

ERRATA to the
San José/Santa Clara Regional Wastewater Facility
Digester and Thickener Facilities Upgrade Project
Mitigated Negative Declaration (MND)

FILE NO. PP15-055

LOCATION OF PROPERTY 700 Los Esteros Road

APPLICANT City of San Jose, Environmental Services
Department

ADDRESS 200 East Santa Clara Street, 10th Floor
San Jose, CA 95113

PURPOSE

The California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, requires that a lead agency recirculate a negative declaration "when the document must be substantially revised." A "substantial revision" includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions, and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures and revisions must be required.

State CEQA Guidelines additionally specify situations in which recirculation of a negative declaration is not required. This includes, but is not limited to, situations in which "new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." As noted below, revisions to the proposed project would not change the extent of the project analyzed in the IS/MND. Changes to the negative declaration would, therefore, merely clarify the project being analyzed, and modifications would be insignificant. Recirculation of the negative declaration is, therefore, not required in accordance with Section 15073.5(c)(4).

Proposed Project Modifications and Analysis

There are two changes in the MND which are discussed below. One is a slight alignment shift of a segment of the new exterior gas and process pipe rack that has been made by the Environmental Services Division and the design consultant. The other change is deletion of recommended cultural resource monitoring during excavations required for seismic retrofitting of digesters 5-8.

The shift in the pipe rack alignment is illustrated on the attached Figure 1-2 of the MND. As shown on the figure, the exterior pipe rack alignment was modified slightly in the vicinity of the secondary blower building (SBB). Rather than the pipe rack wrapping independently around the exterior of the SSB, the pipe rack was brought to the SBB and the SBB structure was used to route piping from the west side of the SBB to the east side of the SBB. This was a cost saving measure that achieves the same overall functionality with less disruption to the exterior areas of the site around the SBB. Because of the alignment shift, two sapling ornamental trees will not need to be removed. All other conclusions of the MND remain unchanged.

The second change in the MND relates to cultural resource monitoring during excavations required for seismic retrofitting of digesters 5-8. In the MND, it was assumed that the required excavations would be 8 feet around the digesters and to a depth of 10 feet, thus potentially encountering native soils which could contain cultural resources. However, it has been clarified that excavations around existing digesters will extend only to the depth of the existing structure and will be shored to limit the horizontal extent of the excavations around each existing digester. Limiting the extent of the excavation is necessary to limit interferences with other adjacent buried utilities. Accordingly, the excavation around the existing digesters will only entail soil volumes that were already disturbed during digester excavations is not necessary. A letter from Archeo-Tec Consulting Archaeologists, who prepared the Phase 1 Cultural Resources Evaluation for the Project, supports this conclusion and is included as Attachment A. Attachment B contains the revised Mitigation Monitoring and Reporting Plan.

Conclusion

As discussed above, the proposed pipe rack alignment shift and reduced cultural resource monitoring for the Project would not result in any significant environmental effects or a substantial increase in the severity of previously identified significant effects. These changes are incorporated as part of the IS/MND.

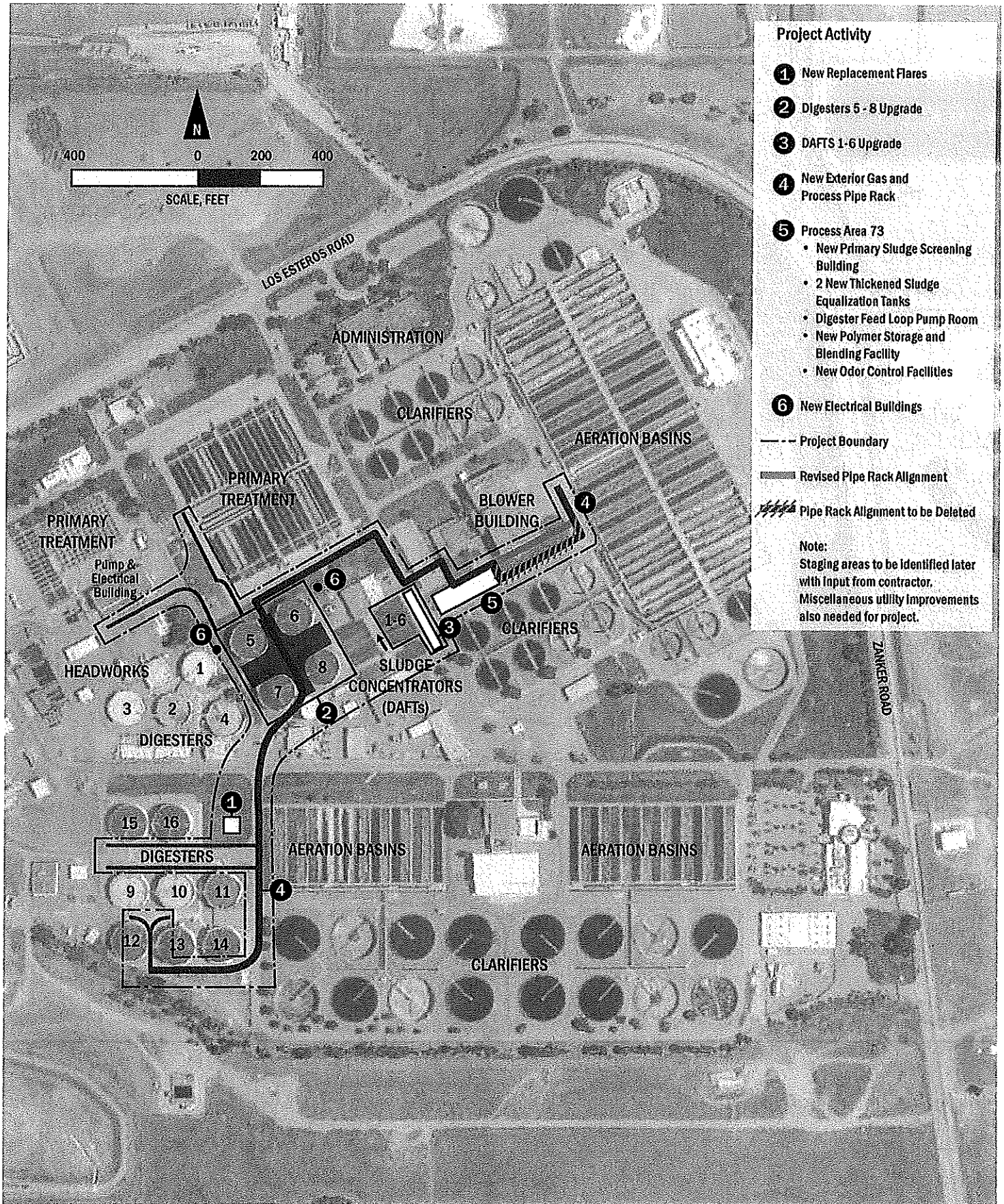
The information presented in this document serves to clarify or amplify conclusions in the MND. This new information is not significant and recirculation is not required. In conformance with Section 15074 of the CEQA Guidelines, the MND, technical appendices and reports, together

with the Errata and the information contained in this document are intended to serve as documents that will inform the decision-makers and the public of environmental effects of this project.

Harry Freitas, Director
Planning, Building and Code Enforcement

Date: 11/1/2015

Meenaxi R. P.
Deputy

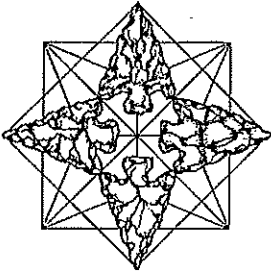


Source: Brown and Caldwell October 2015 and Reference 8.

Figure 1-2. Layout of the Digester and Thickener Facilities Upgrade Project (Revised)

ATTACHMENT A

LETTER FROM ARCHEO-TEC



ARCHEO-TEC
CONSULTING ARCHAEOLOGISTS

Mr. Paul Scheidegger
201 N. Civic Drive, Suite 115
Walnut Creek, CA 94596

October 6, 2015

Subject: Addendum to the Phase I Cultural Resources Evaluation for the Digester and Thickener Facilities Upgrade Project, San Jose, Santa Clara County, California

Dear Mr. Scheidegger:

Pursuant to your request, my associates and I at Archeo-Tec have prepared this brief addendum to our June 2015 Phase I Cultural Resources Evaluation for the Digester and Thickener Facilities Upgrade Project, San Jose, Santa Clara County, California. This addendum reflects updated information regarding previous disturbance in the area of proposed replacement digester cover foundations.

Due to the nearby presence of prehistoric archaeological sites, the report recommends that excavation in previously undisturbed areas be monitored by an archaeologist. The updated information you have recently provided clearly states that observable excavation for proposed structural reinforcement around Digesters 5-8 will be limited to previously excavated areas. No native soil is thus slated to be disturbed in this area. This addendum confirms that monitoring in this area will not be necessary.

At this point, however, it is necessary to reiterate the accidental discovery clause outlined in the Phase I Cultural Resources Evaluation: if archaeological materials, even a re-deposited, previously disturbed site, be accidentally discovered during construction excavation in which no archaeological monitor is present, work in the immediate vicinity of the find shall halt until a qualified archaeologist can assess the find.

In closing, I hope the information contained in this report is of use to you and your associates. If I can provide any additional information with respect to this brief addendum to this project, please do not hesitate to contact me at your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Allen G. Pastron". The signature is fluid and cursive, written over a few lines.

Allen G. Pastron, Ph.D.
President, Archeo-Tec Inc.

ATTACHMENT B

**REVISED MITIGATION MONITORING
AND REPORTING PLAN**

Mitigation Monitoring and Reporting Plan (Revised)

Potential Impact	Mitigation Measure	Responsibility	Action	Completion Date
<p>D. Biological Resources</p> <p>D1. Impact to Special Status Species</p>	<p>D1. The following precautions shall be taken to avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and the State Fish and Game Code:</p> <ul style="list-style-type: none"> • If initial construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of construction in order to determine whether any active nests are present in the APE and surrounding area within 100 feet of proposed construction. The survey shall be reconducted any time construction has been delayed or curtailed for more than 7 days during the nesting season. • If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September 1 to January 31), construction may proceed with no restrictions. • If bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance 	<p>City</p>	<p>City to retain biologist, conduct preconstruction survey, monitor compliance if necessary. Any necessary surveys will be submitted to the Senior Environmental Planner at the Department of Planning, Building and Code Enforcement</p>	<p>Prior to construction</p>

Mitigation Monitoring and Reporting Plan (Revised)

Potential Impact	Mitigation Measure	Responsibility	Action	Completion Date
<p>E. Cultural Resources E2. Impact to Archaeological Resources</p>	<p>zone shall be based on input received from the CDFW, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated elsewhere in the APE.</p> <ul style="list-style-type: none"> A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction during the nesting season (February 1 to August 31). The report shall either confirm absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if construction is initiated during the non-nesting season (September 1 to January 31) and continues uninterrupted according to the above criteria. 	<p align="center">City</p>	<p>City to retain archaeologist, conduct survey, develop and implement recovery plan, if necessary. Any necessary surveys will be submitted to the Senior Environmental Planner at the Department of Planning, Building and Code Enforcement</p>	<p>Prior to and during construction</p>

Mitigation Monitoring and Reporting Plan (Revised)

Potential Impact	Mitigation Measure	Responsibility	Action	Completion Date
	<ul style="list-style-type: none"> Should archaeological materials be encountered, work in the immediate find should halt and an archaeologist would assess the potential significance of the find. If significant, the Archaeologist shall develop a treatment plan in consultation with the City, the SWRCB, and the State Historic Preservation Officer and a qualified Native American monitor.. This plan would likely entail a program of systematic data recovery in which cultural materials are documented and removed. 			