in project-related work of two weeks or longer occurs, another focused survey will be conducted before project work can be reinitiated. With the exception of raptor nests, inactive bird nests may be removed.

Under MM-BIO-24, if an active nest is discovered during preconstruction surveys, the qualified wildlife biologist will establish a no-disturbance buffer zone around the nest tree (or, for ground-nesting species, the nest itself). The no-disturbance zone will be marked with flagging or fencing that is easily identified by the construction crew and will not affect the nesting bird. Buffers will remain in place as long as the nest is active or young remain in the area. No construction presence or activity of any kind will be permitted within a buffer zone until the biologist determines that the young have fledged and moved away from the area and the nest is no longer active.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-BIO-6, MM-BIO-22, MM-BIO-23, and MM-BIO-24 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact CULT-2—Cause a substantial adverse change in the significance of a tribal cultural or archaeological resource as defined in State CEQA Guidelines Section 15064.5 and PRC Section 21084.3

Impact

Construction of the proposed project would cause a substantial adverse change in the significance of a tribal cultural or archaeological resource as defined in State CEQA Guidelines Section 15064.5 and PRC Section 21084.3. One tribal cultural resource was identified within the project study area. P-43-000578 (CA-SCL-583) was originally recorded as a midden deposit with three associated human burials and associated funerary objects. This resource is within the area of proposed channel widening at Site 5. Excavation in this area could significantly impact this resource. Further, the entire Reach 2 was determined to have high to very high tribal cultural and archaeological sensitivity (Byrd and Meyer 2011). This determination indicates that any ground disturbing activities have increased potential for encountering as-yet undocumented archaeological resources. This impact would be significant.

Mitigation

MM-CULT-1 would provide cultural resource awareness training prior to project-related ground disturbance to construction workers and would require them to stop work if tribal cultural or archaeological deposits or human remains are encountered during ground-disturbing activities. If any human remains are discovered during ground-disturbing activities, an evaluation will be performed to assess likely age and provenance in a manner that is respectful of the disturbed remains.

MM-CULT-2 would develop and implement, prior to any project-related ground disturbance, a Tribal Cultural and Archaeological Testing Plan (TCATP). The TCATP will help determine the extent of archaeological resources within areas where there will be ground disturbance. The results of the study will be summarized into a technical document, compiled by a qualified archaeologist, who will determine whether further study is necessary. All technical documents will be submitted to the Northwest Information Center.

MM-CULT-3 would develop and implement, prior to any project-related ground disturbance, a Tribal Cultural and Archaeological Monitoring Plan (TCAMP). The TCAMP will determine specific areas of archaeological sensitivity within proposed work areas. The TCAMP will also determine whether an onsite Native American and qualified archaeological monitor is required during project-related ground disturbance. The TCAMP will include protocol that outlines tribal cultural and archaeological monitoring best practices, anticipated resource types, and an Unanticipated Discovery Protocol (UDP). The UDP will describe steps to follow if unanticipated archaeological discoveries are made during project activities work and a chain of contact.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-CULT-1, MM-CULT-2, and MM-CULT-3 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact CULT-3—Disturb any human remains, including those interred outside of formal cemeteries

Impact

Construction of the proposed project could disturb human remains, including those interred outside of formal cemeteries. One precontact resource was identified within the project study area: P-43-000578 (CA-SCL-583). This resource was originally recorded as a midden deposit with three human burials and associated funerary objects. Additional burials may be present within resource boundaries or in the vicinity of the resource. Excavation, as well as additional planned work in the area, could significantly impact this resource, and the impact would be significant.

Mitigation

Mitigation Measure CULT-1 would provide cultural resource awareness training prior to project-related ground disturbance to construction workers and would require them to stop work if archaeological deposits, either tribal cultural or archaeological deposits or human remains are encountered during ground-disturbing activities. If any human remains are discovered during ground-disturbing activities, an evaluation will be performed to assess likely age and provenance in a manner that is respectful of the disturbed remains.

Mitigation Measure CULT-2 would develop and implement, prior to any project-related ground disturbance, a Tribal Cultural and Archaeological Testing Plan (TCATP). The TCATP will help determine the extent of archaeological resources within areas where there will be ground disturbance. The results of the study will be summarized into a technical document, compiled by a

qualified archaeologist, who will determine whether further study is necessary. All technical documents will be submitted to the Northwest Information Center.

MM-CULT-3 would develop and implement, prior to any project-related ground disturbance, a Tribal Cultural and Archaeological Monitoring Plan (TCAMP). The TCAMP will determine specific areas of archaeological sensitivity within proposed work areas. The TCAMP will also determine whether an onsite Native American and qualified archaeological monitor is required during project-related ground disturbance. The TCAMP will include protocol that outlines tribal cultural and archaeological monitoring best practices, anticipated resource types, and an Unanticipated Discovery Protocol (UDP). The UDP will describe steps to follow if unanticipated archaeological discoveries are made during project activities work and a chain of contact.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-CULT-1, MM-CULT-2, and MM-CULT-3 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact GEO-5—Result in substantial accelerated soil erosion or loss of topsoil

Impact

The project has the potential to result in increased flow velocities under certain circumstances at the 6 existing erosion sites and 5 additional monitoring sites within Reach 2 as identified in the EIR, resulting in the potential for increased erosion at these sites. A preliminary velocity impacts analysis showed that velocity increase impacts would not occur until flows reach approximately 5,800 cubic feet per second (cfs), which corresponds to a 25-year storm event, or 4% chance of occurring. For flows below 5,800 cfs, the anticipated velocity at these 11 sites would remain the same as or less than current flow velocities as a result of project implementation. The impact would be significant.

Mitigation

Implementation of mitigation measure MM-HWR-1 would require preparation of an Adaptive Management Plan to monitor creek flows for changes in the bank~~,~~ indicating increased erosion at erosion monitoring sites. These 5 sites have been chosen from the 11 potential erosion sites because of their proximity to residences and infrastructure. Implementation of MM-HWR-1 would require SFCJPA to identify and implement additional erosion control as needed. The Adaptive Management Plan will be prepared by the SFCJPA prior to the start of construction activities and its implementation will continue until long-term bank stability is achieved. If accelerated erosion is identified during project operation, SFCJPA will work with landowners and responsible agencies to identify and implement appropriate erosion treatments such as revegetation and/or installation of rock toe protection.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-HWR-1 is feasible and will adopt it as described in the Final EIR. This measure will be

incorporated into the project construction documents (plans and specifications) to ensure implementation. With this measure in place, impacts would be reduced to less-than-significant levels.

Impact PALEO-1—Result in the destruction or loss of a unique paleontological resource or site

Impact

Construction of the proposed project would result in the destruction or loss of a unique paleontological resource or site. Construction activities such as excavation could affect sensitive, previously undisturbed geologic units, potentially unearthing and damaging previously unknown paleontological resources or other geologic features. According to available geologic maps, such sensitive native sediments may exist at the project site. The impact would be significant.

Mitigation

MM-PALEO-1 would require SFCJPA to conduct a preconstruction paleontological resources field survey and paleontological resources inventory and evaluation. This survey and inventory/evaluation would identify the location(s) where paleontological monitoring would be required.

MM-PALEO-2 would require SFCJPA to conduct worker awareness training for paleontological resources prior to construction. This training would ensure that forepersons and field supervisors can recognize paleontological resources in the event that any are discovered during construction.

MM-PALEO-3 would require SFCJPA to stop work immediately within 100 feet if potential paleontological resources are discovered. This measure would ensure that any paleontological resources discovered during construction would be assessed, documented, and curated, as the qualified paleontologist deems appropriate.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-PALEO-1, MM-PALEO-2, and MM-PALEO-3 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact GHG-1—Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment

Impact

Construction of the proposed project would generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment. Construction of the proposed Pope-Chaucer Bridge is expected to span approximately 9 months, following or simultaneous to channel widening construction activities lasting approximately one year. The emissions generated during construction would primarily be the result of diesel-powered

construction equipment (e.g., excavators, graders). Construction emissions would cease once construction of the project is complete, and, thus, they are considered short-term.

Construction of the proposed project would generate approximately 1,512 metric tons of CO_2e. This impact would be significant.

Mitigation

MM-GHG-1 would implement BAAQMD's best management practices to reduce GHG emissions from construction. These include using more than 15 percent of the fleet of construction vehicles and equipment with alternative fuel to minimize GHG emissions, using more than 10 percent local building materials to minimize the haul trip, and recycling more than 50 percent of construction waste or demolition materials in order to minimize GHG generated in producing construction materials.

MM-AQ-2, which is required to reduce nitrogen oxide emissions, would also reduce GHG emissions from construction activities associated by requiring haul trucks to use model year 2010 and newer engines. This requirements will ensure that all on-road heavy-duty diesel haul trucks with a gross vehicle weight rating of 19,500 pounds or greater used at the project sites comply with EPA 2007 on-road emission standards for PM10 and NO_X (0.01 grams per brake horsepower-hour [g/bhp-hr] and 0.20 g/bhp-hr, respectively).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-GHG-1 and MM-AQ-2 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact HAZ-1—Substantially increase hazards to the public or the environment due to the routine transport, use, or disposal of hazardous materials

Impact

Construction of the proposed project would require the use of fuels and hazardous substances, such as equipment and vehicle fuels, lubricants, pesticides/herbicides, or other chemicals. In addition, periodic activities required to maintain the new project elements would require the use of vehicle fuels, lubricants, etc., and could also require chemicals, paints, paving media, or other substances. Improper storage and handling of hazardous materials, including spills and releases, could result in exposure of workers and the general public to toxins and carcinogens, a potentially significant impact.

Mitigation

Under MM-HAZ-1, the construction contractor would be required to prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan to minimize the potential for, and effects from, accidental spills of hazardous, toxic, or petroleum substances during construction and operation and maintenance activities of the project. The SPCC will be completed before any construction activities begin.

Under MM-HAZ-2, the storage and handling of potential pollutants and hazardous materials, including, but not necessarily limited to, gasoline, diesel, oils, paint, and solvents, will be in accordance with all local, state and federal laws and other requirements. Temporary storage enclosures, double walled tanks, berms, or other protective facilities will be provided as required by law. All hazardous materials will be stored and handled in accordance with the Material Safety Data Sheets for each product.

Additionally, water quality protection environmental commitments would be implemented to protect water quality during construction. These measures have been incorporated into the proposed project as environmental commitments and are described in detail in Chapter 2. These commitments include measures to minimize stormwater pollution through implementation of erosion control measures and prevent the accidental release of hazardous materials, chemicals, fuels, lubricants, and non-storm drainage water.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-HAZ-1 and MM-HAZ-2 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, as well as the water quality protection environmental commitments, impacts would be reduced to less-than-significant levels.

Impact HAZ-2—Expose workers or the public to existing hazardous materials contamination

Impact

During construction of the proposed project, the discovery of unknown hazardous materials could result in an increased potential for exposure to the substance(s) to humans and environmental receptors. Specifically, construction workers, the public or ecological receptors could be exposed to hazardous substances through a discovery of hazardous substances from ground disturbance during project construction, potentially constituting a significant impact.

Mitigation

Under MM-HAZ-1, the construction contractor would be required to prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan to minimize the potential for, and effects from, accidental spills of hazardous, toxic, or petroleum substances. The SPCC will be completed before any construction activities begin.

Under MM-HAZ-3, if unknown hazardous materials are encountered during construction monitoring or testing of soil suitability, all work in the area of the discovery will stop, and SFCJPA will conduct an investigation to identify the nature and extent of contamination in accordance with local and state requirements and guidance. If indicated based on the results of the investigation, the SFCJPA or designee will implement remediation measures. Construction in areas known or reasonably suspected to be contaminated will not resume until remediation is complete. If waste disposal is necessary, SFCJPA will ensure that any hazardous materials removed during construction are handled and disposed of in accordance with local, state, and federal requirements.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-HAZ-1 and MM-HAZ-3 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be less than significant.

Impact HAZ-3—Generate hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within 0.25 mile of an existing or proposed school

Impact

Construction and operation and maintenance activities of the proposed project could generate hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within 0.25 mile of an existing or proposed school. The proposed project is within 0.25 mile of the International School of the Peninsula in Palo Alto and the Alto International School in Menlo Park. Because both construction and operation and maintenance activities could require the use of a variety of fuels and/or hazardous substances, such as equipment or vehicle fuels and lubricants, paving media, paints, solvents, etc., there could be some potential for exposure of students, school employees, and the public to hazardous materials. The impact would be significant.

Mitigation

Under MM-HAZ-1, the construction contractor would be required to prepare and implement a SPCC Plan to minimize the potential for, and effects from, accidental spills of hazardous, toxic, or petroleum substances during construction and operation and maintenance activities of the project. The SPCC will be completed before any construction activities begin.

Under MM-HAZ-2, if project construction and operation results in the storage and handling of potential pollutants and hazardous materials, including, but not necessarily limited to, gasoline, diesel, oils, paint, and solvents, all storage and handling will be in accordance with all local, state and federal laws and other requirements. Any temporary storage enclosures, double wall tanks, berms, other protective facilities needed for project construction and operation will be provided as required by law. Additionally, all hazardous materials will be stored and handled in strict accordance with the Material Safety Data Sheets for each product, and a copy of each Material Safety Data Sheet will be submitted to the Project Engineer at the time of delivery of products to the project site.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-HAZ-1 and MM-HAZ-2 are feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact HAZ-6—Interfere with an emergency response or evacuation plan

Impact

Construction of the proposed project could interfere with an emergency response or evacuation plan. The presence of construction equipment and vehicles, worker activities, and materials storage would have the potential to impede emergency access to the project site and/or interfere with emergency evacuation plans. Replacement of the Pope-Chaucer Bridge would require temporary closure of the existing bridge travel lane. The impact is potentially significant.

Mitigation

Under MM-TT-2, SFCJPA will develop a site-specific traffic control plan to minimize the effects of construction traffic on surrounding roadways. The plan will be prepared with oversight by a licensed traffic engineer, with input from the cities of Menlo Park, East Palo Alto, and Palo Alto to ensure that concerns are appropriately addressed. The plan will be subject to review and approval by the Cities of Palo Alto, Menlo Park and East Palo Alto. SFCJPA will be responsible for ensuring that the plan is effectively implemented. The plan will include, among other information, information regarding working hours, allowable and restricted streets, allowable times for lane closures, emergency vehicle access, detours, and access to private and public properties as well as requirements for construction traffic. This plan will include a requirement to maintain emergency access to/through and/or around the site.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-TT-2 is feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure its implementation. With this measure in place, impacts would be reduced to less-than-significant levels.

Impact HAZ-8—Increase breeding or harborage of disease vector organisms

Impact

Construction of the proposed project could increase breeding or harborage of disease vector organisms. The impact would be potentially significant.

Mitigation

Under MM-HAZ-4, SFCJPA will ensure that standing water that accumulates on the construction site is gone within 4 days (96 hours) in order to prevent mosquito breeding during project construction. All outdoor grounds will be examined, and unnecessary water that may stand longer than 96 hours will be drained. Construction personnel will properly dispose of unwanted or unused artificial containers and other obstructions (e.g., tires). If possible, any container or object that holds standing water that must remain outdoors will be covered, inverted, or have drainage holes drilled.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA

finds that MM-HAZ-4 is feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure its implementation. With this measure in place, impacts would be reduced to less-than-significant levels.

Impact HWR-3—Degrade water quality

Impact

Post construction, the project has the potential to result in increased flow velocities at the 11 sites (identified in Draft EIR Figure 3.8-2 as potential erosion sites) within Reach 2 that would not receive channel improvements. As such, the project has the potential for increasing erosion rates at these sites, which could exacerbate the creek's impairment for sediment/sedimentation, thereby further degrading water quality. Because the chances of high flows that could exacerbate existing erosion conditions in these locations are relatively small, the potential for the project to exacerbate erosion conditions at these 11 sites is considered minimal. However, because the creek is currently impaired for sediment/sedimentation, the addition of sediment as a result of exacerbated erosion from the proposed project's increased velocities could be considered a significant water quality impact depending on the severity of erosion. Of the 11 potential erosions sites, 5~~Five~~ erosion monitoring sites were identified in the Draft EIR due to their proximity and importance for a single family home downstream of Pope-Chaucer Bridge that was built between the Woodland Avenue and the creek bank.

Mitigation

Under MM-HWR-1, SFCJPA will prepare an Adaptive Management Plan with respect to stream erosion within San Francisquito Creek at the 5 erosion monitoring sites within Reach 2. The Adaptive Management Plan will be developed based on field inspection/observations and quantitative monitoring/qualitative assessments. The objective of the Adaptive Management Plan is to develop baseline and trigger levels so response actions can be implemented in a timely manner in the event that the project results in increased erosion at monitoring sites in San Francisquito Creek. The potential erosion sites have been identified and will be evaluated for changes in erosion of the streambed and streambanks. This will include evaluating assessments of recorded stream data in order to evaluate the performance of the channel system, identification and implementation of erosion control protection, as determined is needed in the Adaptive Management Plan. The adaptive approach to the monitoring program will establish a well-defined monitoring program, apply qualitative and quantitative geomorphic and engineering techniques for evaluation of collected data, identify an action plan to implement interim and long-term erosion control measures, and evaluate the effectiveness of the Adaptive Management Plan. The Adaptive Management Plan will be implemented following construction of the proposed project and shall continue until long-term bank stability is achieved. In the case that accelerated erosion is identified during project operation, SFCJPA will work with landowners and responsible agencies to identify and implement appropriate erosion treatments such as revegetation and/or installation of rock slope protection.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-HWR-1 is feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure its

implementation. With this measure in place, impacts would be reduced to less-than-significant levels.

Impact NV-2—Expose persons to or generate excessive ground-borne vibration or ground-borne noise levels

Impact

Construction of the proposed project would expose persons to or generate excessive ground-borne vibration or ground-borne noise levels. Construction activities associated with the replacement of Pope-Chaucer Bridge and widening the channel at Site 5 could generate ground-borne vibration under "average" soil conditions from vibration-inducing construction equipment (i.e., pile driver and vibrahammer) that would expose homes to vibration levels in excess of thresholds of 0.2 in/sec PPV and 75 VdB within 25 feet. In addition, construction of the same project elements using non-impact construction equipment (e.g., large bulldozer) could exceed these thresholds at homes within 50 feet. This impact would be potentially significant.

Mitigation

Under MM-NV-4, SFCJPA would conduct construction vibration monitoring and implement control approach(es). During periods of construction, SFCJPA will retain a qualified acoustical consultant or engineering firm to conduct vibration monitoring at homes or occupied vibration-sensitive buildings located within 100 feet of pile driving locations and 25 feet of construction sites using other non-impact equipment. Vibration monitoring will be conducted on each day of construction until it can be determined that all affected structures would not experience significant groundborne vibration. If a structure would not experience significant vibration at a distance of 50 feet from pile driving activities, on subsequent days, when construction activity would occur farther away from that structure, vibration monitoring would not be required. If at any point the measured peak particle velocity (PPV) is in excess of 0.2 in/sec, construction activity will cease and alternative methods of construction and excavation will be considered to prevent possible exposure of vibration-sensitive buildings and structures to this level or higher. Prior to vibration-generating construction activity, a preconstruction survey will be conducted where the property owners give permission to document existing cracks or structural damage at vibration-sensitive receptors located within the distances identified above by means of color photography or video. A designated complaint coordinator will be responsible for handling and responding to any complaints received during construction. SFCJPA will also implement a reporting program that documents complaints received, actions taken, and the effectiveness of these actions in resolving disputes.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-NV-4 is feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure its implementation. With this measure in place, impacts would be reduced to less-than-significant levels.

Impact TT-1—Potential to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system

Impact

Construction related to the Pope-Chaucer Bridge Replacement under the proposed project would have potential to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Under existing conditions, the Middlefield Road/Woodland Avenue-Palo Alto Avenue intersection operates at LOS C in the AM peak hours and LOS F in the PM peak hours. With the temporary bridge closure, the intersection would operate at LOS F during the AM peak period, because of the rerouted trips. During the PM peak period, this intersection would continue operate at LOS F; however, the delay experienced at the Woodland Avenue approach would be substantially higher than under existing conditions. This impact is potentially significant.

Mitigation

Under MM-TT-1, SFCJPA will provide a temporary traffic signal at Middlefield Road/Woodland Avenue-Palo Alto Avenue for the duration of the closure of the Pope-Chaucer Bridge. This temporary traffic signal should be coordinated with the traffic signal on Willow Road at Middlefield Road due to the close proximity between the two signals.

Under MM-TT-2, SFJCPA will develop a site-specific traffic control plan to minimize the effects of construction traffic on surrounding roadways. The plan will be prepared with oversight by a licensed traffic engineer, with input from the cities of Menlo Park, East Palo Alto, and Palo Alto to ensure that traffic concerns are appropriately addressed. The plan will be subject to review and approval by the Cities of Palo Alto, Menlo Park and East Palo Alto. SFCJPA will be responsible for ensuring that the plan is effectively implemented. The plan will include, among other information, information regarding working hours, allowable and restricted streets, allowable times for lane closures, emergency vehicle access, detours, and access to private and public properties.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-TT-1 and MM-TT-2 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact TT-3—Potential to create traffic safety hazards

Impact

Construction of the proposed project has the potential to create local traffic safety hazards because of the presence of large, slow-moving construction-related vehicles and equipment among the general-purpose traffic on roadways in the study area. Safety concerns could also arise from the use of residential streets to access construction areas. On the Menlo Park and East Palo Alto side of San Francisquito Creek, project construction traffic would travel on West Bayshore Road and Woodland Avenue in proximity to sites that are regularly accessed by parents and children, including but not

limited to, the German American International School, East Palo Alto High School, and Willow Oaks School. On the Palo Alto side of the creek, heavy construction traffic would travel on University Avenue and Palo Alto Avenue in proximity to sites that are regularly accessed by parents and children, including Addison Elementary School, Duveneck Elementary School, Palo Alto High School, Walter Hayes Elementary School, and other schools in the vicinity. This impact is potentially significant.

Mitigation

Under MM-TT-2, SFJCPA will develop a site-specific traffic control plan to minimize the effects of construction traffic on surrounding roadways. The plan will be prepared with oversight by a licensed traffic engineer, with input from the cities of Menlo Park, East Palo Alto, and Palo Alto to ensure that traffic concerns are appropriately addressed. The plan will be subject to review and approval by the Cities of Palo Alto, Menlo Park and East Palo Alto. The SFCJPA will be responsible for ensuring that the plan is effectively implemented. The plan will include, among other information, information regarding working hours, allowable and restricted streets, allowable times for lane closures, emergency vehicle access, detours, and access to private and public properties. The traffic control plan specified in MM-TT-2 will be developed with input from school, park, and community stakeholders, ensuring that all safety needs would be identified and addressed.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-TT-2 is feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure its implementation. With this measure in place, impacts would be reduced to less-than-significant levels.

Impact TT-4—Potential to obstruct emergency access

Impact

Construction of the proposed project has potential to obstruct emergency access. All project work areas would have the potential to affect emergency vehicle access. In addition, construction-related traffic could delay or obstruct the movement of emergency vehicles on local area roadways. The impact is potentially significant.

Mitigation

Under MM-TT-1, SFCJPA will provide a temporary traffic signal at Middlefield Road/Woodland Avenue-Palo Alto Avenue for the duration of the closure of the Pope-Chaucer Bridge. This temporary traffic signal will be coordinated with the traffic signal on Willow Road at Middlefield Road due to the close proximity between the two signals.

Under MM-TT-2, SFJCPA will develop a site-specific traffic control plan to minimize the effects of construction traffic on surrounding roadways. The plan will be prepared with oversight by a licensed traffic engineer, with input from the cities of Menlo Park, East Palo Alto, and Palo Alto to ensure that traffic concerns are appropriately addressed. The plan will be subject to review and approval by the Cities of Palo Alto, Menlo Park and East Palo Alto. SFCJPA will be responsible for ensuring that the plan is effectively implemented. The plan will include, among other information,

information regarding working hours, allowable and restricted streets, allowable times for lane closures, emergency vehicle access, detours, and access to private and public properties, and would ensure unrestricted access and passage for emergency vehicles.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-TT-1 and MM-TT-2 are feasible and will adopt them as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. With these measures in place, impacts would be reduced to less-than-significant levels.

Impact TT-5—Potential to conflict with alternative transportation

Impact

Construction of all project alternatives has potential to conflict with alternative transportation, i.e., bicycle, pedestrian, and transit. The impact is potentially significant.

Mitigation

Under MM-TT-2, SFJCPA will develop a site-specific traffic control plan to minimize the effects of construction traffic on surrounding roadways. The plan will be prepared with oversight by a licensed traffic engineer, with input from the cities of Menlo Park, East Palo Alto, and Palo Alto to ensure that traffic concerns are appropriately addressed. The plan will be subject to review and approval by the Cities of Palo Alto, Menlo Park and East Palo Alto. SFCJPA will be responsible for ensuring that the plan is effectively implemented. The plan will include, among other information, information regarding working hours, allowable and restricted streets, allowable times for lane closures, emergency vehicle access, detours, and access to private and public properties.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment. SFCJPA finds that MM-TT-2 is feasible and will adopt it as described in the Final EIR. This measure will be incorporated into the project construction documents (plans and specifications) to ensure its implementation. With this measure in place, impacts would be reduced to less-than-significant levels.

Significant Impacts that Cannot Be Fully Mitigated

Impact NV-1—Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies

Impact

Construction of the proposed project has potential to result in a substantial temporary increase in ambient noise in the vicinity of the project in excess of established noise standards. The impact is potentially significant.

Mitigation

The following mitigation measures, as described in the Final EIR, will be incorporated into the project construction documents (plans and specifications) to ensure their implementation: MM-NV-1: Provide advance notification of construction and operations schedule and 24-hour hotline to residents, MM-NV-2: Designate a noise disturbance coordinator to address resident concerns, and MM-NV-3: Install temporary noise barriers. The proposed mitigation measures represent all feasible, cost-effective mitigation measures to reduce construction noise to be implemented by the SFCJPA and the construction contractor. Although the maximum noise levels would be generated only when construction activities take place outside exempt hours in East Palo Alto, Menlo Park, and Palo Alto and would likely be short term, it is unlikely that construction contractors would be able to comply with the noise ordinance limits in the Cities of East Palo Alto, Menlo Park, and Palo Alto. Therefore, the impact would be significant and unavoidable with mitigation incorporated.

With implementation of all feasible mitigation, project construction would exceed the most stringent non-exempt limit of noise of 70 dBA at a noise-sensitive land use, Menlo Park's noise limit on powered equipment of 85 dBA at 50 feet, and Palo Alto's restrictions on construction activities outside of daytime hours (8 a.m. to 6 p.m. on weekdays, 9 a.m. to 6 p.m. on Saturdays).

In summary, the SFCJPA has adopted mitigation (MM-NV-1, MM-NV-2, and MM-NV-3) that comprise all of the approaches identified as feasible to reduce noise associated with construction of various project elements. However, even with these measures in place, construction noise could intermittently be high enough to exceed local standards in City of East Palo Alto, and City of Menlo Park thresholds, and construction activities would also be required outside of the hours allowed by the City of Palo Alto's noise ordinance. These exceedances would constitute a significant residual impact, and is considered unavoidable.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate the significant effects on the environment: however, the SFCJPA finds that mitigation is unlikely to reduce temporary noise as a result of construction of the proposed project to a less than significant level (i.e., mitigation is unlikely to reduce non-exempt noise in the City of East Palo Alto and the City of Menlo Park to the noise standards for each city, and is unlikely to restrict construction noise to the daytime hours allowable by the City of Palo Alto's noise ordinance), and that no alternate or additional mitigation that would provide such a reduction has

been identified as feasible. Consequently, the SFCJPA finds that a significant residual impact is likely during construction of some of the project elements.

While the alternatives to the proposed project considered in the Draft EIR would not result in a significant unavoidable impact related to construction noise, nor would these alternatives achieve the public benefits of the proposed project. Under the No Project Alternative, for instance, the SFCJPA would not implement the flood risk-reduction measures contemplated in the EIR, and flood risks would not be reduced from current conditions. The Floodwalls Alternative would have greater impacts overall than the proposed project, and would not achieve the benefits associated with proposed project's channel widening activities, which would result in improved hydrologic conditions and natural stream function that would benefit fish and other aquatic species. The Floodwall Alternative also does not have community acceptance. Given its location further from sensitive receptors, the Detention Basin Alternatives would have less of an impact with respect to construction noise. However, these alternatives also would not achieve the benefits of the proposed project in terms of reducing flood risk and improving hydrologic conditions and stream function. Of all of the alternatives identified during the alternatives screening process (see Draft EIR Table 2-1), none were identified that could both reduce construction noise impacts to a less-than-significant impact or meet the project objectives related flood protection, habitat enhancement, recreational opportunities, operational and maintenance requirements, and cumulative flood protection.

Significant Contributions to Cumulative Impacts

Air Quality (Pollutant Concentrations)

Impact and Project Contribution

Construction activities proposed as part of the project would temporarily increase emissions in pollutants of concern, like fugitive dust, asbestos, DPM and PM2.5 (particulate matter 2.5 microns or less in diameter). Although the contribution of increased health risks from construction activities associated with the project are anticipated to be relatively small, there are likely sensitive receptors, such as nearby residents, within the vicinity of the project area that are exposed to elevated health risks and pollutant concentrations from U.S. Highway 101, and other major existing roadway sources in the area. Therefore, it is possible that the cumulative Bay Area Air Quality Management District (BAAQMD) cumulative health risk thresholds would be exceeded, or that an existing exceedance would be worsened due to the construction activities associated with the project and contribution of health risks and PM 2.5 concentrations.

Mitigation

Implementation of MM-AQ-1, MM-AQ-2, MM-AQ-3, and MM-AQ-4, discussed above, would reduce the likelihood of cumulative impacts. However, it would be possible for even a small additional contribution to cause a new, or worsen, an existing exceedance of the BAAQMD cumulative thresholds. Therefore, the impact of the project's construction activities on cumulative air quality impacts is expected to be significant and unavoidable.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. SFCJPA finds that Mitigation Measure AQ-1 through Mitigation Measure AQ-4 are feasible and will

adopt these measures as described in the Final EIR. These measures will be incorporated into the project construction documents (plans and specifications) to ensure their implementation. However, even with these measures in place, the project is expected to have a cumulatively considerable contribution to regional air quality degradation as a result of the operation of construction equipment required to construct the project in close proximity to residential receptors in combination with other sources of DPM and PM 2.5 (such as vehicular traffic on U.S. Highway 101 and other roadways). No additional feasible mitigation measures were available that could reduce this cumulative impact to a less-than-significant impact.

Further, while the Detention Basin Alternatives considered in the Draft EIR would not result in a significant unavoidable impact related to air quality, nor would this alternative achieve the public benefits of the proposed project in terms of reducing flood risk and improving hydrologic conditions and stream function. The No Project Alternative also would not achieve the proposed project benefits of flood risk-reduction. Of all of the alternatives identified during the alternatives screening process (see Draft EIR Table 2-1), none were identified that could both reduce construction air quality impacts to a less-than-significant impact and meet the project objectives related flood protection, habitat enhancement, recreational opportunities, operational and maintenance requirements, and cumulative flood protection.

Alternatives to the Project as Proposed

The SFCJPA certifies the following with regard to the alternatives analyzed in the EIR, as discussed in more detail below.

- The EIR describes a reasonable range of alternatives to the project as proposed.
- The SFCJPA has evaluated the comparative merits of the alternatives and rejected them in favor of the proposed project.

Alternatives Analyzed in the EIR

CEQA requires EIRs to evaluate a reasonable range of alternatives to the proposed project, focusing on alternatives that appear to be feasible, would meet the project objectives, and would avoid or substantially lessen at least one of the proposed project's significant environmental effects. EIRs must also analyze the No Project Alternative.

The Draft EIR initially evaluated 16 different alternatives (listed in Chapter 2, Section 2.5, Alternatives Considered, of the Final EIR). The first tier of evaluation (Table 2-1, pages 2-10 through 2-11 of the Final EIR) considered how well each alternative meets the project objectives. Four alternatives moved on to the second tier of evaluation (Table 2-2, page 2-12 of the Final EIR), which considered the relative costs, logistical feasibility, site control, and technical feasibility. In addition to the proposed project, four alternatives advanced for further analysis in the EIR: the Floodwalls Alternative (located in Reach 2), the Former Nursery Detention Basin Alternative (located in Reach 3), the Webb Ranch Detention Basin Alternative (located in Reach 3), and the No Project Alternative.

Findings Regarding the Alternatives

No Project Alternative

Under the No Project Alternative, the SFCJPA would not implement the flood risk-reduction measures contemplated in the EIR. Flood risks would not be reduced from current conditions. The

No Project Alternative would avoid the significant impacts identified for the proposed project but would not accomplish the project's identified goal and objectives for flood control, habitat enhancement, or creating/enhancing recreational opportunities. As such, it cannot effectively substitute for the project, and is rejected.

Floodwalls Alternative

The Floodwalls Alternative, which would be located in Reach 2, would replace the Pope-Chaucer Bridge and construct floodwalls downstream.

The Floodwalls Alternative would have impacts similar to the proposed project but over a much greater area along and at the top of the creek banks. Therefore, this alternative would have greater impacts overall than the proposed project. The proposed project would also be more beneficial than the Floodwalls Alternative because the proposed project's channel widening would result in improved hydrologic conditions and natural stream function that would benefit fish and other aquatic species. Finally, the Floodwall Alternative does not have community acceptance. For these reasons, the Floodwall Alternative was not selected.

Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative

The Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative would result in fewer impacts than the proposed project, since these impacts would be upstream and not felt to the east (downstream) of Highway 280. The proposed project would be implemented in a constrained developed urban area, whereas the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative locations are currently vacant or used for seasonal agricultural uses and associated parking. Primarily due to their more remote locations, both the Former Nursery Detention Basin Alternative and the Webb Ranch Detention Basin Alternative are estimated at this time to have fewer/less potential impacts on the following resources than the proposed project:

- Aesthetics
- Air Quality
- Hazardous Materials and Public Health
- Noise and Vibration
- Recreation
- Transportation and Traffic
- Utilities and Service Systems

Additionally, the Former Nursery Detention Basin Alternative and the Webb Ranch Detention Basin Alternative are estimated at this time to have fewer impacts than the proposed project on the following resources:

- Biology
- Geology and Soils

Between the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative, the Former Nursery Detention Basin Alternative would result in fewer impacts because the nearest noise-sensitive land uses to this alternative are 400 feet away. The Webb Ranch Detention Basin Alternative is within 35 feet of the nearest sensitive land uses; therefore

construction of this alternative is expected to expose persons to greater noise and vibration impacts relative to the Former Nursery Detention Basin Alternative.

The Former Nursery Detention Basin Alternative in consideration of basin sizing could not provide as much flood protection, as quickly, or provide similar benefits to aquatic species (e.g., salmonid habitat), as the proposed project. However, information available to date indicates that the Former Nursery Detention Basin Alternative would have less environmental impacts than the proposed project on many resources. For these reasons, the Former Nursery Detention Basin Alternative is identified as the environmentally superior alternative. However, by itself, this alternative cannot achieve the benefits of the proposed project in terms of the level of flood control that could be achieved (one basin could achieve a peak flow reduction of 800–1,000 cfs versus the proposed project, which could achieve a reduction of 1,800 cfs). Further, this alternative would not achieve the same level of benefit as the proposed project in terms of habitat enhancement. These benefits include improvement of hydrologic functions through channel widening and construction of habitat enhancement features. For these reasons, the Former Nursery Detention Basin Alternative was not selected.

No Recirculation of the EIR is Required

The changes and new information provided in the Final EIR consist of the following.

- Clarifications to the Draft EIR analysis in response to comments received.
- Minor revisions to mitigation measures in response to comments received.
- Corrections of typographic and editorial errors.

This new information does not include identification of new significant impacts associated with the project or mitigation measures, a substantial increase in the severity of an environmental impact, or new project alternatives or mitigation measures that warrant consideration.

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

Mitigation, Monitoring, and Reporting Plan

As part of the accompanying resolution SFCJPA has also prepared a Mitigation, Monitoring, and Reporting Plan (MMRP) pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d). The MMRP, which is found in Appendix G of the Final EIR and is incorporated herein by this reference, is designed to enable, ensure, and document compliance with the mitigation measures imposed to avoid or substantially lessen the project's environmental impacts as documented in the Final EIR

Exhibit A
Statement of Overriding Considerations within the Final EIR

Statement of Overriding Considerations

Section 15093 of the CEQA Guidelines provides:

> *(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*
>
> *(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*
>
> *(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.*

Pursuant to Section 15093, the SFCJPA adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the proposed project, as discussed above, and the anticipated economic, social, and other benefits of the proposed project.

As described previously, flooding from San Francisquito Creek is a common occurrence. The flood of record in February 1998 affected approximately 1,700 residential, commercial, and public structures and caused tens of millions of dollars in property damage. The SFCJPA and U.S. Army Corps of Engineers estimate that the 1998 flood was a 70-year flood event that produced a flow of 7,500 cubic feet per second at the flood-prone Pope-Chaucer Bridge, and that currently the Creek begins to overtop at that bridge during storms greater than a 22-year event.

Protection from the 100-year flood (1% flood protection) is FEMA's currently acceptable goal for flood protection works, and the overarching goal of this SFCJPA's Upstream of Highway 101 project is to provide that level of flood protection for residents and businesses along the San Francisquito Creek. However, protecting against the 70-year event would also significantly reduce damages during larger events. Given the many constraints in the watershed, achieving that goal would require the construction of more than one of the project alternatives discussed in this EIR, as well as subsequent environmental documentation. The specific objectives of actions analyzed by this EIR, which when met would represent a major step toward meeting the overarching project goal, are to:

- Protect life, property, and infrastructure from floodwaters exiting the creek during flows up to 7,500 cfs, while minimizing impacts of the project on adjacent communities and the environment;
- Enhance habitat within the project area, particularly interconnected habitat for threatened and endangered species;
- Create new recreational opportunities and connect to existing bike and pedestrian corridors;
- Minimize operational and maintenance requirements; and
- Not preclude future actions to bring cumulative flood protection up to a 100-year flow event.

Construction of the proposed project would likely result in significant and unavoidable effects on air quality and noise associated with construction of various project elements during all project phases. The SFCJPA has committed to all feasible mitigation measures to reduce these impacts, but the residual impacts on air quality and noise are still likely to be significant. No additional feasible mitigation is available to further mitigate, avoid, or reduce to less-than-significant levels these effects.

In light of the environmental, social, economic, and other considerations identified below and supported by the substantial evidence in the EIR, the SFCJPA chooses to approve the proposed project because, in its view, such benefits substantially outweigh the significant and unavoidable adverse environmental effects. The following statements identify the reasons why, in the SFCJPA's judgment, the benefits of the project outweigh the significant and unavoidable effects. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval:

1. The proposed project would restore San Francisquito Creek to its natural capacity throughout the project reach; this improved hydrologic functioning provides long-term benefits to aquatic species.

2. The proposed project would restore aquatic habitat by installing permanent woody debris, boulders, pools, and other features to approximately 1,800 linear feet of the channel at widening sites and the Pope-Chaucer Bridge. These elements, together with the improvements in hydrologic function in the project reach, will provide long-term benefits to salmonids and other aquatic species.

3. The proposed project will provide flood protection benefits to over 4,000 homes, businesses, and schools in the San Francisquito Creek floodplain. Although implementation of this project by itself will not completely remove the affected area from the FEMA 100-year flood zone, it will protect life, property, and infrastructure from the largest recorded flood flow and reduce damages during higher flows. Thus, it is a key piece of SFCJPA's long-term comprehensive flood protection strategy.

4. The proposed project will create recreational opportunities by connecting the new features to existing bike and pedestrian corridors and potentially constructing two creekside parks.

In summary, in consideration of the existing flood risks along San Francisquito Creek associated with lack of adequate capacity in the Creek channel, and the analysis of project outcomes presented in the Final EIR, SFCJPA finds that the economic, social, and environmental benefits of meeting the project's goals and objectives outweigh the significant and unavoidable noise and cumulative air quality impacts associated with the project's construction.

References Cited

Bay Area Air Quality Management District. 2017. *California Environmental Quality Act Air Quality Guidelines*. May. San Francisco, CA. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: August 10, 2018.

Byrd, F. B., and J. Meyer. 2011. *Initial Cultural Resources Investigation San Francisquito Creek Flood Damage Reduction and Ecosystem Restoration Project, Santa Clara and San Mateo Counties, California.*

Exhibit B

Mitigation Monitoring and Reporting Plan within the Final EIR

Appendix G

San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101 Mitigation Monitoring and Reporting Plan

Table 1. Impacts and Mitigation for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Aesthetics				
Mitigation Measure AES-1- Control Nighttime Lighting. The SFCJPA will ensure that if nighttime lighting at the construction site is required, lighting will be directed downward/on site, away from sensitive receptors (i.e., residences), and spillover light will be minimized to the greatest extent practicable.	All project elements, during construction	Construction Contractors	This measure will remain in effect for the duration of Project construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Air Quality				
Mitigation Measure AQ-1- Utilize clean diesel-powered equipment during construction to control construction-related NO_X emissions for all Alternatives and operations-related NO_X emissions for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative. The project applicant will ensure that all off-road diesel-powered equipment used during construction and operations is equipped with EPA Tier 4 Final engines.	All project elements, during construction	Construction Contractors	This measure will remain in effect for the duration of Project construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Mitigation Measure AQ-2- Use on-road haul trucks with model year 2010 and newer engines during construction for all Alternatives and operations for the Former	All project elements, during construction	Construction Contractors	This measure will remain in effect for the duration of Project construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative. The SFCJPA will ensure that all on-road heavy-duty diesel haul trucks with a gross vehicle rating of 19,500 pounds or greater used at the project sites comply with EPA 2007 on-road emissions standards for PM10 and NO_X (0.01 grams per brake horsepower-hour [g/bhp-hr] and 0.20 g/bhp-hr, respectively).				documenting compliance.
Mitigation Measure AQ-3- Reduce construction emissions for all Alternatives and operations emissions for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative to below BAAQMD NO_X thresholds. The SFCJPA will ensure construction- and operations-related emissions do not exceed BAAQMD's construction NO_X threshold of 54 pounds per day. In addition to implementing MM-AQ-1 and MM-AQ-2, the SFCJPA will coordinate with the BAAQMD to purchase NO_X credits to offset remaining NO_X construction and operations emissions exceeding BAAQMD thresholds. The SFCJPA will track construction and operations activity, estimate emissions, and enter into a construction mitigation contract with BAAQMD to offset NO_X emissions that exceed BAAQMD NO_X maximum daily threshold of 54 pounds per day.	All project elements, during construction	Construction Contractors	This measure will remain in effect for the duration of Project construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
The maximum daily emissions will be calculated on a daily basis by determining total construction- and operations-related NO_X emissions for each calendar day. BAAQMD will use the mitigation fees provided by the SFCJPA to implement emissions reduction efforts that offset project NO_X emissions that exceed the BAAQMD threshold. This mitigation includes the following specific requirements: • The SFCJPA will require construction contractors to provide daily construction and operational activity monitoring data for all construction activities and operations activities associated with alternatives Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative to estimate actual construction and operational emissions, including the effect of equipment emissions reduction measures. The SFCJPA will submit the daily construction and operational activity monitoring data and an estimate of actual daily construction and operational emissions to SFCJPA and BAAQMD for review by the 15th day of each month for the prior construction month. The SFCJPA will examine the construction and operational activity monitoring to				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
ensure it is representative, and BAAQMD will examine the emissions estimate to ensure it is calculated properly. • After acceptance of the emissions estimates by BAAQMD for the prior month, the SFCJPA will submit mitigation fees to BAAQMD to fund offsets for the portion of daily emissions that exceed the maximum daily NO_X threshold. The mitigation fees will be based on the mitigation contract with BAAQMD (see discussion below) but will not exceed the emissions-reduction project cost-effectiveness limit set for the Carl Moyer Program for the year in which mitigation fees are paid. The current Carl Moyer Program cost-effectiveness limit is $30,000 per weighted ton of criteria pollutants (NO_X + ROG + [20*PM]). An administrative fee of 5% will be paid by the SFCJPA to BAAQMD to implement the program. • The mitigation fees will be used by BAAQMD to fund projects that are eligible for funding under the Carl Moyer Program guidelines or other BAAQMD emissions-reduction incentive programs that meet the Carl Moyer Program cost-effectiveness threshold and are real, surplus, quantifiable, and enforceable.				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
• The SFCJPA will enter into a mitigation contract with BAAQMD for the emissions-reduction incentive program. The mitigation contract will include the following: ○ Identification of appropriate offsite mitigation fees required for the project. ○ Timing for submission of mitigation fees. ○ Processing of mitigation fees paid by the SFCJPA. ○ Verification of emissions estimates submitted by the SFCJPA. ○ Verification that offsite fees are applied to appropriate mitigation programs within the SFBAAB. The mitigation fees will be submitted within 4 weeks after BAAQMD accepts an emissions estimate provided by the SFCJPA showing that the maximum daily NO_X threshold was exceeded (when measured on an daily basis).				
Mitigation Measure AQ-4- Implement BAAQMD's Basic Construction Mitigation Measures for all Alternatives and operations for the Former Nursery Detention Basin Alternative and Webb Ranch Detention Basin Alternative. The SFCJPA shall require all	All project elements, during construction and operation	Construction Contractors	This measure will remain in effect for the duration of Project construction and operation.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
construction contractors to implement the basic construction mitigation measures recommended by BAAQMD during all phases of construction, including demolition. The emissions reduction measures shall include, at a minimum, the following: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. • All haul trucks shall be covered when transporting soil, sand, or other loose material offsite. • All visible mud or dirt track-out material on adjacent public roads shall be removed using wet-power vacuum-type street sweepers at least once a day. The use of dry-power sweeping is prohibited. • All vehicle speeds shall be limited to 15 miles per hour on unpaved roads. • All roadways, driveways, and sidewalks that are to be paved shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used. • All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be				documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
checked by a certified visible-emissions evaluator. • 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). • Publicly visible signs shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.				
Biological Resources				
Mitigation Measure BIO-1- Restrict construction access to previously disturbed areas. Existing access ramps and roads to waterways will be used where possible. If temporary access points are necessary, they will be constructed in a manner that minimizes impacts on waterways: • Temporary project access points will be created as close to the work area as possible to minimize running equipment in waterways and will be constructed to minimize adverse impacts.	All project elements, during construction	A qualified biologist retained by the SFCJPA will coordinate with CDFW and USFWS staff to establish setback buffers (i.e., determine their location and extent). The qualified biologist will either install construction fencing to protect undisturbed areas within the setback, or will supervise installation by	At each site, all setbacks will be established and fenced before any site preparation or construction activities are permitted to commence.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Setbacks will be established in consultation with CDFW and USFWS.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
• Any temporary fill used for access will be removed upon completion of the project. Site topography and geometry will be restored to pre-project conditions to the extent possible (Santa Clara Valley Water District Biological Resources BMP 4).		construction personnel. The biologist will be responsible for ensuring that fencing is installed without damage to undisturbed areas. All contractor staff will be expected to observe the setback buffers		
Mitigation Measure BIO-2- Revegetate disturbed areas with local ecotypes of native plants. Local ecotypes of native plants will be planted, and appropriate erosion-control seed mixes will be chosen. The following steps will be taken by a qualified biologist or vegetation specialist: • Evaluate whether the plant species currently grows wild in Santa Clara County. • If the plant species currently grows wild in Santa Clara County, the qualified biologist or vegetation specialist will determine whether the plant installation must include local natives (i.e., grown from propagules collected in the same or adjacent watershed and as close to the project site as feasible). • A qualified biologist or vegetation specialist will be consulted to determine which	All project elements, after construction	A qualified biologist/vegetation specialist retained by the SFCJPA will be responsible for identifying and mapping disturbed areas and preparing the revegetation plan.	The revegetation plan will be developed and restoration will be planned for after completion of construction. The revegetation plan will remain in force until the success criteria described in the plan are met.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. The revegetation plan will be developed in consultation with resource agency staff.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
seeding option is ecologically appropriate and effective. The following guidelines will inform the biologist or vegetation specialist's determination. ○ For areas that are disturbed, an erosion-control seed mix may be used, consistent with the Santa Clara Valley Water District Stream Maintenance Program Update 2014-2023, Best Management Practices. ○ 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 native species. ○ Temporary earthen access roads may be seeded when site and horticultural conditions are suitable. ○ Seed selection will be ecologically appropriate, as determined by a qualified biologist, per Guidelines and Standards for Land Use near Streams, Design Guide 2, Use of Local Native Species, and the Supplemental Landscaping\Revegetation Guidelines.				

<table>
<tr><th>Mitigation Measure</th><th>Required for the Following Sites/Project Phases</th><th>Implementation Responsibility</th><th>Implementation Timing</th><th>Monitoring, Enforcement, and Reporting Responsibility</th></tr>
<tr><td>○ BMPs will be used to minimize the introduction of and spread of Phytophthora in accordance with the recommendations of California Oak Mortality Task Force.</td><td></td><td></td><td></td><td></td></tr>
<tr><td>Mitigation Measure BIO-3- Conduct botanical surveys. SFCJPA will retain a qualified botanist to survey suitable habitat in the project area for special-status plants. Surveys will be conducted prior to site preparation or construction, during the appropriate blooming periods for each species as indicated in Table 3.3-5.
Table 3.3-5. Timing of Surveys for Special-Status Plants
<table><tr><th>Species</th><th>Blooming Period</th></tr><tr><td>Alkali milkvetch</td><td>Mar-Jun</td></tr><tr><td>Anderson’s manzanita</td><td>Nov-May</td></tr><tr><td>Arcuate bush mallow</td><td>Apr-Sep</td></tr><tr><td>Bent-flowered fiddleneck</td><td>Mar-Jun</td></tr><tr><td>California seablite</td><td>Jul-Oct</td></tr><tr><td>Choris’ popcornflower</td><td>Mar-Jun</td></tr><tr><td>Coastal marsh milk-vetch</td><td>Apr-Oct</td></tr><tr><td>Congdon’s tarplant</td><td>Jun-Nov</td></tr><tr><td>Crystal Springs fountain thistle</td><td>Apr-Oct</td></tr><tr><td>Crystal Springs lessingia</td><td>Jul-Oct</td></tr></table></td><td>All project elements, during construction</td><td>A qualified botanist or ecologist retained by the SFCJPA will perform the surveys, documentation, and reporting described in this measure.</td><td>Surveys will be completed during the blooming periods for each species before ground-disturbing activities begin. Surveys will take place far enough in advance of ground-disturbing activities to allow for Mitigation Measures BIO-4 and BIO-5 to be implemented if necessary.
Survey timing may be adjusted based on input from the qualified botanist/ecologist, based on variations in weather and other factors that influence the blooming period. If possible, surveys should be timed to coincide with blooming periods of</td><td>The SFCJPA’s project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.</td></tr>
</table>

Mitigation Measure		Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Dudley's lousewort	Apr-Jun			known local populations.	
Fragrant fritillary	Feb-Apr				
Franciscan onion	Apr-Jun				
Methuselah's beard lichen	N/A				
Minute pocket moss	N/A				
Point Reyes bird's-beak	Jun-Oct				
Saline Clover	Apr-Jun				
San Francisco campion	Mar-Jun				
San Francisco collinsia	Feb-May				
San Mateo thornmint	Apr-Jun				
San Mateo woolly sunflower	May-Jun				
Santa Clara red ribbons	Apr-Jul				
Two-fork clover	Apr-Jun				
Western leatherwood	Jan-Mar				
White-flowered rein orchid	Mar-Sep				
White-rayed pentachaeta	Mar-May				
Surveys will follow the *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Species* (U.S. Fish and Wildlife Service 1996), *General Plant Survey Guidelines* (U.S. Fish and					

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Wildlife Service 2002), and *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018b). Special-status plants identified during the surveys will be mapped using a handheld global positioning system unit and documented as part of the public record. A report of occurrences will be submitted to SFCJPA and the CNDDB. Surveys will be completed before ground-disturbing activities begin; survey timing will allow for follow-up mitigation, if needed. If the qualified biologist determines that individuals of identified special-status plant species could be affected by construction traffic or activities, MM-BIO-4 and, if necessary, MM-BIO-5, will be implemented.				
Mitigation Measure BIO-4- Confine construction disturbance and protect special-status species during construction. Construction disturbance will be confined to the minimum area necessary to complete the work and will avoid encroachment on adjacent habitat. If special-status plants are found, a setback buffer will be established around individual plants or the area occupied by the population, based on the judgment of a qualified botanist. The plants, as well as a species-appropriate buffer area determined in consultation with agency staff (CDFW and	All project elements, during construction	A qualified botanist or ecologist retained by the SFCJPA will coordinate with CDFW and USFWS staff to establish setback buffers (i.e., determine their location and extent). The qualified botanist/ecologist will either install construction fencing to protect plants within the setback, or will supervise	At each site, all setbacks will be established and fenced before any site preparation or construction activities are permitted to commence.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Setbacks will be established in consultation with CDFW and USFWS.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
USFWS), will be protected from encroachment and damage during construction by installing temporary construction fencing. Fencing will be brightly colored and highly visible. Fencing will be installed under the supervision of a qualified botanist to ensure proper location and prevent damage to plants during installation. Fencing will be installed before site preparation or construction work begins and will remain in place for the duration of construction. Construction personnel will be prohibited from entering these areas (the exclusion zone) for the duration of project construction. Fencing installation will be coordinated with fence installation required by other mitigation measures protecting wetlands, riparian habitat, and mature trees.		installation by construction personnel. The botanist/ecologist will be responsible for ensuring that fencing is installed without damage to special-status plants. All contractor staff will be expected to observe the setback buffers.		
Mitigation Measure BIO-5- Compensate for loss of special-status plants. If any individual special-status plants are present and cannot be effectively avoided through implementation of MM-BIO-4, SFCJPA will develop and implement a compensation plan so that there is no net loss of special-status plants. The compensation plan will be developed by a qualified botanist in coordination with and approval of CDFW or USFWS, depending on whether the plant has state or federal status, respectively, or both. The compensation plan will preserve an offsite	All Project elements, prior to construction	A qualified botanist or ecologist retained by the SFCJPA will coordinate with CDFW and USFWS to develop the compensation plan and monitoring and adaptive management plan. The SFCJPA's project manager will be responsible for implementing the plan.	If propagation is required, propagules will be collected before ground disturbance begins. Any transplantation will also occur prior to ground disturbance. Compensation described in this measure will be arranged, and if possible, completed	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. SFCJPA will submit documentation of the completed compensation and subsequent monitoring and adaptive management

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
area containing individuals of the affected species. The offsite compensation area will contain a population and/or acreage equal to or greater than that lost as a result of project implementation and will include adjacent areas as needed to preserve the special-status plant population in compliance with applicable permits. Compensation of the affected population will occur in an amount equal to or greater than the amount lost as a result of the project to ensure that genetic diversity is preserved and no net loss of the number of individuals occurs. The quality of the population preserved will also be equal to or greater than that of the affected population, as determined by a qualified botanist retained by the SFCJPA. The SFCJPA will be responsible for ensuring that the compensation area is acquired in fee by the SFCJPA or one of the partner agencies, or in conservation easement, maintained for the benefit of the special-status plant population in compliance with applicable permits. If an offsite population is not located or is not available for preservation, SFCJPA will employ a qualified nursery to collect and propagate the affected species, collected at the appropriate time of year, prior to population disturbance at			prior to groundbreaking.	plan results to DFG and USFWS

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
the affected areas of the project. Transplantation will also be implemented if practicable for the species affected, including mature native plants to the extent feasible. A monitoring and adaptive management plan will be developed for each compensation area, subject to CDFW and USFWS approval. This plan will establish success criteria for the site and will include protocols for annual monitoring of the site. The goal of monitoring will be to assess whether the compensation plan has successfully mitigated project impacts; monitoring will be designed to ensure that the required number of plants and/or plant acreage is being sustained through site maintenance. Factors to be monitored shall include, at a minimum, density, population size, natural recruitment, and plant health and vigor. If monitoring indicates that special-status plant populations are not maintaining themselves, adaptive management techniques will be implemented. Such techniques could include reseeding/replanting, nonnative species removal, and other management tools. The site will be evaluated at the end of the monitoring period by a qualified biologist to determine whether the mitigation has met the goal of this mitigation measure to preserve a population the same size and of equal or greater quality as that lost as a result of project activities at the				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
site. Criteria by which this determination will be made will be established in the monitoring plan. The monitoring plan will also address adaptive management strategies to be adopted if the evaluation determines that the site does not meet the success criteria. In that case, a monitoring plan will stay in place until the success criteria are met.				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Mitigation Measure BIO-6- Develop and implement worker awareness training. Prior to construction, a qualified biologist will conduct a Worker Awareness Training to inform construction project workers of their responsibilities regarding sensitive environmental resources. The training will include environmental education about the aquatic and terrestrial special-status species (steelhead trout, California red-legged frog, western pond turtle, pallid bat, hoary bat, Townsend's big-eared bat, nesting migratory birds and raptors, Bay checkerspot butterfly, California tiger salamander, Santa Cruz black salamander, California giant salamander, San Francisco dusky-footed woodrat, and western burrowing owl), as well as sensitive habitat (e.g., in-stream habitat, riparian habitat, wetlands, serpentine). The training will include visual aids to assist in identification of regulated biological resources, actions to take should protected wildlife be observed within the project area, and possible legal repercussions of impacting such regulated resources.	All Project elements, prior to construction	The SFCJPA will retain a qualified wildlife biologist to implement this measure for construction contractor crews.	Construction crew training will occur prior to any work on the site.	For the construction period, the SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. For the operational period, the SFCJPA's designated maintenance manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Mitigation Measure BIO-7- Identify and protect sensitive habitats. To avoid unnecessary damage to or removal of sensitive habitat, the SFCJPA will retain a qualified	All project elements, during construction	A qualified biologist retained by the SFCJPA will coordinate with CDFW and USFWS	At each site, all setbacks will be established and fenced before any site preparation or	The SFCJPA's project manager will be responsible for ensuring proper implementation, for

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
biologist or ecologist to survey and demarcate sensitive habitat on or adjacent to the proposed areas of construction in San Francisquito Creek. Sensitive habitat not slated for trimming or removal to accommodate project construction will be protected from encroachment and damage during construction by installing temporary construction fencing to create a no-activity exclusion zone. Fencing will be brightly colored and highly visible and installed under the supervision of a qualified biologist to prevent damage to sensitive habitat during installation. The fencing will protect all potentially affected riparian habitat consistent with International Society of Arboriculture tree protection zone recommendations, to the extent possible, and any additional requirements of the resource agencies with jurisdiction over the project. Fencing will be installed before any site preparation or construction work begins and will remain in place for the duration of construction. Any sensitive vegetation will be trimmed with the approval of an International Society of Arboriculture certified arborist who will develop an approach to minimize stress and potential damage to trees and shrubs. Construction personnel will be prohibited from entering the exclusion zone for the duration of project construction. Access and surface-		staff to establish setback buffers (i.e., determine their location and extent). The qualified biologist will either install construction fencing to protect sensitive areas within the setback, or will supervise installation by construction personnel. The biologist will be responsible for ensuring that fencing is installed without damage to sensitive areas. All contractor staff will be expected to observe the setback buffers	construction activities are permitted to commence.	enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
disturbing activities will be prohibited within the exclusion zone.				
Mitigation Measure BIO-8- Restore riparian habitat. The SFCJPA will restore any permanently affected riparian habitat at a mitigation-to-impact ratio of 2:1 and restoring temporarily affected habitat at a minimum impact-to-mitigation ratio of 1:1 to ensure no net loss of riparian habitat in the affected stream reaches. SFCJPA will carry out additional plantings outside of the construction areas above Pope Chaucer Bridge, from University Avenue west to the Stanford Shopping Center, and will carry out invasive plant removal downstream of University Avenue and upstream to Stanford Shopping Center (See Figure 3.3-4). The SFCJPA will develop a Habitat Mitigation and Monitoring Plan (HMMP) to ensure that all permanently affected or removed habitat is replaced "in kind" with the appropriate native overstory and understory species to maintain structural complexity and habitat value. The MMP will be developed in the context of the federal and state permitting processes under the CWA and the California Fish and Game Code and will include success criteria as specified by the permitting agencies. The HMMP will also include adaptive management guidelines for actions to be taken if the success criteria are	All Project elements, prior to construction	A qualified botanist or ecologist retained by the SFCJPA will be responsible for identifying and mapping riparian areas and preparing the HMMP.	The HMMP will be developed and restoration will be planned during the permit process, prior to groundbreaking. The HMMP will remain in force until the success criteria described in the plan are met.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. The HMMP will be developed in consultation with resource agency staff.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
not met. The initial annual monitoring will assess progress of the plantings according to predetermined success criteria. If progress is not satisfactory, adaptive management actions (including replanting, nonnative species removal, etc.) could be implemented. The HMMP will remain in force until the success criteria are met.				
Mitigation Measure BIO-9- Avoid and protect jurisdictional wetlands during construction. The SFCJPA will ensure that a qualified resource specialist (biologist, ecologist, or soil scientist) clearly identifies wetland areas outside of the direct impact footprint with temporary orange construction fencing, before site preparation and construction activities begin at each site, or the qualified resources specialist will implement another suitable low-impact measure The resource specialist will use the wetland delineation mapping prepared for the proposed project and will confirm or modify the location of wetland boundaries based on existing conditions at the time of the survey. Exclusion fencing will be installed before construction activities are initiated, and the fencing will be maintained throughout the construction period. No construction activity, traffic, equipment, or materials will be permitted in fenced wetland areas.	All Project elements, prior to construction	A qualified botanist or ecologist retained by the SFCJPA will establish setback buffers (i.e., determine their location and extent). The qualified botanist/ecologist will either install the construction fencing to protect jurisdictional wetlands within the setback, or will supervise installation by construction personnel.	Surveys will be conducted and setbacks will be established before work begins. Fencing will remain in place for the duration of construction, site finishing, and demobilization.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Mitigation Measure BIO-10- Compensate for loss of wetland habitat. If wetlands are affected by the construction activities, compensation will be at a 2:1 ratio for permanent impacts and at 1:1 ratio for temporary impacts. Restoration, creation, or enhancement of wetlands will either be off site or on site and will be detailed in the HMMP.	All Project elements, prior to construction	The SFCJPA will retain a qualified wildlife biologist to implement this measure.	Compensation described in this measure will be arranged, and if possible, completed prior to groundbreaking.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Mitigation Measure BIO-12- Compensate for loss of trees, consistent with applicable tree protection regulations. The cities of Palo Alto, East Palo Alto and Menlo Park do not permit removal of protected trees until a construction permit has been issued that ensures that tree loss would not conflict with tree ordinances/regulations. Each of these cities has its own specifications for calculating mitigation for tree impacts. A written permit is required to remove a protected tree. The project will compensate for permanent construction-related losses (removal or damage) of protected trees by replanting trees after completion of the construction activities. The compensatory ratios and planting locations will be confirmed through coordination with the SFCJPA and each City's regulations for the proposed project. Additionally, trees may fall into CDFW regulations and would be compensated for under the Streambed Alteration	All Project elements, prior to construction	Surveys and reporting will be performed by an ISA- (International Society of Arboriculture) or ASCA- (American Society of Consulting Arborists) certified arborists retained by the SFCJPA. Landscape plans will be developed by a licensed landscape architect and/or civil engineer in consultation with the arborist and SFCJPA project manager. Transplantation and compensation planting swill be performed by the contractor staff under the supervision of the certified arborist.	The arborist surveys will be performed during Project design. The landscaping plan, which will determine the feasibility of transplanting protected trees, will be completed prior to groundbreaking. Transplantation efforts, if determined feasible by the certified arborist, will take place during construction as protected trees are removed. If transplantation is not feasible, compensation will be arranged, and if possible, completed prior to groundbreaking. Any	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Permit. The areas shown in Figure 3.3-4 have been identified as having potential for planting new trees including riparian vegetation and also invasive plant species removal.			onsite compensation plantings will be provided during Project construction/site finishing.	
Mitigation Measure BIO-13- Protect Trees from Construction Impacts. The following steps will be taken to reduce impacts on trees and maintain their health and vitality: 1. A licensed arborist selected by a panel of SFCJPA member agency representatives will be secured prior to construction. The Project Arborist will submit a tree protection plan for review prior to mobilization. 2. Construction superintendents will meet with the Project Arborist before beginning work to review all work procedures, access routes, storage areas, and tree protection measures. 3. The Project Arborist will monitor excavation and removal of sacked concrete as well as during the installation of vertical walls, including soil nail walls and sheetpile walls within 25 feet of trees. 4. If roots 2 inches and greater in diameter are encountered during site work and must be cut to complete the construction, the	All Project elements, prior to construction.	An ISA- (International Society of Arboriculture) or ASCA- (American Society of Consulting Arborists) certified arborist retained by the SFCJPA will either install the construction fencing to protect remaining trees within the setback, or will supervise installation by construction personnel. Follow up monitoring will also be performed by a certified arborist.	At each site, all setbacks will be established and fenced before any site preparation or construction activities are permitted to commence.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment. 5. Sacked concrete within 25 feet of trees will be removed with equipment that will minimize damage to trees above and below ground, and that can be operated from outside the dripline of the trees. 6. If injury should occur to any tree during construction, the tree will be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. Additional compensation in the form of mitigation planting will be considered if treatments cannot fully mitigate damages to protected trees. 7. No excess soil, chemicals, debris, equipment or other materials will be dumped or stored within the dripline of any trees. 8. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel. The Project Arborist may conclude that a tree(s) should be removed because it could be damaged to an extent that would pose a safety hazard to people or nearby structures. If a tree				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
is removed, its removal will be mitigated as provided by MM-BIO-12.				
Mitigation Measure BIO-14- Limit in-channel and stream bank construction to the dry season. No in-channel stream bank construction activities will occur during the steelhead migration period, from October 15 through May 31, to reduce the likelihood that steelhead are present during construction activities. This timing will also limit any excess sedimentation and runoff from entering the San Francisquito Creek.	All Project elements, prior to, and during, construction.	The SFCJPA's project manager will appoint a designated individual to oversee that no in-channel stream bank construction activities occur during the steelhead migration period.	No in-channel stream bank construction activities will occur from October 1 through April 30.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Mitigation Measure BIO-15- Reduce pile-driving noise for protection of fish. If surface water is present in the channel in or near the Pope Chaucer bridge footprint three days before commencement of pile driving, SFCJPA will develop an underwater noise monitoring and attenuation plan and obtain approval of the plan from NMFS prior to the start of construction. If there is no surface water present in or near the Pope Chaucer bridge footprint or if an approved biologist determines that the surface water is not occupied by fish, an underwater monitoring and attenuation plan is not necessary. The plan will provide details regarding the estimated underwater sound levels expected,	Replacement of the Pope-Chaucer bridge	SFCJPA will retain a qualified acoustical professional to develop and implement the noise monitoring plan.	Plan will be develop prior to demolition of the existing Pope-Chaucer bridge, and monitoring will continue until all pile-driving activities are complete.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
sound attenuation methods, methods used to monitor and verify sound levels during pile-driving activities, and management practices to be taken to reduce pile-driving sound in the project area to below NMFS thresholds for injury to fish, as feasible. The plan will incorporate, but is not limited to, the following BMPs: • All steel pilings will be installed with a vibratory pile driver to the deepest depth practicable. An impact pile driver may be used only where necessary to complete installation of the steel pilings, in accordance with seismic safety or other engineering criteria. • The smallest pile driver and minimum force necessary will be used to complete the work. • The hammer will be cushioned using a 12-inch-thick wood block during all impact hammer pile-driving operations. • During impact pile driving, the contractor will limit the number of strikes per day to the minimum necessary to complete the work. • No pile driving will occur at night.				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Mitigation Measure BIO-16- Implement avoidance measures for aquatic vertebrates prior to construction activities. This measure will avoid or minimize impacts on native aquatic vertebrates (fish, amphibians, and reptiles). Native aquatic vertebrates may or may not be able to rapidly recolonize a stream reach if the population is eliminated from that stream reach. If native aquatic vertebrates are present when cofferdams, water bypass structures, and silt barriers are to be installed, an evaluation of the stream and the native aquatic vertebrates will be conducted by a qualified biologist. The qualified biologist will consider: • Native aquatic species present at the site. • The ability of the species to naturally recolonize the stream reach. • The life stages of the native aquatic vertebrates present. • The flow, depth, topography, substrate, chemistry, and temperature of the stream reach. • The feasibility of relocating the aquatic species present. • The likelihood the stream reach will naturally dry up during the work season.	All Project elements, prior to construction	A qualified biologist retained by the SFCJPA will be responsible for the surveys described in this measure and for any needed consultation with other resource agencies.	Surveys will take place no more than 48 hours prior to the onset of work.	For the construction period, the SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. For the operational period, the SFCJPA's designated maintenance manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Protection measures will be identified in consultation with other resource agencies as necessary.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Based on consideration of these factors, the qualified biologist may decide to relocate native aquatic vertebrates during construction. The qualified biologist will document in writing the reasons to relocate native aquatic species, or not to relocate native aquatic species, prior to installation of cofferdams, water bypass structures, or silt barriers.				
Mitigation Measure BIO-17- Implement fish relocation activities prior to construction. A qualified fisheries biologist will survey the construction area 1 to 2 days before the project begins. If no surface water is present in the immediate construction area, fish will not be relocated. If water is present, the following procedures will be implemented: • Before a work area is dewatered, fish will be captured and relocated to avoid injury and mortality and minimize disturbance. • Before fish relocation begins, a qualified fisheries biologist will identify the most appropriate release location(s). Release locations should have water temperatures similar to the capture location and offer ample habitat for released fish, and should be selected to minimize the likelihood that fish will reenter the work area or become impinged on the exclusion net or screen. At	All Project elements, prior to construction	A qualified fisheries biologist retained by the SFCJPA will be responsible for the surveys described in this measure and for any needed consultation with NMFS and CDFW.	Surveys will take place no more than 48 hours prior to the onset of work.	For the construction period, the SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. For the operational period, the SFCJPA's designated maintenance manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Protection measures will be identified in consultation with NMFS and CDFW as necessary.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
this time the open reach below the project site is anticipated to have suitable conditions for relocation. • Seining or dip netting will be utilized to keep stress and injury to fish at a minimum. • To the extent feasible, relocation will be performed during morning periods. Water temperatures will be measured periodically, and relocation activities will be suspended if water temperature exceeds 18^0C. • Handling of salmonids will be minimized. When necessary, personnel will wet hands or nets before touching fish. • Fish will be held temporarily in cool, shaded water in a container with a lid. Overcrowding in containers will be avoided. Fish will be relocated promptly at location(s) approved by CDFW and NMFS. If water temperature within the container reaches or exceeds NMFS and CDFW limits, fish will be released and relocation operations will cease. • If fish are abundant, capture will cease periodically to allow release and minimize the time fish spend in holding containers. • Fish will not be anesthetized or measured. However, they will be visually identified to				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
species level, and year classes will be estimated and recorded. • Reports on fish relocation activities will be submitted to CDFW and NMFS within 30 days of completion of the relocation activities. • If mortality during relocation exceeds 5% or mortality of any State or Federal listed species occurs, relocation will cease and CDFW and NMFS will be contacted immediately or as soon as feasible. • Fish relocation efforts will be performed concurrent with the installation of the diversion and will be completed before the channel is fully dewatered. The fisheries biologist will perform a second survey 1 to 2 days following the installation of the diversion to ensure that fish have been excluded from the work area and spot checks will be performed at least biweekly while the diversion is in place.				
Mitigation Measure BIO-18- Implement survey and avoidance measures for California red-legged frog prior to construction activities. SFCJPA will retain a qualified biologist to conduct a survey of the project sites and surrounding upland habitat prior to initiation of construction activities. The	All Project elements, prior to construction	The SFCJPA will retain a qualified wildlife biologist to implement this measure.	The surveys and any needed relocation of individuals described in this measure will be performed before site preparation and construction activity begins.	For the construction period, the SCJPA's project manager will be responsible for ensuing proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
surveys will be conducted according to applicable protocols and will be performed during observation periods of the day when detection potential for these species is maximized. The surveys will be conducted prior to initiation of construction, but such that enough time is allowed to coordinate with USFWS and CDFW to develop a species avoidance plan if needed. If California red-legged frog are observed or heard during the surveys, proposed project activities within 500 feet of the observation will be postponed. A species avoidance plan will be developed in coordination with USFWS and CDFW and implemented during construction and maintenance. If no individuals are observed during the surveys, no further action will be necessary.			Fencing will remain in place for the duration of construction or maintenance activity.	For the operational period, the SFCJPA's designated maintenance manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Relocation sites will be established in consultation with CDFW and USFWS as necessary. A written report will be submitted to CDFW and USFWS detailing the survey results of listed amphibians and subsequent relocation activities (if necessary).
Mitigation Measure BIO-20- Conduct preconstruction surveys for western pond turtles; relocate if needed. A qualified biologist will examine the project footprint for western pond turtles and their nests within 14 days of project activities beginning and during any initial removal of vegetation, woody debris, or trees, or other initial ground-disturbing	All Project elements, prior to construction	The SFCJPA will retain a qualified wildlife biologist to implement this measure.	The surveys and any needed relocation of individuals described in this measure will be performed before site preparation and construction activity begins.	For the construction period, the SCJPA's project manager will be responsible for ensuing proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
activities. If a western pond turtle(s) is observed at any time within the project footprint and can be injured by project activities, all activities will cease. If western pond turtles are determined to be absent from the project footprint, no further action will be required with regard to this species. If any western pond turtles are found within the project footprint, whenever possible, construction work in their vicinity will be avoided until they have moved outside of the project footprint of their own volition. If the relocation of western pond turtle is necessary, a relocation plan will be developed and submitted to CDFW for approval. The plan will include details of monitoring by a CDFW-approved biologist, agency-approved disinfection and handling protocols, animal care while being relocated, suitable deposition locations, and reporting requirements. The CDFW-approved biologist will follow all applicable CDFW disinfection and handling protocols per the relocation plan.			Fencing will remain in place for the duration of construction or maintenance activity.	For the operational period, the SFCJPA's designated maintenance manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Relocation sites will be established in consultation with CDFW and USFWS as necessary. A written report will be submitted to CDFW and USFWS detailing the survey results of listed amphibians and subsequent relocation activities (if necessary).
Mitigation Measure BIO-21- Implement preconstruction survey for pallid, hoary, and Townsend's big-eared bats. A qualified biologist will examine the Pope Chaucer Bridge and trees within the project site for roosting pallid and hoary bats no more than 48 hours before any initial removal of vegetation, woody	All Project elements, prior to construction	The SFCJPA will retain a qualified wildlife biologist to implement this measure.	The surveys and any needed relocation of individuals described in this measure will be performed before site preparation and construction activity begins.	For the construction period, the SCJPA's project manager will be responsible for ensuing proper implementation, for enforcement, and for

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
debris, or trees, or other initial ground-disturbing activities. In Reach 3, abandoned buildings will be surveyed if observed within 500 feet of the project footprint. If a bat is observed roosting at any time before or during project activities, all activities will cease. SFCJPA will coordinate with CDFW to develop and implement avoidance measures before commencing project activities.			Fencing will remain in place for the duration of construction or maintenance activity.	documenting compliance. For the operational period, the SFCJPA's designated maintenance manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Relocation sites will be established in consultation with CDFW and USFWS as necessary. A written report will be submitted to CDFW and USFWS detailing the survey results of listed amphibians and subsequent relocation activities (if necessary).
Mitigation Measure BIO-22- Install nesting exclusion devices. Nesting exclusion devices will be installed to prevent potential establishment or occurrence of nests in areas where construction activities would occur. All nesting exclusion devices will be maintained	All Project elements, during construction	A qualified biologist retained by the SFCJPA will be responsible for the implementation and usage of nesting exclusion devices.	At each site, nesting exclusion device locations will be established before any site preparation or construction activities are	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
throughout the nesting season or until completion of work in an area makes the devices unnecessary. All exclusion devices will be removed and disposed of when work in the area is complete (Santa Clara Valley Water District Biological Resources BMP 10).			permitted to commence.	documenting compliance.
Mitigation Measure BIO-23- Conduct preconstruction nesting bird surveys. Prior to the start of construction activities and/or operation and maintenance activities that begin during the migratory bird nesting period (between January 15 and August 31 of any year), SFCJPA will retain a qualified wildlife biologist to conduct a survey for nesting raptors and migratory birds that could nest along the project corridor, including special-status species such as salt marsh common yellowthroat, Alameda song sparrow, northern harrier, and white-tailed kite. Surveys will cover all suitable raptor and migratory bird nesting habitat that will be impacted directly or indirectly by project construction, including habitat potentially used by ground-nesting migratory bird species. All migratory bird nesting surveys will be performed no more than 2 weeks (14 days) prior to any project-related activity that could pose the potential to affect migratory birds, including site preparation. If a lapse in project-	All Project elements, prior to construction	A qualified biologist retained by the SFCJPA will be responsible for the surveys described in this measure and for any needed consultation with other resource agencies.	Surveys will take place no more than 2 weeks prior to the onset of work.	For the construction period, the SCJPA's project manager will be responsible for ensuing proper implementation, for enforcement, and for documenting compliance. For the operational period, the SFCJPA's designated maintenance manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Protection measures will be identified in consultation with other resource agencies as necessary.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
related work of 2 weeks or longer occurs, another focused survey will be conducted before project work can be reinitiated. With the exception of raptor nests, inactive bird nests may be removed. No birds, nests with eggs, or nests with hatchlings will be disturbed.				
Mitigation Measure BIO-24- Establish buffer zones for nesting raptors and migratory birds. If an active nest is discovered during preconstruction surveys, the qualified wildlife biologist will establish a no-disturbance buffer zone around the nest tree (or, for ground-nesting species, the nest itself). The no-disturbance zone will be marked with flagging or fencing that is easily identified by the construction crew and will not affect the nesting bird. In general, the minimum buffer zone widths will be 0.5-mile for bald and golden eagles, 25 feet (radius) for nonraptor ground-nesting species; 50 feet (radius) for nonraptor shrub- and tree-nesting species; and 250 feet (radius) for all raptor species. Buffer widths may be modified based on discussion with CDFW and USFWS, depending on the proximity of the nest to construction activities, whether the nest would have a direct line of sight to construction activities, existing disturbance levels at the nest, local topography and vegetation, the nature of proposed construction activities, and the species	All Project elements, prior to construction	A qualified wildlife biologist retained by the SFCJPA will be responsible for conducting the surveys described in this measure. If any active nests are identified, s/he will coordinate with CDFW and USFWS to establish buffers, will install or oversee the installation of exclusion fencing, and will determine when the nest(s) are no longer active.	Any buffers that are established as a result of surveys will remain in place as long as the nest is active or young remain in the area, as determined by the qualified wildlife biologist.	For the construction period, the SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance. Buffer zones will be established in consultation with CDFW and USFWS as necessary.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
potentially affected. Buffers will remain in place as long as the nest is active or young remain in the area. No construction presence or activity of any kind will be permitted within a buffer zone until the biologist determines that the young have fledged and moved away from the area and the nest is no longer active. If construction activities are within 10 feet of the active nest buffers, the biologist will monitor the nests to ensure birds are not being disturbed during construction activities. If disturbance from construction activities is affecting active nests, buffer widths will be increased until the disturbance no longer affects the nest(s). If the buffer cannot be extended further, then work within the area will stop until the nest is no longer active.				
Cultural Resources				
Mitigation Measure CULT-1- Conduct cultural resource awareness training prior to project-related ground disturbance and stop work if archaeological deposits are encountered during ground-disturbing activities. Prior to any project-related ground disturbance, SFCJPA will ensure that all construction workers receive training overseen by a qualified professional archaeologist who is experienced in teaching nonspecialists to ensure that contractors can recognize	All Project elements, prior to construction and groundbreaking	A qualified archaeologist retained by the SFCJPA will be responsible for conducting the construction monitoring described in this measure.	This measure will remain in effect for the duration of all ground-disturbing activities.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
archaeological resources in the event that any are discovered during construction. If tribal cultural or archaeological deposits are encountered during project-related ground disturbance, work in the area (100-foot radius) is to stop immediately. The onsite Native American monitor and onsite qualified archaeologist will assess and determine the path forward. Tribal cultural and archaeological deposits include, but are not limited to, flaked stone or groundstone, midden and shell deposits, historic-era refuse and/or structure foundations. If any human remains are discovered during ground-disturbing activities, an evaluation will be performed to assess likely age and provenance in a manner that is respectful of the disturbed remains. If determined to be, or likely to be, Native American, SFCJPA will comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Section 5097). If human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
1. The county coroner has been informed by SFCJPA and has determined whether investigation of the cause of death is required; and 2. If the remains are of Native American origin: a. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98; or b. The Native American Heritage Commission was unable to identify a descendent or the descendent failed to make a recommendation within 24 hours after being notified by the commission. A solution that was employed upstream was the dignified transfer of remains to a location suitable to the Most Likely Descendent (MLD). The SFCJPA will work with our partners to determine the best solution acceptable to the Ohlone and Indian Canyon Mutsun Band of Costanoan tribes. According to California Health and Safety Code, six or more human burials at one location				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation be stopped in the vicinity of the discovered human remains until the coroner can determine whether the remains are those of a Native American.				
Mitigation Measure CULT-2- Develop and implement a Tribal Cultural and Archaeological Testing Plan. Due to the presence of known tribal cultural and archaeological resources in the proposed work area, archaeological testing will occur prior to any ground disturbance to determine the extent of the resource as well as its significance under CEQA. The Tribal Cultural Archaeological Testing Plan (TCATP) will include the following steps/sections: • Background and anticipated resource types • Research questions that can be addressed by the collection of data from the defined resource types • Field methods and procedures • Cataloging and laboratory analysis • Findings and interpretation The TCATP will then be implemented prior to construction to help determine the extent of archaeological resources within areas where	All project elements, prior to construction	The SFCJPA will retain a qualified archaeologist that will be responsible for the testing plan described in this measure.	This measure will remain in effect for the duration of all ground-disturbing activities.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
there will be ground disturbance. The results of the study will be summarized into a technical document, compiled by a qualified archaeologist, who will determine whether further study is necessary. The technical document will also determine whether additional studies and/or mitigation will be needed. All technical documents will be submitted to the Northwest Information Center.				
Mitigation Measure CULT-3- Develop and implement a Tribal Cultural and Archaeological Monitoring Plan. Given the reasonable potential for tribal cultural and archaeological resources to be present within the proposed work area, the following measures will be undertaken to avoid any significant impacts on these potential resources. A Tribal Cultural and Archaeological Monitoring Plan (TCAMP) will be developed by a qualified archaeologist prior to any project-related ground disturbance to determine specific areas of archaeological sensitivity within proposed work areas. The TCAMP will determine whether an onsite Native American and qualified archaeological monitor is required during project-related ground disturbance. The TCAMP will include protocol that outlines tribal cultural and archaeological monitoring best practices, anticipated resource	All project elements, during construction	The SFCJPA will retain a qualified archaeologist that will be responsible for the construction monitoring described in this measure.	This measure will remain in effect for the duration of all ground-disturbing activities.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
types, and an Unanticipated Discovery Protocol (UDP). The UDP will describe steps to follow if unanticipated archaeological discoveries are made during project activities work and a chain of contact.				
Geology, Soils, and Paleontological Resources				
Mitigation Measure PALEO-1- Conduct a preconstruction paleontological resources field survey and paleontological resources inventory and evaluation. The SFCJPA will retain a qualified paleontologist with experience in vertebrate fossil monitoring and salvage at construction sites to conduct a paleontological resources field survey of the project area with native soils to determine whether significant resources exist within the project area. The inventory and evaluation will include the documentation and result of these efforts, the evaluation of any paleontological resources identified during the survey, and paleontological resources monitoring, if the survey identifies that it is necessary.	All Project elements, prior to construction groundbreaking	A qualified paleontologist retained by the SFCJPA will be responsible for conducting the survey. If salvage and/or protection are required, measures will be designed and implemented by the qualified paleontologist in consultation with the SFCJPA's project manager.	Surveys will be conducted prior to ground disturbance, and with enough lead time to allow for salvage and/or protection. If salvage or protection is needed, these operations will also be completed prior to construction ground disturbance.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Mitigation Measure PALEO-2- Conduct worker awareness training for paleontological resources prior to construction. Prior to the initiation of any site preparation or start of construction, the applicant will ensure that all construction workers receive training overseen by a	All Project elements, prior to construction groundbreaking	The SFCJPA will retain a qualified paleontologist or California-licensed professional geologist (PG) experienced in training non-specialists to deliver the required training.	Training will occur prior to groundbreaking.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
qualified professional paleontologist who is experienced in teaching nonspecialists, to ensure that forepersons and field supervisors can recognize paleontological resources in the event that any are discovered during construction.				
Mitigation Monitoring PALEO-3- Stop work immediately if paleontological resources are discovered inadvertently. If paleontological resources are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist with experience in vertebrate fossil monitoring and salvage at construction sites can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the SFCJPA and other agencies as appropriate. Equipment operators, supervisors, inspectors, and other field personnel will be required to report to the paleontology monitor any suspected fossil discoveries. The paleontologist will have authority to halt or redirect excavation operations in the event of discovery of vertebrate, plant, or invertebrate fossils until such time as their probable significance can be assessed and, if potentially significant, appropriate salvage measures have been implemented.	All Project elements, during construction	Stop work orders may be issued by the qualified paleontologist, or by the construction foreperson in response to discoveries by construction workers. All SFCJPA and contractor staff will be responsible for adhering to stop work orders. Any follow-up (evaluation, treatment), will be performed by or under the supervision of the qualified paleontologist.	This measure will remain in effect for the duration of construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
The paleontologist will properly collect and document any large vertebrate remains and recognize and appropriately sample and document any sedimentary bodies revealing small vertebrate remains. Large bulk samples may be appropriate. Minimum documentation includes exact location (GPS data), orientation, depth (elevation), and detailed geologic setting of any large- or small-vertebrate finds, including detailed diagrams showing microstratigraphy in nearby excavations supplemented with good-quality field photographs. If vertebrate fossils are discovered in spoils piles during excavation, the paleontologist will make every effort to locate and record the original site of the specimen(s) prior to disturbance. Salvage of potentially significant specimens discovered in situ in excavated surfaces will be conducted by the paleontologist in compliance with all safety regulations and with implementation of all feasible precautions. The onsite safety inspector will hold final authority to determine whether each proposed salvage operation is consistent with established safety policies at the site. Excavation equipment and operators will be made available for short periods to remove overburden above in situ specimens, to improve safety conditions during				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
salvage operations, or to aid in transport within the site boundaries of any large salvaged specimens which cannot be safely transported by hand. Any potentially significant fossils recovered during the monitoring and salvage phase will be cleaned, repaired, and hardened to the level required by the repository institution, and will be donated to that institution. Any collected bulk sediment samples having the potential for small fossil vertebrate remains will be wet- or dry-screened and processed as necessary for recovery of the included fossils. Requirements and conditions for transfer of salvaged specimens to the repository museum will be arranged with the identified repository museum as soon as the scope of the salvaged collection becomes apparent, and will be in accordance with the recommendations outlined in SVP's *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (2010). On completion of the above tasks, the supervising paleontologist will prepare a final report on the implementation of this mitigation and results of implementing the mitigation and submit it to the appropriate parties, institutions, and government agencies.				
Greenhouse Gas Emissions and Climate Change				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Mitigation Measure GHG-1- Implement BAAQMD's best management practices to reduce GHG emissions from construction. • Use alternative-fueled (e.g., biodiesel electric) construction vehicles/equipment for at least 15 percent of the fleet; • Use at least 10 percent local building materials (from within 100 miles of the Project site); • Recycle at least 50 percent of construction waste or demolition materials.	All Project elements, prior to construction groundbreaking	The construction manager/foreperson will implement this measure.	This measure will remain in effect for the duration of construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Hazardous Materials and Public Health				
Mitigation Measure HAZ-1- Prepare and implement a Spill Prevention, Control, and Countermeasure Plan. The construction contractor would prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan to minimize the potential for, and effects from, accidental spills of hazardous, toxic, or petroleum substances during construction and operation and maintenance activities of the project. The SPCC will be completed before any construction activities begin.	All Project elements, prior to construction groundbreaking	The construction manager/foreperson will implement this measure.	This measure will remain in effect for the duration of construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Mitigation Measure HAZ-2- Require proper storage and handling of potential pollutants and hazardous materials. The storage and handling of potential pollutants and hazardous materials, including, but not necessarily limited to, gasoline, diesel, oils, paint, and solvents, will	All Project elements, prior to construction groundbreaking	The construction manager/foreperson will implement this measure.	This measure will remain in effect for the duration of construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
be in accordance with all local, state and federal laws and other requirements. Temporary storage enclosures, double walled tanks, berms, or other protective facilities will be provided as required by law. All hazardous materials will be stored and handled in strict accordance with the Material Safety Data Sheets for each product. A copy of each Materials Safety Data Sheet will be submitted to the Project Engineer at the time of delivery of the products to the project site.				documenting compliance.
Mitigation Measure HAZ-3- Stop work and implement hazardous materials investigations and remediation in the event that unknown hazardous materials are encountered. In the event that unknown hazardous materials are encountered during construction monitoring or testing of soil suitability, work in the immediate area of the discovery will stop, and SFCJPA will conduct an investigation to identify the nature and extent of contamination and evaluate potential impacts in accordance with local and state requirements and guidance. If indicated based on the results of the investigation, the SFCJPA or designee will implement remediation measures consistent with all applicable local, state, and federal codes and regulations. Construction in areas known or reasonably suspected to be contaminated will not resume until remediation is complete. If waste disposal	All Project elements, prior to construction groundbreaking	The construction manager/foreperson will implement this measure.	This measure will remain in effect for the duration of construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
is necessary, SFCJPA will ensure that any hazardous materials removed during construction are 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.				
Mitigation Measure HAZ-4- Prevent mosquito breeding during project construction. To prevent mosquito breeding during project construction, SFCJPA will ensure that standing water that accumulates on the construction site is gone within 4 days (96 hours). All outdoor grounds will be examined, and unnecessary water that may stand longer than 96 hours will be drained. Construction personnel will properly dispose of unwanted or unused artificial containers and other obstructions (e.g., tires). If possible, any container or object that holds standing water that must remain outdoors will be covered, inverted, or have drainage holes drilled.	All Project elements, prior to construction groundbreaking	The construction manager/foreperson will implement this measure.	This measure will remain in effect for the duration of construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Hydrology and Water Resources				
Mitigation Measure HWR-1- Prepare an Adaptive Management Plan. SFCJPA will prepare an Adaptive Management Plan with respect to stream erosion within San Francisquito Creek at the five erosion	All Project elements, prior to construction	The SFCJPA will prepare an adaptive management plan.	This measure will remain in effect for the duration of construction, as well operation and	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
monitoring sites within Reach 2. The Adaptive Management Plan will be developed based on field inspection/observations and quantitative monitoring/qualitative assessments. The objective of the Adaptive Management Plan will be to ensure that the improvements proposed as part of the project within the San Francisquito Creek are monitored in order to evaluate changes in erosion of the streambed and streambanks. This will include evaluating assessments of recorded stream data in order to evaluate the performance of the channel system, as well as identification and implementation of erosion control protection, as determined is needed in the Adaptive Management Plan. The Adaptive Management Plan will include a detailed description of the following components: • Management objectives: The overall objective of the Plan is to identify bank instability that would affect nearby infrastructure, including houses. Site-specific objectives also will be identified at the designated monitoring sites, as needed. • Monitoring locations and methods: Monitoring under the Plan at erosion sites specified due to their proximity to			maintenance of the Project.	documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
residences and infrastructure will identify the potential for erosion following storm events over 5,800 cfs to threaten the integrity of infrastructure at top of bank. Monitoring will also determine which actions would be appropriate to address the erosion. Specific monitoring methods would be determined as appropriate for each given site. • Adaptive management triggers: In general, the detection of streambed instability will trigger the need for management action. Specific triggers for implementation of management actions will be identified by monitoring at the 5 specified sites. • Management actions: Erosion control actions may include revegetation, installation of rock toe protection, geotech mats to prevent damage to infrastructure at top of bank, or other options deemed feasible and effective to avoid damage to Creekside structures at a given site. An adaptive approach to the monitoring program will be applied that fulfills the following purposes: • Establish well-defined monitoring program to:				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
○ Identify trends of the creek within and downstream of the project. ○ Evaluate the response of the creek system to storm events over 5,800 cfs. ○ Assess long term streambed and streambank stability or instabilities. ○ Monitor impacts on applicable public and private structures within the creek system. The monitoring program will include, at a minimum, (1) a list of the sites to be monitored; (2) methods for monitoring each site, including monitoring frequency and the location of monitoring stations; and (3) an explicit timetable for the monitoring program including data collection, data analysis, and reporting of results • Application of qualitative and quantitative geomorphic and engineering techniques for evaluation of collected data. • Identification of an action plan to implement interim and long-term erosion control measures for erosion sites that are exacerbated as a result of construction of the proposed project.				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
• Ongoing monitoring to determine the effectiveness of the Adaptive Management Plan. SFCJPA will work with landowners and responsible agencies to identify and implement appropriate erosion treatments or actions. The Adaptive Management Plan will be prepared by the SFCJPA prior to the start of construction activities and shall continue until long-term bank stability is achieved. If accelerated erosion is identified during project operation, SFCJPA will work with landowners and responsible agencies to identify and implement appropriate erosion treatments such as revegetation and/or installation of rock toe protection.				
Noise and Vibration				
Mitigation Measure NV-1- Provide advance notification of construction and operations schedule and 24-hour hotline to residents. SFCJPA will provide advance written notification of the proposed construction activities and major operational activities (i.e., debris removal) to all property owners and occupants and other noise-sensitive receptors within 1,000 feet of the construction or operations site. Notification will include a brief overview of the proposed project and its purpose, as well as the proposed construction	All Project elements, during construction	SFCJPA staff will implement this measure at the direction of the SFCJPA project manager.	Advance written notification of proposed construction activities will be provided at least 1 month and not more than 3 months in advance of site work. The 24-hour hotline will be in operation for the duration of construction at each site, including site	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
activities and schedule. It will also include the name and contact information of SFCJPA's project manager or another SFCJPA representative or designee responsible for ensuring that reasonable measures are implemented to address the problem (the construction noise; see MM-NV-3).			finishing and demobilization.	
Mitigation Measure NV-2- Designate a noise disturbance coordinator to address resident concerns. SFCJPA will designate a representative to act as construction noise disturbance coordinator, responsible for resolving construction and operations noise concerns. The disturbance coordinator's name and contact information will be included in the preconstruction notices sent to area residents (see MM-NV-2). The coordinator will be available during regular business hours to monitor and respond to concerns; if the extension of construction hours would be required for some project components as determined by both the contractor and SFCJPA, the disturbance coordinator will also be available during the extended hours. In the event a noise complaint is received, she or he will be responsible for determining the cause of the complaint and ensuring that all reasonable measures are implemented to address the problem.	All Project elements, during construction	The SCJPA's project manager will designate a noise disturbance coordinator. The noise disturbance coordinator will be responsible for receiving and responding to noise complaints, and will coordinate with the SFCJPA project manager to implement timely solutions.	This measure will remain in effect for the duration of Project construction. Resolutions to noise complaints will be provided as rapidly as possible.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Mitigation Measure NV-3- Install temporary noise barriers where possible. As described in MM-NV-2 and MM-NV-3, SFCJPA will notify noise-sensitive land uses near the site of upcoming activity before construction or operations activity begins, will require construction-site noise reduction measures, and will provide a 24-hour complaint hotline. If a resident or other noise-sensitive person submits a complaint about construction or operations noise and SFCJPA is unable to reduce noise to a level that does not cause annoyance or disruption to adjacent land uses through other means, SFCJPA will install temporary noise barriers to reduce noise levels below the applicable construction noise or powered equipment standard. Barriers will be installed as promptly as possible, and work responsible for the disturbance will be suspended or modified until barriers have been installed. SFCJPA would be responsible for ensuring that noise barriers are installed immediately in response to noise concerns from the community. The following minimum criteria will be required of the contractor: • The barrier will be 10 feet tall. It will surround the work area to block the line of sight for all diesel-powered equipment on	All Project elements, during construction	Noise barriers will be installed by contractor staff at the direction of the SFCJPA project manager.	This measure will remain in effect for the duration of construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
the ground, as viewed from any private residence or any building. • The barrier will be constructed of heavyweight plywood (5/8 inch thick) or other material providing a Sound Transmission Classification of at least 25 dBA. (Note that 5/8 inch is sufficiently thick to provide optimal noise buffering; increasing the thickness of the barrier above 5/8 inch would not provide a noticeable improvement in noise reduction.) • The barrier will be constructed with no gaps or holes that would allow noise to transmit through the barrier. • To minimize reflection of noise toward workers at the construction site, the surface of the barrier facing the workers will be covered with a sound-absorbing material meeting a Noise Reduction Coefficient of at least 0.70. The sound-absorbing material on the barriers is not required if workers at the construction site are required to wear hearing protection that offers an equal level of sound reduction. • The barrier would be installed in a location that is functional but avoids impacts on trees, habitat, or line of sight for vehicles.				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
Mitigation Measure NV-4- Conduct construction vibration monitoring and implement control approach(es). During periods of construction, SFCJPA will retain a qualified acoustical consultant or engineering firm to conduct vibration monitoring at homes or occupied vibration-sensitive buildings located within 100 feet of pile driving locations and 25 feet of construction sites using other non-impact equipment. Vibration monitoring will be conducted on each day of construction until it can be determined that all affected structures would not experience significant groundborne vibration. If a structure would not experience significant vibration at a distance of 50 feet from pile driving activities, on subsequent days, when construction activity would occur farther away from that structure, vibration monitoring would not be required. If at any point the measured Peak Particle Velocity (PPV) is in excess of 0.2 in/sec, the vibration damage threshold for normal residences from continuous, frequent, or intermittent sources, construction activity will cease and alternative methods of construction and excavation will be considered to prevent possible exposure of vibration-sensitive buildings and structures to levels of 0.2 in/sec PPV or higher. Prior to construction activity, and assuming the property owner gives	All Project elements, during construction	A qualified, state-licensed geotechnical engineer retained by the SFCJPA, or by the construction contractor, will conduct the vibration monitoring and assessment. If modifications to Project design are required to meet the thresholds in this mitigation measure, they will be developed by the design team in consultation with the geotechnical engineer.	This measure will remain in effect for the duration of construction.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
permission, a preconstruction survey will be conducted that documents any existing cracks or structural damage at vibration-sensitive receptors located within the distances identified above by means of color photography or video. Additionally, a designated complaint coordinator will be responsible for handling and responding to any complaints received during such periods of construction. SFCJPA will also implement a reporting program that documents complaints received, actions taken and the effectiveness of these actions				
Traffic and Transportation				
Mitigation Measure TT-1- Require a temporary traffic signal at Middlefield Road/Woodland Avenue-Palo Alto Avenue. San Francisquito Creek Joint Powers Authority (SFCJPA) will provide a temporary traffic signal at Middlefield Road/Woodland Avenue-Palo Alto Avenue for the duration of the closure of the Pope-Chaucer Bridge. This temporary traffic signal should be coordinated with the traffic signal on Willow Road at Middlefield Road due to the close proximity between the two signals.	All Project elements, prior to and during construction	SFCJPA, construction contractors	Prior to closure of Pope-Chaucer Bridge for demolition and replacement and will remain in effect until traffic operations resume over the new bridge.	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for documenting compliance.
Mitigation Measure TT-2- Require a site-specific traffic control plan A site-specific traffic control plan will be developed to minimize the effects of construction traffic on surrounding roadways. The plan will be	All Project elements, prior to and during construction	The SFCJPA's project manager will liaise with the Cities and Caltrans during Project design to identify issues that should be addressed	Coordination with local jurisdictions will be initiated before any construction activity beings, and will remain in effect	The SFCJPA's project manager will be responsible for ensuring proper implementation, for enforcement, and for

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
prepared with oversight by a licensed traffic engineer, with input from the cities of Menlo Park, East Palo Alto, and Palo Alto to ensure that all concerns are appropriately addressed. The plan will be subject to review and approval by the Cities of Palo Alto, Menlo Park and East Palo Alto. SFCJPA will be responsible for ensuring that the plan is effectively implemented. The traffic control plan will include, at a minimum, information regarding working hours, allowable and restricted streets, allowable times for lane closures, emergency vehicle access, detours, and access to private and public properties. All construction traffic control plans will contain, at a minimum, the following general requirements: • Restrict work site access to the roadways indicated on the traffic control plan. • Prohibit access via residential streets unless expressly approved by the City with jurisdiction. • Maintain two-way traffic flow on arterial roadways to active work areas to accommodate construction of project facilities, unless otherwise allowed by the City with jurisdiction.		in the site-specific traffic control plan for each work site, and will oversee contractors developing the individual plans. Each plan will be developed with oversight from a licensed traffic engineer. All SFCJPA and contractor staff will adhere to the plans.	for the duration of the Project. The traffic control plan for each site will be completed and approved by the local jurisdiction prior to groundbreaking; draft traffic control plans will be submitted for review and approval for each work site. Traffic control plans will be in effect for the entire duration of construction at each site.	documenting compliance. The local jurisdiction for each work site will have review and approval authority over the applicable traffic control plan.

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
• Provide 72-hour advance notification to affected residents or businesses if access to driveways or private roads will be affected. Limit effects on driveway and private roadway access to working hours and ensure that access to driveways and private roads is uninterrupted during non-work hours. If necessary, use steel plates, temporary backfill, or another accepted measure to provide access. • Provide clearly marked pedestrian detours to address any sidewalk or pedestrian walkway closures. • Provide clearly marked bicycle detours if bicycle route closures would occur or if bicyclist safety would be compromised. • Provide crossing guards and/or flaggers as needed to avoid traffic conflicts and ensure pedestrian and bicyclist safety. • Use non-skid traffic plates over open trenches to minimize hazards. • Locate all stationary equipment as far away as possible from areas used by vehicles, bicyclists, and pedestrians. • Notify and consult with emergency service providers, and provide emergency access by whatever means necessary to expedite				

Mitigation Measure	Required for the Following Sites/Project Phases	Implementation Responsibility	Implementation Timing	Monitoring, Enforcement, and Reporting Responsibility
and facilitate the passage of emergency vehicles • Queue trucks only in areas and at times allowed by the City with jurisdiction. • Provide adequate parking for construction related vehicles and equipment within the designated staging areas throughout the construction period. If inadequate space for parking is available at a given work site, provide an off-site staging area at another suitable location, and coordinate the daily transport of construction vehicles, equipment, and personnel to and from the work site as needed. • 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.				

Agenda Item 5.b.

RESOLUTION NO. 19-9-26-B

DRAFT RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY APPROVING THE SAN FRANCISQUITO CREEK FLOOD PROTECTION, ECOSYSTEM RESTORATION, AND RECREATION PROJECT, UPSTREAM OF HIGHWAY 101, AND DIRECTING THE EXECUTIVE DIRECTOR TO FILE A NOTICE OF DETERMINATION FOR THE PROJECT

The Board of Directors of the San Francisquito Creek Joint Powers Authority hereby resolves as follows:

Section 1. Recitals:

A. San Francisquito Creek (the "Creek") has a history of flooding the communities in and around East Palo Alto, Menlo Park, and Palo Alto, most recently in February 2017, impacting private properties adjacent to the Creek.

B. Following the severe flood in February 1998, the cities of East Palo Alto, Menlo Park and Palo Alto along with the San Mateo County Flood Control District and the Santa Clara Valley Water District formed the San Francisquito Creek Joint Powers Authority ("SFCJPA") on May 18, 1999 to address these flooding hazards.

C. The San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project, Upstream of Highway 101 ("Project") was initiated by the SFCJPA to protect residents and property from flood events resulting from water exiting the creek channel between Highway 101 and Middlefield Road Bridge, allow for additional flood protection efforts there and upstream of this area, and provide environmental enhancements.

D. A Notice of Preparation ("NOP") for the Project was submitted to the State Clearinghouse on February 9, 2017. Four public scoping meetings were conducted in January and February of 2017, and three public workshops were conducted in October 2017.

E. The Draft Environmental Impact Report ("EIR") was circulated for a 58-day public review period, from April 22, 2019 to June 19, 2019. Three public hearings to solicit comments on the Draft EIR were held on May 23, May 29, and June 5, 2019. Public and governmental agency comments that were timely received on the Draft EIR were reviewed and considered by the SFCJPA, and the SFCJPA's written responses to these comments were incorporated into the Final EIR.

F. On September 26, 2019, the Board adopted Resolution No. 19-9-26-A certifying the Final EIR for the Project, making environmental findings pursuant to CEQA and adopting a statement of overriding considerations, and adopting a Mitigation Monitoring and Reporting Program.

G. The Board desires to proceed with the approval of the Project subject to the completion of specified actions necessary to begin construction of the Project.

Section 2. The Board hereby approves the Project, as more particularly described in the Project Description set forth in Section 2.8.2 of the Final EIR and referred to therein as the "Channel Widening Alternative" or the "Preferred Project" or "Proposed Project," subject to the following conditions:

a. All mitigation measures identified and described in the Final EIR and included in the Mitigation Monitoring and Reporting Program adopted in Resolution No. 19-9-26-A shall be incorporated into the Project.

b. Sufficient funding is obtained by the Authority to pay for the costs of construction of the Project.

c. A construction management agreement is entered into by the Authority providing for the competitive bidding and award of a construction contract and the management of the construction for the Project.

d. All necessary property interests are obtained for the construction of the Project.

e. All necessary regulatory permits are obtained for the construction of the Project.

Section 3. The Board authorizes and directs the Executive Director of the Authority to file a Notice of Determination pursuant to California Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094, in the manner required by law, with the Clerk-Recorder's Office of both the County of Santa Clara and the County of San Mateo, and with the Office of Planning and Research of the State of California.

PASSED, APPROVED AND ADOPTED by the San Francisquito Creek Joint Powers Authority Board of Directors on September 26, 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____ Date: 9/26/29
Vice Chairperson

APPROVED:

_____ Date: 9/26/29
Chairperson

APPROVED AS TO FORM:

_____ Date: 9/26/29
Legal Counsel

Valley Water
Clean Water • Healthy Environment • Flood Protection

Agenda Item 5.c.

SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
SFCJPA.ORG

DRAFT AMENDMENT NO. 1 TO AGREEMENT A3617S

BETWEEN THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY AND THE SANTA CLARA VALLEY WATER DISTRICT FOR FUNDING THE PREPARATION OF AN INITIAL STUDY AND ENVIRONMENTAL IMPACT REPORT FOR FLOOD PROTECTION, ECOSYSTEM RESTORATION, AND RECREATIONAL ENHANCEMENTS ON SAN FRANCISQUITO CREEK BETWEEN HIGHWAY 101 AND EL CAMINO REAL

This Amendment No. 1 (Amendment), retroactively effective as of May 1, 2018, amends the terms and conditions of that certain Agreement ("Agreement"), dated October 18, 2012, by and between the SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY ("Authority"), a California joint powers authority, and the SANTA CLARA VALLEY WATER DISTRICT ("Valley Water"), a special district of the State of California, collectively, the Parties.

RECITALS

A. Authority and Valley Water are implementing a comprehensive Flood Protection, Ecosystem Restoration, and Recreation Project (Project) on San Francisquito Creek (Creek).

B. The flood protection features of Phase 1 of the Project, which include channel widening, floodwall installation, construction of improved levees, marsh habitat improvements, and trail access improvements along the Creek downstream of Highway 101, were completed on January 31, 2019 and Phase 1 of the Project was accepted as complete by Valley Water on May 14, 2019.

C. On October 18, 2012, Authority and Valley Water entered into a funding agreement ("Agreement") for Authority to retain a consultant that was hired at a later date, ICF Jones & Stokes Inc. ("Consultant") to prepare environmental documentation for channel widening (Inlet) along with other Project elements upstream of Highway 101, to be implemented as Phase 2 of the Project.

D. The Authority is the local sponsor for a U.S. Army Corps of Engineers' (Corps) General Investigation (GI) Study for Phase 2 of the Project.

E. The Corps' Draft Feasibility Report will not be completed within the Corps' October 15, 2019 extended deadline. As a result, continuing with the required GI Study would significantly impact the Project's timeline and funding. Therefore, in June 2019, the Authority decided to pursue an option for Corps funding that does not require Congressional authorization through the Corps' Continuing Authorities Program Section 205 (CAP 205) process. In 2019, the Authority and Corps plan to move forward with closing the GI Study and initiating the CAP 205 process.

F. With funding from the original Agreement, Authority has secured the services of an environmental consultant and a draft Environmental Impact Report (EIR) has been prepared and released for public review.

G. The Authority, Valley Water, and Corps have identified Known Project Elements that, when implemented, would provide protection against approximately the 70-year flood event in the Project reach and are included in each of the Feasible Project Alternatives, and represent the baseline improvements needed to implement any of the Feasible Project Alternatives.

H. Valley Water is currently in the process of completing 95% design drawings of the Feasible Project Alternative that would provide flood protection for the Phase 2 Project reach between the Highway 101 corridor and El Camino Real from events identical to the flood of record in 1998.

I. Authority and Valley Water desire to amend the Agreement to provide for additional compensation and extend the Agreement duration to provide adequate funds and time for Consultant to complete the final EIR.

J. Authority and Valley Water desire to amend the Agreement to provide for additional compensation and extend the Agreement duration to provide adequate funds and time for Consultant to prepare documents necessary to secure environmental regulatory permits for Phase 2 Project construction.

NOW, THEREFORE, in consideration of the mutual promises and agreements stated herein and notwithstanding any provision to the contrary stated in the Agreement, the Parties hereby agree to amend the Agreement as follows:

PROVISIONS

A. Provision 1. **Project Purpose and Work Products** is revised to amend reference from: "…conveyance of the one-percent (1%) design flood flow (9,300 cubic feet per second)…" to: "…conveyance for the the 70-year flood event (approximately 7,500 cubic feet per second)…"

B. Provision 2. **Responsibilities of the Parties** is revised to amend:

(i) paragraph B by adding a sentence to read as follows: "The scope of services and schedule of performance for the Consultant shall be as provided in Exhibit A and Exhibit B, respectively."

(ii) reference in paragraph C. from: "…an amount not to exceed $950,000…" to: "…an amount not to exceed $1,400,000..."

C. Provision 6. **Mutual Hold Harmless and Indemnification Obligations**, paragraph C. is revised to state: "The duties and obligations of this Section shall survive and continue in full force and effect after the termination, suspension, completion, or expiration of this Agreement."

D. Provision 9. **Termination of Agreement**, paragraph A. is revised to state: "The term of this Agreement expires on December 31, 2021."

5. Provision 11. **Notices**, information for Valley Water is revised to state as follows:

Valley Water: Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614
Attention: Melanie Richardson, Chief Operating Officer
E-mail address: mrichardson@valleywater.org

6. Provision 22. **Exhibits** (NEW), the following exhibits attached hereto are incorporated herein by this reference as though set forth in full, and which revise the original exhibits in the Agreement.

Revised Exhibit A Scope of Services
Revised Exhibit B Schedule of Performance

7. All other terms and conditions of the Agreement A3617S, not otherwise amended as stated herein remain in full force and effect.

IN WITNESS WHEREOF, Authority and Valley Water have executed this Amendment No. 1 to the Agreement to be retroactively effective as of the date and year first above written.

Separate Signature pages are implemented individually for each Party as follows:

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, Authority has executed this Amendment No. 1 to this Agreement to be retroactively effective as of the date and year first above written.

Each Party has executed a separate signature page.

APPROVED AS TO FORM:	SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY, a California joint powers authority
	By: _____
_____	Len Materman
General Counsel	Executive Director
Date: _____	Date: _____

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IN WITNESS WHEREOF, Valley Water has executed this Amendment No.1 to this Agreement to be retroactively effective as of the date and year first above written.

Each Party has executed a separate signature page.

APPROVED AS TO FORM:	SANTA CLARA VALLEY WATER DISTRICT "Valley Water"
_____	By: _____
District Counsel	Norma J. Camacho Chief Executive Officer
Date: _____	Date: _____

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Exhibit A

I. SCOPE OF SERVICES (REVISED)

Project Understanding

This Scope of Work (SOW) involves completion of an Environmental Impact Report, Biological Assessments, Clean Water Act 404b1 alternatives analysis and associated studies for the San Francisquito Creek Flood Protection, Ecosystem Restoration and Recreational Improvement Project between Highway 101 and El Camino Real. This revised SOW was developed to account for the project's need for Biological Assessments and a Clean Water Act 404b1 alternatives analysis. Optional tasks for public outreach and permitting are also included. The anticipated term for this scope of work is December 19, 2016 – May 31, 2020.

Task Structure

ICF will perform the tasks listed below for the proposed work as requested by the San Francisquito Creek Joint Powers Authority (SFCJPA). The scope has been separated into nine major tasks and four optional tasks:

Task 1.0	Project Administration
Task 2.0	Review Updated and New Information
Task 3.0	Revise Project Description
Task 4.0	Conduct Environmental Investigations and Studies
Task 5.0	Develop Draft Environmental Impact Report
Task 6.0	CEQA Public Noticing and Participation
Task 7.0	Develop Final Environmental Impact Report
Task 9.0	Prepare Biological Assessments
Task 13.0	Prepare analysis required by federal and state permits for the Least Environmentally Damaging Practicable Alternative
Task 8.0	Outreach Support (Optional Task)
Task 10.0	Prepare Department of the Army Section 404/10 Individual Permit Application *(Optional Task)*
Task 11.0	Prepare Application for Section 401 Water Quality Certification *(Optional Task)*
Task 12.0	Prepare Application for Streambed Alteration Agreement *(Optional Task)*
Task 14.0	Prepare Water Diversion Plan
Task 15.0	Prepare SWPPP

TASK 1.0–PROJECT ADMINISTRATION (REVISED)

ICF will provide project administration services during the term of the Agreement. ICF's project manager, Adam Wagschal, will be responsible for managing the ICF team; providing the resources to complete the job; monitoring project budgets and schedules; providing status reports; and maintaining an efficient, effective document-tracking system. Key project staff will be available for telephone consultation and regular team meetings throughout the duration of the Agreement on any significant issues (or potential deviations) related to the project schedule, work plan, or fees.

1.1–Prepare Progress Reports and Scheduling Revisions

ICF will submit monthly invoices, status reports, and project schedule reports. These documents will conform to format and content guidelines agreed upon by ICF and the SFCJPA.

Deliverables:

- Monthly invoices, status reports, and project schedule updates (electronic and paper copies).

Assumptions:

- Project management and support is assumed through May 31, 2020
- Monthly invoices and associated documentation will be submitted through May 31, 2020.

1.2–Attend Project Management Related Meetings

ICF will attend monthly project team meetings. ICF will prepare the meeting agendas, action items, and meeting notes in consultation with the SFCJPA project manager. These meetings will be conducted at the SFCJPA office in Menlo Park or another nearby location. Conference calls may be substituted for in-person meetings at the discretion of the SFCJPA project manager.

Deliverables:

- Meeting preparation materials, meeting agendas, and meeting summary notes.

Assumptions:

- Monthly meetings will be held May 31, 2020.

TASK 2.0–REVIEW UPDATED AND NEW INFORMATION (COMPLETED)

This task involves obtaining and reviewing any updated and new project information (e.g., updated design plans and construction schedule) that comprise the new elements of the project.

Assumptions:

- SFCJPA will actively work with ICF to identify and retain information needed for EIR development.

TASK 3.0–REVISE PROJECT DESCRIPTION (COMPLETED)

We understand that the project description has been modified since ICF last worked on the project. ICF will work with the project team to produce a draft detailed project description, including discussion of both project and program level elements for analysis in the EIR.

Deliverables:

- Draft, revised, and final project description.

Assumptions:

- ICF will develop up to two draft project descriptions for SFCJPA review and comment and a final project description.

- SFCJPA will provide all information required for development of the project description.

TASK 4.0–CONDUCT ENVIRONMENTAL INVESTIGATIONS AND STUDIES (REVISED AND RENAMED)

Under the previous scope of work for this project, ICF worked with SFCJPA to identify data gaps and begin environmental investigations. Tree surveys were started and a wetland delineation was conducted for channel improvement sections. Additionally, a cultural resources investigation was developed by Far Western Anthropological Research Group. This scope of work includes wetland delineations at the project's potential detention basins and completion of the tree surveys. A traffic study may also be required by Palo Alto, East Palo Alto, or Menlo Park for the project. This scope of work does not include a traffic study. We recommend the SFCJPA contract directly with a smaller traffic firm if such a study is required. We can provide recommendations for qualified firms.

4.1–Wetland Delineation

ICF completed a wetland delineation for the project's channel improvement sections. This sub-task is for a wetland delineation at the project's potential detention basins. The delineation will determine the type and extent of wetlands and other waters of the United States that may be subject to regulation by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The delineation will be conducted in accordance with guidelines issued by the Corps, including documentation of the delineation and field verification of work completed with appropriate Corps personnel. ICF will submit a draft wetland delineation report to the SFCJPA for review and prepare a final wetland delineation report that incorporates comments from the SFCJPA.

Deliverables:

- Draft and Final U.S. Army Corps of Engineers Waters of the U.S. Jurisdictional Delineation (one electronic copy in MS Word format and five paper copies; wetlands mapping in GIS format).

Assumptions:

- One meeting with SFCJPA and one field verification meeting with the Corps.
- One draft and one final wetland delineation report.
- SFCJPA will provide detailed maps of the potential detention basins.
- As needed, SFCJPA will gain access to the sites for ICF to complete the delineation.

4.2–Complete Tree Survey and Tree Survey Report

Approximately 70% of the required tree survey was completed in 2014. The purpose of the tree survey is to document existing trees that could be effected by implementation of the project. The location of potentially effected trees is recorded along with information regarding tree species, size and health. This sub-task will complete the required field work and report preparation.

Amendment 3 includes one additional site visit in September 2018 to assess potential tree hazards on 9 private properties, and preparation of a memorandum documenting potential impacts to trees on these properties that could result from construction of the project.

Deliverables:

- Draft, Revised Draft, and Final Tree Survey Report.

Assumptions:

- It is assumed that previously collected data remains acceptable for inclusion in the Tree Survey Report and subsequent analysis in the EIR

- One additional site survey of 9 properties will be conducted in September 2018.

4.3–Alternatives Screening Report

ICF has begun a screening level analysis of all the flood protection alternatives. However, the draft documents will need to be revised to reflect the revised project description and information from future Field Investigations. Based on the results of the Field Investigations and review of existing alternatives, ICF will complete the screening level analysis of all the flood protection alternatives provided by SFCJPA, and potential recreational and environmental enhancements, to fulfill the requirements of CEQA. We understand that at this time the SFCJPA has no preferred alternative. The report would summarize the screening analysis to date and create a CEQA-appropriate environmental screening that considers many factors, including feasibility. The analysis would also include screening of all upstream detention options.

In order to provide the SFCJPA with a legally defensible document that anticipates challenges from a variety of stakeholders we recommend the following:

- ICF will review the hydrology and hydraulic modeling developed by the SCVWD. This will be the primary basis for the analysis of alternatives related to hydrology, hydraulics, and water quality (e.g., sediment transport and channel dynamics). This review will verify that the assumptions in the CEQA analyses are consistent with the assumptions of the modeling.

- ICF will develop a list of clarifying questions for SFCJPA response, so that the descriptions of alternatives appropriately describes hydrology, hydraulics, and water quality assumptions and features included in alternative analysis modeling runs.

- ICF will provide the SFCJPA a list of CEQA assumptions for review and comment, to verify that operation and maintenance of the creek as a flood conveyance facility is accurately described for the life of the project (e.g., baseline Searsville Dam assumptions, creek sediment and vegetation maintenance, federal flood control levee maintenance, city/county bridge maintenance, Caltrans bridge maintenance, outfall operation and maintenance, etc.)

- ICF will also provide the SFCJPA a list of CEQA assumptions for review and comment to verify that the operation and maintenance of proposed facilities, floodwalls, bypass tunnels, etc. is accurately described.

- ICF will work with the SFCJPA to develop a list of CEQA assumptions for recreational and environmental enhancement alternatives based on the SFCJPA's program goals and objectives in addition to baseline CEQA thresholds.

Deliverables:

- Draft, revised draft, and final alternatives screening report.

Assumptions:

- SFCJPA will provide adequate detail regarding project alternatives to inform the alternatives screening report.

- ICF assumes up to two meetings with the SFCJPA and appropriate staff from its member agencies, to review and discuss the CEQA assumptions set forward for all alternatives prior to initiating the screening process.

4.4—Traffic Analysis

TJKM will prepare a traffic analysis to address complete closure of the Pope-Chaucer Bridge during construction. This analysis will include consultation with the cities of Menlo Park, Palo Alto, and East Palo Alto to confirm the appropriate study area. Traffic counts and an analysis will be conducted for the following intersections:

- Willow Road/Gilbert Avenue (Signalized)1
- Willow Road/Middlefield Road (Signalized)1

- Middlefield Road/Woodland Avenue-Palo Alto Avenue (Two-Way Stop Control)1
- Middlefield Road/Palo Alto Avenue (One-Way Stop Control)
- Pope Street/Central Avenue (Yield Control)1
- Pope Street/Woodland Avenue (All-Way Stop Control)1
- Chaucer Street/Palo Alto Avenue (Two-Way Stop Control)
- Chaucer Street/University Avenue (Signalized)
- Woodland Avenue/University Avenue (Signalized)

Deliverables:

- Draft, revised draft, and final traffic analysis report.

Assumptions:

- No additional analysis or traffic counts will be required following circulation of the Draft EIR.

TASK 5.0–DEVELOP DRAFT ENVIRONMENTAL IMPACT REPORT (REVISED)

ICF's work under Task 5 would follow the format and structure of ICF's work on the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation San Francisco Bay to Highway 101 Project. ICF would work with the SFCJPA prior to initiation of Task 5 to discuss our previous work and identify areas where the SFCJPA may want to diverge from the previous format.

5.1—Conduct Environmental Scoping

ICF will prepare for and participate in a CEQA scoping meeting. ICF will help answer questions from the public and will develop a summary of environmental issues raised during the scoping meeting.

Deliverables:

- Presentation materials, handouts and notes.
- Documentation of public scoping comments in MS Word or Excel.

Assumptions:

- Scoping meeting will be attended by two ICF staff.

- ICF assume that the SFCJPA will secure the meeting location, produce and distribute notification posters and invitations, provide audio-visual equipment and translation as needed, and provide refreshments.

5.2–Prepare Administrative Draft EIR

ICF will prepare an Administrative Draft EIR to be delivered to the SFCJPA. The project team will review the Administrative Draft and provide consolidated comments to ICF for use in preparing the Draft EIR.

As part of the Administrative Draft EIR, ICF will prepare a Mitigation Monitoring and Reporting Program for the project. Required format is a matrix showing impacts, mitigation measures, timing, status, and document references.

Amendment 3 includes additional coordination with the SFCJPA to address project changes related to the design for Pope-Chaucer Bridge, Detention Basins, Channel Widening, Access Ramps, Soil Nail Walls and locations of Sacked Concrete. ICF will support SFCJPA by preparing figures and revised text for these changes. ICF will also update the Administrative Draft EIR to incorporate these changes into the analysis.

Amendment 3 also includes analysis to address changes introduced in the 2018 CEQA Guidelines Amendments requiring an analysis of energy consumption and conflicts with state or local energy efficiency plans.

Deliverables:

- Administrative Draft EIR, Including Mitigation Monitoring and Reporting Program. Ten bound paper copies, one camera-ready copy, and one electronic copy in MS Word format.

5.3–Prepare Draft EIR

Based on Project Team comments provided to ICF, ICF will revise the Administrative Draft EIR. The resulting document will be the Draft EIR, including the Mitigation Monitoring and Reporting Program. SFCJPA will review a screen check copy of the Draft EIR to ensure that comments have been incorporated prior to printing.

Deliverables:

- Screen Check Draft EIR (electronic copy in MS Word format).

- Draft EIR – Fifteen (15) bound paper copies for the State Clearinghouse and twenty (20) additional bound paper copies, ten (10) CDs in PDF format, and one electronic copy in PDF and MS Word format for the SFCJPA.

TASK 6.0–CEQA PUBLIC NOTICING AND PARTICIPATION (COMPLETED)

6.1–Prepare Notice of Completion

In coordination with SFCJPA, ICF will prepare the Notice of Completion for filing with the State Clearinghouse. ICF will be responsible for the NOC filing with the State Clearinghouse, including production of EIR copies for the clearinghouse at our Sacramento Office, as was

done for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project San Francisco Bay to Highway 101 Project.

Deliverables:

- Draft and Final Notice of Completion (one electronic copy in MS Word format).

6.2–Prepare Notice of Availability

In coordination with SFCJPA, ICF will prepare the Notice of Availability for publishing in the Palo Alto Daily News, San Mateo County Daily Journal and Palo Alto Weekly.

Deliverables:

- Draft and Final Notice of Availability (one electronic copy in MS Word format).

6.3–Prepare for and Attend Public Meetings

ICF will provide support for SFCJPA staff for up to eight public meetings within the watershed to present the project and collect public comments on the Draft EIR. Optionally, up to three of these meetings could be conducted during DEIR scoping. ICF will provide documented public comments to SFCJPA. Additionally, ICF will coordinate with US Army Corps of Engineer's staff so information regarding the Project's Environmental Impact Statement can presented at the meetings as appropriate.

Deliverables:

- Meeting notes containing public comments in MS Word or Excel.

Assumptions:

- ICF assumes that the SFCJPA will secure meeting locations, produce and distribute notification posters and invitations, provide audio-visual equipment and translation as needed, and provide refreshments.

6.4–Respond to Public Comments

SFCJPA will collect and collate written public comments on the Draft EIR and provide these collated comments to ICF. In collaboration with SFCJPA, ICF will prepare responses to public comments on the Draft EIR for review by SFCJPA.

Deliverables:

- Draft, revised, and final response to comments in addition to an electronic copy in MS Word format required for a screen check. This document will be part of the Final EIR.

TASK 7.0–DEVELOP FINAL ENVIRONMENTAL IMPACT REPORT (REVISED AND RENAMED)

7.1–Prepare Final EIR

Based on the public comments and the Draft Response to Comments, ICF will prepare the Administrative Final EIR, incorporating the public comments and responses and content of the Draft EIR. The Administrative Final EIR will include the Mitigation Monitoring and Reporting Program.

ICF will provide the Administrative Final EIR to SFCJPA for review. Based on comments on the Administrative Final EIR, ICF will prepare the Final EIR. SFCJPA will review a screen check copy of the Final EIR to ensure that comments have been incorporated.

Deliverables:

- Administrative Final EIR. One electronic copy in MS Word format required.

- Screencheck Final EIR. One electronic copy in PDF format required.

- Final EIR, including the Mitigation Monitoring and Reporting Program, response to comments, and technical appendices (for example, maps, GIS files, presentation materials, technical data). For the Final EIR, thirty (30) to forty (40) bound paper copies, one camera- ready copy, 10 CDs in PDF format, and one electronic copy in PDF and MS Word format.

7.2–Prepare Findings and Statement of Overriding Considerations

In coordination with SFCJPA, ICF will prepare the CEQA Findings and Statement of Overriding Considerations (if needed), as directed. ICF will submit the Draft Findings and Statement of Overriding Considerations to SFCJPA for comment, and prepare the final version of these documents based on comments resulting from that review.

Deliverables:

- Draft and Final Findings and Statement of Overriding Considerations.

7.3–Prepare Notice of Determination (NOD)

ICF will prepare the Notice of Determination, in coordination with SFCJPA.

Deliverables:

- Draft and Final Notice of Determination. One electronic copy in MS Word format.

7.4–Assist With Public Hearing/Adoption of FEIR

ICF will provide support to SFCJPA for the public hearing at which the SFCJPA Board of Directors considers the Final EIR for approval. This support may include answering technical questions at the meeting/hearing. ICF will record public comments during this meeting and provide these to SFCJPA.

Deliverables:

- Meeting notes and public comments.

TASK 9.0–PREPARE BIOLOGICAL ASSESSMENTS (REVISED AND RENAMED)

San Francisquito Creek provides habitat for three animal species that are listed as Threatened under the Endangered Species Act (ESA): Central California Coast Steelhead (*Oncorhynchus mykiss*), California red-legged frog (*Rana aurora daytonii*) and California tiger salamander (*Ambystoma californiense*). Because the project has a federal nexus (i.e., it will require a permit from the US Army Corps of Engineers), take of these species can be permitted through an ESA Section 7 consultation processes. Red-legged frog and California tiger salamander take would be permitted through consultation with US Fish and Wildlife Service (USFWS) and steelhead take would be permitted through consultation with National Marine Fisheries Service (NMFS). Each of these consultations would rely on a biological assessment (BA). ICF will prepare the two BAs that will support ESA Section 7 consultations for steelhead, California red legged frog and California tiger salamander.

In preparing the BAs, ICF will:

- Assess habitat suitability for listed species.
- Coordinate with SFCJPA to determine effects on species
- Support SFCJPA efforts for formal and or informal consultation/coordination with the USFWS and NMFS.

Deliverables:

- Two draft BAs (one for steelhead and one for red-legged frog) including all mapping, tables and figures for SFCJPA review and comment.
- Two BAs resolving all SFCJPA review comments for submittal to USFWS and NMFS.
- Two final BAs resolving all USFWS and NMFS comments.

Assumptions:

- Existing information is adequate to support development of the BAs, no further field work is needed.

- BAs will only be required for steelhead and red-legged frog, no other species will require take authorization under the ESA.

TASK 13.0–PREPARE CLEAN WATER ACT 404B1 ALTERNATIVES ANALYSIS (NEW)

This task involves completion of a Clean Water Act (CWA) Section 404(b)(1) Alternatives Analysis. Section 404(b)(1) alternatives analysis involves development of a range of project alternatives that are analyzed, in compliance with federal CWA Section 404(b)(1) Guidelines, to identify the Least Environmentally Damaging Practicable Alternative (LEDPA) among them. The primary focus of the analysis is a comparison of the quantity or scale of discharges to waters of the United States and waters of the state among the alternatives; however, the analysis must also take into account other environmental impacts and benefits. The U.S. Army Corps of Engineers (USACE) and San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) can only issue Clean Water Act Section 404 and 401 permits for projects that meet the Guidelines. In other words, no discharge into jurisdictional waters shall be permitted if there is a practicable alternative which would have less adverse impact on aquatic resources, so long as the alternative does not have other significant adverse environmental consequences (40 CFR § 230.10a). It is not uncommon for a Section 404(b)(1) Alternatives Analysis to result in identification of a LEDPA that differs, slightly or substantially, from the preferred alternative identified in a California Environmental Quality Act or National Environmental Policy Act document for the same project. The LEDPA identified through this process will become the project that is put forward in the permit applications for authorization under CWA Section 404 and 401.

13.1–Agency Coordination Meetings

ICF would participate in up to two meetings with the USACE and SFBRWQCB to discuss content, level of analysis, and other expectations for the report. Additionally, the Section 404(b)(1) Alternatives Analysis would be discussed with SFCJPA staff during standing meetings that are already scheduled to support EIR development.

13.2–Develop Alternatives

Using existing information to the greatest extent possible, and with input from the SFCJPA, ICF will develop a range of alternatives (typically 4 or more) to be considered in the analysis. One of the alternatives to be devised and considered will be a “no fill” alternative.

13.3–Technical Analysis and Screening of Alternatives

Each alternative will be evaluated relative to the project objectives and additional screening criteria, which will include the following considerations that are consistent with the Section 404(b)(1) Guidelines, and will meet the robust evaluation of alternatives required by the USACE and SFBRWCB for their internal process:

- Cost (cost will include justification related to any cap on overall project cost);

- Logistics (e.g., ability to schedule, stage, access site, and conduct necessary sequence of activities to complete the action);

- Technologies (consideration of feasible technologies that could also meet project objectives); and

- Environmental Impact, including to wetlands, streams, riparian habitat and buffers.

The evaluation of the alternatives relative to these screening criteria will focus on, but may not be limited to, the following elements: hydrologic and hydraulic analysis, quantitative wetland/buffer impacts, channel and streambank erosion, sediment transport, and qualitative evaluation of potential impacts and improvements to fish habitat and other special-status species. To address Basin Plan requirements, the analysis also will incorporate potential impacts on the designated beneficial uses of San Francisquito Creek. The analysis will address both direct and indirect impacts from excavation and fill discharges, including (but not limited to) earth moving and grading, vegetation impacts, and channel morphology and associated fluvial processes. The Water Board's dredge and fill permit checklist will be utilized to facilitate analysis of direct and indirect impacts on the creek's beneficial uses from each alternative. This analysis will determine which alternatives are practicable.

13.4–Factual Determinations and Identification of LEDPA

The 404(b)(1) document will include a summary of screening results that clarifies relative impacts and practicability of the alternatives. Pursuant to 40CFR 230.10, the practicable alternatives will be further examined to identify which of them constitutes the LEDPA. Under 40CFR 230.10 the direct and indirect impacts of each practicable alternative should be examined with respect to physical, chemical, and biological components of the aquatic ecosystem. This step may introduce additional avoidance and minimization measures that enable a practicable alternative to achieve status as the LEDPA.

Deliverables:

- Draft Table of Alternatives and Screening Criteria (electronic copy)

- Final Table of Alternatives and Screening Criteria (electronic copy)

- Draft Section 404(b)(1) Alternatives Analysis Report (electronic copy)

- Final Section 404(b)(1) Alternatives Analysis Report (electronic copy, in format compatible with USACE requirements for public noticing)

Assumptions:

- Only two scoping meetings will be required.

- A maximum of twenty alternatives will be screened to determine if they warrant detailed analysis. A maximum of six alternatives will be analyzed in detail.

- SFCJPA will provide construction scenarios and project design information for each alternative adequate for the analysis.

- SFCJPA will provide cost estimates for each alternative.

- SFCJPA will provide all needed modelling and special studies, including any required sediment modelling.

- Wetland delineations will not be required beyond what has already been conducted in the project area. For areas where wetland delineations have not been conducted, existing information will be adequate. Analysis of existing imagery may be used to fill some information gaps.

- The Final Section 404(b)(1) Alternatives Analysis Report will be included as an attachment to the SFCJPA's CWA Section 404 Individual Permit application, which USACE will post for 30-day public notice.

- The Final Section 404(b)(1) Alternatives Analysis Report will be included as an attachment to the SFCJPA's application for CWA Section 401 Water Quality Certification, which SFBRWQCB will post for 30-day public notice.

- SFCJPA may choose to allow USACE and SFBRWQCB to review the Draft Section 404(b)(1) Alternatives Analysis Report before the CWA Section 404 Individual Permit application is submitted. This scope and budget includes resources for preparing responses to SFCJPA and agency comments; however, preparing responses to public comments is not covered in this scope and budget.

TASK 8.0–OUTREACH SUPPORT (OPTIONAL TASK)

ICF will assist in planning and coordinating up to three additional meetings to disseminate project information to the public. ICF will attend meetings and provide support equipment and materials, as requested. Meetings shall seek to obtain preliminary public input on SFCJPA flood control, ecosystem restoration, and recreational improvements addressed in the EIR, and identify issues or problems highlighted by the affected communities. ICF will record and provide to SFCJPA comments from the meetings. The meetings would likely occur in each of the three affected communities of East Palo Alto, Palo Alto, and Menlo Park.

ICF may also provide the following (not included in the current cost proposal):

- Materials formatted for SFCJPA website
- Newsletters
- Additional public outreach information

Deliverables:

- Presentation materials, handouts and notes
- Documentation of comments from meetings
- Materials formatted for SFCJPA Website (not included in the current cost proposal)

- Newsletters (not included in the current cost proposal)
- Additional public outreach information (not included in the current cost proposal)

TASK 10.0–PREPARE DEPARTMENT OF THE ARMY SECTION 404/10 INDIVIDUAL PERMIT APPLICATION (OPTIONAL TASK) (NEW)

Because the project will result in the discharge of fill material to waters of the United States and work below the mean high tide of a Navigable Waterway, ICF will prepare a Standard Department of the Army Permit Application package (Individual Permit [IP]) for USACE that describes the project, impacts to waters of the United States, onsite mitigation for impacts, and includes documents that address the other federal environmental laws including the NHPA, ESA, and Section 401 of the CWA. The application will also address how the project meets the U.S. Environmental Protection Agency's (EPA's) Section 404(b)(1) Guidelines by summarizing the alternative development process done in coordination with USACE, to date. ICF will conduct the following tasks in order to develop the Individual Permit application.

10.1–Determine Extent of Impacts to Waters of the United States to determine the location and area of impacts to waters of the United States, ICF will prepare impact maps using the already completed wetland delineation maps overlain with the project footprint. ICF's regulatory specialists and GIS staff will use these maps to create an impact table showing permanent and temporary impacts to waters of the United States.

Deliverables:

- An impact map and accompanying table that identifies and tabulates all impacts to waters of the United States resulting from the project.

Assumptions:

- SFCJPA or their engineers will provide the project footprint in an electronic format that can be used by ICF's mapping staff to create impact maps.
- The project footprint provided will not change.
- The required wetland delineation is already complete and adequate.

10.2–Attend a Pre-Application Meeting With USACE

Under this task, ICF will arrange and attend a pre-application meeting with SFCJPA, USACE, and other appropriate agencies to discuss the proposed project and permitting issues. At the meeting we will determine the most efficient strategy to obtain a Section 404 Permit and discuss any other topics including information on project alternatives that USACE will need with the application to satisfy EPA's Section 404(b) (1) Guidelines.

Prior to the meeting, ICF will prepare and send out an agenda and meeting materials about environmental and cultural resources in the area that will be important for avoidance and minimization strategies.

Deliverables:

- Prior to the meeting ICF will send out draft meeting materials to SFCJPA. After incorporating any suggested changes, ICF will send the final materials to USACE and meeting attendees.

- Following the meeting, ICF will prepare a memorandum detailing the pre-application meeting, main discussions, and decisions.

10.3–Prepare and Submit 404 Permit Application

ICF will complete the application form (ENG 4345), and attach additional sheets that describe the project need and purpose, project description, project impacts, addresses of adjoining property owners (to be provided by SFCJPA) and other information required in regulations to make the application complete. To advance the permit process, ICF may prepare a draft public notice that can be used by USACE to notify the public of the application. In addition, ICF will submit copies of the final biological assessment, cultural resources report, and Section 404(b)(1) alternatives information with the permit application. A cover letter will be provided with the submittal.

Deliverables:

- Draft Public Notice for USACE.
- Draft Application Form and attachment sheets.
- Final Application Form and attachment sheets.
- Cover Letter to USACE.

Assumptions:

- SFCJPA will provide the means for ICF to quantify the types and materials to be discharged to waters of the United States (drawings or construction specifications).

- SFCJPA will provide addresses of adjoining property owners.

10.4–Respond to Public Notice Comments

Once the USACE has received a complete application for the individual permit, they will publish a public notice. The public notice is sent to interested parties, including adjoining property owners, interested individuals, agencies, and organizations. Comments received on the public notice are sent to the applicant for response. ICF, coordinating with the project engineers and SFCJPA, will prepare and submit to USACE a response to all public notice comments. ICF will consult with organizations or individuals as necessary when responding to comments.

Deliverables:

- A draft of the response to public notice comments will be furnished to SFCJPA for review before submission to USACE.

10.5–Manage the USACE Permit Review Process

ICF's strategy for delivering an earlier permit decision involves frequent, proactive communication and preparing documents for USACE. Representing SFCJPA, ICF expects regular coordination with USACE to answer questions, address concerns and otherwise keep the review process on track. ICF will seek opportunities to facilitate and expedite USACE review, including drafting USACE's permit decision document and special conditions for the USACE permit.

Assumptions:

- One bi-weekly phone call with SFCJPA and up to two meetings with USACE.

TASK 11.0–PREPARE APPLICATION FOR SECTION 401 WATER QUALITY CERTIFICATION (OPTIONAL TASK) (NEW)

Clean Water Act (CWA), Section 401, requires that the discharge of dredged or fill material into waters of the United States, including wetlands, does not violate state water quality standards. As required by Section 404 of the CWA, water quality certification from the Regional Water Quality Control Board (RWQCB) must be obtained for permit compliance. ICF will compile the necessary information and submit a complete certification package to RWQCB. Additionally, ICF will coordinate with the RWQCB throughout the process to seek appropriate compliance documentation.

Deliverables:

- Draft request for certification for review by SFCJPA.
- Revised request for certification for action by the RWQCB.

Assumptions:

- The project area will be subject to formal certification rather than a waiver.
- The discretionary action is for the construction of the improvements and does not cover operation.
- The project design (i.e., plans and specifications) will include best management practices (BMPs) to seek avoidance, minimization, or mitigation of effects on water quality.

TASK 12.0–PREPARE APPLICATION FOR STREAMBED ALTERATION AGREEMENT (OPTIONAL TASK) (NEW)

A streambed alteration agreement, in compliance with Section 1602 of the California Fish and Game Code, is required when projects will substantially divert, obstruct, or change the natural flow of a river, stream or lake; substantially change the bed, channel, bank of a river, stream, or lake; or use material from a streambed.

ICF will prepare and submit the application package, describing the project features; construction period; construction methods; impacts to vegetation, fish, and wildlife; and the proposed monitoring plan. ICF will coordinate with CDFW throughout the process.

Deliverables:

- Draft application for review by SFCJPA.
- Revised application for action by CDFW.

TASK 15 – WATER DIVERSION PLAN

ICF will prepare a draft and final Diversion Plan for temporary surface water diversion within the creek channel. The plan will follow State General Guidelines for Dewatering Plans that require:

1. All work performed within waters of the State will be completed in a manner that meets the water quality objectives to ensure the protection of beneficial uses as specified in the Basin Plan.
2. All dewatering and diversion methods will be installed such that natural flow is maintained upstream and downstream of the project area.
3. Any temporary dams or diversion will be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the project area.
4. Screened pumps shall be used in accordance with CDFW's fish screening criteria (http://www.dfq.ca.qov/fish/Resources/Proiects/Enqin/Enqin ScreenCriteria.asp) and in accordance with the NMFS Fish Screening Criteria for Anadromous Salmonids [available at: http://swr.nmfs.noaa.gov/hcd/fishscrn.pdf] and the Addendum for Juvenile Fish Screen Criteria for Pump Intakes [available at: http://swr.nmfs.noaa.gov/hcd/pumpcrit.pdf].NMFS Fish Screening Criteria.

The plan will include details for acceptable coffer dams and fish relocation. The plan will specify dewatering no earlier than June 15 and extend no later than October 15 for the work season to avoid impacts to special status fish.

TASK 16 - SWPPP PREPARATION

ICF will prepare a draft and final Stormwater Pollution Prevention Plan in accordance with requirements of the Construction General Permit. The plan will be prepared by Qualified SWPPP Developer, and costs are for preparation of the SWPPP and the other Permit Registration Documents that are required to gain coverage under the General Construction Permit. The SFCJPA will be the legally responsible party for the SWPPP. This SWPPP is intended t be an umbrella SWPPP for Upstream work in the EIR. This task does not include construction-period monitoring or water sample collection.

II. **COST BREAKDOWN**

Tasks	Description	Original Total NTE Fees	Amendment No. 1 NTE Fees	Revised Total NTE
ICF Project Tasks				
1.0	Project Management	92,575	12,000	104,575
2.0	Data Review	12,260	0	12,260
3.0	Project Description	24,876	20,060	44,936
4.0	Environmental Investigations and Studies	177,306	29,500	206,806
5.0	Draft EIR	248,119	27,980	276,099
6.0	CEQA Public Noticing and Participation	72,166	0	72,166
7.0	Final EIR	53,350	7,920	61,270
8.0	Outreach Support and Comprehensive Plan	78,609	(48,625)	29,984
9.0	Biological Assessments	0	46,000	46,000
10.0	US Army Sec 404 Permit application	0	42,260	42,260
11.0	Sec 401 Water Quality Cert application	0	8,350	8,350
12.0	CDFW SAA application	0	10,790	10,790
13.0	LEDPA Analysis	0	64,400	64,400
14.0	Endangered Species Act consultation	0	4,030	4,030
15.0	Water Diversion Plan	0	9,500	9,500
16.0	SWPPP	0	11,000	11,000
	Direct Expenses	23,970	614	24,584
	ICF-Authority Agreement Sub-Totals	**$783,231**	**$245,779**	**1,029,010**
Non-ICF Project Tasks				
	SFCJPA legal review of documents	50,000	0	50,000
	CSUS - Collaborative Process requested by RWQCB	21,000	0	21,000
	Benefit-Cost Analyses for FEMA grants	43,341	0	43,341
	Permit Application Fees	0	50,753	50,753
	Mitigation and Monitoring Plan	0	50,000	50,000
	Landscape Design at Restoration Sites	0	75,000	75,000
	Contingency	50,000	0	50,000
Amendment No.1 NTE		**$947,572**	**$421,532**	**$1,369,104**

Exhibit B

AMENDMENT NO. 1 TO AGREEMENT A3617S
Revised Exhibit B
Schedule of Performance

		2016	2017				2018				2019				2020
3	Task	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
4	Task 1.0 - Project Administration														
5	Task 2.0 - Review Updated and New Information														
6	Task 3.0 - Revise Project Description														
7	Task 4.0 - Conduct Environmental Investigations and Studies														
8	Task 5.0 - Develop Draft EIR														
9	Task 6.0 - CEQA Public Noticing and Participation														
10	Task 7.0 - Develop Final EIR														
11	Task 9.0 - Prepare Biological Assessments														
12	Task 13.0 - Prepare CWA 404b1 Alternatives Analysis														
13	*Optional Tasks*														
14	Task 10.0 - Prepare Department of the Army Section 404/10 Individual Permit Application														
15	Task 11.0 - Prepare Application for Section 401 Water Quality Certification														
16	Task 12.0 - Prepare Application for Streambed Alteration Agreement														
17	Task 14.0 - Endangered Species Act Consultation														
18	Task 15.0 - Prepare Water Diversion Plan														
19	Task 16.0 - Prepare SWPPP														

Agenda Item 5.d.

DRAFT AMENDMENT NO. 3 TO AGREEMENT FOR ENVIRONMENTAL PLANNING FOR FLOOD PROTECTION, ECOSYSTEM RESTORATION AND RECREATION IMPROVEMENTS ON SAN FRANCISQUITO CREEK UPSTREAM OF HIGHWAY 101 BETWEEN THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY AND ICF JONES & STOKES, INC.

This Amendment No.3 ("Amendment"), effective as of the date it is fully executed by the parties, amends the terms of the Consultant Agreement ("Agreement") between THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY (Authority) and ICF Jones & Stokes Inc. ("Consultant"), dated January 8, 2013 and twice amended on January 26, 2017 and August 31, 2017.

Capitalized terms not otherwise defined will have the meaning set forth in the Agreement.

WHEREAS, The primary objective of Agreement is the preparation of a Draft Environmental Impact Report and Final Environmental Impact Report for the subject project, and;

WHEREAS, During the course of preparation of these products, certain tasks of high priority outside of the approved Scope of Work were performed by Consultant by way of a Notice to Proceed by Authority, and;

WHEREAS, Compensation for those work items shall be provided under this Amendment 3, hereto referred to as "additional work items" and;

WHEREAS, Authority desires to exercise Optional Task 10 for preparation of a US Army Clean Water Act Section 404 permit application, and;

WHEREAS, Authority desires to exercise Optional Task 11 for preparation of a Section 401 Water Quality Certification application, and:

WHEREAS, Authority desires to exercise Optional Task 12 for the preparation of a Streambed Alteration Agreement application, and:

WHEREAS, Authority desires to add new Task 14 for Endangered Species Act consultation support, and;

WHEREAS, Authority desires to add new Task 15 for the preparation of a Water Diversion Plan, and;

WHEREAS, Authority desires to add new Task 16 for the preparation of a Storm Water Pollution Prevention Plan (SWPPP), and;

WHEREAS, the parties desire to amend the Agreement to modify Exhibit A, Scope of Services, Exhibit B, Schedule, and Exhibit C, Compensation.

NOW, THEREFORE, in consideration for the mutual promises and agreements contained herein and

notwithstanding anything to the contrary in the Agreement, Consultant and Authority hereby agree as follows:

1. Exhibit A, Scope of Services, is deleted in its entirety and replaced by Revised Exhibit A of Amendment 3, attached hereto and incorporated herein by this reference as though set forth in full.

2. Exhibit B, Schedule of Performance, is deleted in its entirety and replaced by Revised Exhibit B of Amendment 3, attached hereto and incorporated herein by this reference as though set forth in full.

3. Exhibit C, Compensation, is deleted in its entirety and replaced by Revised Exhibit C of Amendment 3, attached hereto and incorporated herein by this reference as though set forth in full.

4. All other terms and conditions stated in the original Agreement remain in full force and effect.

AUTHORITY

_____
By: Len Materman, Executive Director
Date:

CONSULTANT

_____
Trina L. Prince-Fisher, Contracts Administrator
Date:

San Francisquito Creek Joint Powers Authority
Upstream of Highway 101 EIR
Amendment 3

Exhibit A
Revised Scope of Work

Project Understanding

This Scope of Work (SOW) involves completion of an Environmental Impact Report, Biological Assessments, Clean Water Act 404b1 alternatives analysis and associated studies for the San Francisquito Creek Flood Protection, Ecosystem Restoration and Recreational Improvement Project between Hwy 101 and El Camino Real. This revised SOW was developed to account for the project's need for Biological Assessments and a Clean Water Act 404b1 alternatives analysis. Optional tasks for public outreach and permitting are also included. The anticipated term for this scope of work is December 19, 2016 – May 31, 2020.

Task Structure

ICF will perform the tasks listed below for the proposed work as requested by the San Francisquito Creek Joint Powers Authority (SFCJPA). The scope has been separated into nine major tasks and four optional tasks:

- Task 1.0 – Project Administration
- Task 2.0 – Review Updated and New Information
- Task 3.0 – Revise Project Description
- Task 4.0 – Conduct Environmental Investigations and Studies
- Task 5.0 – Develop Draft Environmental Impact Report
- Task 6.0 – CEQA Public Noticing and Participation
- Task 7.0 – Develop Final Environmental Impact Report
- Task 9.0 – Prepare Biological Assessments
- Task 13.0 – Prepare analysis required by federal and state permits for the Least Environmentally Damaging Practicable Alternative
- Task 8.0 – Outreach Support (Optional Task)
- Task 10.0 – Prepare Department of the Army Section 404/10 Individual Permit Application (Optional Task)
- Task 11.0 – Prepare Application for Section 401 Water Quality Certification (Optional Task)
- Task 12.0 – Prepare Application for Streambed Alteration Agreement (Optional Task)

Task 1.0 Project Administration

ICF will provide project administration services during the term of the Agreement. ICF's project manager, Adam Wagschal, will be responsible for managing the ICF team; providing the resources to complete the job; monitoring project budgets and schedules; providing status reports; and maintaining an efficient, effective document-tracking system. Key project staff will be available for telephone consultation and regular team meetings throughout the duration of the Agreement on any significant issues (or potential deviations) related to the project schedule, work plan, or fees.

1.1 Prepare Progress Reports and Scheduling Revisions

ICF will submit monthly invoices, status reports, and project schedule reports. These documents will conform to format and content guidelines agreed upon by ICF and the SFCJPA.

Deliverables

- Monthly invoices, status reports, and project schedule updates (electronic and paper copies).

Assumptions:

- Project management and support is assumed through December 31, 2019
- Monthly invoices and associated documentation will be submitted through May 31, 2020.

1.2 Attend Project Management Related Meetings

ICF will attend monthly project team meetings. ICF will prepare the meeting agendas, action items, and meeting notes in consultation with the SFCJPA project manager. These meetings will be conducted at the SFCJPA office in Menlo Park or another nearby location. Conference calls may be substituted for in-person meetings at the discretion of the SFCJPA project manager.

Deliverables:

- Meeting preparation materials, meeting agendas, and meeting summary notes.

Assumptions:

- Monthly meetings will be held through December 2019.

Task 2.0 Review Updated and New Information

This task involves obtaining and reviewing any updated and new project information (e.g., updated design plans and construction schedule) that comprise the new elements of the project.

Assumptions:

- SFCJPA will actively work with ICF to identify and retain information needed for EIR development.

Task 3.0 Revise Project Description

We understand that the project description has been modified since ICF last worked on the project. ICF will work with the project team to produce a draft detailed project description, including discussion of both project and program level elements for analysis in the EIR.

Deliverables:

- Draft, revised, and final project description.

Assumptions:

- ICF will develop up to two draft project descriptions for SFCJPA review and comment and a final project description.
- SFCJPA will provide all information required for development of the project description.

Task 4.0 Conduct Environmental Investigations and Studies

Under the previous scope of work for this project, ICF worked with SFCJPA to identify data gaps and begin environmental investigations. Tree surveys were initiated and a wetland delineation was conducted for channel improvement sections. Additionally, a cultural resources investigation was developed by Far Western Anthropological Research Group. This scope of work includes wetland delineations at the project's potential detention basins and completion of the tree surveys. A traffic study may also be required by Palo Alto, East Palo Alto, or Menlo Park for the project. This scope of work does not include a traffic study. We recommend the SFCJPA contract directly with a smaller traffic firm if such a study is required. We can provide recommendations for qualified firms.

4.1 Wetland Delineation

ICF completed a wetland delineation for the project's channel improvement sections. This sub-task is for a wetland delineation at the project's potential detention basins. The delineation will determine the type and extent of wetlands and other waters of the United States that may be subject to regulation by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The delineation will be conducted in accordance with guidelines issued by the Corps, including documentation of the delineation and field verification of work completed with appropriate Corps personnel. ICF will submit a draft wetland delineation report to the SFCJPA for review and prepare a final wetland delineation report that incorporates comments from the SFCJPA.

Deliverables:

- Draft and Final U.S. Army Corps of Engineers Waters of the U.S. Jurisdictional Delineation (one electronic copy in MS Word format and five paper copies; wetlands mapping in GIS format).

Assumptions:

- One meeting with SFCJPA and one field verification meeting with the Corps.
- One draft and one final wetland delineation report.
- SFCJPA will provide detailed maps of the potential detention basins.
- As needed, SFCJPA will gain access to the sites for ICF to complete the delineation.

4.2 Complete Tree Survey and Tree Survey Report

Approximately 70% of the required tree survey was completed in 2014. The purpose of the tree survey is to document existing trees that could be affected by implementation of the project. The

location of potentially effected trees is recorded along with information regarding tree species, size and health. This sub-task will complete the required field work and report preparation.

Amendment 3 includes one additional site visit in September 2018 to assess potential tree hazards on 9 private properties, and preparation of a memorandum documenting potential impacts to trees on these properties that could result from construction of the project.

Deliverables:

- Draft, Revised Draft, and Final Tree Survey Report.

Assumptions:

- It is assumed that previously collected data remains acceptable for inclusion in the Tree Survey Report and subsequent analysis in the EIR
- One additional site survey of 9 properties will be conducted in September 2018.

4.3 Alternatives Screening Report

ICF has begun a screening level analysis of all the flood protection alternatives. However, the draft documents will need to be revised to reflect the revised project description and information from future Field Investigations. Based on the results of the Field Investigations and review of existing alternatives, ICF will complete the screening level analysis of all the flood protection alternatives provided by SFCJPA, and potential recreational and environmental enhancements, to fulfill the requirements of CEQA. We understand that at this time the SFCJPA has no preferred alternative. The report would summarize the screening analysis to date and create a CEQA-appropriate environmental screening that considers many factors, including feasibility. The analysis would also include screening of all upstream detention options.

In order to provide the SFCJPA with a legally defensible document that anticipates challenges from a variety of stakeholders we recommend the following:

- ICF will review the hydrology and hydraulic modeling developed by the SCVWD. This will be the primary basis for the analysis of alternatives related to hydrology, hydraulics, and water quality (e.g. sediment transport and channel dynamics). This review will verify that the assumptions in the CEQA analyses are consistent with the assumptions of the modeling.
- ICF will develop a list of clarifying questions for SFCJPA response, so that the descriptions of alternatives appropriately describe hydrology, hydraulics, and water quality assumptions and features included in alternative analysis modeling runs.
- ICF will provide the SFCJPA a list of CEQA assumptions for review and comment, to verify that operation and maintenance of the creek as a flood conveyance facility is accurately described for the life of the project (e.g. baseline Searsville Dam assumptions, creek sediment and vegetation maintenance, federal flood control levee maintenance, city/county bridge maintenance, Caltrans bridge maintenance, outfall operation and maintenance, etc.)
- ICF will also provide the SFCJPA a list of CEQA assumptions for review and comment to verify that the operation and maintenance of proposed facilities, floodwalls, bypass tunnels, etc. is accurately described.

- ICF will work with the SFCJPA to develop a list of CEQA assumptions for recreational and environmental enhancement alternatives based on the SFCJPA's program goals and objectives in addition to baseline CEQA thresholds.

Deliverables:

- Draft, revised draft, and final alternatives screening report.

Assumptions:

- SFCJPA will provide adequate detail regarding project alternatives to inform the alternatives screening report.
- ICF assumes up to two meetings with the SFCJPA and appropriate staff from its member agencies, to review and discuss the CEQA assumptions set forward for all alternatives prior to initiating the screening process.

4.4 Traffic Analysis

TJKM will prepare a traffic analysis to address complete closure of the Pope-Chaucer Bridge during construction. This analysis will include consultation with the cities of Menlo Park, Palo Alto, and East Palo Alto to confirm the appropriate study area. Traffic counts and an analysis will be conducted for the following intersections:

- Willow Road/Gilbert Avenue (Signalized)1
- Willow Road/Middlefield Road (Signalized)1
- Middlefield Road/Woodland Avenue-Palo Alto Avenue (Two-Way Stop Control)1
- Middlefield Road/Palo Alto Avenue (One-Way Stop Control)
- Pope Street/Central Avenue (Yield Control)1
- Pope Street/Woodland Avenue (All-Way Stop Control)1
- Chaucer Street/Palo Alto Avenue (Two-Way Stop Control)
- Chaucer Street/University Avenue (Signalized)
- Woodland Avenue/University Avenue (Signalized)

Deliverables:

- Draft, revised draft, and final traffic analysis report.

Assumptions:

- No additional analysis or traffic counts will be required following circulation of the Draft EIR.

Task 5.0 Develop Draft Environmental Impact Report

ICF's work under Task 5 would follow the format and structure of ICF's work on the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation San Francisco Bay to Highway 101 Project. ICF would work with the SFCJPA prior to initiation of Task 5 to discuss our previous work and identify areas where the SFCJPA may want to diverge from the previous format.

5.1 Conduct Environmental Scoping

ICF will prepare for and participate in a CEQA scoping meeting. ICF will help answer questions from the public and will develop a summary of environmental issues raised during the scoping meeting.

Deliverables:

- Presentation materials, handouts and notes.
- Documentation of public scoping comments in MS Word or Excel.

Assumptions:

- Scoping meeting will be attended by two ICF staff.
- ICF assume that the SFCJPA will secure the meeting location, produce and distribute notification posters and invitations, provide audio-visual equipment and translation as needed, and provide refreshments.

5.2 Prepare Administrative Draft EIR

ICF will prepare an Administrative Draft EIR to be delivered to the SFCJPA. The project team will review the Administrative Draft and provide consolidated comments to ICF for use in preparing the Draft EIR.

As part of the Administrative Draft EIR, ICF will prepare a Mitigation Monitoring and Reporting Program for the project. Required format is a matrix showing impacts, mitigation measures, timing, status, and document references.

Amendment 3 includes additional coordination with the SFCJPA to address project changes related to the design for Pope-Chaucer Bridge, Detention Basins, Channel Widening, Access Ramps, Soil Nail Walls and locations of Sacked Concrete. ICF will support SFCJPA by preparing figures and revised text for these changes. ICF will also update the Administrative Draft EIR to incorporate these changes into the analysis.

Amendment 3 also includes analysis to address changes introduced in the 2018 CEQA Guidelines Amendments requiring an analysis of energy consumption and conflicts with state or local energy efficiency plans.

Deliverables:

- Administrative Draft EIR, Including Mitigation Monitoring and Reporting Program. Ten bound paper copies, one camera-ready copy, and one electronic copy in MS Word format.

5.3 Prepare Draft EIR

Based on Project Team comments provided to ICF, ICF will revise the Administrative Draft EIR. The resulting document will be the Draft EIR, including the Mitigation Monitoring and Reporting Program. SFCJPA will review a screen check copy of the Draft EIR to ensure that comments have been incorporated prior to printing.

Deliverables:

- Screen Check Draft EIR (electronic copy in MS Word format).
- Draft EIR - Fifteen bound paper copies for the State Clearinghouse and twenty additional bound paper copies, ten CDs in PDF format, and one electronic copy in PDF and MS Word format for the SFCJPA.

Task 6.0 CEQA Public Noticing and Participation

6.1 Prepare Notice of Completion

In coordination with SFCJPA, ICF will prepare the Notice of Completion for filing with the State Clearinghouse. ICF will be responsible for the NOC filing with the State Clearinghouse, including production of EIR copies for the clearinghouse at our Sacramento Office, as was done for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project San Francisco Bay to Highway 101 Project.

Deliverables:

- Draft and Final Notice of Completion (one electronic copy in MS Word format).

6.2 Prepare Notice of Availability

In coordination with SFCJPA, ICF will prepare the Notice of Availability for publishing in the PaloAlto Daily News, San Mateo County Daily Journal and Palo Alto Weekly.

Deliverables:

- Draft and Final Notice of Availability (one electronic copy in MS Word format).

6.3 Prepare for and Attend Public Meetings

ICF will provide support for SFCJPA staff for up to eight public meetings within the watershed to present the project and collect public comments on the Draft EIR. Optionally, up to three of these meetings could be conducted during DEIR scoping. ICF will provide documented public comments to SFCJPA. Additionally, ICF will coordinate with US Army Corps of Engineer's staff so information regarding the Project's Environmental Impact Statement can presented at the meetings as appropriate.

Deliverables:

- Meeting notes containing public comments in MS Word or Excel.

Assumptions:

- ICF assumes that the SFCJPA will secure meeting locations, produce and distribute notification posters and invitations, provide audio-visual equipment and translation as needed, and provide refreshments.

6.4 Respond to Public Comments

SFCJPA will collect and collate written public comments on the Draft EIR and provide these collated comments to ICF. In collaboration with SFCJPA, ICF will prepare responses to public comments on the Draft EIR for review by SFCJPA.

Deliverables:

- Draft, revised, and final response to comments in addition to an electronic copy in MS Word format required for a screen check. This document will be part of the Final EIR.

Task 7.0 Develop Final Environmental Impact Report

7.1 Prepare Final EIR

Based on the public comments and the Draft Response to Comments, ICF will prepare the Administrative Final EIR, incorporating the public comments and responses and content of the Draft EIR. The Administrative Final EIR will include the Mitigation Monitoring and Reporting Program.

ICF will provide the Administrative Final EIR to SFCJPA for review. Based on comments on the Administrative Final EIR, ICF will prepare the Final EIR. SFCJPA will review a screen check copy of the Final EIR to ensure that comments have been incorporated.

Deliverables:

- Administrative Final EIR. One electronic copy in MS Word format required.
- Screencheck Final EIR. One electronic copy in PDF format required.
- Final EIR, including the Mitigation Monitoring and Reporting Program, response to comments, and technical appendices (for example, maps, GIS files, presentation materials, technical data). For the Final EIR, thirty (30) to forty (40) bound paper copies, one camera-ready copy, 10 CDs in PDF format, and one electronic copy in PDF and MS Word format.

7.2 Prepare Findings and Statement of Overriding Considerations

In coordination with SFCJPA, ICF will prepare the CEQA Findings and Statement of Overriding Considerations (if needed), as directed. ICF will submit the Draft Findings and Statement of Overriding Considerations to SFCJPA for comment and prepare the final version of these documents based on comments resulting from that review.

Deliverables:

- Draft and Final Findings and Statement of Overriding Considerations.

7.3 Prepare Notice of Determination (NOD)

ICF will prepare the Notice of Determination, in coordination with SFCJPA.

Deliverables:

- Draft and Final Notice of Determination. One electronic copy in MS Word format.

7.4 Assist with Public Hearing/Adoption of FEIR

ICF will provide support to SFCJPA for the public hearing at which the SFCJPA Board of Directors considers the Final EIR for approval. This support may include answering technical questions at the meeting/hearing. ICF will record public comments during this meeting and provide these to SFCJPA.

Deliverables:

- Meeting notes and public comments.

Task 9.0 Prepare Biological Assessments

San Francisquito Creek provides habitat for three animal species that are listed as Threatened under the Endangered Species Act (ESA): Central California Coast Steelhead (*Oncorhynchus mykiss*), California red-legged frog (*Rana aurora daytonii*) and California tiger salamander (*Ambystoma californiense*). Because the project has a federal nexus (i.e., it will require a permit from the US Army Corps of Engineers), take of these species can be permitted through an ESA Section 7 consultation processes. Red-legged frog and California tiger salamander take would be permitted through consultation with US Fish and Wildlife Service (USFWS) and steelhead take would be permitted through consultation with National Marine Fisheries Service (NMFS). Each of these consultations would rely on a biological assessment (BA). ICF will prepare the two BAs that will support ESA Section 7 consultations for steelhead, California red legged frog and California tiger salamander.

In preparing the BAs, ICF will:

- Assess habitat suitability for listed species.
- Coordinate with SFCJPA to determine effects on species
- Support SFCJPA efforts for formal and or informal consultation/coordination with the USFWS and NMFS.

Deliverables

- Two draft BAs (one for steelhead and one for red-legged frog) including all mapping, tables and figures for SFCJPA review and comment.
- Two BAs resolving all SFCJPA review comments for submittal to USFWS and NMFS.
- Two final BAs resolving all USFWS and NMFS comments.

Assumptions

- Existing information is adequate to support development of the BAs, no further field work is needed.
- BAs will only be required for steelhead and red legged frog, no other species will require take authorization under the ESA.

Task 13.0 Prepare Clean Water Act 404b1 Alternatives Analysis

This task involves completion of a Clean Water Act (CWA) Section 404(b)(1) Alternatives Analysis. Section 404(b)(1) alternatives analysis involves development of a range of project alternatives that are analyzed, in compliance with federal CWA Section 404(b)(1) Guidelines, to identify the Least Environmentally Damaging Practicable Alternative (LEDPA) among them. The primary focus of the analysis is a comparison of the quantity or scale of discharges to waters of the United States and waters of the state among the alternatives; however, the analysis must also take into account other environmental impacts and benefits. The U.S. Army Corps of Engineers (USACE) and San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) can only issue Clean Water Act Section 404 and 401 permits for projects that meet the Guidelines. In other words, no discharge into jurisdictional waters shall be permitted if there is a practicable alternative which would have less

adverse impact on aquatic resources, so long as the alternative does not have other significant adverse environmental consequences (40 CFR § 230.10a). It is not uncommon for a Section 404(b)(1) Alternatives Analysis to result in identification of a LEDPA that differs, slightly or substantially, from the preferred alternative identified in a California Environmental Quality Act or National Environmental Policy Act document for the same project. The LEDPA identified through this process will become the project that is put forward in the permit applications for authorization under CWA Section 404 and 401.

13.1 Agency Coordination Meetings

ICF would participate in up to two meetings with the USACE and SFBRWQCB to discuss content, level of analysis, and other expectations for the report. Additionally, the Section 404(b)(1) Alternatives Analysis would be discussed with SFCJPA staff during standing meetings that are already scheduled to support EIR development.

13.2 Develop Alternatives

Using existing information to the greatest extent possible, and with input from the SFCJPA, ICF will develop a range of alternatives (typically 4 or more) to be considered in the analysis. One of the alternatives to be devised and considered will be a "no fill" alternative.

13.3 Technical Analysis and Screening of Alternatives

Each alternative will be evaluated relative to the project objectives and additional screening criteria, which will include the following considerations that are consistent with the Section 404(b)(1) Guidelines, and will meet the robust evaluation of alternatives required by the USACE and SFBRWCB for their internal process:

- Cost (cost will include justification related to any cap on overall project cost);
- Logistics (e.g., ability to schedule, stage, access site, and conduct necessary sequence of activities to complete the action);
- Technologies (consideration of feasible technologies that could also meet project objectives); and
- Environmental Impact, including to wetlands, streams, riparian habitat and buffers.

The evaluation of the alternatives relative to these screening criteria will focus on, but may not be limited to, the following elements: hydrologic and hydraulic analysis, quantitative wetland/buffer impacts, channel and streambank erosion, sediment transport, and qualitative evaluation of potential impacts and improvements to fish habitat and other special-status species. To address Basin Plan requirements, the analysis also will incorporate potential impacts on the designated beneficial uses of San Francisquito Creek. The analysis will address both direct and indirect impacts from excavation and fill discharges, including (but not limited to) earth moving and grading, vegetation impacts, and channel morphology and associated fluvial processes. The Water Board's dredge and fill permit checklist will be utilized to facilitate analysis of direct and indirect impacts on the creek's beneficial uses from each alternative. This analysis will determine which alternatives are practicable.

13.4 Factual Determinations and Identification of LEDPA

The 404(b)(1) document will include a summary of screening results that clarifies relative impacts and practicability of the alternatives. Pursuant to 40CFR 230.10, the practicable alternatives will be further examined to identify which of them constitutes the LEDPA. Under 40CFR 230.10 the direct and indirect impacts of each practicable alternative should be examined with respect to physical, chemical, and biological components of the aquatic ecosystem. This step may introduce additional avoidance and minimization measures that enable a practicable alternative to achieve status as the LEDPA.

Deliverables

- Draft Table of Alternatives and Screening Criteria (electronic copy)
- Final Table of Alternatives and Screening Criteria (electronic copy)
- Draft Section 404(b)(1) Alternatives Analysis Report (electronic copy)
- Final Section 404(b)(1) Alternatives Analysis Report (electronic copy, in format compatible with USACE requirements for public noticing)

Assumptions

- Only two scoping meetings will be required.
- A maximum of twenty alternatives will be screened to determine if they warrant detailed analysis. A maximum of six alternatives will be analyzed in detail.
- SFCJPA will provide construction scenarios and project design information for each alternative adequate for the analysis.
- SFCJPA will provide cost estimates for each alternative.
- SFCJPA will provide all needed modelling and special studies, including any required sediment modelling.
- Wetland delineations will not be required beyond what has already been conducted in the project area. For areas where wetland delineations have not been conducted, existing information will be adequate. Analysis of existing imagery may be used to fill some information gaps.
- The Final Section 404(b)(1) Alternatives Analysis Report will be included as an attachment to the SFCJPA's CWA Section 404 Individual Permit application, which USACE will post for 30-day public notice.
- The Final Section 404(b)(1) Alternatives Analysis Report will be included as an attachment to the SFCJPA's application for CWA Section 401 Water Quality Certification, which SFBRWQCB will post for 30-day public notice.
- SFCJPA may choose to allow USACE and SFBRWQCB to review the Draft Section 404(b)(1) Alternatives Analysis Report before the CWA Section 404 Individual Permit application is submitted. This scope and budget includes resources for preparing responses to SFCJPA and agency comments; however, preparing responses to public comments is not covered in this scope and budget.

Task 8.0 Outreach Support (Optional Task)

ICF will assist in planning and coordinating up to three additional meetings to disseminate project information to the public. ICF will attend meetings and provide support equipment and materials, as requested. Meetings shall seek to obtain preliminary public input on SFCJPA flood control,

ecosystem restoration, and recreational improvements addressed in the EIR, and identify issues or problems highlighted by the affected communities. ICF will record and provide to SFCJPA comments from the meetings. The meetings would likely occur in each of the three affected communities of East Palo Alto, Palo Alto, and Menlo Park.

ICF may also provide the following (not included in the current cost proposal):

- Materials formatted for SFCJPA website.
- Newsletters.
- Additional public outreach information.

Deliverables:

- Presentation materials, handouts and notes.
- Documentation of comments from meetings.
- Materials formatted for SFCJPA Website (not included in the current cost proposal).
- Newsletters (not included in the current cost proposal).
- Additional public outreach information (not included in the current cost proposal).

Task 10.0 Prepare Department of the Army Section 404/10 Individual Permit Application (Optional Task)

Because the project will result in the discharge of fill material to waters of the United States and work below the mean high tide of a Navigable Waterway, ICF will prepare a Standard Department of the Army Permit Application package (Individual Permit [IP]) for USACE that describes the project, impacts to waters of the United States, onsite mitigation for impacts, and includes documents that address the other federal environmental laws including the NHPA, ESA, and Section 401 of the CWA. The application will also address how the project meets the U.S. Environmental Protection Agency's (EPA's) Section 404(b)(1) Guidelines by summarizing the alternative development process done in coordination with USACE, to date. ICF will conduct the following tasks in order to develop the Individual Permit application.

10.1 Determine Extent of Impacts to Waters of the United States

To determine the location and area of impacts to waters of the United States, ICF will prepare impact maps using the already completed wetland delineation maps overlain with the project footprint. ICF's regulatory specialists and GIS staff will use these maps to create an impact table showing permanent and temporary impacts to waters of the United States.

Deliverables

- An impact map and accompanying table that identifies and tabulates all impacts to waters of the United States resulting from the project.

Assumptions

- SFCJPA or their engineers will provide the project footprint in an electronic format that can be used by ICF's mapping staff to create impact maps.
- The project footprint provided will not change.

- The required wetland delineation is already complete and adequate.

10.2 Attend a Pre-Application Meeting with USACE

Under this task, ICF will arrange and attend a pre-application meeting with SFCJPA, USACE, and other appropriate agencies to discuss the proposed project and permitting issues. At the meeting we will determine the most efficient strategy to obtain a Section 404 Permit and discuss any other topics including information on project alternatives that USACE will need with the application to satisfy EPA's Section 404(b) (1) Guidelines.

Prior to the meeting, ICF will prepare and send out an agenda and meeting materials about environmental and cultural resources in the area that will be important for avoidance and minimization strategies.

Deliverables

- Prior to the meeting ICF will send out draft meeting materials to SFCJPA. After incorporating any suggested changes, ICF will send the final materials to USACE and meeting attendees.
- Following the meeting, ICF will prepare a memorandum detailing the pre-application meeting, main discussions, and decisions.

10.3 Prepare and Submit 404 Permit Application

ICF will complete the application form (ENG 4345), and attach additional sheets that describe the project need and purpose, project description, project impacts, addresses of adjoining property owners (to be provided by SFCJPA) and other information required in regulations to make the application complete. To advance the permit process, ICF may prepare a draft public notice that can be used by USACE to notify the public of the application. In addition, ICF will submit copies of the final biological assessment, cultural resources report, and Section 404(b)(1) alternatives information with the permit application. A cover letter will be provided with the submittal.

Deliverables

- Draft Public Notice for USACE.
- Draft Application Form and attachment sheets.
- Final Application Form and attachment sheets.
- Cover Letter to USACE.

Assumptions

- SFCJPA will provide the means for ICF to quantify the types and materials to be discharged to waters of the United States (drawings or construction specifications).
- SFCJPA will provide addresses of adjoining property owners.

10.4 Respond to Public Notice Comments

Once the USACE has received a complete application for the individual permit, they will publish a public notice. The public notice is sent to interested parties, including adjoining property owners, interested individuals, agencies, and organizations. Comments received on the public notice are sent to the applicant for response. ICF, coordinating with the project engineers and SFCJPA, will prepare and submit to USACE a response to all public notice comments. ICF will consult with

organizations or individuals as necessary when responding to comments.

Deliverables

- A draft of the response to public notice comments will be furnished to SFCJPA for review before submission to USACE.

10.5 Manage the USACE Permit Review Process

ICF's strategy for delivering an earlier permit decision involves frequent, proactive communication and preparing documents for USACE. Representing SFCJPA, ICF expects regular coordination with USACE to answer questions, address concerns and otherwise keep the review process on track. ICF will seek opportunities to facilitate and expedite USACE review, including drafting USACE's permit decision document and special conditions for the USACE permit.

Assumptions

- One bi-weekly phone call with SFCJPA and up to two meetings with USACE.

Task 11.0 Prepare Application for Section 401 Water Quality Certification

Clean Water Act (CWA), Section 401, requires that the discharge of dredged or fill material into waters of the United States, including wetlands, does not violate state water quality standards. As required by Section 404 of the CWA, water quality certification from the Regional Water Quality Control Board (RWQCB) must be obtained for permit compliance. ICF will compile the necessary information and submit a complete certification package to RWQCB. Additionally, ICF will coordinate with the RWQCB throughout the process to seek appropriate compliance documentation.

Deliverables

- Draft request for certification for review by SFCJPA.
- Revised request for certification for action by the RWQCB.

Assumptions

- The project area will be subject to formal certification rather than a waiver.
- The discretionary action is for the construction of the improvements and does not cover operation.
- The project design (i.e., plans and specifications) will include best management practices (BMPs) to seek avoidance, minimization, or mitigation of effects on water quality.

Task 12.0 Prepare Application for Streambed Alteration Agreement

A streambed alteration agreement, in compliance with Section 1602 of the California Fish and Game Code, is required when projects will substantially divert, obstruct, or change the natural flow of a river, stream or lake; substantially change the bed, channel, bank of a river, stream, or lake; or use material from a streambed.

ICF will prepare and submit the application package, describing the project features; construction period; construction methods; impacts to vegetation, fish, and wildlife; and the proposed monitoring plan. ICF will coordinate with CDFW throughout the process.

Deliverables

- Draft application for review by SFCJPA.
- Revised application for action by CDFW.

Task 14.0 Endangered Species Act Consultation

ICF biologists will prepare and transmit materials and/or meet with to USACE, USFWS, and NMFS, as needed to support preparation of the biological opinions. ICF will conduct up to 4 meetings, including field meetings. ICF will review draft materials from USFWS and/or NMFS to ensure consistency with the EIR and permit packages.

Assumptions

- ICF will prepare for and conduct 4 meetings (including a field review) with USFWS and/or NMFS

Task 15.0 Water Diversion Plan

ICF will prepare a draft and final Diversion Plan for temporary surface water diversion within the creek channel. The plan will follow State General Guidelines for Dewatering Plans that require:

1. All work performed within waters of the State will be completed in a manner that meets the water quality objectives to ensure the protection of beneficial uses as specified in the Basin Plan.
2. All dewatering and diversion methods will be installed such that natural flow is maintained upstream and downstream of the project area.
3. Any temporary dams or diversion will be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the project area.
4. Screened pumps shall be used in accordance with CDFW's fish screening criteria (http://www.dfq.ca.qov/fish/Resources/Proiects/Enqin/Enqin ScreenCriteria.asp) and in accordance with the NMFS Fish Screening Criteria for Anadromous Salmonids [available at: http://swr.nmfs.noaa.gov/hcd/fishscrn.pdf] and the Addendum for Juvenile Fish Screen Criteria for Pump Intakes [available at: http://swr.nmfs.noaa.gov/hcd/pumpcrit.pdf].NMFS Fish Screening Criteria.

The plan will include details for acceptable coffer dams and fish relocation. The plan will specify dewatering no earlier than June 15 and extend no later than October 15 for the work season to avoid impacts to special status fish.

Task 16.0 SWPPP preparation

ICF will prepare a draft and final Stormwater Pollution Prevention Plan in accordance with requirements of the Construction General Permit. The plan will be prepared by a Qualified SWPPP Developer, and costs are for preparation of the SWPPP and the other Permit Registration Documents that are required to gain coverage under the General Construction Permit. The SFCJPA will be the legally responsible party for the SWPPP. This SWPPP is intended t be an umbrella SWPPP for Upstream work in the EIR. This task does not include construction-period monitoring or water sample collection.

San Francisquito Creek Joint Powers Authority

Upstream of Highway 101 EIR

Amendment 3

Exhibit B

Schedule of Performance

		2016	2017				2018				2019				2020
3	Task	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
4	Task 1.0 - Project Administration														
5	Task 2.0 - Review Updated and New Information														
6	Task 3.0 - Revise Project Description														
7	Task 4.0 - Conduct Environmental Investigations and Studies														
8	Task 5.0 - Develop Draft EIR														
9	Task 6.0 - CEQA Public Noticing and Participation														
10	Task 7.0 - Develop Final EIR														
11	Task 9.0 - Prepare Biological Assessments														
12	Task 13.0 - Prepare CWA 404b1 Alternatives Analysis														
13	*Optional Tasks*														
14	Task 10.0 - Prepare Department of the Army Section 404/10 Individual Permit Application														
15	Task 11.0 - Prepare Application for Section 401 Water Quality Certification														
16	Task 12.0 - Prepare Application for Streambed Alteration Agreement														
17	Task 14.0 - Endangered Species Act Consultation														
18	Task 15.0 - Prepare Water Diversion Plan														
19	Task 16.0 - Prepare SWPPP														

San Francisquito Creek Joint Powers Authority

Upstream of Highway 101 EIR

Amendment 3

Exhibit C – Compensation

Tasks	Description	Original Total NTE Fees	Amend 2 Change in NTE	Amend 3 Change in NTE	Revised Total NTE
	ICF Project Tasks				
1.0	Project Management	92,575		12,000	104,575
2.0	Data Review	12,260		0	12,260
3.0	Project Description	24,876		20,060	44,936
4.0	Environmental Investigations and Studies	177,306		29,500	206,806
5.0	Draft EIR	248,119		27,980	276,099
6.0	CEQA Public Noticing and Participation	72,166		0	72,166
7.0	Final EIR	53,350		7,920	61,270
8.0	Outreach Support and Comprehensive Plan	78,609		(48,625)	29,984
9.0	Biological Assessments	0	46,000	0	46,000
10.0	US Army Sec 404 Permit application	0		42,260	42,260
11.0	Sec 401 Water Quality Cert application	0		8,350	8,350
12.0	CDFW SAA application	0		10,790	10,790
13.0	LEDPA Analysis	0	64,400	0	64,400
14.0	Endangered Species Act consultation	0		4,030	4,030
15.0	Water Diversion Plan	0		9,500	9,500
16.0	SWPPP	0		11,000	11,000
	Direct Expenses	23,970		614	24,584
	ICF-Authority Agreement Sub-Totals	**$783,231**	**$110,400**	**$135,739**	**1,029,010**